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Pages 26015–26251

PART I

HIGHLIGHTS OF THIS ISSUE

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

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Title 3—The President

Executive Order 11866 • June 18, 1975

Designating the World Intellectual Property Organization (WIPO) as a Public International Organization Entitled To Enjoy Certain Privileges, Exemptions, and Immunities

By virtue of the authority vested in me by Section 1 of the International Organizations Immunities Act (59 Stat. 669, 22 U.S.C. 288), and having found that the United States participates in the World Intellectual Property Organization pursuant to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, which convention entered into force for the United States on August 25, 1970 (21 U.S.T. 1749; TIAS 6932), I hereby designate the World Intellectual Property Organization as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act.

The designation of the World Intellectual Property Organization as a public international organization within the meaning of the International Organizations Immunities Act shall not be deemed to abridge in any respect privileges, exemptions, and immunities which that organization may have acquired or may acquire by treaty or Congressional action.

Gerald R. Ford

THE WHITE HOUSE,
June 18, 1975

[FR Doc.75-16213 Filed 6-18-75;2:37 pm]

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Commodity Futures Trading Commission

Section 213.3379 is amended to show that one position of Administrative Assistant to the Executive Director is excepted under Schedule C.

Effective June 20, 1975, § 213.3379(g) is added as set out below.

§ 213.3379 Commodity Futures Trading Commission.

* * * * *

(g) Administrative Assistant to the Executive Director.

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

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

[FR Doc.75-16119 Filed 6-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

International Trade Commission

Section 213.3339 is amended to show that one position of Staff Assistant (Legal) to a Commissioner is expected under Schedule C.

Effective June 20, 1975 § 213.3339(i) is added as set out below:

§ 213.3339 U.S. International Trade Commission.

* * * * *

(i) One Staff Assistant to a Commissioner (Legal).

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

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

[FR Doc.75-16120 Filed 6-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended as follows: to show a change in title from Assistant to the Deputy Under Secretary to Confidential Assistant to the Deputy Under Secretary, and to show that the positions of Confidential Staff Assistant to the Deputy Assistant Secretary for Manpower/Manpower Administrator and Staff Assistant to the Public Affairs Director are excepted under Schedule C.

Effective June 20, 1975, § 213.3315(a) (21) is amended and §§ 213.3315(a) (38) and (39) are added as set out below.

§ 213.3315 Department of Labor.

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

(21) One Confidential Assistant to the Deputy Under Secretary. * * *

(38) One Confidential Staff Assistant to the Deputy Assistant Secretary for Manpower/Manpower Administrator.

(39) One Staff Assistant to the Public Affairs Director.

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

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

[FR Doc.75-16121 Filed 6-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that one additional position of Special Assistant to the Assistant Secretary (Legislative Affairs), and one position of Special Assistant to the Under Secretary for Revenue Sharing and Intergovernmental Relations, are expected under Schedule C.

Effective June 20, 1975, § 213.3305(a) (51) is amended and § 213.3305(a) (62) is added as set out below.

§ 213.3305 Department of the Treasury.

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

(51) Three Special Assistants to the Assistant Secretary (Legislative Affairs). * * *

(62) One Special Assistant to the under Secretary for Revenue Sharing and Intergovernmental Relations.

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

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

[FR Doc.75-16118 Filed 6-19-75;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Nondiscrimination Requirements

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, hereby amends Part 701 (12 CFR 701) by revising § 701.31(b) as set forth below, effective immediately.

The purpose of this amendment is to inform Federal credit unions that the notice attesting to the credit union's policy of compliance with the nondiscrimination requirements of Title VIII of the Civil Rights Act of 1968 may be obtained from the National Credit Union Administration.

Due to the fact that the amendment is informative in nature, the Administrator has determined that notice and public procedure is unnecessary as provided by 5 U.S.C. 553(b); and since publication of such amendment for the 30-day period prior to the effective date such amendment as provided by 5 U.S.C. 553(d) is not required for the same reason, the Administrator hereby provides that such amendment shall become effective as previously set forth herein.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).)

HERMAN NICKERSON, Jr.,
Administrator.

JUNE 13, 1975.

1. Section 701.31(b) is amended by adding at the end thereof the following:

* * * * *

§ 701.31 Nondiscrimination requirements.

* * * * *

(b) * * * Posters containing this notice and logotype may be obtained from the regional offices of the National Credit Union Administration.

[FR Doc.75-16131 Filed 6-19-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14706; Amdt. 39-2245]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt Boelkow Blohn Model BO–105 Helicopters

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on May 3, 1975, and made effective immediately upon receipt as to all known U.S. operators of Messerschmitt Boelkow Blohn Model BO–105 helicopters because of manufacturing defects in certain flexible hose assemblies that may cause rupture of the assemblies in service. The AD requires removal and replacement of the defective hose assemblies.

Since it was found that immediate corrective action was required, notice and

public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known U.S. operators of Messerschmitt Boelkow Blohn Model BO–105 helicopters by individual telegrams dated May 3, 1975. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of the Federal Aviation Regulations to make it effective as to all persons.

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

MESSERSCHMITT BOELKOW BLOHN GMBH. Applies to Messerschmitt Boelkow Blohn (MBB) Model BO–105 Helicopters certificated in all categories.

Compliance is required as indicated.

To prevent failure in service, before further flight, remove flexible hose assemblies having any of the following MBB or ESPA part numbers that have blue fittings marked MS24590. Replace with flexible hose assemblies of the same MBB or ESPA part number that have silver or metal colored fitting marked 12 LN 29813.

MBB	Part No.	ESPA	Part No.
105	61795	40848	1290
105	61796	40561	1185
105	61797	40561	820
105	61798	40560	440
105	62163	40558	415
105	62165	40558	500
105	61793	40561	355
105	62161	40561	960
105	62162	40561	1010
105	62169	40848	820
105	62168	40848	775
105	61792	40562	330–0
105	61791	40562	1125
105	62166	40849	810
105	62167	40849	865
105	61799	40560	600
105	61343	40848	250
105	61344	40848	890
105	90897	40556	350
(Replaces 105)	90898		

Note.—Messerschmitt Boelkow Blohn BO–105 Alert Bulletin No. 10 and Service Bulletin 60–14 cover this same subject.

This amendment is effective on June 20, 1975 as to all persons except those persons to whom it was made immediately effective by the telegram dated May 3, 1975, which contained this amendment.

Issued in Washington, D.C. on June 12, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75–16048 Filed 6–19–75;8:45 am]

[Docket No. 14707; Amdt. 39–2246]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt Boelkow Blohn Model BO–105 Helicopters

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on May 14, 1975, and made effective immediately upon receipt as to all known U.S. operators of Messerschmitt Boelkow Blohn Model BO–105 helicopters because of cracks found in main rotor hub quadruple nuts manufactured in certain production lots. The AD requires removal and replacement of the quadruple nuts manufactured in those production lots.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known U.S. operators of Messerschmitt Boelkow Blohn Model BO–105 helicopters by individual telegrams dated May 14, 1975. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

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

MESSERSCHMITT BOELKOW BLOHN GMBH. Applies to Messerschmitt Boelkow Blohn (MBB) Model BO–105 Helicopters certificated in all categories.

Compliance is required as indicated.

To prevent failure in service of certain main rotor hub quadruple nuts due to cracks resulting from manufacturing defects, accomplish the following:

(a) Within the next twenty hours time in service after the effective date of this AD, determine the production lot number of the two installed main rotor hub quadruple nuts, P/N 105–14101.19 and .20.

NOTE.—Quadruple nuts are identified "VIERFACHNUSS" on P/N drawings. Production lot number of nuts is set forth as first two digits of serial number recorded in MBB individual aircraft historical record document, under the heading of Main Rotor Head Assembly No. 105–14101.

(b) If the lot number determined in accordance with paragraph (a) of this AD is 06 or 07, or if the lot number cannot be determined, before further flight, except that the aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed, remove the two quadruple nuts and replace with serviceable parts of the same part number.

(Messerschmitt Boelkow Blohn BO–105 Alert Service Bulletin No. 9 covers this same subject.)

This amendment is effective on June 20, 1975 as to all persons except those persons to whom it was made immediately effective by the telegram dated May 14, 1975, which contained this amendment.

Issued in Washington, D.C. on June 12, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75–16049 Filed 6–19–75;8:45 am]

[Docket No. 75–GL–10; Amdt. 39–2242]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Models 17–31, 17–31A, 17–31TC, 17–31ATC; Correction

Amendment 39–2209, 40 FR 21471, AD 75–11–06, requires modification of the vapor return line check valve on Bellanca Models 17–31, 17–31A, 17–31TC, 17–31ATC airplanes. After issuing Amendment 39–2209, the agency determined that errors existed in the serial number applicability. Therefore, this AD is being amended to correct these errors.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made 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, Amendment 39–2209, 40 FR 21471, AD 75–11–06, is amended to correct the serial number applicability as follows:

17–31A: S/N 32–21 through 75–32–159 except S/N 32–25

17–31ATC: S/N 31004 through S/N 75–31116

This amendment becomes effective June 25, 1975.

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

Issued in Des Plaines, Ill. on June 11, 1975.

JOHN M. CYROCKI,
Director.

[FR Doc.75–16046 Filed 6–19–75;8:45 am]

[Docket No. 75–GL–8; Amdt. 39–2243]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Models 7ECA, 7GCAA, 7GCBC, 7KCAB, 8KCAB, 8GCBC

Amendment 39–2173, 40 FR 17138, AD 75–09–02, requires replacement of the carburetor alternate air valve on the Bellanca Models 7ECA, 7GCAA, 7GCBC, 7KCAB, 8KCAB, and 8GCBC airplanes. After issuing Amendment 39–2173, due to service experience, the agency determined that the serial number applicability should be expanded. Therefore, the AD is being amended to include earlier serials of the same models.

Since a situation exists that requires immediate adoption, 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 13967), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2173, 40 FR 17138, AD 75–09–02, is amended to read as follows:

BELLANCA applies to Bellanca Models 7ECA, 7GCBC, 7GCAA, 7KCAB, 8KCAB, 8GCBC airplanes as set forth below.

Compliance required within the next 10 hours time in service after the effective date of this AD, unless already accomplished. A special flight permit per FAR 21.197 may be issued to allow ferrying of the aircraft to a facility where the required maintenance can be performed.

To prevent fatigue failure of the carburetor air box alternate air valves accomplish the following:

A. On Models 7ECA (S/N 985–74 through 1088–75), 7GCAA (S/N 208–74 through 312–75), 7GCBC (S/N 604–74 through 815–75), 7KCAB (S/N 405–74 through 507–75), 8KCAB (S/N 120–74 through 174–75), 8GCBC (S/N 1–74 through 162–75), install Bellanca Service Kit No. 248. Bellanca Service Letter No. 118 pertains to this same subject.

B. On Models 7ECA (S/N 723–70 through 984–73), 7GCAA (S/N 205–70 through 279–73), 7GCBC (S/N 202–70 through 603–73), 7KCAB (S/N 209–70 through 404–73), 8KCAB (S/N 4–71 through 119–73), install Bellanca Service Kit No. 251. Bellanca Service Letter No. 120 applies to this subject.

This amendment becomes effective June 25, 1975.

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

Issued in Des Plaines, Ill. on June 11, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75–16047 Filed 6–19–75;8:45 am]

[Airspace Docket No. 75–SO–35]

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

Alteration of Transition Area

On April 23, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 F.R. 17853), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Clemson, S.C., transition area.

Interested persons were affrond an opportunity to participate in the rulemaking through the submission of comments. Two objections received were resolved through discussion with the objectors.

Subsequent to publication of the notice, the coordinates for Pickens RBN have been corrected. It is necessary to alter the description to reflect the correct coordinates as Lat. 34°48'32" N., Long. 82°42'06" W. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., August 14, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Clemson, S.C., transition area is amended as follows:

"* * * east of the RBN * * *" is deleted and "* * * east of the RBN; within a 6.5-mile radius of Pickens County Airport (Lat. 34° 48'55" N., Long. 82°41'55" W.); within 3 miles each side of the 229° bearing from Pickens RBN (Lat. 34°48'32" N., Long. 82° 42'06" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN * * *" is substituted therefor.

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

Issued in East Point, Ga., on June 12, 1975.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75–16052 Filed 6–19–75;8:45 am]

[Airspace Docket No. 75–NW–05]

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

Alteration of Transition Area

On May 1, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 19019) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Lewiston, Idaho, Transition Area.

Interested persons were given 30 days in which to submit written data, views, or arguments. No objections were received.

In consideration of the foregoing, the amendment is hereby adopted without changes.

Effective Date. This amendment shall be effective 0901 G.m.t. on August 14, 1975.

This amendment is issued under the 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 Seattle, Washington, on June 9, 1975.

C. B. WALK, Jr.

In § 71.181 (40 FR 441) the description of the Lewiston, Idaho Transition Area is amended to read as follows:

LEWISTON, IDAHO

That airspace extending upward from 700' above the surface within a 5-mile radius of the Lewiston-Nez Perce County Airport (Latitude 46°22'29" N., Longitude 117°00'-51" W); within 2 miles each side of the Lewiston VOR 263° radial extending from the 5-mile radius to the VOR; within 2.5 miles each side of the Lewiston VOR 065° radial extending from the VOR 6 miles northeast of the VOR; within 3 miles each side of the ILS localizer course extending from the 5-mile radius 11.5 miles east; that airspace extending upward from 1200' above the surface bounded by a line extending from the intersection of Latitude 46°33'33" N., and the east edge of V–253 to Latitude 46°42'00" N., Longitude 116°31'30" W. to Latitude 46°33'33" N, Longitude 116°26'00" W, to Latitude 46°14'30" N, Longitude 116°-21'30" W, to Latitude 46°10'00" N, Longitude 116°35'00" W, to Latitude 46°16'00" N, Longitude 117°10'00" W, thence to point of beginning; and that airspace west of Lewiston bounded on the northwest by V–536, on the northeast by V–253 and on the south by V–520.

[FR Doc.75–16050 Filed 6–19–75;8:45 am]

[Airspace Docket No. 75–EA–16]

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

Designation of Transition Area

On page 14781 of the FEDERAL REGISTER for April 2, 1975, the Federal Aviation Administration published a proposed rule so as to designate a Luray, Va., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. An objection was received from a Mr. Jack O. Crooke, President of Owen Aviation Company, Inc., of Basye, Virginia. He noted a lack of necessity for an exclusion area for Mount Jackson Airport. A review of the description does not disclose an excluded area for the subject airport. No other objections were received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. July 17, 1975.

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on June 6, 1975.

BRIAN J. VINCENT,
Acting Director,
Eastern Region.

Amend § 71.181 of Part 71, Federal aviation regulations by designating a Luray, Va. Transition Area as follows:

LURAY, VA.

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, 38°40'01" N., 78°30'01" W., of Luray Caverns Airport, Luray, Va., extending clockwise from a 266° bearing to a 314° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 348° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 348° bearing to a 040° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 040° bearing to a 057° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 057° bearing to a 074° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 141° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 141° bearing to a 166° bearing from the airport; within a 20-mile radius of the center of the airport, extending clockwise from a 166° bearing to a 188° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 188° bearing to a 213° bearing from the airport; within a 20.5-mile radius of the center of the airport, extending clockwise from a 213° bearing to a 234° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 234° bearing to a 246° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 246° bearing to a 266° bearing from the airport.

[FR Doc.75–16051 Filed 6–19–75;8:45 am]

[Airspace Docket No. 75-SW-23]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Duncan, Okla., transition area.

On April 18, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 17264) stating the Federal Aviation Administration proposed to alter the Duncan, Okla., 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., August 14, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Duncan, Okla., transition area is amended to read:

DUNCAN, OKLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Halliburton Field (latitude 34°-28'30" N., longitude 97°57'30" W.), and within 2 miles each side of the Duncan VOR 157° radial, extending from the 8.5-mile-radius area to 7 miles southeast of the VOR.

(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 Fort Worth, Tex., on June 9, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-16059 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-WE-9]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Air Navigation Aid Name Change

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to change the name of the San Diego, Calif., VORTAC to the Mission Bay, Calif., VORTAC.

Because this action merely renames an existing air navigation aid with no change to any route structure or designated airspace, it is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be depicted on appropriate charts, this amendment will be made effective on August 14, 1975.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., August 14, 1975, as hereinafter set forth.

§ 71.123 [Amended]

1. Section 71.123 (40 FR 307) is amended as follows:

a. In V-23 "From San Diego, Calif.," is deleted and "From Mission Bay, Calif.," is substituted therefor.

b. In V-25 "From San Diego, Calif.," is deleted and "From Mission Bay, Calif.," is substituted therefor.

c. In V-27 "From San Diego, Calif., INT San Diego 319°" is deleted and "From Mission Bay, Calif., INT Mission Bay 319°" is substituted therefor.

d. In V-66 "From San Diego, Calif.," is deleted and "From Mission Bay, Calif.," is substituted therefor.

e. In V-165 "From San Diego, Calif., INT San Diego 270°" is deleted and "From Mission Bay, Calif., INT Mission Bay 270°" is substituted therefor.

2. Section 71.163 (40 FR 346) is amended as follows:

In Control 1156 "San Diego, Calif., VORTAC 262° radial," is deleted and "Mission Bay, Calif., VORTAC 262° radial," is substituted therefor.

3. Section 71.181 (40 FR 441) is amended as follows:

In San Diego, Calif., "San Diego VOR" is deleted wherever it appears and "Mission Bay, Calif., VORTAC" is substituted therefor.

4. Section 71.207 (40 FR 629) is amended as follows:

a. "San Diego, Calif." is deleted.

b. "Mission Bay, Calif." is added.

5. Section 75.100 (40 FR 705) is amended as follows:

a. In Jet Route No. 1, all before "Oceanside, Calif.;" is deleted and "From the INT of the United States/Mexican border with the direct course between the Mission Bay, Calif., VORTAC and the Tijuana, Mexico, NDB, via Mission Bay;" is substituted therefor.

b. In Jet Route No. 2, "From San Diego, Calif.," is deleted and "From Mission Bay, Calif.," is substituted therefor.

c. In Jet Route No. 18, "From San Diego, Calif.," is deleted and "From Mission Bay, Calif.," is substituted therefor.

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

Issued in Washington, D.C., June 16, 1975.

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-16066 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-SO-36]

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

Alteration of Transition Area

On April 21, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 17596 and 20068), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Sumter, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 14, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Sumter, S.C., transition area (40 FR 20068) is amended as follows:

"• • • excluding the portion within Columbia transition area • • •" is deleted and "• • • within 3 miles each side of the 028° bearing from Sumter RBN (Lat. 33°59'24" N., Long. 80°21'38" W.), extending from the 5-mile radius area to 8.5 miles northeast of the RBN; excluding the portion within the Columbia transition area • • •" is substituted therefor.

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

Issued in East Point, Ga., on June 12, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-16053 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-GL-18]

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

Alteration of Transition Area

On page 17265 of the FEDERAL REGISTER dated April 18, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Alma, Michigan.

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

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

This amendment shall be effective 0901 G.m.t., July 31, 1975.

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

Issued in Des Plaines, Illinois, on June 2, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

ALMA, MICHIGAN

That airspace extending upward from 700 feet above the surface within 6.5-mile radius of Gratiot Community Airport (Latitude 43°-19'15" N., Longitude 84°41'12" W.); within 4 miles either side of a 267° bearing from Gratiot Community Airport extending from

the 6.5-mile radius area to 15 miles west of the airport.

[FR Doc.75-16063 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-SW-24]

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 Lampasas, Tex.

On May 1, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 19020) stating the Federal Aviation Administration proposed to designate the Lampasas, Tex., 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., August 14, 1975, as hereinafter set forth.

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

LAMPASAS, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lampasas Airport (latitude 31°06'27" N., longitude 98°11'45" W.).

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 Fort Worth, Tex., on June 9, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-16058 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-CE-3]

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

Designation of Transition Area

On pages 12677 and 12678 of the FEDERAL REGISTER dated March 20, 1975, the FAA published a Notice of Proposed Rulemaking which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area at Hannibal, Missouri.

Interested persons were given 30 days to submit written data, views or arguments concerning the proposed amendment. The one comment received was from the Air Transport Association which objected to the proposal because of the apparent conflict between the IFR approach to Hannibal and the primary ILS Runway 3 approach to Quincy, Illinois. Upon re-evaluating the proposal in light of the Association's comment, it is true that the airspace required for the instrument approach to Hannibal overlaps the airspace required for the ILS Runway 3 approach to Quincy, Illinois. This means that simultaneous approaches to both airports are not possible. However, Air Traffic Control will provide control services which will preclude any traffic conflicts, and the minimal volume of traffic expected at both airports should not cause any significant air traffic delays with respect to aircraft operations. In view of the foregoing, the proposed amendment is hereby adopted without change and is set forth below:

This amendment becomes effective 0901 G.m.t., August 14, 1975.

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

Issued in Kansas City, Missouri, on June 5, 1975.

C. R. MELUGIN, Jr.,
Director, Central Region.

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

HANNIBAL, MISSOURI

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Hannibal, Missouri Municipal Airport (latitude 39°43'30" N; longitude 91°26'35" W) and within 3 miles each side of the 162° bearing from the Hannibal Municipal Airport extending from the 5 mile radius area to 8 miles southeast of the airport, excluding that portion which overlies the Quincy, Illinois transition area.

[FR Doc.75-16060 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-AL-9]

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

Designation of Transition Area at Wrangell, Alaska

On May 14, 1975, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 20955) stating the Federal Aviation Administration proposed an amendment to Part 71 of the Federal Aviation Regulations which would designate the Wrangell, Alaska, transition area.

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

Therefore, in consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., August 14, 1975, as hereinafter set forth.

§ 71.181 [Amended]

1. In § 71.181 (40 FR 441) the Wrangell, Alaska, transition area is designated to read:

WRANGELL, ALASKA

That airspace extending upward from 700 feet above the surface within 2 miles south and 4 miles north of the 087° radial of the Level Island VOR extending from 6 miles east to 30 miles east of the VOR; and within 5 miles southwest and 5 miles northeast of the Wrangell localizer southeast and northwest courses extending from 3 miles southeast to 30 miles northwest of the Wrangell localizer (latitude 56°29'03" N, longitude 132°21'35" W).

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

Issued in Anchorage, Alaska, on June 13, 1975.

WM. S. DALTON,
Acting Director, Alaskan Region.

[FR Doc.75-16061 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-SO-40]

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

Designation of Transition Area

On April 30, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 20107), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Georgetown, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 14, 1975, as hereinafter set forth.

§ 71.181 [Amended]

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

GEORGETOWN, S.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Georgetown County Airport (latitude 33°19'00" N., longitude 78°19'00" W.); within 3 miles each side of the 213° bearing from Georgetown RBN (latitude 33°18'38" N., longitude 79°19'03" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

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

Issued in East Point, Ga., on June 12, 1975.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75-16062 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-GL-8]

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

Designation of Transition Area

On Page 10692 of the FEDERAL REGISTER dated March 7, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal

Aviation Regulations so as to designate a transition area at Ottawa, Ohio.

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

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

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

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

Issued in Des Plaines, Illinois, on June 2, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

OTTAWA, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Putnam County Airport (Latitude 41°02'08" N., Longitude 83°59'01" W.); within 3 miles each side of the 090° bearing from the airport extending from the 5-mile radius area to 8.5 miles east of the airport.

[FR Doc.75-16064 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-GL-4]

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

Designation of Transition Area

On Page 5543 of the FEDERAL REGISTER dated February 6, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at East Liverpool, Ohio.

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

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

This amendment shall be effective 0901 GMT, July 10, 1975.

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

Issued in Des Plaines, Illinois, on June 2, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

EAST LIVERPOOL, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Columbiana County Airport (Latitude 40°40'24" N., Longitude 80°38'30" W.); within 3 miles each side of the 070° bearing from the airport, extending from the 5-mile radius area to 8.5 miles east of the airport, excluding that portion which overlies the Beaver Falls, PA transition area.

[FR Doc.75-16065 Filed 6-19-75;8:45 am]

[Docket No. 14704; Amdt. No. 973]

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 July 31, 1975.

Baltimore, Md.—Baltimore-Washington Int'l. Arpt., VOR/DME Rwy 15R, Amdt. 3, cancelled
Cambridge, Md.—Cambridge Municipal Arpt., VOR-A, Amdt. 2
Dunkirk, N.Y.—Dunkirk Municipal Arpt., VOR Rwy 24, Amdt. 4
Kansas City, Mo.—Kansas City Int'l. Arpt., VOR Rwy 9, Amdt. 4, cancelled
Kansas City, Mo.—Kansas City Int'l. Arpt., VOR Rwy 27, Amdt. 5
Perryville, Mo.—Perryville Municipal Arpt., VORTAC-A, Amdt. 2
Rockton, Ill.—Wagon Wheel Arpt., VOR-A, Amdt. 2
Standish, Mich.—Standish City Arpt., VOR-A, Orig.

* * * effective July 3, 1975:

Starkville, Miss.—George M. Bryan Field, VOR/DME-A, Amdt. 3

* * * effective June 9, 1975:

Santa Maria, Calif.—Santa Maria Public Arpt., VOR-A, Amdt. 5

* * * effective June 6, 1975:

Vernon, Ala.—Lamar County Arpt., VOR/DME-A, Amdt. 1

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 31, 1975.

Kansas City, Mo.—Kansas City Int'l. Arpt., LOC (BC) Rwy 27, Amdt. 4
New Bedford, Mass.—New Bedford Municipal Arpt., LOC (BC) Rwy 23, Orig.

* * * effective June 26, 1975:

Duluth, Minn.—Duluth Int'l. Arpt., LOC Rwy 27, Orig.
Elkins, W. Va.—Elkins-Randolph County Jennings-Randolph Field, LDA-C, Orig.
Hazleton, Pa.—Hazleton Municipal Arpt., LOC Rwy 28, Orig.

* * * effective June 9, 1975:

Santa Maria, Calif.—Santa Maria Public Arpt., LOC (BC)-A, Amdt. 3

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 31, 1975.

Cambridge, Md.—Cambridge Municipal Arpt., NBD Rwy 34, Amdt. 4
Kansas City, Mo.—Kansas City Int'l. Arpt., NDB Rwy 1, Amdt. 10
Kansas City, Mo.—Kansas City Int'l. Arpt., NDB Rwy 9, Amdt. 4

* * * effective June 26, 1975:

Boonville, Mo.—Jesse Viertel Memorial Arpt., NDB Rwy 18, Orig.
Mattoon-Charleston, Ill.—Coles County Memorial Arpt., NDB Rwy 29, Orig.
Winchester, Tenn.—Winchester Municipal Arpt., NDB Rwy 18, Orig.

* * * effective June 10, 1975:

Columbus, Ohio—Bolton Field, NDB Rwy 3, Amdt. 1

* * * effective June 4, 1975:

Three Rivers, Mich.—Dr. Haines Arpt., NDB Rwy 23, Amdt. 4

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 31, 1975.

Kansas City, Mo.—Kansas City Int'l. Arpt., ILS Rwy 1, Amdt. 4
Kansas City, Mo.—Kansas City Int'l. Arpt., ILS Rwy 9, Amdt. 5
Kansas City, Mo.—Kansas City Int'l. Arpt., ILS Rwy 19, Amdt. 1
Philadelphia, Pa.—Philadelphia Int'l. Arpt. ILS Rwy 27L, Amdt. 1

* * * effective June 26, 1975:

Detroit, Mich.—Detroit City Arpt., ILS Rwy 33, Orig.
Mattoon-Charleston, Ill.—Coles County Memorial Arpt., ILS Rwy 29, Orig.

* * * effective June 9, 1975:

Santa Maria, Calif.—Santa Maria Public Arpt., ILS Rwy 12, Amdt. 2

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective July 31, 1975.

Augusta, Ga.—Bush Field, RADAR-1, Amdt. 2

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective July 31, 1975.

Kansas City, Mo.—Kansas City Int'l. Arpt., RNAV Rwy 1, Amdt. 2

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (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 June 12, 1975.

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.75-16054 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-SO-37]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation and Redesignation of Jet Route Segments

Correction

In FR Doc. 75-15515 appearing at page 25442 in the issue for Monday, June 16, 1975 the second line of the sixth paragraph should be corrected to read as follows: "Jet Route No. 91 from Atlanta, Ga. via".

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-913; Amdt. 2]

PART 228—EMBARGOES ON PROPERTY

Editorial Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 17, 1975.

By regulation OR-90, adopted November 7, 1974, the Board's Office of Consumer Affairs was redesignated as the Office of the Consumer Advocate. The reference, in the note following the Appendix to Part 228 of the Board's Economic Regulations (14 CFR Part 228), to the "Director of the Office of Consumer Affairs" must be changed to reflect the redesignation. The purpose of this amendment is to make such change.

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel, in 14 CFR § 385.19 and shall become effective on July 10, 1975. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385. (14 CFR §§ 385.50 through 385.54).

Accordingly, the Board hereby amends the note following the Appendix to Part 228 (14 CFR Part 228), effective July 10, 1975, to read as follows:

NOTE: * * * Any interested person may make an informal complaint concerning the embargo described in this notice by addressing such complaint to the Director, Office of the Consumer Advocate, Civil Aeronautics Board, Washington, D.C. 20428. In addition, any interested person may make a formal complaint against such embargo (see 14 CFR 302.201).

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Effective: July 10, 1975.

Adopted: June 17, 1975.

[SEAL] THOMAS J. HEYE,
General Counsel.

[FR Doc.75-16153 Filed 6-19-75;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER A—GENERAL

PART 1031—EMPLOYEE MEMBERSHIP AND PARTICIPATION IN VOLUNTARY STANDARDS ORGANIZATION

Promulgation of Policy

The purpose of this document is to promulgate regulations prescribing the Commission's policy on CPSC employee membership and participation in voluntary standards organizations. Originally proposed as non-CFR text in a simple notice, the material is suitable for codification and accordingly is adopted below as 16 CFR Part 1031.

In the FEDERAL REGISTER of July 19, 1974 (39 FR 26475), the Commission proposed a statement of policy on the above subject. Although the policy statement is exempt from the notice and public procedure provisions of 5 U.S.C. 553, the Commission proposed it because of the policy's importance and because several outside parties requested that it be published for comment and a public meeting was previously held on this issue.

Rulings on comments. In response to the proposal, comments were received from consumers, consumer organizations, a consumer columnist, a voluntary standards organization, a trade association, an independent testing laboratory, two manufacturers and a consultant organization. Copies of the comments may be seen in the Office of the Secretary.

The principal issues raised by the comments and the Commission's conclusions thereon are as follows:

1. A comment opposes Commission participation in the development of voluntary standards primarily because "it will provide a patina of legitimacy for voluntary standard-setting efforts which do not deserve it and it will result in the needless diversion of the scarce resources of the Commission to activities with little prospect of reducing the unreasonable risk of products to the consumer."

Inasmuch as the Commission's resources are limited, it will have to rely on voluntary standards efforts to address many problems. The Commission believes that voluntary standards organizations can play an important role in reducing the unreasonable risk of injury associated with consumer products. To the extent that accidents and injuries can be reduced or eliminated by voluntary standards activities, the Commission will support such activities and the participation of appropriate staff members in such activities.

2. A comment suggests that rather than discouraging or prohibiting CPSC staff or officials from participating in voluntary standard organizations, the Commission should encourage full and active participation by all Commission employees in all phases of voluntary consensus standards operations.

One of the primary tools available to the Commission in eliminating or reducing unreasonable risks of injury is the promulgation of mandatory standards. Under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), this is done by inviting persons to submit offers to develop a standard or to submit a previously issued or adopted standard as a proposed consumer product safety standard. Because the Commission must objectively evaluate an existing standard in order to determine if it should be proposed as a mandatory standard, in lieu of accepting an offer to develop a standard, the Commission does not believe that CPSC policymaking, decisionmaking, or decision-recommending officials responsible for evaluating the standard and recommending to the Commission the adoption or rejection of an existing standard should participate in the development of voluntary standards. The policy only precludes the Commissioners and a limited number of Commission employees from participating in the development of voluntary standards, and the Commission believes that this limitation will not be detrimental to the development of voluntary standards.

The policy, however, has been modified in proposed section IV-B (§ 1031.4(a) below) to allow CPSC employees other than those enumerated in proposed section V-A and B (§ 1031.5 (a) and (b) below) to become members of committees, subcommittees, councils, or boards that do not develop or approve standards. The Commission finds that most CPSC employees should be allowed to participate fully in the activities of standards bodies, including those activities not considered to be standards development or standards approval activities.

3. A comment suggests that the proposal be changed to recognize "past contributions to improved product safety of voluntary standards-writing organizations" and the important role they have in the future.

The Commission recognizes that voluntary standards organizations have

played an important role in the past to improve product safety and hopes that they will continue to do so in the future. The Commission, however, does not believe the suggested change in the proposal is necessary because proposed section II (§ 1031.2 below) adequately recognizes the importance of the contributions made by voluntary standards organizations.

4. A comment suggests that a statement be added to the proposal emphasizing the need for the Commission to encourage and work with voluntary standards organizations.

The Commission believes that this point is adequately addressed in proposed sections II and V–H (§§ 1031.2 and 1031.5 (h) below) in that those provisions do not discourage participation by most CPSC employees in voluntary standards activities.

5. Two comments points out that the proposal made no reference to participation of Commission employees in international standardization activities and that such participation should be provided for and encouraged.

The Commission recognizes the importance of participation in international standards development activities and has therefore changed proposed section II (§ 1031.2 below) to refer to participation in both domestic and international standards activities.

6. A comment suggests that the Commission encourage CPSC employees to become members of voluntary standards development bodies by paying their expenses.

The Commission interprets this as suggesting it pay the dues or membership fees of CPSC employees who wish to join voluntary standards organizations. A Federal statute (5 U.S.C. 5946) prohibits payment of membership fees or dues of an employee in a society or association unless legislatively authorized. The Commission does not have the specific authority to expend funds for this purpose; however, the Commission is authorized to, and does, provide reimbursement of travel expenses justified by representation at official functions (5 U.S.C. 4110).

7. A comment suggests that proposed section V–C (§ 1031.5(c) below) be changed to specify that CPSC employees may participate in the development of voluntary safety standards only in accordance with the provisions of proposed V–H (§ 1031.5(h) below), which limits participation to those activities that appear to further the objectives and programs of the Commission and that are consistent with the Commission's regulatory programs.

This suggested change is consistent with the purpose of the proposal and has been adopted.

8. A comment suggests deleting the requirement for advance approval by the Office of the General Counsel and the Office of the Executive Director for attendance of CPSC employees at voluntary standards meetings because it would inhibit and discourage employee participation.

The Commission agrees that specific approval by the Office of the General Counsel is unnecessary since that office will provide legal advice and assistance when requested concerning employee participation in voluntary standards organizations. The Commission does not agree that review by the Office of the Executive Director will inhibit or discourage employee participation in voluntary standards activities. The review will provide a mechanism for coordinating participation by CPSC staff in such activities.

9. A comment questions whether the Commission should attempt to impose its unlimited public-participation policy upon voluntary standards-development organizations by requiring in proposed section V–E that voluntary standards development meetings in which CPSC employees participate be open for observation and participation, where appropriate, by any and all interested or concerned persons.

The Commission is not attempting to impose its public-participation policy upon voluntary standards organizations. The Commission, however, was established primarily to protect the public from unreasonable risks of injury. The Commission does not believe that any activity in which it participates should be closed to members of the public except in extraordinary circumstances. The Commission has modified the provision (§ 1031.5(e) below) to specify that generally CPSC employees will participate in voluntary standards activities only where there is opportunity for comment on those standards by all interested parties.

10. A comment suggests that CPSC employee participaton in standards-development activities be limited to consultation and comment on work as it progresses.

The Commission does not expect its employees to actually draft standards for voluntary standards organizations. Commission employees, however, may comment on standards as work progresses and may suggest changes or alternative provisions that in their opinion appear to be in the public interest. Commission employees may also express their opinion on whether a particular requirement of a voluntary standard is adequate to eliminate or reduce an unreasonable risk of injury. They are prohibited, however, from voting or otherwise indicating their approval of a standard or any provision of a standard. This prohibition on voting on a standard is necessary to reduce the likelihood that an employee's approval would be misconstrued as representing approval of the Commission.

11. One comment suggests that CPSC employees be considered as "full" members of standards development committees and not just as "non-voting advisory" members. Another comment suggests that CPSC employees be prohibited from voting on the approval of a final standard. A third comment suggests that voting on final standards should not be allowed where such approval might be construed as representing Commission approval of the standard.

The Commission concludes that the public interest would be best served if CPSC employees participate actively and fully in the development of voluntary standards without voting on their approval. To prevent any views expressed by a CPSC employee on a voluntary standard from being construed as representing an official Commission position, a new paragraph has been added to proposed section V (as § 1031.5(l) below) and an addition has been made to section V–C § 1031.5(c) below).

12. A comment suggests that CPSC employees be allowed to hold the position of secretary in voluntary standards committees. Another comment suggests that CPSC be permitted to accept positions of leadership in such committees.

The Commission believes that CPSC employees should participate actively in standards-development activities but should never direct the work of a voluntary standards committee. To preclude any assumption by CPSC employees of leadership roles in a voluntary standards committee, the Commission has adopted a rule prohibiting them from accepting a policy or primary leadership position, such as chairman or secretary, of such a committee. The acceptance of other committee positions by a CPSC employee is subject to Executive Director approval with General Counsel concurrence (see § 1031.5(g) below).

13. A comment suggests that proposed paragraph H of section V be changed so that the Commission's participation in voluntary standards activities will be subject to the provisions of section V rather than just paragraph C thereof since other portions of proposed section V modify paragraph H.

The Commission agrees and the regulation (§ 1031.5(h) below) has been changed accordingly.

14. A comment suggests that a CPSC employee who participates from later participating in an official CPSC capacity in the evaluation of the standard. The comment suggests that requiring the employee to describe in his or her evaluation of the voluntary standard the extent of his or her participation in its development will not inhibit his or her favoring a standard on which he or she worked to develop.

The combination of disclosure of participation by any CPSC staff member who helps evaluate the proposed standard and the prohibition on participation by CPSC employees listed in proposed section V–A (§ 1031.5(a) below) should assure an objective decision by the Commission on the merits of a proposed standard.

Conclusion and promulgation. Having considered the proposal, the comments thereon, and other relevant material, the Commission concludes that the subject policy, changed as specified above, should be adopted as set forth below.

Therefore, pursuant to provisions of the Consumer Product Safety Act (15 U.S.C. 2051–81), the Federal Hazardous Substances Act (15 U.S.C. 1261–74), the Flammable Fabrics Act (15 U.S.C. 1191–1204), the Poison Prevention Packaging

Act of 1970 (15 U.S.C. 1471–76), and the Refrigerator Safety Act (15 U.S.C. 1211–14), a new Part 1031 is added to Title 16, Chapter II, Subchapter A, as follows:

Sec.
1031.1 Scope and purpose of Part 1031.
1031.2 Voluntary standards; conflict of interest.
1031.3 Procedural safeguards.
1031.4 Membership criteria.
1031.5 Participation criteria.

AUTHORITY: Consumer Product Safety Act (15 U.S.C. 0251–81), Federal Hazardous Substances Act (15 U.S.C. 1261–74), Flammable Fabrics Act (15 U.S.C. 1191–1204), Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–76), and Refrigerator Safety Act (15 U.S.C. 1211–14).

§ 1031.1 Scope and purpose of Part 1031.

This Part 1031 sets forth the Consumer Product Safety Commission's guidelines and requirements governing membership and participation by Commission employees in the activities of voluntary standards development bodies that concern products subject to the Commission's jurisdiction. The purpose of this Part 1031 is to further the objectives and programs of the Commission and to do so in a manner that ensures that such membership and participation:

(a) Is consistent with the intent of the Consumer Product Safety Act and the other acts administered by the Commission;

(b) Is not contrary to the public interest; and

(c) Presents no real or apparent conflict of interest in the implementation of paragraphs (a) and (b) of this section.

§ 1031.2 Voluntary standards; conflict of interest.

(a) The Commission recognizes the role that voluntary standards may have in:

(1) Reducing unreasonable risks of injuries associated with consumer products.

(2) Eliminating, in some instances, the need for mandatory standards.

(3) Providing a basis for mandatory standards.

(b) The Commission realizes there are advantages and benefits derivable from the participation of Commission personnel in the activities of domestic and international voluntary standards organizations. The Commission is also aware, however, of the need to eliminate or reduce to a minimum any real or apparent conflict-of-interest situations. Such situations might present an appearance or possibility of the Commission's giving preferential treatment to an organization or group or of the Commission's losing its independence or impartiality.

§ 1031.3 Procedural safeguards.

With regard to Commission decisions concerning proposing or promulgating consumer product safety rules or regulations, the Commission recognizes that:

(a) Only those staff members listed in § 1031.5 (a) and (b) have the responsibility for making the final recommendation to the Commissioners on either adopting an existing standard as the basis for a proposed regulation, accepting an offer to develop a standard, or promulgating regulations or standards.

(b) Individuals from several Commission offices and bureaus are involved in the development of staff recommendations on accepting an existing standard, accepting an offer to develop a standard, or proposing or promulgating a regulation or standard.

(c) The recommendations and views of each person involved in developing staff recommendations will be carefully reviewed and either endorsed, questioned, or rejected by that person's Division Chief or Office or Bureau Director, the Standards Coordinator, the Chief of the Technical Analysis Division, the Director of the Office of Standards Coordination and Appraisal, the Deputy Executive Director, and/or the Executive Director.

(d) The Commissioners exercise the ultimate decisionmaking authority, and any existing standard accepted as a proposed consumer product safety rule, any proposed standard developed by an offeror, and any regulation required to be proposed is subject to public review and comment by all interested or concerned persons following its proposal in the FEDERAL REGISTER.

§ 1031.4 Membership criteria.

In view of the foregoing text of this Part 1031, the following are the Commission's guidelines governing membership and participation of Commission employees in voluntary standards organizations:

(a) Commission employees may become individual members of voluntary standards development bodies at their own expense.

(b) Commission employees, other than those holding positions listed in § 1031.5 (a) and (b), may be advisory, nonvoting members of standards development, standards approval, nonstandards development, or nonstandards approval committees, subcommittees, councils, or boards of such bodies, subject to the requirements of § 1031.5(g).

§ 1031.5 Participation criteria.

For the purposes of this Part 1031, "participation in the development of voluntary standards" includes any written or oral communications concerning the development of voluntary standards, but does not include attendance at meetings for the sole purpose of observation or education.

(a) Commission employees holding the following positions, because they make the final decision or because they advise those who make the final decision on adopting an existing standard, accepting an offer to develop a standard, and proposing and promulgating regulations, shall not participate in the development of voluntary standards for products subject to the Commission's jurisdiction:

(1) The Commissioners.

(2) The Commissioners' Special Assistants.

(3) The General Counsel.

(4) The General Counsel's legal staff.

(b) Commission employees holding the following positions, because they develop the final recommendations to the Commission on adopting an existing standard, accepting an offer to develop a standard, and proposing and promulgating regulations, shall not participate in the development of voluntary standards for products subject to the Commission's jurisdiction:

(1) The Executive Director, the Deputy Executive Director, and their Special Assistants.

(2) The Director of the Bureau of Engineering Sciences.

(3) The Director of the Bureau of Economic Analysis.

(4) The Director of the Bureau of Biomedical Science.

(5) The Medical Director.

(6) The Director of the Office of Standards Coordination and Appraisal and the following staff members thereof:

(i) Special Assistants to the Director.

(ii) The Director of the Impact Analysis Division.

(iii) The Director of the Technical Analysis Division.

(iv) The Standards Coordinators of the Technical Analysis Division.

(c) Commission employees, other than those holding the positions listed in paragraphs (a) and (b) of this section, may participate in the development of voluntary safety standards for consumer products, but only in their capacity as employees of the Commission and as part of their official duties. Except in those instances where the Commission has adopted or otherwise expressed an official position, the views expressed by Commission employees are to be represented as those of the individual employee. Travel and other expenses will be provided as specified in appropriate Federal travel regulations. Commission employees may engage in such participation, in accordance with the provisions of paragraph (h) of this section, only after having received advance approval for such participation from the Executive Director.

(d) Commission employees who attend but do not participate in meetings of voluntary standards organizations must have such attendance approved in advance by the Executive Director.

(e) Except in extraordinary circumstances and when approved in advance by the Commission in accordance with the provisions of the Commission's meetings policy (16 CFR Part 1012), Commission employees shall not participate in meetings concerning the development of voluntary standards that are not open to the public for attendance and observation. Generally, Commission employees may participate only in the development of standards that prior to use or adoption are made available for comment by all interested parties. Attendance at all meetings shall be noted in the Public Calendar in accordance with the Commission's meetings policy.

(f) Attendance and participation in voluntary standards activities shall be

contingent on Commission employees' being considered and listed by standards development committees and organizations as advisory, nonvoting members. In no case shall a Commission employee vote or otherwise formally indicate approval of a voluntary standard.

(g) Commission employees who participate in the development of voluntary standards shall not accept voluntary standards committee positions involving policy or primary leadership roles (for example, chairman or secretary). Subject to prior approval by the Executive Director, with the concurrence of the General Counsel, a Commission employee may accept other committee positions only if it appears to be clearly in the public interest for the employee to carry out the functions of that specific position.

(h) Subject to the provisions of paragraph (c) of this section and budgetary and time constraints, Commission employees may participate in voluntary standards activities that appear to further the objectives and programs of the Commission and that are consistent with ongoing and anticipated Commission regulatory programs. In the event of duplication of effort by two or more groups in developing voluntary standards for the same products or class of products, the Commission may encourage the several interests to participate in the development of a single voluntary standard.

(i) Commission employees who participate in the development of a voluntary standard, and who later participate in an official capacity in the evaluation of that standard as the basis for proposed consumer product safety rule, shall describe clearly in their evaluation of the standard the extent of their participation in its development.

(j) Participation of a Commission employee in a voluntary standards committee shall be predicated on an understanding that any list of the committee's membership that includes Commission employees shall contain a statement that participation by the Commission employee in the development of the standard does not constitute approval or endorsement of the standard.

Effective date. The regulations promulgated above, 16 CFR Part 1031, shall become effective July 21, 1975.

(Consumer Product Safety Act (15 U.S.C. 2051–81), Federal Hazardous Substances Act (15 U.S.C. 1261–74), Flammable Fabrics Act (15 U.S.C. 1191–1204), Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–76), and Refrigerator Safety Act (15 U.S.C. 1211–14).)

Dated: June 16, 1975.

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

[FR Doc.75–16103 Filed 6–19–75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 35–18963; AS–171]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PART 257—UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITY HOLDING COMPANIES, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Adoption of Revised Rule and Rescission of Uniform System of Accounts for Public Utility Holding Companies; Correction

In FR Doc. 75–13302 appearing at page 22129 in the FEDERAL REGISTER of Wednesday, May 21, 1975, the headings should read as set forth above. In addition, all sections of Part 257 (§§ 257.0–1 to 257.315) are rescinded except for the Appendix—Regulation to Govern the Preservation and Destruction of Books of Account and Other Records of Companies Which are Subject to the Uniform System of Accounts for Public Utility Holding Companies Under the Public Utility Company Act of 1935.

Pursuant to § 250.26(g) set forth in said release, the title of the Appendix is amended to delete the phrase "Subject to the Uniform System of Accounts for Public Utility Holding Companies Under the Public Utility Holding Company Act of 1935" and substitute "Subject to § 250.26."

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 13, 1975.

[FR Doc.75–16087 Filed 6–19–75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75–144]

PART 1—GENERAL PROVISIONS

Ports of Entry; Extension of Limits in Cincinnati

On January 2, 1975, a notice of a proposal to extend the port limits of Cincinnati, Ohio, in the Cleveland, Ohio, Customs district (Region IX) was published in the FEDERAL REGISTER (40 FR 5). No comments were received regarding this proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), the port limits of Cincinnati, Ohio, in the Cleveland, Ohio, Customs district (Region IX) are hereby extended to include all that territory beginning at the junction of the Ohio River and the Great Miami River, then proceeding in a northeasterly direction along the eastern bank of the Great Miami River to the northern boundary of Hamilton County, then proceeding in an easterly direction along the northern boundary of Hamilton County to Ohio State Highway No. 747, then proceeding in a northerly direction in Butler County along Ohio State Highway No. 747 to Rialto Road, then proceeding in a generally northeasterly direction along Rialto Road to Allen Road, then proceeding in a southerly, then easterly, direction on Allen Road to Reading Road, then proceeding in a southerly direction on Reading Road to the northern boundary of Hamilton County, then proceeding in an easterly direction along the northern boundary of Hamilton County to the eastern boundary of Hamilton County, then proceeding in a southerly direction along the eastern boundary of Hamilton County to the north bank of the Ohio River, then proceeding in a westerly direction along the northern bank of the Ohio River to the bridge at Interstate Highway No. 275, then proceeding in a westerly direction along Interstate Highway No. 275 to its intersection with Interstate Highway No. 75, then proceeding in a southerly direction along Interstate Highway No. 75 to its intersection with Kentucky State Highway No. 18, then proceeding in a northwesterly direction along Kentucky State Highway No. 18 to its intersection with Kentucky State Highway No. 237, then proceeding in a generally northerly direction along Kentucky State Highway No. 237 to its intersection with Interstate Highway No. 275, then proceeding in a westerly direction along Interstate Highway No. 275 to its intersection with the Ohio River, then proceeding in a northeasterly direction along the northern bank of the Ohio River to its junction with the Great Miami River.

To reflect this change, the table in § 1.2(c) of the Customs regulations (19 CFR 1.2(c)) is amended by adding "(including the territory described in T.D. 75–144)." after "Cincinnati, Ohio" in the column headed "Ports of entry" in the Cleveland, Ohio, Customs district (Region IX).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2))

Effective date. This amendment shall become effective on July 21, 1975.

Dated: June 13, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75–16212 Filed 6–19–75;8:45 am]

[T.D. 75-143]

PART 1—GENERAL PROVISIONS

Laredo, Texas; Port of Entry

On March 4, 1975, a notice of a proposal to designate Lubbock, Texas, as a Customs port of entry in the Laredo, Texas, Customs district (Region VI) was published in the FEDERAL REGISTER (40 FR 8955). No comments were received from the public in response to the proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), Lubbock, Texas, is hereby designated a Customs port of entry in the Laredo, Texas, Customs district (Region VI).

The geographical limits of the Lubbock port of entry shall include the area within the corporate limits of the city of Lubbock, Texas.

To reflect this change, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by inserting "Lubbock, Tex. (T.D. 75-143)" directly below "Hidalgo" in the column headed "Ports of entry" in the Laredo, Texas, Customs district (Region VI).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2))

Effective date. This amendment shall become effective July 21, 1975.

Dated: June 13, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-16211 Filed 6-19-75;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 75N-0001]

ADMINISTRATIVE PRACTICES AND PROCEDURES

Extension of Time for Filing Comments

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of May 27, 1975 (40 FR 22949), a notice establishing administrative practices and procedures governing the activities of the Food and Drug Administration. A period of 60 days was provided for filing comments.

The Commissioner has received a request for extension of the comment period. Good reason therefore appearing, the time for filing comments in this matter is extended to August 27, 1975. The effective dates announced in the May 27 notice, however, remain unchanged.

This notice is issued under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 201 et seq., 52 Stat. 1040 (21 U.S.C. 321 et seq.)), the Public Health Service Act (sec. 1 et seq., 58 Stat. 682, as amended (42 U.S.C. 201 et seq.)), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (sec. 4, 84 Stat. 1241 (42 U.S.C. 257a)), the Controlled Substances Act (sec. 301 et seq., 84 Stat. 1253 (21 U.S.C. 821 et seq.)), the Federal Meat Inspection Act (sec. 409(b), 81 Stat. 600 (21 U.S.C. 679(b))), the Poultry Products Inspection Act (sec. 24(b), 82 Stat. 807 (21 U.S.C. 467f(b))), the Egg Products Inspection Act (sec. 2 et seq., 84 Stat. 1620 (21 U.S.C. 1031 et seq.)), the Federal Import Milk Act (44 Stat. 1101 (21 U.S.C. 141 et seq.)), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406 (15 U.S.C. 401-411 notes)), the Fair Packaging and Labeling Act (80 Stat. 1296 (15 U.S.C. 1451 et seq.)), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-16078 Filed 6-19-75;8:45 am]

[FRL 387-6; OPP-260008]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Correction

On March 28, 1975, the tenth document of the recodification program for Chapter I of Title 21 of the Code of Federal Regulations was published in the FEDERAL REGISTER (40 FR 14156). In cooperation with the Food and Drug Administration recodification program, this document was issued by the Environmental Protection Agency under the authority of Reorganization Plan No. 3 of 1970. This plan, which was published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred to the Administrator of the Environmental Protection Agency the functions vested in the Secretary for Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348).

In this recodified document three sections of the regulations were omitted. Accordingly, the EPA is issuing the following correction to the March 28 reorganization and republication document.

The relationship of the new CFR section numbers assigned to the three previously omitted passages and the former section numbers assigned to them are shown below.

Old sec.:	*New sec.*
121.351	561.235
121.1266	123.25
121.1267	123.35

These three sections are republished below for the public's benefit and to insure proper indexing in 21 CFR 123 and 561.

Dated: June 13, 1975.

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

§ 561.235 2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate.

A tolerance of 0.5 part per million is established for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in sugar beet molasses, resulting from application of the herbicide to the growing sugar beets. Such residues may be present therein only as a result of the application of the herbicide to the growing sugar beets treated under an experimental program, which expires February , 1976, and on which said sugar beet roots and tops temporary pesticide tolerances for residues of the herbicide expiring the same date have been established. Residues remaining in or on the above commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/food additive tolerance.

§ 123.25 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one.

A tolerance of 3 parts per million is established for combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one and its triazinone metabolites in processed potatoes (including potato chips), resulting from application of the herbicide to the raw agricultural commodity potatoes.

§ 123.35 Benzene Hexachloride (BHC).

A tolerance of 5 parts per million is established for residues of the insecticide benzene hexachloride (BHC) in dehydrated peppers (paprika), resulting from application of the insecticide to growing peppers.

[FR Doc.75-16043 Filed 6-19-75;8:45 am]

[FRL 387-7; FAP5H5075/T1]

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Methoprene

On February 12, 1975, notice was given (40 FR 6532) that Zoecon Corp., 975 California Avenue, Palo Alto, CA 94304, had filed a feed additive petition (FAP

5H5075) with the Environmental Protection Agency (EPA). This petition proposed issuance of a feed additive regulation to provide for the safe use, in an experimental program, of the insect growth regulator methoprene (isopropyl (*E,E*)-11-methoxy-3,7,11 - trimethyl-2,4-dodecadienoate) in the complete feed of poultry in an amount not to exceed 0.0015 percent by weight of the complete feed.

The data in the petition and other relevant material have been evaluated. Residues of the insect growth regulator may result in eggs and meat, fat, and meat byproducts of poultry administered treated feed during the testing provided for by an experimental permit issued under the Federal Insecticide, Fungicide, and Rodenticide Act. The regulation (§ 561.282) should be amended to coincide with the experimental permit. (A document concerning the establishment of a temporary tolerance for methoprene in connection with this permit also appears in today's FEDERAL REGISTER.)

Any person adversely affected by this regulation may on or before July 21, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW., East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on the date of publication Part 561 is amended by revising § 561.282.

Dated: June 13, 1975.

(Sec. 409(c) (1) & (4) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 348(c) (1) & (4)] transferred to the administrator EPA in Reorganization Plan No. 3 (35 FR 15623)).

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

Section 561.282 is amended to include the use of methoprene as a feed additive in the complete feed of poultry.

§ 561.282 Methoprene.

(a) The feed additive methoprene (isopropyl (*E,E*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) may be safely used in accordance with the following prescribed conditions:

(1) It is used as a feed additive in the feed for cattle at the rate of 0.375 to 0.750 miligram per 100 pounds of body weight per month.

(2) It is used to prevent the breeding of hornflies in the manure of treated cattle.

(3) To ensure safe use of the additive, the label and labeling of the pesticide formulation containing this additive shall conform to the label and labeling registered by the U.S. Environmental Protection Agency.

(b) The feed additive methoprene may be safely used, in an experimental program, in accordance with the following prescribed conditions:

(1) It is used as a feed additive in the complete feed of poultry in an amount not to exceed 0.0015 percent by weight of the complete feed.

(2) It is used for control of fecal flies in manure of treated poultry.

(3) It is used only pursuant to the EPA experimental permit which expires June 13, 1976.

• • • • • •

[FR Doc.75-16044 Filed 6-19-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7362]

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

PART 17—TEMPORARY INCOME TAX REGULATIONS UNDER 26 U.S.C. 103(c)

Industrial Development Bonds

This document amends the Income Tax Regulations (26 CFR Part 1) under section 103(c) of the Internal Revenue Code of 1954, relating to industrial development bonds, as added by section 107(a) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 266) and contains Temporary Income Tax Regulations (26 CFR Part 17) relating to the definition of the term "solid waste disposal facilities" for purposes of section 103(c)(4)(E). Interest on an industrial development bond does not qualify for the exclusion from gross income under section 103(a)(1) of interest on State or local governmental obligations, subject to certain exemptions. Section 103(c)(4)(E) provides an exception in the case of an industrial development bond used to finance solid waste disposal facilities, so that interest on such an obligation may qualify for the exclusion under section 103(a)(1).

Paragraph 1 of the amendment revises subparagraphs (a) and (d) of § 1.103-8(f)(2)(ii) and revokes subdivisions (e) and (f) thereof. Paragraph 2 adds § 17.1 to chapter 1 of title 26. The purpose of the amendments is to delete the existing tests in the regulations for determining the extent to which a facility qualifies as a solid waste disposal facility and to provide new, temporary rules to be followed in making that determination.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Based on the foregoing, the following regulations are adopted:

Par. 1. Section 1.103-8(f)(2)(ii) is amended:

1. By revising the first sentence of subdivision (*a*);

2. By revising subdivision (*d*); and

3. By revoking subdivisions (*e*) and (*f*).

These new and revised provisions read as follows:

§ 1.103-8 Interest on bonds to finance certain exempt facilities.

• • • • • •

(f) *Certain public utility facilities.* • • •

(2) *Definitions.* • • •

(ii) (*a*) The term "solid waste disposal facilities" means any property or portion thereof used for the collection, storage, treatment, utilization, processing, or final disposal of solid waste. • • •

(*d*) For rules relating to property which has both a solid waste disposal function and a function other than the disposal of solid waste, see § 17.1 of this chapter.

• • • • • •

Par. 2. Section 17.1 is added to chapter 1 of title 26.

This new section reads as follows:

§ 17.1 Industrial development bonds used to provide solid waste disposal facilities; temporary rules.

(a) *In general.* Section 103(c)(4)(E) provides that section 103(c)(1) shall not apply to obligations issued by a State or local governmental unit which are part of an issue substantially all the proceeds of which are used to provide solid waste disposal facilities. Section 1.103-8(f) of this chapter provides general rules with respect to such facilities and defines such facilities. In the case of property which has both a solid waste disposal function and a function other than the disposal of solid waste, only the portion of the cost of the property allocable to the function of solid waste disposal (as determined under paragraph (b) of this section) is taken into account as an expenditure to provide solid waste disposal facilities. A facility which otherwise qualifies as a solid waste disposal facility will not be treated as having a function other than solid waste disposal merely because material or heat which has utility or value is recovered or results from the disposal process. Where materials or heat are recovered, the waste disposal function includes the processing of such materials or heat which occurs in order to put them into the form in which the materials or heat are in fact sold or used, but does not include further processing which converts the materials or heat into other products.

(b) *Allocation.* The portion of the cost of property allocable to solid waste disposal is determined by allocating the cost of such property between the property's solid waste disposal function and any other functions by any method which, with reference to all the facts and circumstances with respect to such property, reasonably reflects a separation of costs for each function of the property.

(c) *Example.* The principles of this paragraph may be illustrated by the following example:

Example. Company A intends to construct a new facility to process solid waste which City X will deliver to the facility. City X will pay a disposal fee for each ton of solid waste that City X dumps at the facility. The waste will be processed by A in a manner which

separates metals, glass, and similar materials. As separated, some of such items are commercially saleable; but A does not intend to sell the metals and glass until the metals are further separated, sorted, sized, and cleaned and the glass is pulverized. The metals and pulverized glass will then be sold to commercial users. The waste disposal function includes such processing of the metals and glass, but no further processing is included.

The remaining waste will be burned in an incinerator. Gases generated by the incinerator will be cleaned by use of an electrostatic precipitator. To reduce the size and cost of the electrostatic precipitator, the incinerator exhaust gases will be cooled and reduced in volume by means of a heat exchange process using boilers. The precipitator is functionally related and subordinate to disposal of the waste residue and is therefore property used in solid waste disposal. The heat can be used by A to produce steam. Company B operates an adjacent electric generating facility and B can use steam to power its turbine-generator. B needs steam with certain physical characteristics and as a result A's boilers, heat exchanger and related equipment are somewhat more costly than might be required to produce steam for some other uses. The disposal function includes the equipment actually used to put the heat into the form in which it is sold.

Company A intends to construct pipes to carry the steam from A's boiler to B's facility. When converted to such steam the heat is in the form in which sold, and therefore the disposal function does not include subsequent transporting of the steam by pipes. Similarly, if A installed generating equipment and used the steam to generate electricity, the disposal function would not include the generating equipment, since such equipment transforms the commercially saleable steam into another form of energy.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitations of subsection (d) of that section.

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

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: June 16, 1975.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.75-16163 Filed 6-17-75;4:14 pm]

[T.D. 7361]

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

Deduction for Certain Payments to the National Railroad Passenger Corporation

By a notice of proposed rule making appearing in the FEDERAL REGISTER for February 24, 1975 (40 FR 7933), amendments were proposed to conform the Income Tax Regulations (26 CFR Part 1) to amendments made to the Internal Revenue Code of 1954 by section 901 of the Rail Passenger Service Act (84 Stat. 1341), relating to the deduction for certain payments made to the National Railroad Passenger Corporation. Under the Act, in order to be relieved of the requirement of providing intercity rail passenger service, a railroad must, under a contract entered into under section 401 (a) of the Act, pay a set amount to the National Railroad Passenger Corporation ("the Passenger Corporation") which in exchange assumes the entire responsibility of the railroad to provide intercity rail passenger service. The railroad may then deduct the amount of these payments made to the Passenger Corporation if the railroad does not, except in limited circumstances, receive any stock of the Passenger Corporation in exchange for these payments. The deduction is subject to subsequent disallowance if the railroad acquires any stock of the Passenger Corporation at any time prior to the expiration of 36 months after the last payment is made under the contract to the Passenger Corporation.

Adoption of amendment to the regulations. On February 24, 1975, notice of proposed rule making with respect to amendment of the Income Tax Regulations (26 CFR Part 1) under section 250 of the Internal Revenue Code of 1954, relating to the deduction for certain payments made to the National Railroad Passenger Corporation, was published in the FEDERAL REGISTER (40 FR 7933). There were no matters presented by any person regarding the regulations as proposed. The amendment of the regulations is hereby adopted as proposed.

(Section 7805 of the Internal Revenue Code of 1954, 68A Stat. 917 (26 U.S.C. 7805))

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

Approved: June 16, 1975.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations to section 901 of the Rail Passenger Service Act (84 Stat. 1341), the regulations are hereby amended by inserting the following new sections immediately after § 1.249–1:

§ 1.250 Statutory provisions; certain payments to the National Railroad Passenger Corporation.

SEC. 250. *Certain payments to the National Railroad Passenger Corporation*—(a) *General rule.*—If—(1) any corporation which is a common carrier by railroad (as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3))) makes a payment in cash, rail passenger equipment, or services to the National Railroad Passenger Corporation (hereinafter in this section referred to as the Passenger Corporation) pursuant to a contract entered into under section 401(a) of the Rail Passenger Service Act, and

(2) no stock in the Passenger Corporation is issued at any time to such corporation in connection with any contract entered into under such section 401(a) then the amount of such payment shall (subject to subsection (c)) be allowed as a deduction for the taxable year in which it is made.

(b) *When payment is made.*—Under regulations prescribed by the Secretary or his delegate, a payment in rail passenger equipment shall be treated as made when title to the equipment is transferred, and a payment in services shall be treated as made when the services are rendered.

(c) *Effect of certain subsequent acquisitions of stock.*—(1) *Disallowance of deductions.*—If any deduction has been allowed under subsection (a) to a corporation and such corporation (or a successor corporation) acquires any stock in the Passenger Corporation (other than in a transaction described in section 374 or 381) before the close of the 36-month period which begins with the day on which the last payment is made to the Passenger Corporation pursuant to the contract entered into under such section 401(a), then such deduction shall be disallowed (as of the close of the taxable year for which it was allowed under subsection (a)).

(2) *Collection of deficiency.*—If any deduction is disallowed by reason of paragraph (1), then the periods of limitation provided in sections 6501 and 6502 on the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from such a disallowance, include one year following the date on which the person acquiring the stock which results in the disallowance (in accordance with regulations prescribed by the Secretary or his delegate) notifies the Secretary or his delegate of such acquisition; and such assessment and collection may be made notwithstanding any provision of law or rule of law which otherwise would prevent such assessment and collection.

(d) *Members of controlled group.*—Under regulation prescribed by the Secretary or his delegate, if a corporation is a member of a controlled group of corporations (within the meaning of section 1563), subsections (a)(2) and (c) shall be applied by treating all members of such controlled group as one corporation.

[Sec. 250 as added by sec. 901, Rail Passenger Service Act (84 Stat. 1341)]

§ 1.250–1 Deducation for certain payments to the National Railroad Passenger Corporation.

(a) *General rule*—(1) *Allowance of deduction.* The amount of a payment described in subparagraph (2) of this paragraph made to the National Railroad Passenger Corporation (hereafter called the "Passenger Corporation") by a corporation which is a common carrier by railroad, as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3)), shall be allowed as a deduction for the taxable year in which the payment is made. However, in accordance with paragraph (b) of this section, no deduction shall be allowed for the payment if the Passenger Corporation issues stock to the common carrier by railroad in connection with a contract described in subparagraph (2)(i) of this paragraph. A payment described in subparagraph (2)(i) of this paragraph which is not deductible under section 250 and this section may not be deducted under any other section of the Code or these regulations. See paragraph (c) of this section for the rules relating to when certain payments are treated as made to the Passenger Corporation. See paragraph (d) of this section for the rules relating to the disallowance of the deduction if certain subsequent acquisitions of stock of the Passenger Corporation occur. See paragraph (e) of this section for the rules

relating to treatment of all members of a controlled group as one corporation. This section applies only with respect to taxable years ending after October 30, 1970.

(2) *Payments eligible for deduction*—(i) *In general.* The deduction allowed by this section shall be allowed with respect to payments made in cash, rail passenger equipment, or services to the Passenger Corporation pursuant to a contract entered into under section 401 (a) of the Rail Passenger Service Act (84 Stat. 1334). The amount of the payments shall be the amounts provided under the contract between the Passenger Corporation and the common carrier by railroad.

(ii) *Rail passenger equipment.* For purposes of this section the term "rail passenger equipment" means depreciable tangible personal property used incident to the furnishing of rail passenger service. Such term does not include track, roadbed, real property or buildings.

(iii) For purposes of this section, the term "services" means the performance of activities for the benefit of the Passenger Corporation and includes the furnishing of the use of equipment or facilities to the Passenger Corporation where title to the equipment or facilities is not transferred to the Passenger Corporation. A grant of the use of track or roadbed shall be treated as the furnishing of services.

(3) *Special rules for payment in equipment and services*—(i) *Realization of income.* In the case of a payment to the Passenger Corporation in the form of equipment or services, the common carrier shall be treated as satisfying a fixed obligation with equipment or services and may, therefore, realize taxable income or a loss as a result of the payment. This rule may be illustrated by the following two examples:

Example (1). If a common carrier had a fixed obligation under a section 401(a) contract to make a payment of $500,000 to the Passenger Corporation and satisfied that obligation with equipment having an adjusted basis to the carrier of $200,000, the common carrier would realize $300,000 as a gain from the satisfaction of its obligation which would be taxable to the common carrier. To the extent provided in section 1245 and the regulations thereunder, the gain would be taxed as ordinary income. Thus, the common carrier would be allowed a deduction of $500,000 for the payment made to the Passenger Corporation and would include in income the amount of $300,000 as a capital gain or ordinary income, as the case may be, arising from satisfaction of its fixed obligation by transfer of the equipment.

Example (2). If a common carrier had a fixed obligation under a section 401(a) contract to make a payment of $500,000 to the Passenger Corporation and satisfied that obligation by providing to the Passenger Corporation services consisting of the use of a passenger train over a specified route on a specified schedule for a period of one year, the common carrier would realize $500,000 of income from the satisfaction of its obligation, to be reduced by its costs and expenses incurred in rendering these services in determining taxable income. Thus, the common carrier would be allowed a deduction of $500,000 for the payment made to the Passenger Corporation and would include in taxable income arising from the satisfaction of its fixed obligation by the performance of services an amount equal to $500,000 reduced by such costs and expenses.

(b) *Stock issued in connection with the contract.* No deduction shall be allowed under this section with respect to a payment in cash, rail passenger equipment, or services to the Passenger Corporation if, in connection with a contract described in paragraph (a)(2)(i) of this section, stock of the Passenger Corporation is issued to the common carrier making such payment. Under section 401(a)(2) of the Rail Passenger Service Act, a common carrier which enters into a contract with the Passenger Corporation receives common stock of the Passenger Corporation unless it waives all rights to receive the stock in exchange for the payments it makes under the contract. For this reason, no deduction shall be allowed under this section with respect to the payments unless the common carrier waives all rights to receive the stock in exchange for the payments.

(c) *Determination of time of payment in equipment and services*—(1) *Equipment.* A payment in rail passenger equipment shall be treated as made when title to the equipment is transferred to the Passenger Corporation or for its benefit.

(2) *Services.* A payment in services shall be treated as made when the services are rendered to the Passenger Corporation or for its benefit.

(d) *Effect of certain subsequent acquisitions of stock*—(1) *Disallowance of deduction*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, a deduction which has been allowed under this section to a common carrier shall be disallowed if the corporation, or a successor corporation as defined in subparagraph (2) of this paragraph, acquires any stock of the Passenger Corporation before the close of the 36-month period commencing on the day on which the last payment under the contract described in paragraph (a)(2)(i) of this section is made. The disallowance of the deduction shall be effective as of the close of the taxable year for which it was claimed under this section. An amended income tax return shall be filed by the common carrier, or successor corporation, for that year disclosing the acquisition of the stock and disallowance of the deduction, and additional tax, if any, for the year shall be paid. See subparagraph (3) of this paragraph for rules relating to the assessment and collection of a deficiency from such disallowance.

(ii) *Exceptions.* The rules of subdivision (i) of this subparagraph shall not apply if stock in the Passenger Corporation is acquired in a corporate acquisition to which section 381 and the regulations thereunder apply or in a railroad reorganization to which section 374 and the regulations thereunder apply.

(2) *Successor corporation.* For purposes of subparagraph (1) of this paragraph, the term "successor corporation" means any corporation which acquires assets of the common carrier having a fair market value in excess of one-half the fair market value of all the assets of the common carrier held immediately before the acquisition, where 50 percent or more of one or more classes of voting stock of the corporation is owned, directly or indirectly, at the time of the acquisition by one or more persons who, at any time during the taxable year or years that the common carrier was allowed a deduction under this section, owned, directly or indirectly, 50 percent or more of one or more classes of the voting stock of the common carrier. For purposes of this subparagraph, a person will be considered to own indirectly 50 percent or more of a class of the voting stock of a corporation if the person owns 50 percent or more of a class of the voting stock of another corporation which owns 50 percent or more of a class of the voting stock of the corporation.

(3) *Collection of deficiency.* If a deduction is disallowed under subparagraph (1) of this paragraph, the periods of limitation provided in sections 6501 and 6502 for the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from the disallowance of the deduction, be extended to one year after the date on which the common carrier or successor corporation, which acquired the stock of the Passenger Corporation files an amended income tax return in accordance with paragraph (d)(1)(i) of this section. Such assessment and collection may be made notwithstanding any rule of law which otherwise would prevent such assessment and collection.

(e) *Members of controlled group.* For purposes of paragraphs (b) and (d) of this section, all members of a controlled group of corporations, as defined in section 1563 and the regulations thereunder, shall be treated as one corporation. Thus, no deduction for a payment shall be allowed to any member of a controlled group if any other member of the controlled group receives stock in the Passenger Corporation in exchange for the payment in connection with a contract described in paragraph (a)(2) of this section.

[FR Doc.75-16165 Filed 6-19-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

Wage Order and Increases in Wage Rates; Corrections

In FR Doc. 74-18782 on page 29354 there were omitted in § 694.1 subparagraphs (4), (5), (6) and (7) of paragraph (c) involving recommendations of Industry Committee No. 15 for Newly Covered Employment in the Virgin Islands relating to industries in which no workers were found and for which the state-side rates were required, namely,

those in section 6(b) of the Act for nonagricultural industries and those in section 6(a)(5) for agricultural workers. Accordingly, the recommendations of the Committee for the small telegraph agencies classifications, the processing of shade grown tobacco classification, the small logging operation classification and the agricultural employees of large conglomerates classification are added as subparagraphs (4), (5), (6) and (7) of paragraph (c) of § 694.1 to the wage order as follows:

§ 694.1 Wage rates.

• • • • •

(c) • • •

(4) *Small telegraph agencies classifications.* (i) The minimum wage rate for this classification is $1.90 an hour for the period ending December 31, 1974. Since the mainland rate has been attained, the rates specified in section 6(b) of the Act now apply, namely, $2.00 an hour during the year ending December 31, 1975; $2.20 an hour during the year beginning January 1, 1976; and $2.30 an hour after December 31, 1976.

(ii) This classification is defined to include employees engaged in handling telegraphic messages for the public where revenue does not exceed $500 a month.

(5) *Processing of shade-grown tobacco classification.* (i) The minimum wage rates for this classification is $1.60 an hour for the period ending December 31, 1974. Since the mainland rate has been attained the rates specified in section 6(a)(5) now apply, namely, $1.80 an hour during the year beginning January 1, 1975; $2.00 an hour during the year beginning January 1, 1976; $2.20 an hour during the year beginning January 1, 1977; and $2.30 an hour after December 31, 1977.

(ii) This classification is defined to include agricultural employees engaged in processing shade-grown tobacco prior to stemming.

(6) *Small logging operations classification.* (i) The minimum wage rate for this classification is $1.60 an hour for the period ending December 31, 1974. Since the mainland rate has been attained the rates specified in section 6(a)(5) now apply, namely, $1.80 an hour during the year beginning January 1, 1975; $2.00 an hour during the year beginning January 1, 1976; $2.20 an hour during the year beginning January 1, 1977; and $2.30 an hour after December 31, 1977.

(ii) This classification is defined to include employees in forestry or lumbering operations where the number of employees is eight or less.

(7) *Agricultural employees of large conglomerates.* (i) The minimum wage rate for this classification is $1.60 an hour for the period ending December 31, 1974. Since the mainland rate has been attained the rates specified in section 6(a)(5) now apply, namely, $1.80 an hour during the year beginning January 1, 1975; $2.00 an hour during the year beginning January 1, 1976; $2.20 an hour during the year beginning January 1, 1977; and $2.30 an hour after December 31, 1977.

(ii) This classification is defined to include agricultural employees of conglomerates with an annual gross volume of sales exceeding $10,000,000 regardless of the number of employees engaged in agriculture.

Signed at Washington, D.C., this 13th day of June 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, Department of Labor.

[FR Doc.75-16039 Filed 6-19-75;8:45 am]

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER D—FINANCIAL MANAGEMENT

[FMC 74-7, Supp. 1]

PART 256—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS

Administrative Requirements for Grants to State and Local Governments

The General Services Administration hereby amends Part 256, Subchapter D, Chapter II of Title 34, Code of Federal Regulations, to clarify the term "technical assistance" and to amend appendix O, Procurement Standards, to further simplify procedures in the procurement of property and services by grantees.

This document revises § 256.5(a) and appendix O to Part 256. Specifically, it defines the term "technical assistance" and provides that purchases and contracts for property and services in amounts of $10,000 or less may be negotiated. The previous limitation was $2,500.

1. Section 256.5 is amended by revising paragraph (a) to read as follows:

§ 256.5 Definitions.

For the purposes of this part:

(a) The term "grant" or "grant-in-aid" means money or property in lieu of money paid or furnished by the Federal Government to a State or local government under programs that provide financial assistance through grant or contractual arrangements. The term does not include technical assistance programs which provide services instead of money or other assistance in the form of general revenue sharing, loans, loan guarantees, or insurance.

• • • • •

2. Appendix O, Procurement Standards, is amended as follows:

APPENDIX O

PROCUREMENT STANDARDS

• • • • •

3. • • •

c. • • •

(5) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (6) is necessary to accomplish sound procurement. However, procurements of $10,000 or less need not be so advertised unless otherwise required by State or local law or regulations. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price and other factors considered. (Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the grantee. Any or all bids may be rejected when it is in the grantee's interest to do so and when such rejections are in accordance with applicable State and local law, rules, and regulations.

• • • • •

(6) • • •

(c) The aggregate amount involved does not exceed $10,000;

• • • • •

(8) Procurement records or files for purchases in amounts in excess of $10,000 shall provide at least the following pertinent information: Justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated.

• • • • •

4. • • •

a. Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances in which contractors violate or breach contract terms and provide for such remedial actions as appropriate.

b. All contracts, amounts for which are in excess of $10,000, shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe the conditions under which the contract may be terminated for default as well as conditions by which the contract may be terminated because of circumstances beyond the control of the contractor.

• • • • •

1. All negotiated contracts (except those of $10,000 or less) awarded by grantees shall include a provision to the effect that the grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

• • • • •

(E.O. 11717 (38 FR 12315, May 11, 1973))

Effective Date. This regulation is effective June 6, 1975.

Dated: June 6, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-15684 Filed 6-19-75;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 383-2]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Source Surveillance

On May 31, 1972 (37 FR 10846), the Administrator published his initial approval/disapproval of State implementation plans under the Clean Air Act. At

that time, general explanations of the intent of each area in which the Administrator had acted were set forth.

Specifically, with respect to source surveillance, the Administrator indicated that each subpart of Part 52 identifies those provisions for source surveillance which are disapproved and sets forth the Administrator's promulgation of necessary provisions for requiring sources to maintain records, make reports, and submit information. In addition, it was indicated that no specific provisions are promulgated for testing, inspection, investigation or detection, but that detailed critiques of such portions are provided to the State. Further, the May 31, 1972, FEDERAL REGISTER indicated which testing procedures should be used for various emission limitations for purposes of Federal enforcement. Specifically, compliance with any regulation contained in a State implementation plan (SIP) which contains an approvable test procedure shall be tested by that procedure, and compliance with any regulation contained in an SIP which contains no test procedure or any Federally promulgated regulation shall be tested in accordance with the procedures of 40 CFR Part 60.

A change to § 52.12 of this part is being made below to correct an inconsistency which developed as a result of the recent EPA promulgation controlling a nonferrous smelter. Such regulations specify the testing methods and procedures to be employed in determining compliance with the regulation instead of referencing the test methods and procedures specified in 40 CFR Part 60. The existing § 52.12 indicates that all sources subject to Federal regulations will be tested in accordance with the test methods and procedures set forth in the Appendix to Part 60 of this chapter. The purpose of this action is to correct this inconsistency by revising section 52.12 to indicate that compliance with Federally promulgated regulations will be tested by means of the methods and procedures set forth in Part 60 of this chapter unless otherwise specified in Part 52 of this chapter.

The Agency finds that good cause exists for not providing for notice and public comments on this action and for making it effective immediately upon publication for the following reasons:

1. The change does not impose any additional requirements on any source or source categories but rather corrects an existing inconsistency in the 40 CFR Part 52 regulations.

2. The Federal regulations which created the inconsistency were subjected to adequate public hearing and comments, and further participation would be unnecessary and impracticable.

Dated: June 13 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart A—General Provisions

In § 52.12, paragraph (c) is revised to read as follows:

§ 52.12 Source surveillance.

* * * * *

(c) For purpose of Federal enforcement, the following test procedures shall be used:

(1) Sources subject to plan provisions which do not specify a test procedure and sources subject to provisions promulgated by the Administrator will be tested by means of the appropriate procedures and methods prescribed in Part 60 of this chapter; unless otherwise specified in this Part.

(2) Sources subject to approved provisions of a plan wherein a test procedure is specified will be tested by the specified procedure.

[FR Doc.75-16039 Filed 6-19-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE
SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. 286]

PROPOSED GENERAL INCREASES IN FREIGHT RATES AND PASSENGER FARES

Adequate Notice and Furnishing of Data to the Public

On October 27, 1972, there was published in the FEDERAL REGISTER (37 FR 22993) a notice of proposed rulemaking pertaining to the adequacy of existing regulations governing notice and furnishing of data to the public in connection with proposed general increases in freight rates and passenger fares. Specific changes set forth in the notice were directed at both rail and motor transportation, and freight as well as passenger service, and intended to supplement the diverse existing requirements. Many comments were received and given due consideration, and the regulations have been modified accordingly.

As a result, regulations pertaining to general increases in freight rates, rail and motor, have been expanded to also require that the carriers (1) make available a summary, drafted in layman's terminology, of their increase proposal; (2) provide wider notice of the proposal through mandatory news releases to the major news wire services and principal newspapers to be made in accordance with a prescribed format; and (3) serve their proposal as well as the supporting justification on State regulatory agencies and on regional and district offices of the Commission where the proposal, the summary, and the statement of justification will be available for public inspection.

Insofar as passenger fare increases, greater notice to the public is being assured by (1) enlarging the size and number of signs regarding such proposals the carriers are required to post; (2) requiring service of the proposal and the carriers' statement of justification on Governors, and on State and county transportation agencies; and (3) expanding the application of certain notice requirements to also encompass intercity passenger service. Other additional changes include revision of the content of the signs the carriers are required to post and a reduction in the number of copies an individual opposing an increase must furnish the Commission, thereby removing an obstacle to opposition.

These changes are issued under authority of sections 6, 13, 204(c), 216(e), and 217 of the Interstate Commerce Act (49 U.S.C. 1 et seq.) and sections 553 and 559 of the Administrative Procedures Act (5 U.S.C. 553 and 559).

Issued in Washington, D.C., May 16, 1975.

ROBERT L. OSWALD,
Secretary.

Regulations, Chapter X, as follows:

1. Revise Part 1102 to read as follows:

PART 1102—PROCEDURES GOVERNING RAIL CARRIER GENERAL INCREASE PROCEEDINGS

Sec.

AUTHORITY: (49 U.S.C. 15(7), 17(3); 5 U.S.C. 533(b))

§ 1102.1 Filing of tariff schedules, petitions and verified statements.

Upon the filing of tariff schedules containing proposed increases in railroad rates or charges applicable for the account of substanitally all common carriers by railroad in the United States or in any of the three primary ratemaking territories, that is; Eastern, Western, or Southern, or of a petition seeking authority to file such schedules and relief from outstanding orders of the Commission, or other relief connected therewith, the carriers on whose behalf said schedules or petitions are filed shall, concurrently therewith, file and serve as provided herein, verified statements presenting and comprising the full and entire evidential case relied on in support of the proposed increase. These statements will be considered as submitted in evidence as basis for a decision by the Commission on the merits of the issues. Included within the verified statements required herewith will be copies of a news release and a summary of the increase proposal as hereinafter described:

(a) *News release.* A news release regarding the increase proposal will be prepared so that the public in general may be apprised of the proposal, and pursuant to this purpose will contain as a minimum essentially the following:

(1) A statement directed to the editor of a newspaper indicating that the news release has been prepared in accordance with regulations of the Interstate Commerce Commission and requesting that the information being forwarded be given prominent placement in the newspaper so that as large a segment as possible of the public in general may be apprised of the increase proposal.

(2) A description in language sufficient to apprise a reader who is not an expert in transportation matters, of the

nature of the proposal including the amount of increase, the proponent(s), its geographic scope, and in general terms any holddowns, flagouts, or exceptions.

(3) A statement summarizing the supporting rationale for the increase including why it is needed, what it will accomplish, and in general terms accounting for the presence of the holddowns, flagouts, and exceptions.

(4) A statement indicating that copies of the proposal and supporting evidentiary material have been forwarded to regional and district offices of the Commission and State regulatory agencies responsible for such matters in all States served by the carrier and affected by the proposal; and indicating that the public may obtain copies of these documents by writing to "(*Here the name and address of the carrier or publishing agent will be inserted*)."

(b) *Summary.* A summary of the increase proposal, drafted in language directed at a reader who is not an expert in transportation matters, will be prepared in sufficient detail to apprise such a reader of the nature of the increase proposal. Pursuant to this purpose, included within the contents of the summary will be the following:

(1) A general description of the essentials of the increase proposal including its proponent(s), effective date, geographic scope, the amount of the increase, and a general description of holddowns, flagouts, and exceptions.

(2) A summary of the supporting rationale for the increase including why it is needed, what it will accomplish and an explanation in general terms for the presence of the holddowns, flagouts, and exceptions.

(3) A statement indicating that copies of the proposal and the entire evidentiary case in support thereof have been forwarded to regional and district offices of the Commission and to the State regulatory agencies responsible for such matters in all States served by the carrier and affected by the proposal; and

(4) A statement as follows: "The proposed tariff* contains the only legal terms of the increase binding on the parties." [*"(A)nd/or petition" if applicable]

§ 1102.2 Service of verified statements on the Commission.

The original and 24 copies of each such verified statement for the use of the Commission shall be sent to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. One copy of each statement, excluding the news release, shall be sent by first-class mail to each regional and district office of the Commission where it will be open to public inspection.

§ 1102.3 Service of verified statements on the public.

(a) Concurrently with the filing of the petition and verified statements:

(1) A copy of the proposal, the evidentiary case in support thereof, and the summary shall be mailed by first-class mail to each party of record in the last prior general increase proceeding, and to regional and district offices of the Commission and State regulatory agencies responsible for such matters in all States served by the carrier and affected by the proposal. Where service is made by mail, the statements shall be mailed in time to be received on the date the original is filed with the Commission. A copy of each such statement, including the summary referred to above, shall be furnished to any interested person upon request.

(2) A copy of the news release, whose contents are described in § 1102.1 above, will be transmitted to the major news wire services and the principal newspaper of general circulation in the capitol and four largest cities of all States served by the carrier and affected by the proposal. For the purpose of this requirement, the principal newspaper of general circulation is that newspaper of general circulation published in a city having the largest average daily circulation. Where service is made by mail, the news release shall be mailed in time to be received on the date the original is filed with the Commission.

(b) The fact of service as herein required shall be evidenced by a certificate of service filed with the petition.

§ 1102.4 Verification of statements.

Each verified statement shall be signed in ink by the affiant and verified (notarized) in the manner provided by Rule 50 and Form No. 6 of the Commission's general rules of practice. The post office address of the affiant or his counsel shall be shown. The provisions in this part supersede the provisions of the general rules of practice, Part 1100 of this chapter, to the extent inconsistent therewith.

2. Revise Part 1104 to read as follows:

PART 1104—PROCEDURES TO BE FOLLOWED IN MOTOR CARRIER REVENUE PROCEEDINGS

Sec.

AUTHORITY: (49 U.S.C. 305(h), 316g, 316i; 5 U.S.C. 553v).

§ 1104.1 Application.

(a) Upon the filing by the tariff publishing agencies named hereinafter on behalf of their motor common carrier members, or by such other agencies as the Commission may by order otherwise designate, of agency tariff schedules which contain: (1) Proposed general increases in rates or charges on general freight where such proposal would result in an increase of $1 million or more in the annual operating revenues on the traffic affected by the proposal; or (2) a proposed general adjustment with the objective of restructuring the rates on a wide range of traffic, involving both increases and reductions in rates and charges, where such proposal would result in a net increase of $1 million or more in annual operating revenues, the motor common carriers of general freight on whose behalf such schedules are filed shall, concurrently with the filing of those tariff schedules, file and serve, as provided hereinafter, a verified statement presenting and comprising the entire evidential case which is relied upon to support the proposed general increase or rate restructuring. Carriers thus required to submit their evidence when they file their schedules are hereby notified that special permission to file those schedules shall be conditioned upon the publishing of an effective date at least 45 days later than the date of filing, to enable proper evaluation of the evidence presented. Data to be submitted in accordance with §§ 1104.2–1104.5 represent the minimum data required to be filed and served, and in no way shall be considered as limiting the type of evidence that may be presented at the time of filing of the schedules. If a formal proceeding is instituted, the carriers are not precluded from updating the evidence submitted at the time of filing of the schedules to reflect the contemporary situation.

(b) The motor common carriers of general freight which are subject to the provisions of this section are those which are members of the following tariff publishing agencies:

Central and Southern Motor Freight Tariff Association, Inc.
Central States Motor Freight Bureau, Inc.
The Eastern Central Motor Carriers Association, Inc.
Middle Atlantic Conference.
Middlewest Motor Freight Bureau.
The New England Motor Rate Bureau, Inc.
Pacific Inland Tariff Bureau, Inc.
Rocky Mountain Motor Tariff Bureau, Inc.
Southern Motor Carriers Rate Conference.
Southwestern Motor Freight Bureau, Inc.

(c) Upon the filing of tariff schedules other than those described hereinabove, the carriers or their tariff publishing agencies shall be required to comply with such procedures as the Commission may direct in the event an investigation is instituted. In any proceeding involving a proposed rate restructuring which would produce additional net revenue of less than $1 million the carriers will be required to submit only the data sought in §§ 1104.2 and 1104.3. Nothing stated in this part shall relieve the carriers of their burden of proof imposed under the Interstate Commerce Act.

§ 1104.2 Traffic study.

(a) The respondents shall submit a traffic study for the most current 12-month calendar year available, which shall be referred to as the "base calendar year—actual." This year shall be the calendar year that has ended at least 7 months prior to the published effective date of the tariff schedules. If the effective date is less than 7 months following

the end of the preceding calendar year, then the second preceding calendar year shall be considered as the "base calendar year—actual." The study shall include a probability sampling of the actual traffic handled during identical time periods for each study carrier.

(b) The study carriers shall consist of those carriers subject to the requirements for allocation of expenses between line-haul and pickup and delivery services, as provided in Part 1207 of this chapter. Instructions 27 and 9002, which participate in one of the motor carrier industry's Continuous Traffic Studies, and which derive either $1 million or more in annual operating revenues from this issue traffic or 1 percent or more of the total annual operating revenues of all carriers from the issue traffic. A list of such carriers and the appropriate revenue data shall be submitted to corroborate the selection of the study carriers. "Issue traffic" consists of those shipments on which the freight rates or charges would be affected by the rate proposal.

(c) Respondents shall take a sample of the traffic handled by the study carriers according to acceptable standards of probability sampling principles and practices, and shall explain and evaluate the probability sample from the standpoint of: Purpose, sample design (including explanation of estimation procedure and disclosure of sampling errors for derived characteristics), quality control aspects involved in processing and tabulating data and any statistical analysis performed on the sampled data.[1]

(d) For cost and revenue purposes, the "carried" traffic basis shall be used. "Carried" traffic means the issue traffic handled solely by the study carriers, either single-line or interline. Estimates of current revenues applicable to the issue traffic should reflect all rates and charges in effect no later than 45 days prior to the date of the tariff filing.

§ 1104.3 Cost study.

(a) The respondents shall submit a cost study. Highway Form B may be used for this purpose. Service unit-costs shall be developed for each individual study carrier, adjusted by size of shipment and length of haul, and shall be applied to respective individual carrier's traffic service units as developed from its traffic study. Operating ratios shall be determined for the issue traffic handled by the study carriers on the "carried" basis by individual weight brackets included within the rate proposal, for: (1) The traffic study year, that is, the "base calendar year—actual," as hereinbefore defined; (2) a "present proforma year" reflecting conditions prevailing on a date no later than 45 days prior to the date of the tariff filing; and (3) a "restated proforma year" based on conditions anticipated on the effective date of the proposed rates, with a separation-indicating projected operating ratios on two bases, namely, "based on current revenues," and "based on proposed revenues." Operating ratios shall also be shown for all other traffic not affected by the rate proposal for the same weight brackets as shown for the issue traffic, but only for the period indicated in paragraph (a) (1) of this section.

(b) In addition to the operating ratios, the cost study shall also be used to develop and provide the revenue-to-cost comparisons required in Appendix A for the same time periods indicated for the operating ratios plus a "restated proforma year" based on constructed revenue need.

(c) For both the operating ratios and the revenue-to-cost comparisons in appendix A the "each-to-each" costing method, i.e., the application of each individual study carrier's unit-cost to its traffic service units, applies only to the "base calendar year—actual." The application of possible labor and nonlabor cost increases for the purpose of updating the "base calendar year—actual" cost data may be accomplished by the use of either indiivdual carrier data for each of the study carriers, or the composite carrier data for those study carriers whose revenues from the issue traffic amount to 50 percent or more of their total system revenues for the "base calendar year—actual." The sample values for expenses and revenues shall be expanded to full year values without adjustments to known annual report figures of any carrier.

(d) Where cost studies are developed through the use of computer processing techniques, there shall be submitted a manual application of the costing procedures used for one traffic and cost study carrier (study carrier) in order to demonstrate the procedures by which the computer program distributes the annual report statistics, and applies service unit-costs to each shipment. An illustration of the application of service unit-costs to the applicable traffic service units generated by one single-line sample shipment and by one interline sample shipment shall also be submitted. These sample shipments shall be on the "carried" basis.

§ 1104.4 Revenue need.

Traffic and cost study carriers, i.e., the study carriers, shall submit evidence of the sum of money, in addition to operating expenses, including that needed to attract debt and equity capital, which they require to insure financial stability and the capacity to render service. This evidence shall include data required by Appendix A, parts I and II, and Appendix B.

§ 1104.5 Affiliate data.

Each individual traffic and cost study carrier having transactions with affiliates, subject to the reporting requirements of schedules 9009–A and 9009–B in the annual report for Class I motor carriers, shall submit appropriate data and analyses reflecting the effect on the parent carrier's profits of transactions with affiliates. Such data and analyses shall be adequately supported, and there shall be submitted such underlying data as will permit a reconciliation of these data to the data supplied in the appropriate schedules of each carrier's annual report.

§ 1104.6 Summary of the increase proposal.

The respondents shall submit a summary of the increase proposal, drafted in language directed at a reader who is not an expert in transportation matters and prepared in sufficient detail to apprise such a reader of the nature of the increase proposal. Pursuant to this purpose the summary will essentially contain the following:

(a) A general description of the increase proposal including its proponent(s), effective date, geographic scope, the amount of the increase, and a general description of holddowns, flagouts, and exceptions.

(b) A summary of the supporting rationale for the increase including why it is needed, what it will accomplish, an explanation in general terms for the presence of the holddowns, flagouts, and exceptions found therein; and as applicable, conclusions reached (1) in the traffic study, (2) in the cost study, (3) concerning the effect of transactions with affiliates on the parent's revenue need, and (4) with regard to the sum of money which the carrier asserts it requires to insure its financial stability.

(c) A statement indicating that copies of the propsal, the entire evidentiary case in support thereof, and this summary have been furnished to regional and district offices of the Commission and to the State regulatory agency responsible for such matters in all States served by the carrier and affected by the proposal.

(d) A statement as follows: "The proposed tariff* contains the only legal terms of the increase binding on the parties." (*"(A)nd/or petition" if applicable.)

§ 1104.7 News release.

The respondents shall submit a notice of the increase proposal, suitable for forwarding as a news release, and prepared so that the public in general may be apprised of the increase proposal; and which pursuant to this purpose as a minimum will contain essentially the following:

(a) A statement directed to the editor of a newspaper stating that the news release has been prepared in accordance with regulations of the Interstate Commerce Commission so that the public in general may be apprised of the increase proposal, and requesting that the information being forwarded be given prominent placement in the newspaper so that as large a segment as possible of the public in general may be apprised thereof.

(b) A description, in language sufficient to apprise a reader who is not an expert in transportation matters, of the nature of the proposal—including the amount of the increase, the proponent(s), its geographic scope, and, in

[1] Although not adopted by the Commission, attention is called to a staff report, "Guidelines for the Presentation of the Results of Sample Studies," Feb. 1, 1971, available from the Superintendent of Documents.

general terms, holddowns, flagouts, and exceptions.

(c) A statement summarizing the supporting rationale for the increase, including why it is needed, what it will accomplish, and, in general terms, accounting for the presence of the holddowns, flagouts, and exceptions.

(d) A statement indicating that copies of the proposal, the evidentiary case in support thereof, and a summary statement have been forwarded to regional and district offices of the Commission and to the State regulatory agency responsible for such matters in all States served by the carrier and affected by the proposal; and indicating that the public may also obtain copies of those documents by writing to "(*Here the name and address of the carrier or publishing agent will be inserted*)."

§ 1104.8 Official notice.

The Commission will take official notice of all of the proponent carriers' annual and quarterly reports on file with the Commission.

§ 1104.9 Service.

(a) The detailed information called for herein shall be in writing and shall be verified by a person or persons having knowledge thereof. The original and 16 copies of each verified statement (including the summary and the news release) for use by the Commission shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

(b) One copy of each statement excluding the news release, shall be sent by first-class mail (1) to each of the regional and district offices of the Commission in the area affected by the proposed increase, where it will be open to public inspection; (2) to the State regulatory agency responsible for such matters in States served by the carrier and affected by the proposal; and (3) to each party of record in the last formal proceeding concerning a general rate increase in the affected area or territory.

(c) A copy of the news release will be transmitted to the major news wire services and the principal newspaper of general circulation in the capital and four largest cities of each State served by the carrier and affected by the proposal. For the purpose of this requirement, the principal newspaper of general circulation is that newspaper of general circulation published in a city having the largest average daily circulation. Where such service is made by mail, the news release shall be mailed in time to be received on the date the original is filed with the Commission.

(d) Otherwise, the service requirements of Rule 22 of the Commission's General Rules of Practice shall be observed. Information with respect to carrier affiliates may be served on the parties in summary form, if so desired. A copy of each statement shall be furnished to any interested person on request.

§ 1104.10 Availability of underlying data.

All underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so, and shall be made available to the Commission upon request therefor. The underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination. Since Appendix A.

3. Add as Part 1105, the following:

PART 1105—PROCEDURES TO BE FOLLOWED IN RAIL AND MOTOR COMMUTATION OR SUBURBAN PASSENGER FARE INCREASES

Sec.

AUTHORITY: (49 U.S.C. 6, 13, 15(7), 17(3), 305(e), 316(e), 316(g), 316(i), 317(a), 317(c); 5 U.S.C. 553(b))

§ 1105.1 Filing of tariff schedules and verified statements.

Upon the filing of tariff schedules containing proposed increases in rail and motor commutation or suburban passenger fares, the carrier shall concurrently therewith, file and serve as provided herein, verified statements presenting and comprising the full and entire evidentiary case relied on in support of the proposed increase. These statements will be considered as submitted in evidence as basis for a decision by the Commission on the merits of the issues.

§ 1105.2 Service of verified statements on the Commission.

The original and 24 copies of each such verified statement for the use of the Commission shall be sent to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. One copy of each statement shall be sent by first-class mail to each of the regional and district offices of the Commission in States served by the carrier and affected by the proposal, where it will be open to public inspection.

§ 1105.3 Service of verified statements on the public.

Concurrently with the filing of the tariff schedules and verified statements on the Commission, a copy of each shall be mailed by first-class mail to the Governor and the State's agency responsible for such matters, and to county transportation agencies—where existent, in States and counties served by the carrier and affected by the proposal. The fact thereof shall be evidenced by a certificate of service filed with the petition.

§ 1105.4 Certification of service of notice.

The carrier will certify that it has furnished notice of the fare increase proposal in accordance with the requirements of part 1303.34(j) or 1306.6(e), as applicable.

§ 1105.5 Verification of statements.

Each verified statement shall be signed in ink by the affiant and verified (notarized in the manner provided by Rule 50 and Form No. 6 of the Commission's General Rules of Practice. The post office address of the affiant or his counsel shall be shown. The provisions in this part supersede the provisions of the General Rules of Practice, Part 1100 of this chapter, to the extent inconsistent therewith.

PART 1303—PASSENGER SERVICE SCHEDULES RAIL AND WATER CARRIERS

4. Revise § 1303.34(j) (1) and (2) and add paragraphs (j)(5), (6) and (k) as follows:

§ 1303.34 Posting of tariffs.

* * * * *

(j) * * *

(1) Each carrier of passengers whose passenger operations over regular routes are confined solely to surburban service also shall notify the public of any proposal to increase its local regular-route fares by means of a notice posted in a conspicuous place in each station where tickets are sold, and in at least two conspicuous places, one in the forward and one in the rear section, in each rail passenger car or motorbus in which such commutation tickets are good for passage.

(2) The notice required by paragraph (j)(1) of this section shall be not less than 240 square inches in size, printed in type sufficiently large to permit of its being read under ordinary conditions by passengers seated in the conveyance, and, except as provided in paragraph (j)(3) of this section shall contain substantially the following legend:

NOTICE OF INCREASED FARES

(Name of Carrier)

This carrier has filed with the Interstate Commerce Commission, tariffs proposing increases in fares, effective (Date) for ---

---

(Here describe briefly and generally the kind of transportation, points or localities affected, and the increases proposed.)

Further information as to the proposed increase (including the carrier's statement of justification thereof) will be on file at the regional and district offices of the Commission in each State served by the carrier and affected by the proposal, at any of this carrier's offices where such transportation is sold, and at its general offices. ---

---

(Here give street address, city, and telephone number)

A copy of the carrier's proposal and statement of justification has been mailed to the Governor and the State's regulatory agency responsible for such matters, and to county transportation agencies—where existent, in States and counties served by the carrier and affected by the proposal.

Under the law any interested person may protest to the Commisison and request suspension of the increased fares. The Commission's rules require that one copy of the protest shall be filed at its office in Washington, D.C., at least twelve* (12) days before the effective date of the increased fares and

should indicate in what respect the fares are considered objectionable. The rules also require that a copy of the protest be simultaneously mailed to _____

_____

(Here name the carrier proposing the increased fares)

•In the event the increased fares are published on less than thirty (30) days' notice, the words "at least twelve (12) days" should read "as promptly as possible."

• • • • •

(5) A copy of each notice shall be mailed by first-class mail to the Governor and the State agency responsible for such matters, and to county transportation agencies—where existent, in all States and counties served by the carrier and affected by the proposal.

(6) A copy of each notice shall be transmitted in the form of a news release to the principal daily newspaper of general circulation in each municipality in which the carrier takes on or discharges passengers affected by the proposal and which has a population over 25,000. For the purpose of this requirement, a principal newspaper of general circulation is that newspaper of general circulation published in the community having the largest average daily circulation, and in any event shall also include all newspapers of general circulation published therein having an average daily circulation greater than 25,000. In the event that no daily newspaper of general circulation is published in the community, then the notice will be transmitted to the weekly newspaper published therein having the largest circulation.

(k) Notice of proposed increases in fares for intercity and other long-haul service.

Each carrier of passengers engaged in intercity and other long-haul service shall notify the public of any proposal to increase its fares by posting notices in accordance with the requirements governing suburban service set forth in paragraph 1303.34(j) above, except that the following matter will be omitted from the contents of the notices required therewith: "A copy of the carrier's proposal and statement of justification has been mailed to the Governor and the State's regulatory agency responsible for such matters, and to county transportation agencies—where existent, in States and counties served by the carrier and affected by the proposal."

PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

5. Revise § 1306.6(e) (1) and (2) and add paragraphs (e) (5), (6), and (F) as follows:

§ 1306.6 Posting regulations.

• • • • •

(e) • • •

(1) Each carrier of passengers whose passenger operations over regular routes are confined solely to suburban service also shall notify the public of any proposal to increase its local regular-route fares by means of a notice posted in a conspicuous place in each station, agency, or office where tickets are sold and tariffs containing the proposed increased fares are required to be posted, and in at least two conspicuous places, one in the forward and one in the rear section, in each vehicle engaged in suburban service; and each other carrier of passengers likewise shall notify the pubtion fares for suburban service by means tion fares for suburban service by means of a notice posted in a conspicuous place in each station, agency, or office where commutation tickets for which an increase is proposed and tariffs containing the proposed increased fares are required to be posted, and in at least two conspicuous places, one in the forward and one in the rear section, in each vehicle engaged in the suburban service for which the increase is proposed.

(2) The notice required by paragraph (e) (1) of this section shall be not less than 240 square inches in size, printed in type sufficiently large to permit of its being read under ordinary conditions by passengers seated in the conveyance, and, except as provided in paragraph (e) (3) of this section, shall contain substantially the following legend:

NOTICE OF INCREASED FARES

_____

(Name of Carrier)

This carrier has filed with the Interstate Commerce Commission, tariffs proposing increases in fares, effective (Date) for_____

_____

(Here describe briefly and generally the kind of transportation, points or localities affected, and the increases proposed.)

Further information as to the proposed increase (including the carrier's statement of justification thereof) will be on file at the regional and district offices of the Commission in each State served by the carrier and affected by the proposal, and at this carrier's stations, agencies, or offices where tickets are sold and tariffs containing the proposed increases are required to be posted, and at its general office_____

_____

(Here give the street address, city, and telephone number)

A copy of the carrier's proposal and statement of justification has been mailed to the Governor and the State's regulatory agency responsible for such matters, and to county transportation agencies—where existent; in States and counties served by the carrier and affected by the proposal.

Under the law, any interested person may protest to the Commission and request suspension of the increased fares. The Commission's rules require that one copy of the protest shall be filed at its office in Washington, D.C., at least twelve• (12) days before the effective date of the increased fares and should indicate in what respect the fares are considered objectionable. The rules also require that a copy of the protest be simultaneously mailed to_____

_____

(Here name the carrier proposing the increased fares)

•In the event the increased fares are published on less than thirty (30) days' notice, the words "at least twelve (12) days" should read "as promptly as possible."

• • • • •

(5) A copy of each notice shall be mailed by first-class mail to the Governor and the State agency responsible for such matters, and to county transportation agencies—where existent, in all States and counties served by the carrier and affected by the proposal.

(6) A copy of each notice shall be transmitted in the form of a news release to the principal daily newspaper of general circulation in each municipality in which the carrier takes on or discharges passengers affected by the proposal and which has a population over 25,000. For the purpose of this requirement, a principal newspaper of general circulation is that newspaper of general circulation published in the community having the largest average daily circulation, and in any event shall also include all newspapers of general circulation published therein having an average daily circulation greater than 25,000. In the event that no daily newspaper of general circulation is published in the community, then the notice will be transmitted to the weekly newspaper published therein having the largest circulation.

(f) Notice of proposed increases in fares for intercity and other long-haul service.

Each carrier of passengers engaged in intercity and other long-haul service shall notify the public of any proposal to increase its fares by posting notices in accordance with the requirements governing suburban service set forth in paragraph 1306.6(e) above, except that: (1) the following matter will be omitted from the contents of the notices required therewith: "A copy of the carrier's proposal and statement of justification has been mailed to the Governor and the State's regulatory agency responsible for such matters, and to county transportation agencies—where existent, in States and counties served by the carrier and affected by the proposal"; and (2) where the carrier determines that it is impractical to place signs of at least 240 square inches in size in the vehicle as required therein, it may substitute two small signs for any of the larger signs provided that each of the smaller signs is at least 120 square inches in size.

[FR Doc.75-16172 Filed 6-19-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Cabeza Prieta National Wildlife Refuge

The following special regulation is issued and is effective on July 1, 1975.

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

ARIZONA

CABEZA PRIETA NATIONAL WILDLIFE REFUGE

For purposes of protecting human safety as well as the fragile environment of the 940,000-acre Cabeza Prieta National Wildlife Refuge, Arizona, all entry

into the refuge is subject to the possession of a valid permit issued by the Refuge Manager or his designated assistant. Such permit may be obtained at the offices of the U.S. Fish and Wildlife Service located at 356 W. First Street, Yuma, Arizona or at 1611 2nd Avenue, Ajo, Arizona, between the hours of 8 AM and 5 PM, Monday through Friday (except holidays).

One permit will be required for each vehicle entering the refuge, the driver of which must apply in person to receive the permit and a copy of the public use regulations. Each person entering the refuge by means other than motorized vehicles is also required to possess an entry permit.

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

W. O. NELSON, Jr.,
Regional Director,
U.S. Fish and Wildlife Service.

JUNE 12, 1975.

[FR Doc.75-16073 Filed 6-19-75;8:45 am]

Title 7—Agriculture

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

[Lime Reg. 3]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 22–June 28, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.403 Lime Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, 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 Florida Lime 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 limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes continues very sluggish and market supplies during the current week continue to exceed demand. Fresh shipments for the weeks ended June 14, 1975, and June 7, 1975, were 25,031 bushels and 46,455 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes 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 rulemaking 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 Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this 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 limes; 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 June 17, 1975.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period June 22, 1975, through June 28, 1975, is hereby fixed at 25,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

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

Dated: June 18, 1975.

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

[FR Doc.75-16277 Filed 6-19-75;11:11 am]

[Lemon Regulation 697]

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 June 22–28, 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.

§ 910.997 Lemon Regulation 697.

(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 is down this week due to decay and short shelf life factors for current offerings. Average f.o.b. price was $6.68 per carton the week ended June 14, 1975, compared to $6.70 per carton the previous week. Track and rolling supplies at 235 cars were up 31 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 regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this 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 June 17, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 22, 1975 through June 28, 1975, is hereby fixed at 350,000 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: June 18, 1975.

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

[FR Doc.75-16276 Filed 6-19-75;11:11 am]

proposed rules

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 431]

PREPARATION OF ROLLS OF INDIANS

Proposed Amendment To Provide for Enrollment of Warm Springs Indians

JUNE 11, 1975.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to amend Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations by the addition of a new Part 431. These regulations are proposed pursuant to the authority contained in the Warm Springs plan for the use and distribution of judgment funds which was prepared pursuant to the Act of October 19, 1973, (87 Stat. 466), and which became effective February 18, 1975, and was published in the FEDERAL REGISTER on May 2, 1975 (40 FR 19223). The proposed regulations will govern the preparation of a roll of certain Warm Springs Indians as provided in the February 18, 1975, plan to be used for the per capita distribution of the award of the Indian Claims Commission in Docket 198.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed regulations to the Director, Office of Indian Services, Bureau of Indian Affairs, Washington, D.C. 20245, on or before July 21, 1975.

It is proposed to amend Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations by the addition of a new Part 431 to read as follows:

PART 431—PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF JUDGMENT FUNDS AWARDED CERTAIN WARM SPRINGS INDIANS

Sec.

AUTHORITY: The provisions of this Part 431 issued under 5 U.S.C. sec. 301, R.S. secs. 463 and 465; 25 U.S.C. secs. 2 and 9, and 87 Stat. 466.

§ 431.1 Definitions.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Director" means the Director, Portland Area Office, Bureau of Indian Affairs, or his authorized representative.

(d) "Living" means born on or prior to and living on February 18, 1975.

(e) "Plan", means the plan for the use and distribution of the Warm Springs judgment funds which was prepared pursuant to the Act of October 19, 1973 (87 Stat. 466), and which became effective February 18, 1975.

§ 431.2 Purpose.

The regulations in this part are to govern the compilation of a roll of certain members of the Confederated Tribes of the Warm Springs Reservation living on February 18, 1975, which roll shall be used for the distribution of the judgment awarded the Warm Springs Tribes by the Indian Claims Commission in Docket 198.

§ 431.3 Qualifications for enrollment.

All persons who meet the following requirements for eligibility shall be entitled to be enrolled to share in the distribution of the judgment funds awarded the Warm Springs Tribe in Indian Claims Commission Docket 198:

(a) They were born prior to and living on February 18, 1975;

(b) They are enrolled members of the Warm Springs Tribes and their names appear on the March 1, 1975, tribal membership roll with the specification that the names of those persons who died subsequent to February 18, 1975, but whose names appeared on the February 1, 1975, roll shall be added to the roll being prepared.

(c) They have not shared in the distribution of the judgment awarded to the Malheur Paiutes under the provisions of the Act of August 20, 1964 (78 Stat. 563), or have not received per capita payments from any other judgments of the Indian Claims Commission and have not received payments under the provisions of the Alaska Native Settlement Act of December 18, 1971 (85 Stat. 688).

§ 431.4 Preparation, publication and display of proposed roll.

The Director shall prepare, with the assistance of the Warm Springs Tribes, a proposed roll of members of the tribes who meet the requirements specified in § 431.3. Such roll shall contain for each person a roll number, name, sex, date of birth, date of death if applicable, tribal derivation and degree of blood of each tribe. The proposed roll shall be placed on public display for 30 days at the Warm Springs Agency, community building, local post offices, Portland Area Office and other Bureau offices in the Washington-Oregon areas.

§ 431.5 Appeals.

Any person who believes he is eligible for enrollment to share in the judgment funds, or a representative of such person, may within 30 days from the date of posting file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll in accordance with the procedures provided in this Part.

§ 431.6 Filing appeals.

The appeal shall be in writing addressed to the Secretary but mailed to the Director and must be received by the Director before the close of business on the thirtieth (30) day after the posting of the proposed roll.

§ 431.7 Supporting evidence.

The appeal may be accompanied by any supporting evidence, relied upon as a basis for the appeal, including copies of Bureau or tribal records having a direct bearing on the appellant's contentions. The appellant may furnish affidavits from persons having personal knowledge of the facts at issue. The appellant may request additional time to submit supporting evidence. A period considered reasonable for such submissions may be granted by the official receiving the appeal. The burden of proof of establishing the improper inclusion or omission of any name is on the appellant.

§ 431.8 Action by the Director.

If after review of the evidence the Director is satisfied that the omission of any name is improper and eligibility has been established, the appellant shall be so notified in writing and his name entered on the roll. If the Director determines the appellant is ineligible or inclusion of the name is improper, he shall so notify the appellant and shall forward the appeal, together with the complete record and his recommendation thereon, to the Commissioner for final determination.

§ 431.9 Decision of the Commissioner on appeals.

The Commissioner shall consider the record as presented, together with such additional information as he may con-

sider pertinent. Any such additional information shall be specifically identified in his decision. The decision of the Commissioner on an appeal shall be final and conclusive and written notice of the decision shall be given the appellant.

§ 431.10 Preparation and approval of roll.

The completed payment roll shall contain the same information as the proposed roll, except for such changes as may be required by the decisions on all appeals taken from the proposed roll. The Director shall approve the roll.

§ 431.11 Special instructions.

To facilitate the work of the Director, the Commissioner may issue special instructions not inconsistent with the regulations in this Part 431.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-16128 Filed 6-19-75;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DISPOSITION OF QUALIFIED LOW-INCOME HOUSING

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 July 21, 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 July 21, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 1250(d)(8)(F)(ii) and 7805 of the Internal Revenue Code of 1954 (83 Stat. 721, 68A Stat. 917; 26 U.S.C. 1250(d)(8)(F)(ii), 7805).

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

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to the provisions of section 910(b) of the Tax Reform Act of 1969, relating to gain from dispositions of certain qualified low-income housing projects.

Section 910(b) of the Act amends section 1250 of the Internal Revenue Code to provide that if qualified low-income housing is disposed of and gain is not recognized in whole or in part under section 1039 of the Code (relating to certain sales of low-income housing projects), then the amount of gain recognized under section 1250(a) is limited to the greater of (1) the amount of gain recognized on the disposition (determined without regard to section 1250), or (2) the excess of the amount of gain that would be taken into account under section 1250(a) over the cost of the section 1250 property acquired in the transaction.

Section 1039 of the Code, which was added by section 910(a) of the Act, limits the amount of gain (if the taxpayer so elects) recognized from certain sales of low-income housing projects to the tenants of such projects. Regulations under section 1039 have already been promulgated.

The proposed amendments to the regulations set forth the statutory requirements and give several examples of how the statute applies in particular factual situations.

Proposed amendments to the regulations. In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 910(b) of the Tax Reform Act of 1969 (83 Stat. 720), such regulations are amended as follows:

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

1. Section 1.1039–1(a) is amended by adding two new sentences immediately before the last sentence, to read as follows:

§ 1.1039–1 Certain sales of low-income housing projects.

(a) *Nonrecognition of gain.* * * * However, notwithstanding section 1039, gain may be recognized by reason of the application of section 1245 or 1250 to the sale or disposition. (See § 1.1245–6(b) and § 1.1250–3(h).) * * *

* * * * *

2. Section 1.1245–6(b) is amended by revising the first sentence to read as follows:

§ 1.1245–6 Relation of section 1245 to other sections.

* * * * *

(b) *Nonrecognition sections overridden.* The nonrecognition provisions of subtitle A of the Code which section 1245 overrides include, but are not limited to, sections 267(d), 311(a), 336, 337, 501(a), 512(b)(5), and 1039. * * *

* * * * *

3. Section 1.1250–3 is amended by adding the following new paragraph (h) at the end thereof:

§ 1.1250–3 Exceptions and limitations.

* * * * *

(h) *Limitation for disposition of qualified low-income housing*—(1) *Limitation on gain.* (i) Under section 1250(d)(8)(A), if section 1250 property is disposed of and gain (determined without regard to section 1250) is not recognized in whole or in part under section 1039 (relating to certain sales of low-income housing projects), then the amount of gain recognized by the transferor under section 1250 (a) shall not exceed the greater of—

(*a*) The amount of gain recognized under section 1039 (determined without regard to section 1250), or

(*b*) The excess, if any, of the amount of gain which would, but for section 1250(d)(8)(A), be taken into account under section 1250(a), over the cost of the section 1250 property acquired in the transaction.

For purposes of this paragraph the term "qualified housing project", "approved disposition", "reinvestment period", and net amount realized" shall have the same meaning as in section 1039 and § 1.1039–1.

(ii) The principles of this subparagraph may be illustrated by the following examples:

Example (1). (i) Taxpayer A owns a qualified housing project and makes an approved disposition of the project on January 1, 1971. The net amount realized upon the disposition is $550,000, of which $475,000 is attributable to section 1250 property. The adjusted basis of the section 1250 property is $250,000 and the gain realized on the disposition of section 1250 property is $225,000. The additional depreciation for the property is $100,000, the applicable percentage is 48 percent, and if section 1250(d)(8)(A) did not apply to the disposition, $48,000 of gain would be recognized under section 1250(a). Within the reinvestment period, A purchases a replacement qualified housing project at a cost of $525,000, of which $425,00 is attributable to section 1250 property. A properly elects under section 1039(a) and the regulations thereunder to limit the recognition of gain (determined without regard to section 1250) to $25,000, that is, the excess of the net amount realized ($550,000) over the cost of the replacement housing project ($525,000).

(ii) The amount of gain recognized under section 1250(a) is limited to $25,000, that is, the greater of (*a*) the amount of gain recognized without regard to section 1250(a) ($25,000), or (*b*) the excess of (*1*) the amount of gain which would be taken into account under section 1250(a) if section 1250(d)(8)(A) did not apply ($225,000), over (*2*) the cost of the replacement section 1250 property ($425,000), or zero.

Example (2). The facts are the same as in example (1) except that only $180,000 of the cost of the replacement housing project is attributable to section 1250 property. Thus, the gain recognized under section 1250(a) is limited to $45,000, the greater of (*a*) the ex-

cess of (*1*) the amount of gain which would be taken into account under section 1250(a) if section 1250(d)(8)(A) did not apply ($225,000), over (2) the cost of the replacement section 1250 property ($180,000), or (*b*) the amount of gain recognized without regard to section 1250 ($25,000).

(2) *Replacement project consisting of more than one element.* (i) If (h)(1)(i) (*a*) section 1250 property is disposed of, (h)(1)(i)(*b*) any portion of the gain which would have been recognized under section 1250(a) is not recognized by reason of section 1250(d)(8)(A), and (*c*) the cost of the replacement section 1250 property constructed, reconstructed, or acquired during the reinvestment period exceeds the net amount realized attributable to the section 1250 property disposed of, then the section 1250 property shall consist of two elements. For purposes of this paragraph, the "reinvestment element" is that portion of the section 1250 property constructed, reconstructed, or acquired during the reinvestment period the cost of which does not exceed the net amount realized attributable to the section 1250 property disposed of, reduced by any gain recognized with respect to such property. The "additional cost element" is that portion of the section 1250 property constructed, reconstructed, or acquired during the reinvestment period whose cost exceeds the net amount realized attributable to the section 1250 property disposed of.

(ii) The principles of this subparagraph may be illustrated by the following example:

Example. (1)(i) Taxpayer B disposes of a qualified housing project consisting of section 1250 property with an adjusted basis of $500,000 and land with a basis of $100,000. The amount realized on the disposition is $750,000 of which $650,000 is attributable to the section 1250 property. B constructs a replacement housing project at a cost of $1,000,000 of which $850,000 is attributable to section 1250 property. B elects in accordance with the provisions of section 1039(a) and the regulations thereunder not to recognize the $150,000 gain realized.

(ii) Under section 1250(d)(8)(A) no gain is recognized under section 1250(a). The replacement section 1250 property consists of the two elements. The reinvestment element has a cost of $650,000, *i.e.*, that portion of the replacement section 1250 property the cost of which does not exceed the amount realized attributable to the section 1250 property disposed of ($650,000), reduced by any gain recognized with respect to such property (zero). The additional cost element has a cost of $200,000, that is, the excess of the cost of the replacement section 1250 property ($850,000) over the amount realized attributable to the section 1250 property disposed of ($650,000).

(3) *Basis of property acquired.* (i) If section 1250 property is disposed of and gain (determined without regard to section 1250) is not recognized in whole or in part under section 1039 (relating to certain sales of low-income housing projects), then the basis of the section 1250 property and other property acquired in the transaction shall be determined in accordance with the rules of this subparagraph. Generally, the basis of the property acquired in a transaction to which section 1039(a) applies is its cost reduced by the amount of any gain not recognized attributable to the property disposed of (see section 1039(d)). In a case where the replacement section 1250 property constructed, reconstructed, or acquired within the reinvestment period is treated as consisting of more than one element under section 1250(d)(8)(E), the aggregate basis of the property determined under section 1039(d) shall be allocated first to the reinvestment element of property described in section 1250(d)(8)(E)(i) in the amount determined under such section, reduced by any gain not recognized attributable to the section 1250 property disposed of. Second, the aggregate basis shall be allocated to the other replacement property (other than section 1250 property) in the amount of its cost, reduced by any gain not recognized attributable to such other replacement property. Finally, the aggregate basis shall be allocated to the additional cost element of section 1250 property described in section 1250(d)(8)(E)(ii), in the amount determined under such section. See paragraph (h)(2) of this section for definition of the terms "reinvestment element" and "additional cost element".

(ii) The principles of this subparagraph may be illustrated by the following examples:

Example (1). The facts are the same as in example (1) of subparagraph (1)(ii) of this paragraph. The basis of the replacement section 1250 property is $225,000, the amount of the reinvestment element ($425,000) minus the gain not recognized attributable to the section 1250 property disposed of ($200,000).

Example (2). Taxpayer C disposes of a qualified housing project on January 1, 1971. The adjusted basis for the project is $3,800,000, of which $3,000,000 is attributable to section 1250 property and $800,000 is attributable to land. The amount realized on the disposition is $5,000,000, of which $4,000,000 is attributable to the section 1250 property and $1,000,000 is attributable to the land. The gain realized upon the disposition is $1,200,000, that is, amount realized ($5,000,000) minus adjusted basis ($3,800,000), of which $1,000,000 is attributable to the section 1250 property disposed of. Within the reinvestment period, C purchases another qualified housing project at a cost of $5,500,000, of which $4,000,000 is attributable to section 1250 property and $1,500,000 is attributable to other property. C makes an election under section 1039(a) and the regulations thereunder and none of the $1,200,000 gain realized on the disposition is recognized (determined without regard to section 1250). Under section 1250(d)(8)(A), none of the gain realized is recognized under section 1250(a). The basis of the replacement section 1250 property is $3,000,000, that is, the amount of the reinvestment element ($4,000,000) less the amount of gain not recognized attributable to section 1250 property disposed of ($1,000,000). The basis of the other property acquired is $1,300,000, that is, its cost ($1,500,000) reduced by the remaining gain not recognized ($200,000).

Example (3). The facts are the same as in example (2) except that the cost of the replacement section 1250 property is $4,500,000 and the cost of the other property is $1,000,000. Thus, the replacement section 1250 property consists of two elements under section 1250(d)(8)(E). The reinvestment element (section 1250(d)(8)(E)(i)) has a basis of $3,000,000, that is, $4,000,000 (that portion of the section 1250 property acquired the cost of which does not exceed the net amount realized attributable to the section 1250 property disposed of), reduced by $1,000,000 (the gain not recognized attributable to the section 1250 property disposed of). The basis of the other property is $800,000, that is, its cost ($1,000,000) reduced by the remaining gain not recognized ($200,000). The additional cost element (section 1250(d)(8)(E)(ii)) has a basis of $500,000, that is, the portion of the section 1250 property acquired the cost of which exceeds the net amount realized attributable to the section 1250 property disposed of.

(4) *Additional depreciation for property acquired.* (i) If a qualified housing project is disposed of in a transaction to which section 1039(a) applies, the additional depreciation for the replacement property immediately after the transaction shall be an amount equal to (*a*) the amount of additional depreciation for the property disposed of, minus (*b*) the amount of additional depreciation necessary to produce the amount of gain recognized under section 1250(a). Thus, if no gain is recognized upon a disposition of a qualified housing project, the additional depreciation for the property acquired will be the same as for the property disposed of. On the other hand, if upon disposition of a project, gain of $40,000 was recognized under section 1250(a), and if the additional depreciation for the project and the applicable percentage were $100,000 and 80 percent, respectively, the additional depreciation for the replacement housing project would be $50,000, that is, $100,000 minus $50,000, the amount of additional depreciation necessary to produce $40,000 of recognized gain where the applicable percentage is 80 percent.

(ii) If the property acquired in the transaction consists of more than one element of section 1250 property by reason of section 1250(d)(8)(E), the additional depreciation under subdivision (i) of this subparagraph shall be allocated solely to the reinvestment element.

(5) *Additional limitation.* If, in a transaction to which section 1039(a) applies, gain is recognized by the taxpayer, the amount of gain recognized which is attributable to section 1250 property disposed of is, under section 1250(d)(8)(F)(i), limited to an amount equal to the net amount realized attributable to the section 1250 property disposed of reduced by the greater of (i) the adjusted basis of the section 1250 property disposed of, or (ii) the cost of the section 1250 property acquired. The limitation of section 1250(d)(8)(F)(i) may be illustrated by the following example:

Example. Taxpayer D owns property constituting a qualified housing project under section 1039(b)(1). In an approved disposition, the project is sold for $225,000. The net amount realized on the disposition is $225,000 of which $175,000 is attributable to the section 1250 property disposed of. The adjusted basis of such property is $150,000 and thus the gain realized upon the disposition of the section 1250 property is $25,000. Assume that the total gain realized upon disposition of

the project is $45,000. Within the reinvestment period, D purchases another qualified housing project at a cost of $200,000, of which $160,000 is attributable to section 1250 property. D elects, in accordance with section 1039(a) and the regulations thereunder, to limit the recognition of gain to $25,000, that is, the net amount realized ($225,000), minus the cost of the replacement housing project ($200,000). Under this subparagraph, $15,000 of the $25,000 gain recognized is attributable to the section 1250 property disposed of, that is, the net amount realized attributable to the section 1250 property disposed of ($175,000), reduced by $160,000, the greater of the adjusted basis of the section 1250 property disposed of ($150,000) or the cost of the section 1250 property acquired ($160,000).

(6) *Allocation rule.* (i) If, in a transaction to which paragraph (h)(1) of this section applies, the section 1250 property disposed of is treated as consisting of more than one element by reason of the application of section 1250(d)(8)(E) with respect to a prior transaction, then the amount of gain recognized, the net amount realized, and the additional depreciation with respect to each such element shall be allocated to the elements of the replacement section 1250 property in accordance with the provisions of this subparagraph.

(ii) The portion of the net amount realized upon such a disposition which shall be allocated to each element of the section 1250 property disposed of is that amount which bears the same ratio to the net amount realized attributable to all the section 1250 property disposed of in the transaction as the additional depreciation for that element bears to the total additional depreciation for all elements disposed of. If any gain is recognized upon disposition of the section 1250 property, such gain shall be allocated to each element in the same proportion as the gain realized for that element bears to the gain realized for all elements disposed of. The additional depreciation for each reinvestment element of the replacement section 1250 property shall be the same as for the corresponding element of the property disposed of, decreased by the amount of additional depreciation necessary to produce the amount of gain recognized for such element. The additional depreciation for any additional cost element shall be zero.

(iii) The principles of this subparagraph may be illustrated by the following example:

Example. Taxpayer E disposes of a qualified housing project in an approved disposition. The net amount realized is $1,090,000 of which $900,000 is attributable to section 1250 property. The section 1250 property consists of (1) a reinvestment element with an adjusted basis of $300,000, additional depreciation of $100,000, and an applicable percentage of 50 percent, and (2) an additional cost element with an adjusted basis of $200,000, additional depreciation of $50,000, and an applicable percentage of 80 percent. Gain of $400,000 is realized on the disposition of the section 1250 property, that is, amount realized ($900,000) minus adjusted basis ($500,000). Within the reinvestment period, E purchases another qualified housing project at a cost of $1,000,000 of which $840,000 is attributable to section 1250 property. E elects, in accordance with section 1039 and the regulations thereunder, to limit recognition of gain (determined without regard to section 1250) to $90,000, that is, the excess of the net amount realized ($1,090,000) over the cost of the replacement project ($1,000,000). Under section 1250(d)(8)(A), the amount of gain recognized under section 1250(a) is limited to $90,000 (see subparagraph (1) of this paragraph). Under section 1250(d)(8)(F)(ii) and this subparagraph, $600,000 of the $900,000 net amount realized attributable to the section 1250 property is allocated to the reinvestment element, that is, additional depreciation for the element ($100,000) over total additional depreciation ($150,000) times the net amount realized ($900,000). The remaining $300,000 is allocated to the additional cost element. Thus, the gain realized attributable to the reinvestment element is $300,000, that is, net amount realized ($600,000) minus adjusted basis ($300,000). The gain realized attributable to the additional cost element is $100,000, that is, net amount realized ($300,000) minus adjusted basis ($200,000). Under subparagraph (5) of this paragraph, the gain recognized attributable to the section 1250 property is limited to $60,000, that is, the net amount realized attributable to the section 1250 property disposed of ($900,000) minus the greater of the adjusted basis of such property ($500,000) or the cost of the section 1250 property acquired in the transaction ($840,000). Under section 1250(d)(8)(F)(ii) and this subparagraph, $45,000 of the $60,000 gain recognized is attributable to the reinvestment element, that is, $60,000 multiplied by a fraction whose numerator is the gain realized attributable to the reinvestment element ($300,000) and whose denominator is the total gain realized attributable to all the section 1250 property ($400,000). The remaining $15,000 of the gain recognized is attributable to the additional cost element. The new property acquired has no additional cost element. The reinvestment element of the new property acquired consists of 2 subelements corresponding to the reinvestment element and additional cost element of the property disposed of. The subelement corresponding to the reinvestment element has additional depreciation of $10,000, that is, its additional depreciation immediately before the disposition ($100,000), minus $90,000, the amount of additional depreciation necessary to produce $45,000 of section 1250(a) gain where the applicable percentage is 50 percent. The subelement corresponding to the additional cost element has additional depreciation of $31,250, that is, its additional depreciation immediately before the disposition ($50,000), minus $18,750, the amount of additional depreciation necessary to produce $15,000 of section 1250(a) gain where the applicable percentage is 80 percent.

4. Section 1.1250–4 is amended by adding a new paragraph (f) to read as follows:

§ 1.1250–4 Holding period.

* * * * *

(f) *Qualified low-income housing project acquired in certain transactions.* The holding period of a "reinvestment element" (and of subelements thereof) of section 1250 property (as defined in paragraph (h)(2) of § 1.1250–3) acquired in a transaction to which sections 1039(a) and 1250(d)(8)(A) apply includes the holding period of the corresponding element of the section 1250 property disposed of. See section 1250(e)(4). The holding period of the "additional cost element" (as defined in paragraph (h)(2) of § 1.1250–3) begins on the date the replacement project is acquired. The holding period of a "reinvestment element" of section 1250 property does not include the period beginning on the day after the date of the disposition and ending (1) on the date of the acquisition of the replacement housing project, or (2) on the date the replacement housing project constructed or reconstructed by the taxpayer is placed in service.

* * * * *

5. Section 1.1250–5 is amended by revising paragraph (c)(1) and by redesignating paragraph (c)(6) as (c)(7) and adding a new paragraph (c)(6). These revised and added provisions read as follows:

§ 1.1250–5 Property with two or more elements.

* * * * *

(c) *Element*—(1) *General.* For purposes of this section, in the case of section 1250 property there shall be treated as separate elements the separate improvements, units, remaining property, special elements, and low-income housing elements which are respectively referred to in paragraphs (c)(2), (3), (4), (5), and (6) of this section.

* * * * *

(6) *Low-income housing elements.* If, in an approved disposition of a qualified housing project, a replacement qualified housing project is treated as consisting of more than one element of section 1250 property by reason of section 1250(d)(8)(E) (see paragraph (h)(2) of § 1.1250–3), the elements determined under such section shall be treated as elements for purposes of this section. For definition of the terms "qualified housing project" and "approved disposition", see section 1039(b) and the regulations thereunder.

* * * * *

[FR Doc.75–16164 Filed 6–19–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 270]

[Amdt. No. 65]

FOOD STAMP PROGRAM

Notice of Proposed Rule Making

Pursuant to the authority contained in the Food Stamp Act of 1964 (78 Stat. 703, as amended; 7 U.S.C. 2011–2026), notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend Part 270 of its regulations governing the operation of the Food Stamp Program, 7 CFR 270. The proposed amendment is for the purpose of requiring that the person who is applying for federally aided public assistance or general assistance also be provided at the same time with the opportunity to apply to participate in the Food Stamp Program.

Interested parties may submit written comments, suggestions, or objections regarding the proposed amendment to

Jack O. Nichols, Acting Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 21, 1975. All comments, suggestions, or objections received by this date will be considered before the final regulations are issued.

All written comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Acting Director, Food Stamp Division, during regular business hours (8:30 a.m. to 5 p.m.) at 500 12th Street SW., Washington, D.C., Room 650. The proposed amendment is as follows:

Section 270.2(a) of Part 270 of Chapter II, Title 7 of the Code of Federal Regulations is amended by adding thereto a new sentence. The new sentence reads as follows:

§ 270.2 Definitions.

(a) * * * If the affidavit is not so included, it shall be furnished along with such application.

* * * * * *

(78 Stat. 703, as amended; 7 USC 2011-2026.)

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Service)

RICHARD L. FELTNER,
Assistant Secretary.

JUNE 16, 1975.

[FR Doc.75-16085 Filed 6-19-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 227]

SEA TURTLES

Proposed "Threatened" Status

Correction

In FR Doc. 75-13188 appearing on page 21985 in the issue of May 20, 1975, § 227.22(c)(2) is amended to read as follows:

§ 227.22 Exemptions to the prohibitions.

* * * * * *

(c) * * *

(2) The person responsible for the fishing gear or vessel was not fishing in an area of substantial breeding or feeding of any such wildlife; and

* * * * * *

Dated: June 16, 1975.

RICHARD H. SCHAEFER,
ROBERT W. SCHONING,
Acting Directors,
National Marine Fisheries Service.

[FR Doc.75-16126 Filed 6-19-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SW-31]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the 700-foot transition area at Intracoastal City, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 21, 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 Chief, Airspace and Procedures Branch. 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, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

§ 71.181 [Amended]

In Section 71.181 (40 F.R. 441), the Intracoastal City, La., transition area is amended to read:

INTRACOASTAL CITY, LA.

That airspace extending upward from 700 feet above the surface within 3.5 miles either side of the White Lake, La., VORTAC 065° radial extending from 11 miles NE of the VORTAC to 23 miles NE of the VORTAC and within 5 miles either side of the 17.5-mile radius arc centered on the White Lake VORTAC extending clockwise between the 065° and 084° radials.

The proposed amendment to the transition area will provide controlled airspace for aircraft executing the proposed Copter VOR/DME 059° and Copter VOR/DME ARC-1 special instrument approach procedures.

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

Issued in Fort Worth, TX., on June 11, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-16070 Filed 6-19-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-43]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Pittsfield, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before July 21, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Pittsfield Penstone Airport, Pittsfield, Illinois. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Pittsfield, Illinois.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

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

PITTSFIELD, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Pittsfield Penstone Airport (Latitude 39°38'22" N., Longitude 90°46'51" W.); and within 3 miles each side of the 124 degree bearing from the Pittsfield Penstone Airport extending from the 5.5-mile radius area to 8 miles southeast of the airport.

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

Issued in Des Plaines, Illinois, on June 2, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-16085 Filed 6-19-75;8:45 am]

[14 CFR Parts 1 & 91]

[Docket No. 11233; Notice No. 71-20]

OPERATION AT AIRPORTS WITHOUT CONTROL TOWERS

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice No. 71-20 (36 FR 13275) in

which the FAA solicited comments on a proposed amendment to Part 1 and Part 91 of the Federal Aviation Regulations which proposed to issue standard traffic pattern procedures for airports that do not have operating control towers.

A large volume of comments was received in response to the Notice. Because of the number and diversity of the comments, and the many issues involved, it is impractical to treat each of them individually. However, one issue, critical to the determination of whether the standard traffic pattern proposed in Notice 71–20 should be issued as a regulation, was central to many of the comments. This issue involved the difficulty of applying the proposed standard traffic pattern concept safely and effectively under the many different situations that may be encountered at the thousands of uncontrolled airports in the United States.

Some commentators stated that the proposed standard traffic pattern, if made mandatory, would cause confusion until it had been universally accepted and followed. Public comments also concerned the safety of specific features of the proposed standard traffic pattern. For example, many commentators indicated that safety required that departure procedures be included. Other comments criticized the proposed traffic pattern entry procedures, and recommended different locations at which the proposed crosswind leg should be flown. The factor of traffic pattern altitude received much attention, some commentators stating that the altitude selected should be responsive to individual airport situations, and other comments offering differing recommendations concerning the point in the traffic pattern at which an aircraft should be stabilized at the prescribed pattern altitude. Diverse comment was also received on how to designate a calm wind runway, whether a calm wind runway should be designated at all, and whether to require a lighted landing direction indicator as a means of indicating the runway in use. The question of airspeed limitations was also discussed by some commentators who believed that the proposed speed limit would be too high at some airports.

The question of possible conflict between the proposed standard traffic pattern and the current right of way rules of Part 91 was raised in detail by several commentators. Conflicting opinion was received on the question of whether to permit straight in approaches and under what conditions. Comment was received on whether to apply the standard traffic pattern to "public use" airports only, or whether to apply it also to certain private use airports having substantial traffic. Opinion was divided on whether the proposed standard traffic pattern provisions should include two way radio communications for the purpose of announcing aircraft position in the traffic pattern. In addition, public comment questioned the appropriateness of the proposed definitions of the components of the traffic pattern.

Review of the many comments received indicated that there may be many necessary exceptions to strict compliance with a single standard traffic pattern (such as operations involving flight checks, cross wind landing practice, simulated engine failures, practice circling approaches, and practice instrument approaches) that raise substantial questions concerning the appropriateness of applying the traffic pattern provisions proposed in Notice 71–20 as the standard for all uncontrolled airports.

In their total effect, the comments, from all segments of the aviation community that use uncontrolled airports, indicate that it is not at all clear, at this time, that a single, standard traffic pattern of the kind proposed in Notice 71–20 would, if uniformly applied, materially increase the level of safety at uncontrolled airports or be consistent with the many different kinds of operations that are conducted at those airports for training purposes.

Therefore, after extensive review of all the comments, the FAA has concluded that rule making based on the specific provisions proposed in Notice 71–20 is not appropriate at this time.

In view of the foregoing, the FAA is withdrawing Notice No. 71–20. The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future, or commit the FAA to any course of action.

AUTHORITY: [Sections 307 (a) and (c) and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a) and (c) and 1354(a), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))].

In consideration of the foregoing, the notice of proposed rule making, Notice No. 71–20, published in the FEDERAL REGISTER (36 FR 13275) on July 17, 1971, and entitled "Operation at Airports Without Control Towers," is hereby withdrawn.

Issued in Washington, D.C., on June 6, 1975.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc.75–16067 Filed 6–19–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–PC–1]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the time of use for the Kwajalein Island, Marshall Islands, Control Zone and Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific-Asia Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813. All communications received on or before July 21, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue SW, Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment to § 71.171 would add the words "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The date and time will thereafter be continuously published in the Pacific Chart Supplement" after the description of the Kwajalein Control Zone.

The proposed amendment to § 71.181 would add the words "This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The date and time will thereafter be continuously published in the Pacific Chart Supplement." after the

description of the Kwajalein Transition Area.

Infrequent use of the airspace at Kwajalein Island, between 2200 and 0600 hours, local time, requires the flexibility to make this Control Zone and Transition Area effective only when needed.

This amendment is proposed under the authority of Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 16, 1975.

B. KEITH POTTS.
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-16068 Filed 6-19-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-27]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Frederick, Okla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 21, 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 Chief, Airspace and Procedures Branch. 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, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the Frederick, Okla., transition area is amended to read:

FREDERICK, OKLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Frederick, Okla., Municipal Airport (latitude 34°21'09" N., longitude 98°59'21" W.) and within 3.5 miles each side of the 001° bearing from the Frederick, Okla., RBN (latitude 34°23'35" N., longitude 98°59'19" W.) extending from the 8.5-mile-radius area to 11.5 miles north of the RBN.

Alteration of the transition area will provide controlled airspace for aircraft conducting the revised NDB standard instrument approach procedure to Frederick Municipal Airport, Frederick, Okla.

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

Issued in Fort Worth, TX., on June 9, 1975.

ALBERT H. THURBURN,
Acting Director, Southeast Program.

[FR Doc.75-16069 Filed 6-19-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. 75-17: Notice 1]

RULEMAKING PROCEDURES

Initiation or Petition

Correction

In FR Doc. 75-15531 appearing at page 25480 in the issue of Monday, June 16, 1975, the *Proposed effective date* should have read, "30 days after FEDERAL REGISTER publication of the rule."

DEPARTMENT OF LABOR

[41 CFR Part 50-201]

WALSH-HEALEY PUBLIC CONTRACTS ACT

Public Utility, Regular Dealer in Uranium Concentrates, Uranium Hexafluoride or Enriched Uranium

In accordance with section 50-201(c)(2) of the Walsh-Healey Public Contracts Act regulations, 41 CFR Part 50-201, the Tennessee Valley Authority has requested that the Department of Labor exempt contracts with a public utility for supply of uranium concentrates, uranium hexafluoride, or enriched uranium from the Public Contracts Act requirement that a contractor be a manufacturer or a regular dealer. TVA contends, for the reasons hereinafter set forth, that such an exemption is necessary to prevent the serious impairment of the conduct of Government business. Otherwise it will be extremely difficult to obtain satisfactory bids for such contracts. The rationale for this request is as follows:

1. Under current Energy Resources Development Administration regulations, enrichment customers, such as TVA, may include 10 percent foreign uranium in feed material supplied ERDA for enrichment in 1977, 15 percent in 1978, and an increasing percentage each following year until all restrictions on use of foreign materials are removed in 1984.

2. Recent efforts by TVA to procure domestic uranium presumably from firms meeting the requirements of regular dealer or manufacturer by negotiation or invitations to bid have not been satisfactory in meeting TVA's domestic uranium requirements.

3. Some public utilities whose nuclear programs have been curtailed or cancelled have indicated that they will be selling their supplies of uranium in the near future. Both foreign and domestic buyers are competing for these supplies. Because public utilities may not be considered to be manufacturers or regular dealers in uranium within the meaning of the Public Contracts Act, this additional needed source of domestic uranium would not be available to TVA without an exemption from the manufacturer or regular dealer requirements of the Act.

Interested persons are invited to submit written comments, views, or arguments on this proposal to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, on or before July 21, 1975.

PART 50-201—GENERAL REGULATIONS

It is proposed that a new paragraph (e) be added to 41 CFR § 50-201.604 as follows:

§ 50-201.604 Partial administrative exemptions.

* * * * *

(e) Contracts with a public utility for the procurement of uranium concentrates (U_{308}), uranium hexafluoride (UF_6), or enriched uranium are exempt from the requirement of section 1(a) of the Act and § 50-201.1 of this part that the contractor be a manufacturer or regular dealer in the material, supplies, articles, or equipment to be manufactured or used in the performance of the contract. For purposes of this exemption, a public utility is defined to be an enterprise engaged in the transmission and sale of electric power and energy and whose rates therefor are regulated under State, local, or Federal laws governing operations of public utility enterprises.

Signed at Washington, D.C., this 12th day of June, 1975.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.75-16090 Filed 6-19-75;8:45 am]

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket SCP-1]

TOXIC SUBSTANCES; KETONES

Extension of Time for Comments; New Date of Hearing

On Thursday, May 8, 1975, notice was published in the FEDERAL REGISTER (40 FR 20202) of proposed standards for six ketones, pursuant to the authority in sections 6(b) and 8(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part

1911. The proposed ketone standards are the first proposed regulations developed as part of the Joint OSHA/NIOSH Standards Completion Project. The purpose of the project is to issue more complete standards for all of the toxic substances listed in Tables Z–1, Z–2, and Z–3 of 29 CFR 1910.1000 (formerly Tables G–1, G–2, and G–3 of 29 CFR 1910.93), with the exception of those substances which are or will be the subject of NIOSH criteria documents.

Interested persons were given until June 20, 1975, to submit written data, views and arguments concerning the proposed standards. Subsequent to the publication of the proposals, OSHA has received several requests for additional time in which to submit comments. In view of the significance of these proposals, OSHA has determined that it is in the public interest to extend the comment period until July 21, 1975.

This extension will ensure that reasonable time is provided for all interested parties to submit technical data and to prepare other comments on these proposals. Comments should be submitted to the following address:

Docket Officer
Docket SCP–1
Technical Data Center
Room N3620
Occupational Safety and Health Administration
Department of Labor
200 Constitution Avenue, NW.
Washington, D.C. 20210

Comments must be received on or before July 21, 1975.

The extension of the comment period necessitates the rescheduling of the informal hearing on the proposals. Notice is hereby given that the hearing will begin on September 3, 1975, commencing at 9:30 a.m., in Conference Room B, Interdepartmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

Persons desiring to appear at the hearing must file a notice of intent to appear, to be received on or before July 21, 1975, with Nancy Hucke, OSHA Committee Management Office, Docket SCP–1, Room N3633, Occupational Safety and Health Administration, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

In all other respects, the requirements in the notice of proposed rulemaking for ketones published at 40 FR 20202, 20205–20206, are applicable, and the notice of proposed rulemaking should be consulted for specific requirements for filing a proper notice of intention to appear and for information concerning procedures to be followed at the hearing.

Signed at Washington, D.C., this 18th day of June 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–16220 Filed 6–19–75;8:45 am]

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

[1 CFR Part 5]

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Advance Notice of Proposed Rule Making

The purpose of this document is to seek public comment on a plan for scheduling publication of agency documents in the Federal Register on an assigned day of the week.

THE PROBLEM

During the past few years the volume of pages published in the FEDERAL REGISTER has grown at a dramatic rate. In 1969, a total of 20,466 pages was printed; by 1974, the volume had grown to over 45,000 pages and it appears that for 1975, the volume will exceed 60,000 pages. This growth results from many causes. Some are: Operation of the Freedom of Information Act; increased statutory requirements for publication; discovery by consumer groups and other public interest organizations that they can influence Government actions by monitoring notices of proposed rule making in the FEDERAL REGISTER; recent court decisions; and now the implementation of the Privacy Act.

In general, increased publication may be viewed as a healthy trend since it opens more administrative actions of Government to public participation and places other actions "on the record." However, the Office of the Federal Register (OFR) recognizes that the size of the FEDERAL REGISTER itself makes it more difficult for interested persons to keep abreast of agency actions. The OFR has already taken several actions to ease the researcher's task. The highlights, reminders and the preamble requirements are attempts to help readers identify documents of potential interest without having to carefully scrutinize each issue or each document. In the face of the continuing demand that agencies become more public with their actions, the OFR feels that additional techniques must be explored that would make FEDERAL REGISTER material more readily accessible to the public.

A POSSIBLE SOLUTION

The proposal being advanced here is simply to assign each Federal agency a particular day of the week for publication of its documents. Some advantages would be:

(1) For persons interested in regulations of a limited number of Federal agencies, the number of daily issues of the FEDERAL REGISTER to be researched to locate documents of those agencies would be reduced.

(2) Similarly, the number of issues to be kept for reference purposes would be minimized.

(3) A "day of the week" scheduling system could make it possible eventually to offer subscribers limited subscriptions which would range from one day a week to the present complete subscription.

EMERGENCIES

The OFR recognizes that an assigned day of the week system would create some scheduling problems for agencies. One obvious one is that regardless of how well an agency plans its activities to correspond to a day of the week schedule, there would, on occasion, be legitimate emeregencies which would preclude waiting for the agencies' next regular publication day. If a day of the week schedule is adopted, a provision for legitimate emergencies would be included so that emergency type documents would be handled in a way that would insure proper notice to interested persons.

SCHEDULING OF AGENCIES

The OFR has not decided on any system for assigning agencies to particular days of the week. Commenters are invited to focus particular attention on possible grouping of agencies in order to provide maximum benefits to users of the FEDERAL REGISTER.

Interested persons are invited to comment on this advance notice of proposed rule making. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C., 20408. All comments received by August 19, 1975, will be considered before further action is taken on this matter. Comments will be on public inspection between the hours of 8:45 a.m. and 5:15 p.m. each work day at 1100 L Street NW., Rom 8401, Washington, D.C. If after considering all comments received a decision is made to proceed, a specific notice of proposed rule making amending appropriate provisions of Title 1, CFR, Chapter I, will be issued by the Administrative Committee of the Federal Register.

Dated: June 16, 1976.

FRED J. EMERY,
Secretary.

[FR Doc.75–16102 Filed 6–19–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20518; RM–2530]

RADIO BROADCAST SERVICES

FM Stations; Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Charlevoix, Michigan)

1. On March 7, 1975, New Broadcasting Corp. (WVOY), licensee of AM Station WVOY, Charlevoix, Michigan, filed a petition requesting the assignment of FM Channel 290 to Charlevoix, Michigan. No other revisions in our FM Table of Assignments were proposed. Public notice of the petition was given by the Commission on March 24, 1975. No supporting or opposing comments were received by the Commission.

2. Charlevoix County, Michigan (pop. 16,541)[1] contains as its seat the community of Charlevoix (pop. 3,519). There is one AM station located in the town of Charlevoix, WVOY[2], licensed to petitioner. There is no FM channel assignment at the community.

3. The community of Charlevoix is located in the northwestern corner of the northern part of the lower peninsula of Michigan approximately 160 miles north of Grand Rapids, Michigan, and 200 miles northeast of Milwaukee, Wisconsin. We are told that Charlevoix has progressed through three economic periods. Its original development was based on lumbering. Petitioner states:

> The second influence was that of recreation. In the late 1800's a number of wealthy persons in cities throughout the Midwest recognized the potential of this area as an excellent summer retreat. As transportation improved from the midwest to the Charlevoix area, the region became accessible to all classes of people and the area grew as a summer resort. With the advent of snow skiing, snowmobiling and other fall, spring and winter activities the area has become a year-round recreational center. The tourist industry continues to be a major economic influence on the entire county. A final economic influence which began in the last 15 years is the growth of industry in the area. Prior to 1960 the number of industries within Charlevoix County was very small. However, in the last 15 years the number of plant sites has greatly increased.

Presently there are over 16 manufacturing plants in the area producing a variety of products. WVOY advises us that Charlevoix has: a mayor and city council form of government; numerous civic and fraternal organizations; three elementary schools and one high school; a 44-bed hospital; numerous recreational facilities; twelve churches; and sound transportational facilities and service.

4. Petitioner is of the view that a wide coverage Class C FM Channel 290 is required for the Charlevoix area of Michigan. This is because:

(a) The large area surrounding Charlevoix is rural with a population density of only 40 persons per square mile as compared with 156.2 persons per square mile for the entire State of Michigan.

(b) The area is mountainous and requires a high powered service to avoid significant signal shadowing beyond the many mountains and ridges.

It is asserted that the proposed station operating with 100 kilowatts e.r.p. and antenna height of 500 feet above average terrain will bring a first local FM service to this community and

> • • • a second aural service to a large portion of this underserved area. A second service would be provided to the Beaver Islands, as well as a large area north of Charlevoix • • • areas receiving a second service would total 191.0 square miles and a population of 1,641 persons. A Class A assignment would leave these areas without this additional second service.

5. Our engineering review indicates that the use of Channel 290 at Charlevoix would preclude assignments in the area on Channels 288A, 289, 290, 291 and 292A. Preclusion occurring on the U.S. side of the U.S.-Canadian border on Channels 288A, 289, 291 and 292A affects areas which either contain no significant communities or communities which already have FM assignments, according to the petitioner's engineering statement. With regard to Channel 290, WVOY's engineering statement notes that there would be preclusion in a large area. However, communities in this area, for the most part, either have local FM assignments or receive service from nearby communities which do.

6. In view of the foregoing, we invite comments on the following revision in our FM Table of Assignments (§ 73.202 (b) of our rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Charlevoix, Mich		290

8. Since Charlevoix, Michigan is located within 250 miles of the U.S.–Canadian border, Canadian approval of the proposal is required according to the Working Agreement under the United States–Canadian FM Agreement.

9. Comments in this proceeding must be filed on or before August 11, 1975, while reply comments must be filed on or before September 2, 1975.

10. Authority for the institution of this rule making proceeding and the procedural rules and regulations governing it are set out and/or cited in the attached Appendix.

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

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

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

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

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

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *notice of proposed rule making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

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

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

[FR Doc.75-16145 Filed 6-19-75;8:45 am]

[47 CFR Part 73]

[Docket No. 19314]

RADIO BROADCAST SERVICES

Filing of Progress Reports

In the matter of amendment of Part 73, § 73.682(a)(22) of the Commission's rules and regulations concerning the inclusion of program identification patterns in the visual transmissions of television broadcast stations.

1. On May 29, 1975, the Commission received from the attorneys for IDC Services, Inc., the following letter; which is self explanatory:

> Pursuant to the Commission's report and order in Docket No. 19314, 43 F.C.C. 2d 927 (1973), IDC Services, Inc. has been required to submit semi-annual reports to the Commission detailing the progress it has made in insuring the compliance of its automatic monitoring service with the provisions of § 73.682(a)(22) of the Commission's rules.

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[1] 1970 U.S. Census.

[2] WVOY is presently licensed as a daytime-only station, however, there is an application pending with the Commission looking toward making it an unlimited-time service.

Reports were filed with the Commission by IDC on June 1, 1974, and December 1, 1974, and an additional report will be due June 1, 1975.

IDC's management presently is reviewing certain business considerations which could have a substantial effect upon the nature of the company's operations. These matters are scheduled to be considered at management meetings during the months of June and July. Consequently, rather than file a progress report at this time, we request that the Commission extend the time for filing such a report to July 31, 1975. This extension will give IDC an opportunity to complete its consideration of the matters under review and to incorporate the decisions thereon in its Report to the Commission.

2. On consideration of all aspects of this matter, we believe it is in the public interest that IDC's request be granted.

3. Accordingly, *It is ordered*, That the time for filing of the progress report, due June 1, 1975, is extended to and including July 31, 1975.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules and regulations.

Adopted: June 2, 1975.

Released: June 4, 1975.

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

[FR Doc.75-16144 Filed 6-19-75;8:45 am]

[47 CFR Part 97]

[Docket No. 20282]

AMATEUR RADIO SERVICE

Order Extending Time To File Comments

In the matter of amendment of Part 97 of the Commission's Rules concerning operator classes, privileges and requirements in the Amateur Radio Service. (RM-1016, RM-1363, RM-1454, RM-1456, RM-1516, RM-1521, RM-1526, RM-1535, RM-1568, RM-1572, RM-1602, RM-1615, RM-1629, RM-1633, RM-1656, RM-1724, RM-1793, RM-1805, RM-1841, RM-1920, RM-1947, RM-1976, RM-1991, RM-2030, RM-2043, RM-2053, RM-2149, RM-2150, RM-2162, RM-2166, RM-2216, RM-2219, RM-2256, RM-2284, RM-2449)

1. The American Radio Relay League, Inc. (ARRL) requests a 30 day extension of time to file comments and reply comments in the above-captioned matter. Comments and reply comments are due June 16, 1975 and July 16, 1975, respectively.

2. In support of its request, ARRL states that in order to provide comprehensive and useful comments and counterproposals to the Commission, additional preparation time is needed. In particular, ARRL requires this additional time based specifically on the following reasons:

That as a basis for comment on Docket 20282, the ARRL conducted a mail survey of its some 100,000 members to obtain their views and opinions. That due to the scope of the Docket, apparently the response to the questionnaire was greater than initially anticipated. As a result, the preparation of useful and comprehensive comments became more time consuming than expected.

Further, that Counsel has commitments which preclude his participation in final draft revisions required to meet the June 16, 1975 deadline.

3. We find that the reasons stated by ARRL in its petition constitute good cause for a grant of its request to extend the time for filing comments and reply comments in this proceeding.

4. Accordingly, *it is ordered*, pursuant to §§ 0.131, 0.331 and 1.46 of the Commission's rules and regulations that the time for filing comments in the above-captioned matter be extended from June 16, 1975 to July 16, 1975 and reply comments from July 16, 1975 to August 18, 1975.

Adopted: June 12, 1975.

Released: June 13, 1975.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.75-16146 Filed 6-19-75;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Bertrand, Bernard R., P.O. Box 207, Skykomish, Washington, convicted on or about June 14, 1941, in the Kitsap County Superior Court, State of Washington; on April 5, 1943, in the Kitsap County Superior Court, State of Washington; and on April 29, 1946, in the United States District Court, Western District of Washington.

Boisvert, Joseph O., III, 62 Storer Street, Saco, Maine, convicted on May 27, 1968, in the York County Superior Court, Alfred, Maine.

Bolitho, Howard Samuel, 11932 Jefferson Street, N.E., Blaine, Minnesota, convicted on May 27, 1959, in a General Court Martial, Keesler AFB, Mississippi; on November 26, 1962, in the District Court of the Seventeenth Judicial District, Adams County, Colorado; and on July 12, 1968, in the United States District Court, District of New Mexico.

Brignone, Libero John, 111–15th Street, Fond du Lac, Wisconsin, convicted on October 5, 1962, in the United States District Court, Eastern District of Wisconsin.

Carrasco, Benjamin, 8798 Fulton Street, Detroit, Michigan, convicted on October 29, 1946, in the Circuit Court of Eaton County, Michigan.

Carter, Paul Lloyd, 608 Hairston Street, Martinsville, Virginia, convicted on December 11, 1959, in the United States District Court for the Middle District of North Carolina; and on February 13, 1967, in the United States District Court for the Western District of Virginia.

Clark, Mary Lou, 407 East 61st Street, Tacoma, Washington, convicted on March 17, 1972, in the United States District Court, Western District of Washington.

Craig, Charles W., 3802 29th Street, Lubbock, Texas, convicted on January 14, 1963, in the District Court of Eddy County, New Mexico.

Crayk, Larry William, 623 East Birch, Apt. A, Brea, California, convicted on April 12, 1971, in the Circuit Court of Okaloosa County, Florida.

Curzi, Robert A., Box 181, Chicora, Pennsylvania, convicted on October 6, 1969, in the Court of Common Pleas, Butler County, Pennsylvania; on October 29, 1971, in the Court of Common Pleas, Armstrong County, Pennsylvania; and on or about March 20, 1972, in the Court of Common Pleas, Allegheny County, Pennsylvania.

Eccles, Harold Eugene, 322 German, Hayesville, Kansas, convicted on February 21, 1966, in the United States District Court, District of Kansas.

English, William Ferneau, 4013 Farwest Boulevard, Austin, Texas, convicted on September 30, 1970, in the 167th Judicial District Court, Travis County, Texas.

Fergerson, Ronald Scott, 6143 N.E. Portland Avenue, West Linn, Oregon, convicted on February 14, 1972, in the Circuit Court of Oregon, County of Clyackamas.

Fry, Franklin George, 730 E. 26th Place, Yuma, Arizona, convicted on October 31, 1974, in the Superior Court of the State of Arizona in and for the County of Yuma.

Gill, Troy, 6848 South Cornell, Chicago, Illinois, convicted on or about July 14, 1933, in the Cook County Criminal Court, Chicago, Illinois.

Giordano, Alexander A., 6847 Haywood Street, Tiyunga, California, convicted on September 4, 1969, in the California Superior Court, Los Angeles County, California.

Girard, Daniel L., Rt. 1, Skandia, Michigan, convicted on March 13, 1959, in the Circuit Court for the County of Marquette, Michigan.

Gourde, Lawrence R., 1312½ Commerce, Longview, Washington, convicted on March 16, 1953, in the Cowlitz County Superior Court, Kelso, Washington.

Gratz, Victor T., 7928 N. Hodge, Portland, Oregon, convicted on February 9, 1965, in the Circuit Court of the State of Oregon, for the County of Multnomah; and on January 20, 1970, in the Circuit Court of the State of Oregon, for the County of Wasco.

Greathouse, James C., 8330 S.W. Pine, Portland, Oregon, convicted on or about December 12, 1955, in the Circuit Court of the State of Oregon, Umatilla County.

Helmick, David LeRoy, 700 35th Street, Marion, Iowa, convicted on January 26, 1966, and on January 18, 1968, in the District Court of Des Moines County, Iowa.

Hill, Larry E., 206 Lancaster Avenue, Chattanooga, Tennessee, convicted on or about January 11, 1962, in the Hamilton County Criminal Court, Tennessee.

Hrimnak, John F., Jr., R.R. #7, Chambersburg, Pennsylvania, convicted on January 14, 1970, in the Court of Common Pleas, Franklin County, Pennsylvania.

Kepner, Daniel Maurer, 823 Pear Street, Reading, Pennsylvania, convicted on June 9, 1958, and on March 8, 1966, in the Court of Common Pleas, Criminal Division, Berks County, Pennsylvania.

LeCompte, John F., 1525 Debra Drive, Baker, Louisiana, convicted on November 16, 1970, in the 19th Judicial District Court, East Baton Rouge Parish, Louisiana.

Lesure, Eddie, 611 Young's Alley, Mobile, Alabama, convicted on or about November 14, 1939, in the Circuit Court of Marengo County, Alabama; and on May 21, 1954, in the United States District Court, Southern District of Alabama.

Lethco, James Junior, Lethco Lane, Box 421, Newport, Tennessee, convicted on May 12, 1970, in the United States District Court, Western District, North Carolina.

Linden, Clarence Carvel, 6811 Jefferson Davis Highway, Chesterfield, Virginia, convicted on or about November 24, 1948, in the United States Navy General Court Martial, San Pedro, California; and on July 13, 1953, in the Hopewell, Virginia, City Court.

Martin, Melvin Clifford, Route #1, Rocky Mount, Virginia, convicted on or about January 31, 1929, in the United States District Court, Bluefield, West Virginia; on July 9, 1935, in the United States District Court, Harrisonburg, Virginia; on May 23, 1936, and on July 5, 1944, in the United States District Court, Western District of Virginia.

Mathews, Jay E., 801 W. Long Lake Road, Bloomfield Hills, Michigan, convicted on October 14, 1971, in the United States District Court, Southern District of Florida.

Morrow, Frank J., 1972 LaSalle Gardens, South, Detroit, Michigan, convicted on September 26, 1962, in the Circuit Court of Wayne County, Michigan.

Olszewski, Donald George, 9001 Beatrice, Livonia, Michigan, convicted on or about July 14, 1958, in the Circuit Court of the Twelfth Judicial Circuit of Florida in and for Manatee County, Florida, and on or about September 24, 1958, in the Circuit Court of the Sixth Judicial Circuit of Florida in and for Pinellas County, Florida.

Passaflume, Stephen Nicholas, 4967 Carolina Street, Gary, Indiana, convicted on March 30, 1956, in the United States District Court, Eastern District of Kentucky.

Powers, William W., Jr., 1215 Starling Drive, Hobbs, New Mexico, convicted on November 2, 1967, in the United States District Court, District of New Mexico.

Snyder, Melvin J., 1012 South 23rd Street, Fort Dodge, Iowa, convicted on September 8, 1962, in the District Court of Iowa, in and for Carroll County; and on August 17, 1964, in the District Court of Iowa, in and for Webster County.

Stevens, Franklin M., 25595 Third Street, Barstow, California, convicted on November 22, 1968, in the Superior Court of the State of California, for the County of Riverside.

Vaughters, James Lowell, Jr., 1109 Honeysuckle, Kennett, Missouri, convicted on February 26, 1971, in the Shelby County Circuit Court, Tennessee.

Verrico, Anthony Joseph, 35 Wakemore Street, Darien, Connecticut, convicted on January 15, 1962, in the First Circuit Court, Norwalk, Connecticut.

Via, Venton W., Route 4, Stuart, Virginia, convicted on September 5, 1952, in the United States District Court, Danville, Virginia; on September 10, 1953, and June 6, 1955, in the Circuit Court, Patrick County, Virginia; and on August 18, 1971, in the United States District Court, Roanoke, Virginia.

Wade, Robert, 463 Anniston Drive, Lexington, Kentucky, convicted on November 22, 1971, in the Fayette Circuit Court, Second Division, Fayette County, Kentucky.

Woodhead, Stanley W., 718 E., 10½, Houston, Texas, convicted on June 12, 1972, in the District Court of Harris County, Texas.

Yaughn, William Johnson, 6535 Perkins Drive, Macon, Georgia, convicted on October 27, 1967, in the United States District Court, Middle District of Georgia.

Signed at Washington, D.C. this 12th day of June 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75-16133 Filed 6-19-75;8:45 am]

DEPARTMENT OF JUSTICE

UNITED STATES STEEL CORP.

Proposed Consent Decree in Action To Enjoin Emission of Air Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on June 9, 1975, a proposed consent decree in United States v. United States Steel Corporation was lodged with the United States District Court for the Northern District of Alabama. The proposed decree would require U.S. Steel to terminate operations within one year at five open hearth furnaces at its Fairfield Works, Ensley Operation, Birmingham, Alabama.

The Department of Justice will receive on or before July 21, 1975 written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to United States v. United States Steel Corporation, D.J. Ref. 90-5-2-1-26.

The proposed consent decree may be examined at the office of the United States Attorney, 276 Federal Courthouse, 1800 Fifth Avenue North, Birmingham, Alabama, at the Region IV Office of the Environmental Protection Agency, Enforcement Division, 1421 Peachtree Street, NE Atlanta, Georgia, and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2623, Department of Justice Building, Ninth Street and Pennsylvania Avenue Northwest, Washington, D.C. 20530. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $.50 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

WALLACE H. JOHNSON,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.75-16130 Filed 6-19-75;8:45 am]

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Meeting

Notice is hereby given that the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, will meet on July 11, 1975 at the Marriott Hotel, Key Bridge, in Rosslyn, Virginia.

Topics of discussion will include the evaluation, courts and corrections program thrusts for FY 76.

The meeting will be open to the public.

For further information, please contact Gerald M. Caplan, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531. (202) 376-3606.

GERALD YAMADA,
Attorney-Advisor, Office of General Counsel.

[FR Doc.75-16129 Filed 6-19-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 3, Amdt. 5]

SUPERINTENDENTS

Delegation of Authority Concerning Funds and Fiscal Matters

MAY 20, 1975.

This notice is published in exercise of authority delegated by Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 1.

This delegation is issued under the authority delegated to the Commissioner of Indian Affairs from the Secretary of the Interior in 10 BIAM 2.1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3.

The Portland Area Office Redelegation Order 3 published beginning on page 15813 of the October 14, 1969, FEDERAL REGISTER (34 FR 15813) is amended in § 2.62 to provide for the approval of the annual operating IMPL budget and modifications thereof.

As amended, Part 2 of Portland Area Office Redelegation Order 3 reads as follows:

PART 2 AUTHORITY OF SUPERINTENDENTS, SCHOOL SUPERINTENDENT, AND PROJECT ENGINEER

Subject to the provisions of Part 1, Superintendents, School Superintendents, and Project Engineer may exercise the authority of the Area Director as indicated in this part.

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FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

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Sec. 2.62 *IMPL budgets.* The approval of the annual operating budget and modifications thereof provided expenditures are made from recurring operating income and budget does not exceed anticipated operating income.

Effective date. This delegation of authority notice is effective June 20, 1975.

FRANCIS E. BRISCOE,
Area Director.

Approved: June 13, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-16127 Filed 6-19-75;8:45 am]

National Park Service

SEQUOIA AND KINGS CANYON NATIONAL PARKS, GRANT GROVE DEVELOPMENT CONCEPT PLAN

Notice of Intent

Notice is hereby given that the National Park Service will hold two public workshops on July 22 and 23, 1975, to provide for public involvement and citizen participation in the first phase of the development concept planning process for the Grant Grove area of Sequoia and Kings Canyon National Parks.

The workshops will be held in Visalia, California, July 22, in the Sequoia Room, Visalia Convention Center, 303 East Acequia Street, at 7 p.m., and in Fresno, California, July 23, in the all-purpose room, McLane Junior High School, 2727 North Cedar Avenue, at 7 p.m.

Concurrent with these workshops will be a series of consultations between members of the National Park Service and appropriate Federal, State and local government officials, organizations and individuals.

The purpose of these workshops and consultations is to provide for wide public involvement, including ideas, suggestions and comments from individuals and organizations on the formation of Grant Grove Development Concept Planning Alternatives.

It is the intention of the National Park Service, when the Development Concept Planning Alternatives are completed, to make them available to the public for further review.

Anyone wanting information on the National Park Service planning process, or wishing to submit comments on uses of Grant Grove may write to the Superintendent, Sequoia and Kings Canyon

National Parks, Three Rivers, California 93271.

Dated: June 16, 1975.

HOWARD H. CHAPMAN,
Regional Director,
Western Region, National Park Service.

[FR Doc.75-16186 Filed 6-19-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SQUAW CREEK PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Squaw Creek Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-75-24.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Squaw Creek Planning Unit on the Boise National Forest, Idaho. The purpose of the plan is to allocate 106,424 acres of National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This draft environmental statement was transmitted to CEQ on June 13, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and Independence Ave., SW.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Boise National Forest
1075 Park Boulevard
Boise, Idaho 83706

District Forest Ranger
Emmett Ranger District
Route 3, Box 198
Emmett, Idaho 83617

A limited number of single copies are available upon request from Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environment have been sent to various Federal, State, and local agencies as outlined in 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 Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706. Comments must be received by August 12, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: June 13, 1975.

DONALD A. SCHULTZ,
Acting Director,
Regional Planning and Budget.

[FR Doc.75-16072 Filed 6-19-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

DEANSGATE, INC.

Notice of Petition

A petition by Deansgate, Inc., New Orleans, Louisiana, was accepted for filing on June 16, 1975, under Section 251 of the Trade Act of 1974 and in conformity with *Adjustment Assistance Certification Regulations for Firms*, 15 CFR, Part 350, (40 FR 14291 April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner asserts that imported articles classified in items 380.-02, 380.04, 380.09, 380.39, and 380.81 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with men's suits, sport coats and trousers produced by the firm.

Any party having a substantial interest in the subject matter of the proceedings (as described in § 350.40(b) of the regulations) may request a public hearing on the matter. A request for a hearing conforming to Section 350.40 of the Regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance.)

HAROLD A. BRATT, Jr.,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-15917 Filed 6-19-75;8:45 am]

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Tanker Program; Environmental Impact

An environmental impact statement entitled, Maritime Administration Tanker Construction Program, NTIS Report No. EIS730725-F, was published on May 30, 1973. The statement concerns proposed assistance to private industry to aid in the construction in the United States of a fleet of oil-carrying vessels during the decade of the 1970's. Vessel classes included range from approximately 35,000 DWT to 400,000 DWT.

The Maritime Subsidy Board has received the following applications for assistance under the Tanker Construction Program and has determined that the vessels to be constructed with such assistance are of the type, design and characteristics of those vessels treated in the above mentioned environmental impact statement. As a consequence the Board has found that no supplement to the impact statement mentioned herein, nor any new impact statement need be prepared with respect to these vessels. Future Board action with respect to the applications will be, from an environmental standpoint, based on the above mentioned impact statement. These applications are:

United Shipping, Inc., for one ship; and Oregon Shipping, Inc., for one ship. They are to be MarAd Design T5-M-119a, about 56,000 DWT as proposed to be built to plans and specifications of Avondale Shipyards, Inc. This class of ship is described in the EIS as an example of a "Handy Tanker" given in Section II. The environmental impact of such designs are covered throughout the Statement in various sections.

The bases for the Board's determinations, as described herein, are available for public inspection in the Office of the Secretary, Room 3099-B, Maritime Administration, Commerce Department Building, 14th & "E" Streets, NW., Washington, D.C. 20230.

Dated: June 17, 1975.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-16162 Filed 6-19-75;8:45 am]

Office of the Secretary

ECONOMIC ADVISORY BOARD

Meeting

A meeting of the Department of Commerce Economic Advisory Board will be held on Thursday, July 24, 1975 from 10 a.m. to 3 p.m. in Room 4832, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Board was established by the Secretary of Commerce on October 5, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

(1) Discuss specific industry situations in terms of consumer spending, inventory, and capital spending.

(2) Discuss monetary and fiscal policy and the near-term outlook for prices and interest rates.

(3) Discuss the outlook for overall economic activity through 1976 in terms of output and employment.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to requests for clarification of items under discussion. Additional statements or inquiries may be submitted to the chairman before or after the meeting.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. Dominic R. Quinn, Special Assistant to the Assistant Secretary for Economic Affairs, Room 4854, Department of Commerce, Washington, D.C. 20230, telephone (202) 967-3884.

JAMES L. PATE,
Assistant Secretary for Economic Affairs.

[FR Doc.75-16079 Filed 6-19-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

COMMUNITY EDUCATION ADVISORY COUNCIL

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Community Education Advisory Council will be held July 10 and 11, 1975, at the Board Room, University of Nevada, 4505 Maryland Parkway, Las Vegas, Nevada. The Thursday meeting will begin at 9 a.m. and end at 5 p.m. The Friday meeting will begin at 9 a.m. and end at 3 p.m.

The Community Education Advisory Council is authorized under Pub. L. 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools. In the fiscal year ending June 30, 1975, the Advisory Council shall be responsible for advising the Commissioner regarding the establishment of policy guidelines and regulations for the operation and administration of the Community Schools Act.

In addition, the Council shall create a system for evaluation of the programs. The Council shall present to Congress a complete and thorough evaluation of the programs and operation of the Community Schools Act for each fiscal year ending after June 30, 1975.

The meeting of the Council will be open to the public. The proposed agenda includes:

(1) Review of Program Regulations
(2) Report on the Community Education Program Status
(3) Evaluation
(4) Administrative Details and Related Council Business
(5) Long-Range Planning for the Council
(6) A Hearing on the Progress of Programs or other Community Education Activities Throughout the Southwest.

Records shall be kept of all council proceedings and shall be available for public inspection in Room 4177-E, Federal Office Building No. 6, 400 Maryland Avenue SW, Washington, D.C. 20202.

Signed at Washington, D.C. on June 16, 1975.

JULIE ENGEL,
Special Assistant to the U.S. Commissioner of Education.

[FR Doc.75-16140 Filed 6-19-75;8:45 am]

Food and Drug Administration

LIAISON ACTIVITIES WITH STANDARDS-SETTING ORGANIZATIONS

Public Meeting Regarding Standards Development Activities

In order to carry out a successful radiation control program in those areas covered under its broad authorities, the Bureau of Radiological Health follows a policy of cooperation with standards-setting and related organizations. Public Health Service policy recognizes that liaison representation permits cooperation between government representatives and members of an association in the exchange of information and opinions on matters of common interest. To further such cooperation, the Food and Drug Administration (FDA) will hold a public meeting to discuss the appropriate procedures for a cooperative effort with certain of the nuclear standards committees of the American National Standards Institute (ANSI) to develop standards and guides related to the mission of the Bureau of Radiological Health.

Recommendations resulting from this meeting may lead to a more formal relationship between FDA and appropriate ANSI committees to develop through the ANSI consensus process standards and/or guidelines which the Commissioner of Food and Drugs may utilize in the development of radiation protection regulations or guides promulgated under the authorities of the FDA.

The public meeting will be held at 1:30 p.m. on July 8, 1975, in Rm. 400 of the Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, MD. Interested persons are invited to participate. An agenda will be available upon request and will be distributed at the meeting.

Documentation of views by interested individuals and organizations would be especially helpful. Observations and statements will be accepted for consideration for 30 days following the July 8, 1975 meeting. Correspondence regarding the meeting should be sent to:

Food and Drug Administration
Bureau of Radiological Health (HFX-460)
5600 Fishers Lane
Rockville, MD 20852.

Dated: June 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-16076 Filed 6-19-75;8:45 am]

[Docket No. 75F-0092]

MITSUI PETROCHEMICAL INDUSTRIES, LTD.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B2860) has been filed by Mitsui Petrochemical Industries, Ltd., 200 Park Ave., New York, NY 10017, proposing that § 121.2501 Olefin polymers (21 CFR 121.2501) be amended to provide for the safe use of olefin copolymers of 4-methylpentene-1 with 1-alkenes having 2 to 10 carbon atoms as articles or components of articles intended for use in contact with food and § 121.2566 Antioxidants and/or stabilizers for polymers (21 CFR 121.2566) be amended to permit the use of tetrakis(methylene(3,5-ditert - butyl-4-hydroxyhydrocinnamate)) methane, in copolymers of 4-methylpentene-1 with 1-alkenes having 2 to 10 carbon atoms for use in contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a signficant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 12, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-16075 Filed 6-19-75;8:45 am]

[Docket No. 75N-0074]

SUNLAMPS AND MEDICAL ULTRAVIOLET LAMPS

Extension of Date for Submission of Initial Reports

The Commissioner of Food and Drugs is ordering that the date by which manufacturers of sunlamps and medical ultraviolet lamps shall submit initial reports on their products shall be extended from July 3, 1975, to November 3, 1975.

The Commissioner issued a final regulation, published in the FEDERAL REGISTER of March 5, 1975 (40 FR 10174), adding sunlamps and medical ultraviolet lamps to the list of specific product groups under § 1002.61 (21 CFR 1002.61) for which initial reports are required under § 1002.10 (21 CFR 1002.10). According to the March 5, 1975 regulation, initial reports for these products are to be submitted by July 3, 1975, which is 90 days after the effective date of listing of these products in § 1002.61.

Since publication of the regulation, the Food and Drug Administration (FDA) has been unable to provide, sufficiently in advance of the report due date, a reporting guideline to the affected manufacturers. Such a guideline would aid

submittal of complete and meaningful reports. Therefore, to allow for preparation and timely distribution of a reporting guideline, the Commissioner orders that the date by which submittal of initial reports is required under § 1002.10 for such products listed in § 1002.61(a)(5) be extended to November 3, 1975.

The guideline for manufacturers of sunlamps and medical ultraviolet lamps is currently being prepared by FDA and will be mailed, as soon as possible, to manufacturers of these products. Manufacturers of these products who are known to FDA are being notified by mail of the change in date for submittal of initial reports.

Effective date. This order shall become effective June 20, 1975.

Dated: June 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-16077 Filed 6-19-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-75-375]

URBAN HOMESTEADING DEMONSTRATION PROGRAM

Intention To Accept Applications From Local and State Governments

Notice is hereby given that the Department of Housing and Urban Development will be accepting applications from units of general local government, States and public agencies designated by units of general local government for approval of urban homestead programs, on a demonstration basis, which meet the requirements of section 810(b) of the Housing and Community Development Act of 1974.

It is anticipated that application forms for eligible units of general local government, States or designated public agencies will be available from HUD on July 18, 1975. Applications will be accepted by HUD from July 28, 1975 until August 29, 1975.

Applications will be considered by HUD in accordance with the requirements of section 810 of the Housing and Community Development Act of 1974, with consideration given to local neighborhood preservation efforts, homesteader selection and services, availability of other related local services and facilities and general program design.

Selected applicants will be eligible to receive, without payment, properties to which the Secretary holds title and which are suitable for use in an urban homestead program.

Interested potential applicants are invited to request application forms and further information concerning the urban homesteading demonstration program by writing to the Director, Urban Homesteading Demonstration Program, Office of Policy Development and Research, Department of Housing and Urban Development, Room 8138, 451 7th Street, SW., Washington, D.C. 20410, or by telephoning HUD at 202/755-4977.

A finding of inapplicability of section 102(2)(C), National Environmental Policy Act of 1969, has been made in connection with this notice, in accordance with HUD procedures set forth in HUD Handbook 1390.1 (38 FR 19182). A copy of this finding of inapplicability is available for public inspection during regular business hours in the office of the Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Issued at Washington, D.C., June 16, 1975.

(Sec. 810(d), Housing and Community Development Act of 1974, 12 USC 1706e; section 7(d), Department of Housing and Urban Development Act, (42 USC 3535(d)))

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-16080 Filed 6-19-75;8:45 am]

[Docket No. D-75-335]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY

Designation With Respect to Minority Business

Section A. *Designation.* The Assistant Secretary for Equal Opportunity and the Deputy Assistant Secretary for Equal Opportunity are each designated as the official responsible for performance of the following functions of the Secretary of Housing and Urban Development with respect to sections 3(a), (d) and (e) of E.O. 11625, dated October 13, 1971 (36 FR 19967):

1. When and in the manner so requested by the Secretary of Commerce, to furnish information, assistance, and reports to, and otherwise cooperate with, the Secretary of Commerce in the performance of his functions under the Executive Order.

2. To the extent provided under regulations which may be issued by the Secretary of Commerce, to report to him on any activity that falls within the scope of the minority business enterprise program as defined in the Executive Order and such regulations.

3. To continue all current efforts initiated within the Office of Equal Opportunity to foster and promote minority business enterprises and support the program set forth in the Executive Order.

4. To make recommendations to the Secretary or Under Secretary of Housing and Urban Development with respect to cooperation with the Secretary of Commerce in increasing the total Federal effort under the Executive Order.

Section B. *Authority to Issue Rules and Regulations.* The Assistant Secretary for Equal Opportunity and Deputy Assistant Secretary for Equal Opportunity are each authorized to issue such rules and regulations with the respect to the collection and submission of data and information concerning minority business enterprises as may be necessary for the fulfillment of the functions assigned in Section A.

Effective date. This delegation of authority shall be effective on June 20, 1975.

(Sec. 7(d) of the Department of Housing and Urban Development Act of 1968, (42 U.S.C. § 3535(d)))

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-16166 Filed 6-19-75;8:45 am]

[Docket No. D-75-336]

REGIONAL ADMINISTRATOR, REGION IX

Delegation of Authority

The Department is combining certain of its administrative components in the San Francisco Regional Office. As a result, certain powers, functions and responsibilities are being transferred or consolidated. The former jurisdictional assignments and all existing delegations or redelegations of authority to officials of the San Francisco and Los Angeles Area Offices for the administration of all HUD programs with respect to Indian reservations and Indian tribes are hereby revoked and are being assigned and delegated to the San Francisco Regional Office. Accordingly, the Secretary delegates to the San Francisco Regional Office the exclusive jurisdiction for the administration of all HUD programs, except programs of FHA mortgage insurance, in relation to the following tribes or reservations:

(1) All tribes and reservations in the States of Arizona, California, Nevada and New Mexico, except with respect to the State of New Mexico, the Southern Ute Reservation and the Ute Mountain Reservation and tribes residing therein;

(2) The Navajo Nation located in the State of Utah;

(3) The Goshute Reservation located in the States of Nevada and Utah;

(4) The Duck Valley Reservation located in the States of Idaho and Nevada;

(5) The Fort McDermitt Reservation located in the States of Oregon and Nevada.

This jurisdictional assignment supersedes and revokes all inconsistent HUD jurisdictional assignments, published or unpublished, heretofore issued, to the extent of said inconsistency. The Regional Administrator of the San Francisco Regional Office of HUD is hereby delegated the authority to administer the HUD programs referred to above for Indian tribes and Indian reservations covered by this jurisdictional assignment which was formerly in officials of the San Francisco and Los Angeles Area Offices of HUD. The said Regional Administrator is also authorized to redelegate that authority in whole or in part to one or more officials of the San Francisco Regional Office.

(Sec. 7(d), Department of HUD Act; (42 U.S.C. 3535(d))).

Effective date. This delegation of authority is effective June 12, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-16167 Filed 6-19-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GENERAL AVIATION DISTRICT OFFICE AT DALLAS, TEXAS

Notice of Move

Notice is hereby given that on or about July 15, 1975, the General Aviation District Office at Redbird Airport, Dallas, Texas, will be moved to Love Field Airport, Dallas, Texas. Boundaries and services to the aviation public remain the same. This move does not constitute a change to the FAA Organization Statement.

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

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-16056 Filed 6-19-75;8:45 am]

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES

Open Meeting

Pursuant to Executive Order 11671, the Federal Highway Administration announces the meeting dates and relevant information for the Mid-Year Meeting of the National Advisory Committee on Uniform Traffic Control Devices. The meeting will be held July 16–18, 1975, at the Kona Kai Club, 1551 Shelter Island Drive, San Diego, California. The full Committee will convene at 1 p.m. July 16 and at 8 a.m. July 18. Subcommittee working sessions are scheduled for Thursday, July 17.

For further information contact the Office of Traffic Operations, Federal Highway Administration, 400 7th Street SW., Washington, D.C. Code 202/426-0411. Attendance by the public will be limited to space available.

Purpose—This Committee reviews currently approved standards, guides and warrants for traffic control devices contained in the Manual on Uniform Traffic Control Devices, the national standard for all classes of highways. Revisions and proposed new standards to meet new developments and improvements are developed as needed.

The Committee makes studies, conducts investigations, prepares reports, develops recommendations and advice to assist the Federal Highway Administrator in developing appropriate standards as authorized in 23 U.S.C. 109(d) and 402(a).

Agenda. Agenda items will include reports and recommendations of the chairmen of the technical subcommittees on signs, signals, pavement markings, traffic controls for construction and maintenance areas, and traffic controls for bicycle facilities. Recommendations from the subcommittees for proposed additions to or revisions in current traffic control device standards will be discussed and action taken relative to providing appropriate advice to the Federal Highway Administration on these matters.

JAMES J. CROWLEY,
Director, Office of Traffic Operations, Federal Highway Administration.

JUNE 12, 1975.

[FR Doc.75-16132 Filed 6-19-75;8:45 am]

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Monday and Tuesday, July 21 and 22, 1975.

The Committee was established to provide advice to the Federal Railroad Administration concerning solutions to problem areas involving the operating rules of the nation's railroads.

The meeting will be held in Room 5334, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. The agenda for this meeting will include a further discussion of rule 99 flagging requirements, and of rule 93 governing speeds within yard limits.

These meetings will be open to the public. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so. Under a procedure established by the Committee, persons submitting written statements are requested to provide 15 copies to provide distribution to each of the Committee members. Members of the public who wish to make prepared oral presentations should inform the Office of the Chief Counsel, Federal Railroad Administration, (202) 426-8220 at least 5 days prior to each of these meetings if possible and reasonable provision will be made for their appearance on the agenda. Time will also be provided on the agenda for public comments with respect to the discussions during the meeting.

Minutes of the meeting will be made available for public inspection and duplication during regular business hours in the Office of the Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

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

ASAPH H. HALL,
Deputy Administrator.

[FR Doc.75-16081 Filed 6-19-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. Ex 75-19; Notice 1]

ELECTRIC FUEL PROPULSION CORPORATION

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Electric Fuel Propulsion ("EFP") of Detroit, Michigan has applied for temporary exemption of an electric-powered passenger car from certain Federal motor vehicle safety standards on the grounds that it would facilitate the development and field evaluation of a low emission motor vehicle.

EFP intends to convert to electric power a conventionally-powered American intermediate-size passenger car that is certified as conforming to all applicable Federal motor vehicle safety standards. The modifications it performs include removal of the internal combustion engine, gas tank, and associated hardware. Springs, shock-absorbers, sway bars, tires, tubes, and other miscellaneous chassis components are removed and replaced with new heavier duty equipment, and the frame is reinforced. In addition to the electric propulsion system, a gasoline-fueled heater-defroster unit is installed in the trunk with a small gasoline tank. These modifications increase vehicle weight from approximately 4,000 pounds to something over 6,000 pounds. EFP does not yet know whether the increase in weight will affect conformity with portions of the following Federal motor vehicle safety standards: S4.1 and S4.2.1 of No. 105 and corresponding portions of No. 105-75, *Hydraulic Brake Systems*, S3.1 through S3.3 of No. 201, *Occupant Protection in Interior Impact*, S4.1 of No. 204, *Steering Control Rearward Displacement*, and S4.1.2 and S4.1.3 of No. 208, *Occupant Crash Protection*. In addition it requests complete exemption from the following standard: No. 212 *Windshield Mounting*, No. 215 *Exterior Protection*, and No. 216 *Roof Crush Resistance*. Finally, because of the gasoline-fueled heater-defroster unit, it requests an exemption from No. 301/301-75 *Fuel System Integrity*. The exemptions are requested for 2 years. While they are in effect EFP would conduct testing to determine the extent of conformance. If nonconformances are discovered they would be corrected by the end of the exemption period. The company argues that an exemption is in the public interest as its vehicles "reduce air pollution at street level and lessen the dependence of the United States on importation of petroleum." By allowing EFP to fill orders for the delivery of these vehicles, an exemption would facilitate the development and field evaluation of a low emission motor vehicle.

This notice of receipt of a petition for temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or

other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Electric Fuel Propulsion Corporation, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the Federal Register pursuant to the authority indicated below.

Comment closing date: July 21, 1975.

(Sec. 3 Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on June 13, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-16045 Filed 6-19-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 22670, etc.; Order 75-6-53]

LOS ANGELES AIRWAYS, INC.; ET AL.

Order

Correction

In FR Doc. 75-15556 appearing on page 25507 in the FEDERAL REGISTER of Monday, June 16, 1975, the order number is changed to read as set forth above.

[Order 75-6-78; Docket No. 25280 Agreement C.A.B. 25086]

TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of June, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates (SCR's).

The agreement proposes to reduce the existing SCR for the carriage of item 0670 (horseflesh) from New York to points in Europe by amounts ranging from 1 to 4 cents per kilogram for 5,000 kilograms minimum weight shipments and 10 cents per kilogram for 1,000 kilogram minimum weight shipments.[1]

[1] See Attachment for the existing and proposed rates.

In comments filed May 19, 1975, Seaboard World Airlines, Inc (Seaboard) requests the Board disapprove the agreement. The carrier contends that the proposed rates are set below the stated scheduled cargo service operating costs of certain U.S. transatlantic carriers; that horseflesh, already moving at one of the lowest transatlantic rates available, requires special handling thus further increasing unit costs and that since Seaboard's actual volume of horseflesh moving by air is increasing, it makes no sense to decrease the rates.[2] The carrier notes its past urgings that the Board take action to reduce the number of available transatlantic SCR's and refers to the Board's policy statement, issued May 6, 1975 on the occasion of the 1975 IATA Cargo Conference at Nice, and contends that disapproval would be consistent with enunciated Board policy. Lastly, Seaboard speaks to certain arguments regarding density and diversion which it assumes will be advanced by the IATA carriers in support of the agreements.[3] No other comments have been filed.

Upon consideration of the issue before us, Seaboard's comments and other relevant matters, we conclude that the low rates proposed for horseflesh appear unreasonable, unjustified and unwarranted and we shall therefore disapprove the agreement.

Recently, on May 6, 1975, the Board issued a statement on cargo rate matters to be negotiated at the IATA worldwide traffic conference in Nice which commenced on May 13, 1975. In that statement the Board expressed its view that the entire cargo rate structure should be revised with general commodity rates established at levels related to fully allocated costs and that specific commodity rates, as they exist today, should be abandoned. Recognizing the practical difficulties in implementing substantial revisions to the rate structure, the statement indicated that if a need for revenue increases can be demonstrated in selected areas, the increased revenues should be realized from increases in specific commodity rates. In view of the Board's statement, the lack of justification from the IATA member carriers in support of the subject agreement and in light of Seaboard's comments, we can perceive no basis which warrants approval of the agreement.

[2] During the first quarter of 1975 Seaboard alleges it transported in excess of 1.5 million pounds of horseflesh compared with 1.9 million pounds for all of 1974.

[3] Seaboard concedes that most dense items will produce more revenue per pallet position, assuming the aircraft is not weight-limited, but alleges the density of horseflesh is not enough to overcome the disparity between carrier operating costs and the low yield from the horseflesh rates. The carrier also contends the argument of diversion of U.S. horseflesh traffic to the lower rates from Montreal is spurious since the U.S. IATA carriers have equal votes on the North American Specific Commodity Rates Board, have failed to protest the low horseflesh rates from Montreal, and are thus estopped from asserting the Canadian diversion argument.

The presently available rates for horseflesh are among the lowest in the IATA structure—even lower than the recently introduced 34,000 and 42,500 kilogram freight-all-kinds rates which are currently under investigation. The proposed horseflesh rates would produce yields 2.6 cents to 3.5 cents lower than the FAK rates and the proposed rates appear unreasonable and below cost. The volume of horseflesh moving under present rates appears substantial and no data are before us which would justify the dilution of yield that the implementation of these lower rates would obviously bring about.

The Board, acting pursuant to sections 102, 204(a) and 412(b) of the Act, finds that Agreement C.A.B. 25086 is adverse to the public interest and in violation of the Act:

Accordingly, it is ordered, That:

Agreement C.A.B. 25086 be and hereby is disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Rates per kilogram for specific commodity item 0670 (horseflesh) [1]

From New York to—	Present (cents)	Proposed-agreement CAB 25086 (cents)
Amsterdam	61	58
Brussels	61	58
Frankfurt	64	63
Oslo	80	76
Paris	61	58
Stockholm	80	76
Vienna	66	63
Zurich	64	61
Do	[2] 82	[2] 72

[1] Includes 6 percent currency surcharge on U.S. originations. Minimum weight per shipment, 5,000 kg except as noted.

[2] For minimum weight shipments of 1,000 kg.

[FR Doc.75-16152 Filed 6-19-75;8:45 am]

[Docket No. 27932]

CHICAGO-MONTREAL ROUTE PROCEEDING

Change of Date for Prehearing Conference

Notice is hereby given that the prehearing conference in this proceeding, heretofore scheduled to be held on July 3, 1975, has been rescheduled to July 1, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Dated at Washington, D.C., June 16, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-16151 Filed 6-19-75;8:45 am]

[Docket No. 27721]

NATIONAL AVIATION CONSULTANTS LTD.

Canadian Charter Permit Application (Small Aircraft); Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is as-

signed to be held on July 8, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Dee C. Blythe.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before June 30, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., June 17, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-16150 Filed 6-19-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS 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 Illinois State Advisory Committee (SAC) to this Commission will convene at 1 p.m. and end at 4 p.m. on July 16, 1975, at 230 S. Dearborn Street, Room 3251, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting will be to discuss the project on Community Development Act as submitted by the Sub-Committee, set a time table and scope of the project. There will be a report from the Education Sub-Committee relating to an 18 month study of civil rights implications in the school districts of downstate Illinois.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 17, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-16083 Filed 6-19-75;8:45 am]

MONTANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana State Advisory Committee (SAC) to this Commission will convene at 9 a.m. and end at 1 p.m. on July 19, 1975, at the YWCA-220 2nd Conference Room, Great Falls, Montana.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Mountain States Regional Office of the Commission, Room 216, Champa Street, Denver, Colorado 80202.

The purpose of this meeting is that the Montana SAC will review and discuss the 1st draft of the report on the media conference it held on April 12.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 17, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-16084 Filed 6-19-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from June 9, 1975 through June 13, 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 in forty-five (45) days from this FEDERAL REGISTER notice of availability. (August 5, 1975) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: 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, 202-447-3853.

FOREST SERVICE

Draft

Honker Divide Land Use Plan, Tongass National Forest, June 9; Alaska. The statement concerns the land use plan for the Honker Divide Management Unit, Prince of Wales Island, on the Tongass National Forest. The plan proposes managing the Snakey Lakes and Thorne River-Hatchery Creek water travel route in a natural appearing environment, the remainder of unit would be managed to optimize the fish, wildlife, timber water, and recreation resources. Adverse impacts will result from timber harvests: requisite road construction, increased sediments to streams, and change of wildlife habitat (101 pages). (ELR Order No. 50846.)

Pioneer Mountains Unit, Challis and Sawtooth National Forest, Custer, Blaine, and Butte Counties, Idaho, June 9: The statement concerns a land use plan for the 695,964-acre Pioneer Mountain Planning Unit of Sawtooth and Challis National Forest. Two percent of the land is owned by the State of Idaho or private interests. The new plan differs from the existing one in that it provides for the construction of 16 miles of public access road into Meridian Creek and East Pass Creek, the increase of study areas from 87,626 acres to 108,200 acres, the availability of 346,600 of the existing 543,000 acres of roadless area for timber harvests, the intense management of livestock allotments, the increase of the capacity for recreation sites, and the artificial rehabilitation of 1,300 acres. (ELR Order No. 50839.)

Final

Petit Jean Unit Plan, Ouachita National Forest, Logan, Scott, and Yell Counties, Ark., June 9: Arkansas County: The statement concerns the management, administration, and utilization of the forest resources of the 140,817-acre Petit Jean Unit, Ouachita National Forest, from July 1, 1975, to June 30, 1985. Major actions are regenerating commercial timber stands on approximately 16,200 acres, thinning timber on approximately 39,640 acres, increasing wildlife habitat, providing minimum demand for expected recreation users, managing the range resource, and constructing 102 miles of road by timber purchasers. Impacts resulting from the action will be temporary soil disturbance and water quality from timber harvests, timber site preparation work, and road construction (162 pages). Comments made by: EPA, DOI, COE, and USDA. (ELR Order No. 50847.)

Bighorn Winter Sports Site, Caribou National Forest, Idaho, June 11: The statement refers to the proposed development of the Bighorn Winter Sports Site, in the Caribou National Forest, Idaho. It is proposed that 600 acres be developed to provide skiing capacity for approximately 3,000 skiers per day. The development includes 7 ski lifts with associated ski runs, lodge, parking for 1,000 cars, spring development, water line, sewer line and drainage field, buried power lines and access roads. Adverse impacts are landscape alteration, surface erosion, loss of timber producing area, and loss of cattle grazing area (168 pages). Comments made by: EPA, DOT, DOI, AHP, USDA. State, regional, and local agencies and concerned citizens. (ELR Order No. 50855.)

SOIL CONSERVATION SERVICE

Draft

Southwest Laterals Watershed, Concho and McCulloch Counties, Tex., June 9: Proposed is a project for watershed protection and flood prevention for 82,750 acres in Concho and McCulloch Counties, Texas. Seven floodwater structures will be installed during a 6-year period, requiring the permanent destruction of 178 acres of vegetation, and result in a minor reduction of runoff at the Middle Colorado River (46 pages) (ELR Order No. 50842.)

Final

Deer Creek Watershed, Worth County, Iowa, June 9: Proposed is a project for watershed protection, flood prevention, and drainage in Worth County, Iowa. The project will provide drainage outlets to 27,300 acres for a minimum of 50 years. The aquatic habitat will be lost in 10.7 miles. Comments made by: COE, DOI, DOT, EPA, AHP, and State agencies. (ELR Order No. 50845.)

Sand Creek Watershed, Harvey and Marion Counties, Kans., June 9: The statement refers to a project for watershed protection, flood prevention, and recreation in Harvey and Marion Counties. Foodwater and sedimentation damages will be reduced on 4,619 acres of flood plain land. There will be 1,195 acres for recreation and wildlife management area, including a 195-acre reservoir for water-based recreation and warmwater fishing. Adverse impacts include the use of land for project purposes, displacement of people, and traffic, litter, and noise will increase around the recreation area of the multi-purpose reservoir (191 pages). Comments made by: EPA, DOI, COE, HEW, DOT, AHP, and State agencies. (ELR Order No. 50844.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–967–4335.

Final

Atlantic Bluefin Tuna as Threatened Species, June 11: The statement concerns the proposal to list the Atlantic bluefin tuna, Thunnus thynnus, as a threatened species under the authority of the Endangered Species Act of 1973. The observed decrease in the catch of the tuna by fishermen indicates severe declines in the population of mid- and large-size fish. Listing the tuna as a threatened species would provide management capabilities. Comments made by: State and local agencies and groups. (ELR Order No. 50856.)

Duplin River Estuarine Sanctuary, McIntosh County, Ga., June 13: The statement concerns a grant to be awarded to the State of Georgia to acquire, develop, and operate an estuarine sanctuary in McIntosh County. About 6,150 acres of land and water in the Duplin River and Sapelo Island would be acquired and protected. The acquisition and operation of the estuarine sanctuary may restrict land and water used and prohibit exploitation within the sanctuary boundaries. Timber harvests, controlled burning, and predator control activities within the proposed sanctuary would also be prohibited. Removal of the property from private ownership may reduce the tax-generated revenues by about 1.5%. Comments made by: USDA, HUD, DOI, EPA, and State and local agencies and environmental groups. (ELR Order No. 50864.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–6861.

Draft

Stewart Investment Co. Permit, Pier Addition, St. Mary's County, Md., June 12: Proposed is the construction of a 974-foot pier addition and installation of five dolphins in the Potomac River at Piney Point, Maryland. The purpose of the project is to provide simultaneous berthing of two oil transport vessels. The pier structure and accompanying vessels will have a negative aesthetic impact on the area, and should a major oil spill occur, significant adverse impacts will affect water quality, fish and wildlife, ecology, economics, and the needs and welfare of the people (Baltimore District). (ELR Order No. 50861.)

Locks and Dam No. 26 (Replacement) Mississippi River, Missouri and Illinois, June 11: The statement is a supplement to a final eis filed with CEQ June 20, 1974. The action consists of building a replacement Locks and Dam No. 26 approximately 2 miles downstream of the existing structure at Alton, Illinois. Adverse impacts would include further inundation of commercial deposits of sand and gravel, the alteration of surface drainage pattern, and the possible creation of isolated marshy areas and decreased crop yields. Six hundred acres of terrestrial bottomland habitat will be inundated, and a private recreation development on Ellis Island partially inundated. The project will encourage industrial growth along the river bank (St. Louis District) (4 volumes). (ELR Order No. 50858.)

Corpus Christi Ship Channel, Maintenance Dredging, Nueces County, Tex., June 9: The proposed action is continued periodic maintenance dredging of the Corpus Christi Ship Channel and its branch channel to La Quinta to authorized project depths for purposes of navigation. The operations will be accomplished by contract hydraulic pipeline and government hopper dredges. Adverse impacts include contamination of land and open water disposal sites and increased turbidity (Galveston District). (ELR Order No. 50837.)

Canyon Lake Operations and Maintenance, Comal County, Tex., June 12: The Canyon Lake operation and maintenance program includes flood control, water conservation, operation, and maintenance of project structures, and recreational facilities, and management of land and water areas for fishing, hunting, camping, picnicking, boating, swimming, and other forms of outdoor recreation. Impoundment of floodwater has a detrimental effect upon the vegetation of the flooded area, especially since the fertilization value of floodwater sediments has been reduced and the pattern of deposition restricted to the river channel. Recreation also places pressure upon project lands by increasing sanitation problems (Ft. Worth District) (40 pages.) (ELR Order No. 50860.)

DEPARTMENT OF HEW

Contact: Mr. Charles Custard, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 3718 HEW-North, Washington, D.C. 20202, 202–963–4456.

Draft

U.S. Navy Aqueduct, Florida Keys, Dade and Monroe Counties, Fla., June 9: The statement concerns a proposal for the U.S. Navy to turn their water supply system over to the Florida Keys Aqueduct Authority (FKAA) so that FKAA may expand the capacity of the present system to meet the needs of the rest of the Keys. The property consists of 289.11 acres in Dade County where wells are located and related equipment used to obtain and transport the water to the Florida Keys. Providing additional fresh water to the Keys will permit a human population increase in Monroe County that will bring about land development and associated air and water pollution. (ELR Order No. 50827.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 Seventh Street SW., Washington, D.C. 20410, 202–755–6308.

Draft

Wilton Development, New Castle County, Del., June 9: Wilton involves the residential development of a 370-acre tract of land over an approximately 10-year period. Development will include construction of 3,000 dwelling units and community centers. Land is being reserved for development of public open space and school areas. Plans also call for development of a commercial area fronting on Route 40. Adverse impacts of the plan include: conversion of agricultural land to urban use, some increase in air pollution and community noise levels, and some traffic congestion. (ELR Order No. 50835.)

Upton Urban Renewal, Baltimore, Md., June 9: The statement concerns an urban renewal project for Upton, a 183 acre area of Baltimore's black community. The project's goal to improve housing will be realized primarily through rehabilitation of existing buildings, although 1,000 new housing units will be constructed. The project will displace families and businesses. (ELR Order No. 50838.)

Cromwell Road. Low-Rent Housing, Chattanooga, Hamilton County, Tenn., June 9: The Chattanooga Housing Authority is requesting an Annual Contribution Contract (ACC) for 200 units of low-rent public housing to meet the need for replacement housing as a result of displacement by an Urban Renewal Project. The units are to be built on a 90-acre tract on Cromwell Road in Chattanooga, Tennessee. Adverse impacts include those associated with the nearby airport and railroad, the absence of water and sewer facilities, lack of adequate recreation facilities in the immediate area, and the lack of public transportation to serve the project. (ELR Order No. 50840.)

Proposed Lead Based Paint Regulations, June 13: The proposed regulations require the inspection for and elimination of immediate lead based paint hazards in all residential structures which are HUD owned or financially assisted when such structures are being constructed, sold, purchased, leased, rehabilitated (including routine maintenance), modernized, or improved. The regulations also require that purchasers and tenants of all such housing constructed prior to 1950 receive notification that such housing may contain lead based paint as well as information regarding its potential hazard, symptoms of lead poisoning and precautions to be taken. (ELR Order No. 50862.)

Federal Mobile Home Construction & Safety Standard, June 13: Proposed is the establishment of Federal standards for the construction and safety of mobile homes. The goal of the regulation is to reduce the number of injuries and deaths and insurance costs resulting from mobile home accidents and to improve the quality and durability of mobile homes in response to Pub. L. 93–383. (ELR Order No. 50863.)

Final

Tampa Neighborhood Development, Areas 1 and 2, Hillsborough County, Fla., June 9: The statement refers to an urban renewal project for 1,775 gross acres of residential land in Tampa. The project will displace an unspecified number of families and businesses and demolish an unspecified number of houses; 733 residential structures will be rehabilitated. Comments made by: GSA, USDA, DOT, ERDA, HEW, AHP, and State and local agencies and businesses. (ELR Order No. 50836.)

Heritage Plaza East, Salem, Mass., June 11: Proposed is an urban renewal area for a forty-acre area of the City of Salem. Project measures include the replacement or rehabilitation of a number of commercial and residential structures, including some of historical significance. Comments made by: COE, DOC, HEW, EPA, State, regional, and local agencies. (ELR Order No. 50853.)

Downtown East Urban Renewal, Reading, Berks County, Pa., June 9: 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. Comments made by: DOC, EPA, DOT, State, and local agencies. (ELR Order No. 50829.)

SECTION 104(h)

Final

San Jose Community Development, Santa Clara County, Calif., June 9: The statement concerns the Housing and Community Development plan for the City of San Jose. Half of the $18,577,000 block grant will be spent to continue urban renewal projects already underway. The remainder will be spent on rehabilitation of older neighborhoods, facilities for child care and the handicapped, and low-income housing scattered throughout the city. Demolition of some existing structures and displacement of families will result (264 pages). Comments made by: EPA, State and local agencies. (ELR Order No. 50832.)

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 SPORT FISHERIES AND WILDLIFE

Final

Sport Hunting of Migratory Birds, Regulations, June 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 nontarget species, littering, and some destruction of vegetation. Comments made by: USDA, DOI, EPA, State agencies, and environmental groups. (ELR Order No. 50851.)

Proposed White River National Fish Hatchery, Windsor County, Vt., June 9: Proposed is the construction of a fish hatchery near Bethel. The hatchery will provide for the propagation of Atlantic Salmon, in order to help restore the species to the Connecticut River Watershed. Construction activity may temporarily increase the silt load on White River; hatchery effluent may cause odors in the immediate vicinity of the effluent treatment plant (99 pages). Comments made by: FPC, EPA, USDA, COE, DOI, DOC, and State agencies. (ELR Order No. 50843.)

GEOLOGICAL SURVEY

Draft

Oil and Gas Development, Santa Barbara Channel OCS, California, June 10: The statement concerns the proposed development of oil and gas reserves in the Santa Barbara Channel Outer Continental Shelf. The reserves could be developed by additional facilities and associated activities to be on the order of magnitude of 1 to 2 billion barrels of oil. The operation would pose a degree of pollution risk to the marine environment, adjacent shorelines, and sites of onshore treating and processing facilities (3 volumes). (ELR Order No. 50850.)

DEPARTMENT OF LABOR

Draft

Proposed Regulation of Noise, June 10: The Occupational Safety and Health Administration of the Department of Labor proposes to regulate general industry by requiring that employees be protected from the harmful effects of occupational noise exposure above specified levels and duration. The regulation will require substantial increases in capital costs and operating expenses in certain industries. (ELR Order No. 50849.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

KY 461, Pulaski and Rockcastle Counties, Ky., June 9: The statement concerns a proposed highway improvement pronector under construction in Pulaski County and ending at the junction with US 25 near the Renfro Valley I-75 interchange, a distance of 3.9 miles. Displacements of businesses, homes, and farm buildings vary with alternative. (ELR Order No. 50828.)

Maryland Routes 2 and 4, Route 264 to New Patuxent River Bridge, Calvert County, Md., June 12: The proposed action involves the improvement to 4 lanes of an approximately 15-mile-long segment of Maryland Routes 2 and 4 from Route 264 south to the approaches of the new Patuxent River Bridge. Noise levels will rise, and the number of people affected will depend upon the alignment selected. As many as 74 families and 15 businesses will be displaced, and productive farmland will be removed from cultivation for right-of-way. (ELR Order No. 50859.)

Route 169, from Route 5 to the New York State Line, Herkimer County, N.Y., June 9: The project proposes to construct a two-lane arterial highway, on new location, to replace a section of Route 169 in Herkimer County, between the City of Little Falls East-West Arterial (Route 5), and the New York State Thruway Interchange, 29A. The length of the project, number of displacements, and environmental consequences vary with alternative. (ELR Order No. 50831.)

SR 500, I-5 to SR 305, Vancouver, Clark County, Wash., June 9: Proposed is the construction of a 5.9 mile segment of State Route 500 from the 39th Street interchange on Interstate 5 in Vancouver to a junction with SR-503 immediately east of the community of Orchards. One mile of the 4-lane, limited access highway is already under construction. The project will displace 120 families, 5 businesses, 1 church, and 1 nonprofit organization. Since the proposed location falls in a residential area never before used for a highway with heavy traffic, the clearing of wooded land, noise, and air pollution will result. (ELR Order No. 50834.)

I-180, Cheyenne, Laramie County, Wyo., June 9: Proposed is the construction of a 1.1-mile segment of I-180 from Central Avenue Interchange on Interstate Highway 80 south of Cheyenne to the intersection with 16th Street which is Interstate Business Loop 80. This project will construct an expressway and new viaducts. The property acquisition will require the dislocation of 36 residences, 23 businesses, 2 apartments, 3 combined businesses and residences, and 2 nonprofit organizations. A small part of a creek will be relocated, and an inadequate structure will be replaced. (ELR Order No. 50830.)

Final

Atlantic Boulevard Extension, SR 814, Broward County, Fla., June 11: The proposed project is the construction of SR 8814 Atlantic Boulevard Extension) for 3 miles. Six acres of land will be acquired for right-of-way. Adverse impacts are loss of agricultural and timber land, and increased noise, air, and water pollution. Comments made by: EPA, DOI, USDA, HEW, HUD, State, and local agencies. (ELR Order No. 50857.)

U.S. 30, Meridian, Ada County, Idaho, June 9: The proposed action would consist of two separate projects located in the city of Meridian. The action involves the upgrading of an existing 2-lane facility incorporating curb and gutters, combination sidewalk-bikelane, and painted medians. Adverse impacts are displacement of some wildlife and impacts normally associated with construction (60 pages). Comments made by: USDA, HUD, EPA, DOI, State, and local agencies. (ELR Order No. 50848.)

U.S. 63, Wapello County, Iowa, June 9: The proposed project involves the construction of two additional lanes to U.S. 63 just north of Ottumwa in Wapello County. The 1.69 miles project will require the acquisition of approximately 26 acres of additional right-of-way. Adverse impacts are the displacement of 3 homes and 1 apartment building, and increased noise levels (55 pages). Comments made by: HEW, HUD, USDA, DOI, EPA, and, State agencies. (ELR Order No. 50833.)

I-35 and I-435 Interchange, Kansas City (Supplement), Johnson County, Kans., June 10: The proposed project involves an improved interchange at I-35 and I-435 and the modification of I-435 from four to six lanes between I-35 and Metcalf Avenue. The supplement reports on an air quality analysis involving eleven representative sites near the proposed improvement. Comments made by: EPA and State agency. (ELR Order No. 50852.)

State Route 40, Pennington County, S. Dak., June 9: The statement considers the proposed grading and surfacing of a 30-mile length of SR 40, beginning from 1 mile east of Scenic, S. Dak., and continuing to the Pennington County line. The road, presently gravelled, will be paved. Besides flattening curves and extending sight distances, the proposed reconstruction will follow the existing road alignment, crossing grasslands administered by the U.S. Forest Service and transversing approximately 2 miles of the Badlands National Monument. A 4(f) statement is included. The statement discusses adverse impacts of a temporary nature, citing noise and air pollution due to construction (46 pages). Comments made by: USDA, DOC, EPA, HEW, DOI, State, and local agencies. (ELR Order No. 50841.)

U.S. COAST GUARD

Coast Guard Station, Provincetown, Mass., June 11: The proposed action provides for construction of a new Coast Guard Station in Provincetown, Mass., to meet search and rescue and other operational commitments in the Outer Cape Cod area. Construction disruption will result. (ELR Order No. 50854.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-16094 Filed 6-19-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY AND FEDERAL ENERGY ADMINISTRATION

[FRL 387-5]

VOLUNTARY FUEL ECONOMY LABELING

Program for 1976 Model Automobiles

Notice is hereby given that the Environmental Protection Agency and the Federal Energy Administration are jointly sponsoring the 1976 model year voluntary fuel economy labeling program for automobiles.

In his Energy Message to Congress on April 18, 1973, the President assigned to the Environmental Protection Agency the responsibility to develop a program for informing the public as to the fuel economy characteristics of automobiles. A program for the 1974 model year, involving voluntary participation by automobile manufacturers in labeling each vehicle for fuel economy, was developed and announced in a FEDERAL REGISTER notice issued by EPA on August 27, 1973 (38 FR 22944). For the 1975 program, FEA agreed to join EPA in sponsoring the program because of FEA's energy conservation responsibilities; and the 1975 model year program was discussed in a jointly issued FEDERAL REGISTER notice of October 15, 1974 (39 FR 36890).

For the 1976 the automobile fuel economy labeling program will continue to be sponsored jointly by the Environmental Protection Agency (EPA) and the Federal Energy Administration (FEA). EPA will handle the technical

work related to the testing of vehicles and the analysis of data; FEA will take the lead on the public education and information aspects of the program.

The procedures set forth in this notice will govern the 1976 model year program. However, with a view toward future year programs, interested persons are invited to express their views on the program by submitting written comments in triplicate to the Deputy Assistant Administrator, Office of Mobile Source Air Pollution Control, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Comments received will be available for public inspection at the Freedom of Information Center, Room 204 West Tower, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, during normal working hours.

(A) *Purpose and goals.* The fundamental objective of the fuel economy labeling program is to reduce energy usage in the transportation sector. This objective can be accomplished by: (1) increasing public awareness of factors which influence fuel economy; (2) influencing consumers to purchase vehicles with better fuel economy; and (3) influencing manufacturers to produce vehicles with improved fuel economy.

(B) *Definitions.* (1) As used herein, all terms not defined below shall have the meaning given them in the Clean Air Act or in 40 CFR Part 85, Control of Air Pollution for New Motor Vehicles and New Motor Vehicle Engines.

(2) "Fuel Economy" means the estimated miles a motor vehicle can be driven on a specified driving cycle per gallon of fuel, rounded to the nearest whole mile per gallon. The fuel economy for a vehicle is based upon analyses of exhaust gas derived from the city and highway driving cycles.

(3) "Federal Emission Test Procedure" refers to the dynamometer driving schedule, dynamometer procedure, and sampling and analytical procedures described in 40 CFR Part 85 for the 1975 model year, which are used to derive city fuel economy data.

(4) "Vehicle Configuration" means a unique combination of engine configuration, inertia weight, transmission type and axle ratio.

(5) "Fuel Economy Data Vehicle" means a vehicle which is selected from a specific vehicle configuration for fuel economy testing for the purpose of this program.

(6) "City driving cycle" refers to the driving schedule in the Federal Emission Test Procedure, which is designed to simulate an average trip of 7.5 miles at an average speed of just under 20 miles per hour in an urban area. It consists of a cold-engine startup and vehicle operation on a chassis dynamometer through a specific driving schedule (2.4 stops per mile).

(7) "Highway driving cycle" refers to the driving schedule in the Federal Highway Fuel Economy Test Procedure which is designed to simulate non-metropolitan driving with an average speed 48.6 miles per hour and a maximum speed of 60 miles per hour. The cycle is 10.2 miles long with .2 stops per mile and consists of hot-engine startup and vehicle operation on a chassis dynamometer. A description of the EPA recommended practices for conducting highway fuel economy tests is in the FEDERAL REGISTER, Tuesday, October 15, 1974 (39 FR 36890).

C. *Program description.* 1. Each participating manufacturer will place purchaser removable stickers on each automobile, in accordance with the format described. Manufacturers who elect to participate in the program obligate themselves to place a sticker on every car in their product line as soon as possible after applicable fuel economy values have been provided to them by EPA. Manufacturers may choose to label their vehicles with specific or general information.

2. Manufacturers are encouraged to make available to dealers, for distribution and display in the showroom, the *Gas Mileage Guide for New Car Buyers* and information explaining the effects of optional equipment and other factors on fuel economy. Copies of the *Guide* will be published by the Federal Energy Administration and the Environmental Protection Agency and will be available by writing to Fuel Economy, Pueblo, Colorado 81009.

3. Where possible, the effective date for implementing the labeling program is the start of the 1976 model production or, if not possible, as soon thereafter as is practical. Specific labels may be introduced and revised at any time throughout the model year; general labels may not be revised during the model year and must be consistent with the data included in the Mileage Guide.

D. *Label description.* 1. The label must be of reasonable size and consistent in content and format with the attached sample labels. The label must be prominently displayed, either on the same window as the price sticker or on another side window. The inclusion of the label as part of the price sticker is recommended. If the manufacturer elects to use the price sticker for fuel economy labeling, the format of the material to be included on the price sticker must be approved in advance by EPA. The option to use a separate label is still open to the manufacturer. Requests for approval of alternative label locations are to be submitted to the Division of Certification and Surveillance, which will review the requests in coordination with the Federal Energy Administration.

2. The fuel economy label will separately present the full economy for city and highway driving. The fuel economy information will be derived from vehicles tested on the Federal Test Procedure and the Federal Highway Fuel Economy Procedure. The data necessary for the label will be provided or certified to the participating manufacturer by EPA.

3. Two basic types of labels will be used in the Voluntary Fuel Economy Labeling Program: (a) General Labels and (b) Specific Labels. Manufacturers may on any individual vehicle use either label at their option. EPA and FEA encourage manufacturers to utilize specific labels since specific labels, representing the fuel economy results of individual vehicle configurations, are most representative of the vehicle on which they appear.

4. The General Label (Figure 1) will present the sales weighted average of fuel economy values, by car line (separately for passenger cars and station wagons) as derived from all applicable emission data and fuel economy data vehicles. The label will identify the car line, engine (in cubic inch displacement), number of cylinders, transmission type (manual or automatic), fuel system and catalyst usage. The fuel economy value will be expressed in terms of the nearest whole mile per gallon. The label will carry a reminder that the vehicle was tested with frequently purchased optional equipment.

5. The Specific Label (Figure 2) will present the EPA approved fuel economy values for a specific vehicle configuration. The fuel economy value will be rounded to the nearest whole mile per gallon.

6. At the time of a manufacturer's first application for use of a specific label, the manufacturer will submit a sample of his specific label design. EPA in coordination with FEA will approve the specific label design based on a feature (preferably color) which clearly distinguishes the specific label from the general label. Approval of a specific label design will remain in effect for the rest of the model year, even though individual approval must be obtained for the fuel economy values to be used on each specific label.

7. Except in those cases where approval is given to accommodate the inclusion of fuel economy data on the price sticker, all labels must include all of the narrative material given in the attached illustration.

(E) *Source of fuel economy label data.* (1) As indicated in section D., fuel economy values for general labels will be sales-weighted by car line. For the purpose of calculating fuel economy, the term "car line" shall denote the basic means of identifying the vehicle. Examples of car lines are Gremlin, Nova, Torino, Satellite, or Super Beetle. Station wagons will be identified separately from passenger cars in each car line. Combinations equipped with catalysts, and those vehicles certified to meet California standards, will also be identified separately. City and highway fuel economy values will be reported for each combination of car line, engine, and transmission. City and highway fuel economy data will be listed separately on the label to enable consumers to determine for themselves, based on the kind of driving they do, how the city and highway values should be combined.

2. In order to incorporate as many vehicles as possible into the source of data for the label, EPA will permit manufacturers to test additional fuel economy data vehicles of certified vehicle configurations other than or including those designated by EPA as emission data vehicles. Manufacturers may submit the test results from such fuel economy data vehicles and, if the data are confirmed

through testing or are otherwise determined acceptable by EPA; the test results will be included in the fuel economy computations. To the extent possible, the manufacturers' fuel economy data vehicles will be operated in a manner similar to emission data vehicles (Ref. 40 CFR Part 85). In addition, the manufacturers' fuel economy data vehicles must meet emission standards in order to be acceptable to EPA.

3. The fuel economy values listed for each car line/engine/transmission combination will be rounded to the nearest whole mile per gallon, and will consist of a sales weighted average by car line, based on vehicle weight. The sales weighted average will be calculated from the fuel economy results of all EPA tests of a manufacturer's cars that use the same engine, as well as from other data submitted by the manufacturer and approved by EPA. By calculating fuel economy in this manner, even though a particular car line may not have been tested, EPA will estimate its fuel economy figures.

4. For the general fuel economy label, each car line/engine/ transmission combination will be identified separately by number of cylinders, displacement, fuel system (e.g., 2 barrel carburetor, fuel injection), and catalyst usage. The specific label will subdivide each car line/engine/transmission combination into finer divisions of the vehicle taking into consideration the axle ratio and weight.

(F) *Conditions of participation in fuel economy labeling program.* (1) The following are conditions for participation by the manufacturer in the program:

(a) The manufacturer will arrange to display a fuel economy label in the locations described in section C.1 above on every gasoline-fueled light duty vehicle and truck, and diesel-powered light duty vehicle and truck which is manufactured by him for sale in the United States.

(b) The manufacturer will include only EPA-approved test results on the vehicle label. Fuel economy values are not approved by EPA until the manufacturer receives specific written notice to that effect. In instances in which time pressures require, verbal approval will be subsequently confirmed in writing.

(c) In performing his own testing for the purpose of this program, the manufacturer will use only the specified test procedure and will submit both emission and fuel economy results to EPA for review.

(d) The manufacturer agrees to provide to EPA any fuel economy data vehicle for which the EPA elects to conduct confirmatory tests. Failure to do so would result in rejection from consideration of data from that vehicle.

2. The conditions under which termination of participation in the program would occur are:

(a) The Environmental Protection Agency, upon finding that the manufacturer is not reasonably complying with the conditions of participation, may direct the manufacturer to cease using the EPA-approved labels. The manufacturer will first be given an opportunity to show cause why his participation should not be terminated.

(b) A manufacturer may terminate his participation in this program at any time by giving written notice to EPA.

G. *Availability of the EPA/FEA 1976 Gas Mileage Guide for New Car Buyers.* 1. To provide a consolidated listing of all information appearing on general labels, EPA and FEA will publish the EPA/FEA 1976 *Gas Mileage Guide for New Car Buyers.* The Guide will list manufacturers alphabetically. Light trucks will be included and listed by manufacturer in a separate section in the back of the Guide.

2. There will be two separate guides for 1976: one for 49-state vehicles and another for California vehicles. The California Guide will include all vehicles which have been certified against the more stringent California standards unless the manufacturer notifies EPA that specific configurations, although eligible for sale, are not intended to be offered for sale in California. The 49-state Guide will include all vehicles which have been certified against the 49-state standards and California vehicles for which no apparent corresponding 49-state configuration exists, unless the manufacturer notifies the EPA that specific configurations, although eligible to be sold, are not intended to be marketed outside of California.

3. The Guide will be published around October 1, 1975, and will be available by writing to Fuel Economy, Pueblo, Colorado 81009. The first edition of the Guide will include those vehicles certified before September 1, 1975. Cars certified after September 1, 1975 will be added to the original list and published in a later edition.

Dated: June 6, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management, U.S. Environmental Protection Agency.

Dated: June 12, 1975.

ROGER SANT,
Assistant Administrator for Conservation and Environment, U.S. Federal Energy Administration.

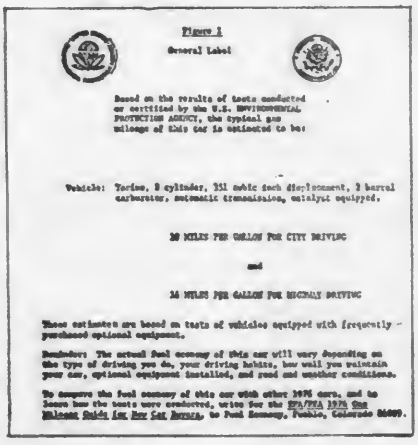

Figure 1

General Label

Based on the results of tests conducted or certified by the U.S. ENVIRONMENTAL PROTECTION AGENCY, the typical gas mileage of this car is estimated to be:

Vehicle: Torino, 8 cylinder, 351 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped.

20 MILES PER GALLON FOR CITY DRIVING

and

16 MILES PER GALLON FOR HIGHWAY DRIVING

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Remember: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed, and road and weather conditions.

To compare the fuel economy of this car with other 1976 cars, and to learn how the tests were conducted, write for the EPA/FEA 1976 Gas Mileage Guide for New Car Buyers, to Fuel Economy, Pueblo, Colorado 81009.

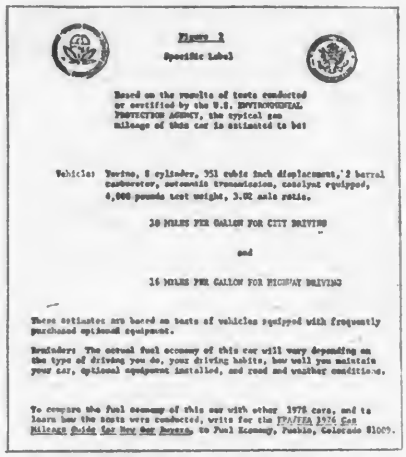

Figure 1

Specific Label

Based on the results of tests conducted or certified by the U.S. ENVIRONMENTAL PROTECTION AGENCY, the typical gas mileage of this car is estimated to be:

Vehicle: Torino, 8 cylinder, 351 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped, 4,000 pounds test weight, 3.00 axle ratio.

20 MILES PER GALLON FOR CITY DRIVING

and

16 MILES PER GALLON FOR HIGHWAY DRIVING

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Remember: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed, and road and weather conditions.

To compare the fuel economy of this car with other 1976 cars, and to learn how the tests were conducted, write for the EPA/FEA 1976 Gas Mileage Guide for New Car Buyers, to Fuel Economy, Pueblo, Colorado 81009.

[FR Doc.75-16041 Filed 6-19-75;8:45 am]

[PP5G1596/T1; FRL 387-8]

ZOECON CORP.

Establishment of Temporary Tolerances

Zoecon Corp., 975 California Avenue, Palo Alto CA 94304, submitted a petition (PP 5G1596) requesting establishment of temporary tolerances for residues of the insect growth regulator methoprene (isopropyl (*E,E*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) in eggs and meat, fat, and meat byproducts of poultry at 0.1 part per million, resulting from the use of the insect growth regulator in complete poultry feed.

These temporary tolerances will protect the public health, and are established on condition that the insect growth regulator be used in accordance with an experimental permit being issued concurrently, which provides for distribution under the Zoecon Corp. name. (A document establishing a feed additive regulation for methoprene and this use also appears in today's FEDERAL REGISTER.)

These temporary tolerances expire June 13, 1976. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the temporary permit/tolerances.

(Sec. 408(j) of the Federal Food, Drug and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: June 13, 1975.

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

[FR Doc.75-16042 Filed 6-19-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

URANIUM HEXAFLUORIDE

Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging: Revisions

The Energy Research and Development Administration (ERDA) hereby announces revisions to the notice entitled

"Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging" as published in the FEDERAL REGISTER on November 29, 1967 (32 FR 16289), and as amended in 34 FR 14039, September 4, 1969; 35 FR 13547, August 25, 1970; 36 FR 4563, March 9, 1971; 36 FR 11877, June 22, 1971; 38 FR 4432, February 14, 1973; 38 FR 13593, May 23, 1973; 38 FR 21518, August 9, 1973; 38 FR 22908, August 27, 1973; 38 FR 27962, October 10, 1973; 39 FR 22182, June 20, 1974; and 40 FR 17070, April 16, 1975 (referred to herein as the notice).

Subparagraphs 3(b), 3(c), and 3(d) of the notice are deleted and the following subparagraphs 3(b), 3(c), 3(d), and 3 (e) are inserted in lieu thereof:

(b) The charge per kilogram unit of separative work furnished pursuant to Requirements-type contracts is $47.80. This charge and successor charges determined in accordance with this sentence, shall be increased by 2 percent (rounded upward to the nearest $0.05) on January 1 and July 1 of each year with the first such increase to occur on July 1, 1975.

(c) The charge per separative work unit furnished pursuant to other than Requirements-type contracts is $53.35.

(d) The base charge ($/kg U) for uranium, enriched, or depleted in the isotope U–235 and in the form of UF_6, is determined by summing the number opposite the desired assay in the Feed Component column of Table 1 multiplied by $23.46 and the number opposite the desired assay in the Separative Work Component column of Table 1 multiplied by the then current charge per separative work unit furnished pursuant to other than Requirements-type contracts. The calculated base charge is rounded up to the nearest $0.01. For assays not shown in Table 1, the Feed Component and Separative Work Component are first determined by linear interpolation before calculation of the base charge. Any resulting base charge less than $3.00 is increased to $3.00. The base charge for depleted uranium requested without specification as to assay is $2.50. The assay furnished by ERDA in this case will normally be in the neighborhood of 0.20 percent U–235 of which large amounts are available.

(e) The standard processing loss factor to be applied to toll enricher's acquisition of tails material is 0.05 percent.

Effective Date. This notice is effective August 20, 1975.

Dated at Washington, D.C. this 16th day of June, 1975.

For the Administrator.

R. G. ROMATOWSKI,
Assistant Administrator for Administration.

[FR Doc.75–16138 Filed 6–19–75;8:45 am]

URANIUM HEXAFLUORIDE

Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging: Revisions

The Energy Research and Development Administration (ERDA) hereby announces revisions to the notice entitled "Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging" as published in the FEDERAL REGISTER on November 29, 1967 (32 FR 16289), and as amended in 34 FR 14039, September 4, 1969; 35 FR 13547, August 25, 1970; 36 FR 4563, March 9, 1971; 36 FR 11877, June 22, 1971; 38 FR 4432, February 14, 1973; 38 FR 13593, May 25, 1973; 38 FR 21518, August 9, 1973; 38 FR 22908, August 27, 1973; 38 FR 27962, October 10, 1973; 39 FR 22182, June 20, 1974; and 40 FR 17070, April 16, 1975 (referred to herein as the notice).

Subparagraph 3(b) of the notice is deleted and the following subparagraph 3 (b) is inserted in lieu thereof:

(b) The charge per separative work unit furnished pursuant to Requirements-type contracts is $60.95 or the ceiling charge computed in accordance with the provisions of such contracts, whichever is the lesser charge.

Effective Date. This notice is effective December 18, 1975.

Dated at Washington, D.C. this 16th day of June, 1975.

For the Administrator.

R. G. ROMATOWSKI,
Assistant Administrator for Administration.

[FR Doc.75–16139 Filed 6–19–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18262]

TRUNKED AND CONVENTIONAL COMMUNICATIONS SYSTEMS

Approval for Use

JUNE 13, 1975.

FCC Form 400–S, Supplemental Information for Trunked and Conventional Systems (806–821 MHz and 851–866 MHz), has been approved by the United States General Accounting Office (B–180227 (R0183) Expires 9–30–76).

In accordance with the announced policy of the Commission (*Land Mobile Service Operations Between 806–960 MHz*, Docket No. 18262, 40 FR 14452, 14468 (March 31, 1975)), notice is given of approval of FCC Form 400–S and that applications for trunked and conventional systems may be filed by persons eligible under the provisions of § 89.604 (a) and (b) of the rules on or after July 1, 1975. Applications for such facilities by persons eligible under the provisions of paragraph (c) of this section (Specialized Mobile Radio Systems) may not be filed pending further notice of the Commission.

Copies of the supplemental form, FCC Form 400–S, may be obtained at the Commission's main office in Washington, D.C., or from the Commission's Chicago Regional Office, Chicago, Ill.

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

[FR Doc.75–16149 Filed 6–19–75;8:45 am]

[Docket No. 20503, 20504, 20505, 20506; File No. BPH–8744, BPH–8918, BPH–9235]

LEE J. COOPER, ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In reapplications of Lee J. Cooper, tr/as, Ra-Ad of Soddy, Soddy-Daisy, Tennessee, Requests: 102.3 MHz, Channel 272; 3 kW (H&V); 301 feet; C. Alfred Dick, Soddy-Daisy, Tennessee, Requests: 102.3 MHz; Channel 272; 3 kW (H&V); 134.4 feet; Community North Broadcasters, Inc., Soddy-Daisy, Tennessee, Requests: 102.3 MHz; Channel 272; 3 kW (H&V); 286 feet; Richard B. Teeter, Rhuebin M. Taylor and Ward Crutchfield, a partnership, d/b as Teeter-Taylor Enterprises, Soddy-Daisy, Tennessee, Requests: 102.3 MHz, Channel 272; 3 kW (H&V); 195 feet, for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. According to his application, Lee J. Cooper, tr/as Ra-Ad of Soddy [Ra-Ad] would require $24,156 to construct and operate the proposed facility for a period of one year, itemized as follows:

Down payment on $24,000 equipment	$1,248
Twelve months' payment on equipment balance $624 per month	7,488
Building	300
Miscellaneous	500
Items not covered by manufacturer's letter of credit	7,340
Working capital	7,280
Total	24,156

To meet this requirement, Ra–Ad relies on existing capital and credit allowed from a supplier, profits from existing operations, and estimated revenues. However, the credit from the Maze Corporation ($12,000) has been included in the above computation, before estimating the requirement for the balance of the equipment, and therefore cannot be utilized a second time. In addition, the balance sheet is defective. The amended "balance" sheet dated November 30, 1974, is a mere statement of net worth and is not acceptable in accordance with section III, page 3, paragraph 4(b) of FCC Form 301. In any event, such statement does not reveal any liquidity whatsoever for the applicant. Further, the applicant relies on estimated revenues which are unsupported and therefore cannot be considered available. See Erwin's O'Conner Broadcasting Co., 25 RR 2d 782 (1972). Ra-Ad appears to have shown $10,000 available from the current cash flow of its existing AM station. Thus, Ra-Ad lacks $14,156 of the $24,156 requirement. Accordingly, a financial issue will be specified.

3. Because of the failure of Ra-Ad to indicate the date of its community leader and its general public survey, the Commission is unable to determine whether its ascertainment efforts were conducted within six months of the filing of the application. In light of the requirements of question and answer 2 of the Primer on

the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), an appropriate issue will be added.

4. According to his application, C. Alfred Dick would require $71,650 to construct and operate the proposed facility for a period of one year, itemized as follows:

Equipment	$34,100
Land	4,500
Building	1,200
Miscellaneous	14,450
Working capital	17,400
Total	71,650

To meet this requirement, the applicant relies on $84,000 of unused funds remaining from a loan of $178,000 from Dick Broadcasting Co., Inc., of Chattanooga, Tennessee. The terms of repayment have not been specified. Thus, the loan as documented is unacceptable. As a result a financial issue will be specified.

5. According to its application, Community North Broadcasters, Inc. [Community], would require $105,300 to construct and operate the proposed facility for a period of one year, itemized as follows:

Down payment on equipment	13,810
First-year payment on equipment, with interest	15,180
Land	1,200
Building	4,200
Miscellaneous	8,200
Interest on bank loans	10,500
Working capital (first-year)	52,210
Total	105,310

To meet this requirement, Community proposes to rely on $85,000 in operating revenues from its first year of operation. However, Community has failed to provide proper documentation evidencing the availability of such funds. In addition, Community relies on $105,000 from banking institutions. The letter evidencing the bank loan from Brantley Bank and Trust Co., fails to state the rate of interest. The letter evidencing the bank loan from Pioneer Bank of Chattanooga fails to state the collateral involved. Thus, both loans as documented are unacceptable. Accordingly, a financial issue will be specified.

6. According to its application, Teeter-Taylor Enterprises would require $68,372 to construct and operate the proposed facility for a period of one year, itemized as follows:

Down payment on equipment	$11,289
Thirteen payments on equipment	9,568
Interest payments at approximately 7.5 percent	3,588
Items not covered by manufacturer's letter of credit	2,897
Building	750
Miscellaneous	7,750
Working capital	26,530
Interest payment on bank loan, at 10 percent	6,000
Total	68,372

To meet this requirement, Teeter-Taylor Enterprises relies upon new capital and a bank loan. The general partners have pledged to advance $70,000 and the limited partners will furnish $30,000, for a total of $100,000. Of the eight partners, Mr. Louis M. Lasater showed sufficient liquid assets to meet his individual commitment. Moreover, Ward Crutchfield has not proven the value of his real property as is required by paragraph 4(b) of section III, FCC Form 301. The letter evidencing the bank loan of $60,000 fails to state the rate of interest involved. Thus, the loan, as documented, is unacceptable. As a result, Teeter-Taylor Enterprises shows $5,000 available to meet a $68,372 requirement. Accordingly, a financial issue will be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to the application of Lee J. Cooper, tr/as Ra-Ad of Soddy:
(a) Whether funds in addition to the $10,000 shown are available; and
(b) In light of the evidence adduced pursuant to (a), above, whether the applicant is financially qualified to construct and operate as proposed.

2. To determine, with respect to the application of C. Alfred Dick:
(a) The terms and conditions of the loan upon which the applicant relies; and
(b) In light of the evidence adduced pursuant to (a), above, whether the applicant is financially qualified to construct and operate as proposed.

3. To determine, with respect to the application of Community North Broadcasters, Inc.:
(a) The terms and conditions of the two purported bank loans and whether they are available to the applicant; and
(b) In light of the evidence adduced pursuant to (a), above, whether the applicant is financially qualified to construct and operate as proposed.

4. To determine, with respect to Teetor-Taylor Enterprises:
(a) Whether the partners have sufficient assets to meet their respective commitments;
(b) The rate of interest of the bank loan relied upon by the applicant; and
(c) In light of the evidence adduced in (a) and (b), above, whether the applicant is financially qualified to construct and operate as proposed.

5. To determine the efforts made by Lee J. Cooper, tr/as Ra-Ad of Soddy to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

6. To determine which of the proposals would, on a comparative basis, best serve the public interest.

7. To determine in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications for construction permit should be granted.

9. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuan to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 11, 1975.

Released: June 16, 1975.

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

[FR Doc.75-16147 Filed 6-19-75;8:45am]

STANDARD BROADCAST APPLICATIONS

JUNE 12, 1975.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on July 29, 1975, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 28, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on July 28, 1975. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: June 6, 1975.

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

APPENDIX

BP-19857 WQBS, San Juan, Puerto Rico
Quality Broadcasting Corp.
Has: 630 kHz, 1 kW, DA-N, U
Req: 630 kHz, 5 kW, DA-2, U.

BP-19866 NEW, Winters, Tex.
Winters Radio, Inc.
Req: 1060 kHz, 1 kW, Daytime.

BP-19868 NEW, Whiteville, N.C.
Waccamaw Broadcasting Co., Inc.
Req: 1540 kHz, 1 kW, Daytime.

BP-19872 WVOY, Charlevoix, Mich.
New Broadcasting Corp.
Has: 1270 kHz, 5 kW, Daytime
Req: 1270 kHz, 5 kW, DA-N, U.

BP-19875 NEW, Bemidji, Minn.
KNOX Radio, Inc.
Req: 1360 kHz, 5 kW, Daytime.

BP-19876 NEW, Carlsbad, N. Mex.
Western States Broadcasters, Inc.
Req: 1240 kHz, 250 W, 1 kW-LS, U.

BP-19877 NEW, Carlsbad, N.M.
Hughes and Hughes
Req: 1240 kHz, 250 W, 1 kW-LS, U.

BP-19883 KDLK, Del Rio, Tex.
Western Plains Broadcasting Co., Inc.
Has: 1230 kHz, 250 W, U
Req: 1230 kHz, 250 W, 1 kW-LS, U.

BP-19910 WJLJ, Tupelo, Miss.
Town and Country Broadcasting Co. of Tupelo, Inc.
Has: 1060 kHz, 250 W, DA, Day
Req: 1280 kHz, 500 W, DA-2, U.

BP-19911 WOUB, Athens, Ohio
Ohio University
Has: 1340 kHz, 250 W, U
Req: 1340 kHz, 250 W, 500 W-LS, U.

BP-19936 NEW, Middleborough Center, Mass.
Middleborough Broadcasters, Inc.
Req: 1530 kHz, 1 kW, DA-Daytime.

APPLICATION DELETED FROM PUBLIC NOTICE OF JANUARY 29, 1975 (MIMEO NO. 45709) (40 FR 5397)

BP-19803 New, Middleborough Center, Mass.
Middleborough Broadcasters, Inc.
Req: 1070 kHz, 500 W, DA, Day.

(Assigned new file No. BP-19936.)

[FR Doc.75-16148 Filed 6-19-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-142, PGA75-5]

CITIES SERVICE GAS CO.

Notice of Tendered Purchased Gas Cost Rate Adjustment

JUNE 13, 1975.

Take notice that on June 6, 1975, Cities Service Gas Company, (Cities), tendered for filing, pursuant to Article 21 of the General Terms and Conditions of its FPC Gas Tariff, Second Revised Volume No. 1, copies of Twelfth Revised Sheet PGA-1. Cities states that the proposed decrease in rates reflected on the tariff sheet will produce a decrease in jurisdictional revenues of approximately $12.7 million based on sales volumes for the twelve months ended April 22, 1975. Cities proposes an effective date of July 23, 1975, and requests the granting of such waivers as the Commission deems necessary to accept the tendered filing.

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 July 1, 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.75-16104 Filed 6-19-75;8:45 am]

[Opinion No. 734]

[Dockets Nos. RP73-85, RP73-86]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CO.

Opinion and Order Granting Rehearing and Accepting With Conditions Stipulation and Agreement

By order issued January 20, 1975, we approved of one stipulated issue (Article III) contained in a proposed Stipulation and Agreement between Columbia Gulf Transmission Company (Columbia Gulf), Columbia Gas Transmission Company (Columbia Gas) (collectively Columbia), various wholesale customers of Columbia, and interested state commissions. We also rejected and remanded to the Presiding Administrative Law Judge all parts of the Stipulation and Agreement, except for Article III, for further hearings and disposition. Six Applications for Rehearing of that order were filed,[1] generally requesting that the Commission approve the entire Stipulation and Agreement.

Both Staff and the City of Charlottesville, Virginia expressed objection to the Settlement. We detailed those objections in our order of January 20, 1975. Since there was unanimity with regard to Article III of the Stipulation and Agreement, which Article was severable from the agreement, and which further presented a reasonable resolution of the multiple zone rate differential problem on the Columbia system, we approved of Article III. While not passing on the merits of the objections of Staff and Charlottesville, we rejected the Stipulation and Agreement and remanded the record to the Presiding Administrative Law Judge for the development of a complete record.

On further consideration, we believe that the record certified to us by the Presiding Administrative Law Judge provides, with one exception, an adequate basis for the resolution of the issues presented by this proposed settlement. We have before us the direct presentations, testimony and exhibits, of both Columbia and Staff in support of their proposed rates, the Stipulation and Agreement, comments in support of and opposing the Stipulation and Agreement, and the Applications for Rehearing. To the extent that there may be conflicting assertions as to any material facts, we have ample authority to resolve any dispute based on such contradictions, for the reasons explained in detail below. The Court in Pennsylvania Gas and Water Company v. Federal Power Commission, 463 F. 2d 1242 (D.C. Cir. 1972), stated:

> In the case at bar the FPC decided after reviewing the evidence before it,[11] that the rates successfully negotiated by Manufacturers with all its customers except Penn Gas and approved by the Commission Staff, did not warrant further hearing.

We herein give consideration to the merits of the Stipulation and Agreement and approve its justness and reasonableness as conditioned herein. We believe that this procedure is consistent with the public interest and provides for resolution of all issues save one presented by the proposed settlement. The courts have given support to this procedure:

> Even assuming that under the Commission's rules Panhandle's rejection of the settlement rendered the proposal ineffective as a settlement, it could not, and we believe should not have precluded the Commission from considering the proposal on its merits. Indeed the proposal appears prima facie to have merit enough to have required the Commission at some stage of the proceeding to consider it on its own initiative as an alternative to total abandonment • • •
>
> Of course there may be valid objections to the settlement which the Commission has not explained, or which a hearing upon the proposal would reveal. Such considerations may merit modifications or total rejection of the proposals. But we think that, since the Commission is charged with the duty of protecting the ultimate consumer from "exploitation at the hands of natural gas companies", (citations omitted) it cannot refuse to consider a proposal which appears, on its face at least, consistent with that duty. Michigan Consolidated Gas Company v. Federal Power Commission, 283 F.2d 204, 224 (D.C. Cir. 1960), cert denied 364 U.S. 913.[2]

We believe, for the reasons stated below, that the Stipulation and Agreement should be accepted as conditioned herein.

Conjunctive billing. We believe that the one issue which cannot be decided based on the record before us is that of conjunctive billing. The Stipulation and Agreement provides that consideration of this issue shall be deferred to Columbia's next rate increase proceeding in Docket No. RP74-82. Staff recommends that the issue be tried in the instant proceeding. We do not believe it appropriate to determine the merits of this issue on the record before us. We do not have any presentation by Columbia's wholesale customers in this regard. Their interests in this matter are such that they should be afforded the opportunity of presenting whatever testimony, exhibits, and arguments they believe appropriate as

[1] Applications for Rehearing were filed by: Columbia; jointly by Cincinnati Gas and Electric Company and Union Light, Heat and Power Company; Commonwealth Natural Gas Corporation; New York State Electric and Gas Corporation; Dayton Power and Light Company; and Baltimore Gas and Electric Company.

[11] [a]s this order reveals, the Commission accepted the facts as presented by Penn Gas but found the conclusions drawn by Penn Gas to be without merit, thus disposing with the need for a full and formal evidentiary hearing. 463 F. 2d at 1245.

[2] See also: Cities of Lexington, Ky. v. F.P.C., 295 F. 2d 109 (1961); Mobil Oil Corporation v. F.P.C., 417 U.S. 283 (1974).

to the merits of this issue. Final determination on the merits of this issue may depend on facts particularly within the knowledge of those wholesale customers. Since we herein resolve all other issues presented by the Stipulation and Agreement, the most expeditious resolution of this issue is to defer consideration of it to the proceedings in Docket No. RP74–82, currently scheduled for hearing on April 29, 1975, as provided by the Agreement.

Consumer information program. Contained in the Settlement cost of service is the amount of $938,000 for expenditures related to Columbia's Consumer Information Program. This amount represents expenditures for calendar year 1973 and includes the allocated portions of 100 percent of the advertising expenditures classified by the parties as conservation oriented and 50 percent of the expenditures classified as supply oriented. The settlement allocates 17.34 percent of the expenditures to Columbia Gulf and 41.17 percent to Columbia Gas.

Staff objects to the inclusion of any expenses associated with the gas supply advertisements and also believes that only those conservation expenses incurred during the test year ended July 31, 1973 should be included. Columbia believes that the gas supply advertisements are appropriately included because they are a "responsible and reasonable effort on the part of the Columbia System to keep its market area apprised of gas supply developments" (Comments of Columbia in support of proposed settlement at 13). Columbia also disagrees with Staff's position that only those expenditures incurred in the 12 months ended July 31, 1973 should be included in the cost of service.

We are of the view that Columbia Gas and Columbia Gulf should be permitted to recover those advertising costs actually incurred during the test period ending July 31, 1973. We agree with staff that those advertising costs incurred after July 31, 1973, are not properly includable in this case. Columbia Gas and Columbia Gulf have pending rate filings in Docket Nos. RP74–82 and RP74–81, respectively, which utilize calendar year 1973 as the base period and the advertising expenditures for that twelve month period will be a consideration in determining the level of allowable expenditures in those proceedings. Furthermore, Columbia's argument, based on statements contained in the cover letter of Exhibit No. 85, supports Staff's position. Counsel for Columbia states in this letter: "In November, 1972, Columbia altered the direction of its information program to one of emphasizing conservation of natural gas and gas supply." The period from November 1, 1972 through July 31, 1973, reflects the full nine-month test period for which changes known and measurable during the period may be included. We believe that Staff's point is well taken in this regard and that the 12 months ended July 31, 1973, as suggested by Staff, is appropriate. We therefore accept the amount of $621,064 as the allowable advertising expenditure in this proceeding. This is not intended to prejudge either the level or nature of advertising expenditures to be allowed in subsequent proceedings.

Rate base items. Article X of the Stipulation and Agreement recites that included in Columbia's rate base is the amount of $1,053,000 which, pending successful resolution of a difference between Columbia and the Internal Revenue Service, may be eliminated from Columbia's rate base, with a consequential effect on Columbia's return and taxes. Staff objected to this provision orally at the prehearing conference, but withdrew such objection in its written comments. We believe that, without any opposition by any party to this proceeding, and under the circumstances when the rates in this proceeding will be applicable for a locked-in period, this provision provides for adequate protection of the consumer and should be approved as in the public interest.

Staff objects to the inclusion in Columbia's rate base of an advance payment of $4,825,780 to Columbia Gas Development (Canada).[4] Columbia argues that $2,057,612 of the total included in this settlement has previously been approved by the Commission.[5] Thus, $2,768,168 has not been approved for rate base treatment.

Staff relies on Texas Eastern Transmission Company, Opinion No. 672, issued November 1, 1973; Opinion No. 672A, issued January 15, 1974; Michigan Wisconsin Pipe Line Company, Opinion No. 685, issued January 31, 1974; and Order Denying Rehearing of Opinion No. 685, issued March 29, 1974; wherein we disapproved of rate base treatment of advance payments to Canadian producers in light of our concern over the benefits, if any, to be derived from the inclusion in rate base of advances to Canadian producers.

Staff would have us exclude the entire advance from Columbia's rate base, notwithstanding our prior approval of certain amounts of this advance for inclusion in rate base. Columbia states that we have twice approved of amounts under the agreements in question and cites our order approving a settlement in Northern Natural Gas Company, Docket Nos. RP71–107 (Phase II), et al., issued January 4, 1974, in which we permitted certain Canadian advances to be included in Northern's rate base.

We do not believe that the doctrine of res judicata governs in these circumstances. We also do not believe that the Northern order controls. Under section 4(a) of the Natural Gas Act, all rates and charges are required to be just and reasonable. Under section 16 of the Act, we may perform any and all acts, including amending and rescinding rules and orders, necessary to carry out the provisions of the Act. In these circumstances, we believe that we have continuing jurisdiction over amounts included in Columbia's rate base. Our review of the justness and reasonableness of the settlement rates is not foreclosed by a determination of the appropriateness of certain charges in a prior proceeding, especially where, as here, changed circumstances have rendered prior determinations no longer in the public interest. We must herein determine the appropriateness of including advances to a producer in Canada in Columbia's rate base. If we permit such inclusion, the consumers must pay return and associated taxes on the amounts so included. Under circumstances wherein the benefit, if any, to be derived by the consumer is tenuous, we see no justification for permitting this advance payment to be included in Columbia's rate base. There is no showing in this record of any benefit to the consumer from the inclusion of this advance in rate base. The only testimony relating to this advance is that of Staff Witness Benna who adverts to risks involved relating to obtaining authority to export gas from Canada (Tr. 326). As we stated in Texas Eastern, Opinion Nos. 672–A and Michigan-Wisconsin, Opinion No. 685 we are concerned that any gas discovered as a result of advance payments to Canadian producers will not benefit the United States consumer. Furthermore, although we did approve, in the Northern order, rate base treatment for Canadian advances, we suspended tariff sheets filed by Northern to track additional advance payments to Canadian producers by an order issued March 22, 1974, in the same dockets. We believe that, consistent with our duty to protect the United States consumer, we must insure that the consumer does not pay return and associated taxes resulting from rate base treatment for Canadian advances. Rather than permitting them to be conditionally included in rate base as suggested by Mr. Benna, we shall exclude them in their entirety.

Rate design. The settlement rates are based on the unmodified Seaboard method of cost classification and rate design. (Atlantic Seaboard Corporation. 11 FPC 43 (1952)).

Staff has proposed a rate design based on a 45 cent per Mcf commodity charge, with other costs recovered through the demand charge. The basis for the 45 cent figure is Staff's estimate of the then average replacement cost of gas. Staff, however, does not object to the commodity rate level contained in the Stipulation and Agreement to the extent that the commodity rate level equals or is greater than 45 cents per Mcf, inclusive of purchase gas adjustments. Staff further recommends that all downward adjustments to these rates be to the demand charge.

We believe that the Settlement rates reflected in Appendices B and C of the Stipulation and Agreement, where the lowest commodity rate level equals 44.88 cents per Mcf, indicates that Staff's pro-

[4] Appendix H of Exhibit No. 84.

[5] We approved of a settlement reflecting $1,532,000 of such advances in Columbia Gulf Transmission, et al., Docket Nos. RP71–18, et al., 48 FPC 855 (1972). We approved of an additional amount of $525,612 by order issued February 9, 1973, in the same docket.

posal has been, effectively, if not purposefully adopted. Accordingly, we do not pass on the merits of Staff's proposal that the commodity rate level be based on the replacement cost of gas. We note, however, that the proposal resembles our recent proposal on end use rate design in Docket No. RM75–19, issued February 20, 1975. We give special recognition to the efforts of Staff Witness Robert E. Scarbrough in this case in devising and proposing methods by which the Commission and natural gas companies can design rates to take account of the special circumstances presented in these times of a national gas shortage.

Overall rate of return. The overall rate of return contained in the Stipulation and Agreement of 9 percent, is based on the following capitalization and costs as of December 31, 1973:

	Amount (In thousands)	Ratio (percent)	Cost (percent)	Weighted cost (percent)
Long-term debt	$1,222,718	57.95	6.94	4.02
Common equity	887,199	42.05	11.84	4.98
Total	2,109,917	100.00		9.00

Staff objected to this capital structure as well as to the treatment of long-term debt and equity in the settlement and recommended an overall return of 8.29 percent (Appendix A of Staff comments). While we agree in part with Staff's objections, we cannot agree with either the Stipulation and Agreement or the Staff with regard to their respective overall rate of return conclusions. For the reasons discussed herein, we believe that an overall rate of return of 8.91 percent falls within the zone of reasonableness based on the facts before us.

Capitalization. Staff adjusted the capital structure at December 31, 1973, to include $40,000,000 of debentures and $50,000,000 of preferred stock, both issued in 1974, at an estimated cost of 8.75 percent. (Appendix A of Staff comments.) We observe that Columbia's rate increase filing of April 15, 1974, in Docket No. RP74–82, reflects both of these issues.

The period during which rates were collected under Docket No. RP73–85 and RP73–86 is now a "locked-in" period, namely, from January 1, 1974 to October 31, 1974. Accordingly, we take the view that the capital structure representative of the "locked-in" period should be used. An average capital structure for such a period could be employed. However, we believe that an end-of-period capital structure is in order so that Columbia may recover increases in the embedded cost of senior capital resulting from any new financing up to the end of the "locked-in" period. Thus, the following capital structure of Columbia Gas System, Inc., as of October 31, 1974, will be employed for rate of return purposes:

	Amount (In thousands)	Capital ratios (percent)
Long-term debt:		
Debentures	$1,127,495	50.14
Miscellaneous debt of subsidiaries	8,405	.37
Term bank loans	45,000	2.00
Subordinated bank loans	120,000	5.34
Total debt	1,300,900	57.85
Preferred stock	50,000	2.22
Common equity	897,773	39.93
Total capitalization	2,248,673	100.00

Gains on reacquired debt. In the settlement capital structure, Staff objected to Columbia's treatment of gains on reacquired debt, urging that the principles of Opinion No. 583, Manufacturer's Light and Heat Company, 44 FPC 314 (1970) be applied. Staff states that Columbia's treatment of these gains results in an overstatement of the cost of debt and reduces the amortized gains and discounts. (Staff Comments at 7.) In its reply, Columbia acknowledged that the proper treatment of these gains is a matter of Commission intent. It further stated that financial statements would be distorted if accounting procedures failed to recognize ratemaking policy. What Columbia seeks in the Stipulation and Agreement is to have ratemaking principles comply with the accounting provided by Order No. 505.* Regarding these arguments, first, it is plain that our ratemaking policy was expressed by the Manufacturer's decision. Second, while we stated our belief in Order No. 505 that the accounting and financial statements of a regulated utility should reflect the economic effects of rates, we did not require reaccounting for past gains to reflect the new ratemaking procedures for the reasons stated in the order. Columbia maintains that the recognition of the gains for rate purposes should be effective only for those realized since the date Columbia began amortization of such gains for accounting purposes. The mere fact that such accounting was not prescribed does not provide a basis for reversing the established ratemaking treatment, as Columbia proposes in this case, and we decline to do so.

Cost of long-term debt. Staff disagreed with the costs assigned by Columbia to the Term Bank Loan and Subordinated Bank Loan included in the December 31, 1973 capital structure under the rationale that such costs were unjustly high by comparison to the prevailing rates on similar-type loans. Instead, Staff allowed ½ percent above the 8½ percent cost for A-rated bonds (Columbia's rating) at the time. Accordingly, Staff determined that the Term Bank Loan should be included at 9 percent instead of the 10.6 percent which was used in the agreement and which reflected 115 percent of an assumed 9 percent prime rate plus ¼ percent. We disagree with Staff and accept Columbia's cost which included a premium above the prime rate, considering such premium a legitimate interest cost.

However, we must disagree with the cost associated with the subordinated loan reflected in the settlement agreement. Columbia has a line of credit of $200,000,000 associated with its advance payment commitment to British Petroleum. In the settlement agreement, the cost assigned to this loan consisted of a 9 percent rate plus a premium of ¼ of 1 percent; plus a commitment fee of 1 percent on the difference between the $200 million and the amount drawn down. In addition, the settlement agreements allowed for the effect of compensating balances maintained in connection with the subordinated loan.

Staff objected to the recognition of compensating balances and to the inclusion of a commitment fee on the basis that the need to incur additional costs for these items was not demonstrated by the company. We agree. In this connection we note that Company Witness Frick's affidavit stated: "The interest of 115% of prime rate (on the Term Bank Loan) reflects the fact that no compensating balances are to be maintained under this agreement." (Affidavit of P. W. Frick at 4.) Therefore, we will apply on the Subordinated Bank Loan the same cost used on the Term Bank Loan, allowing 115 percent of an assumed 9 percent prime rate plus ¼ of 1 percent.

Return on equity. The equity return provided by the settlement is 11.84 percent, while Columbia's direct presentation requested 13 percent and Staff recommended 11 percent. (Exhibit Nos. 50 and 64.)

We are now determining rates for a locked-in period consisting of the ten months ended October 31, 1974. Therefore, we must place heavy reliance on conditions during that period in deciding on a fair return to common equity capital. Staff's rate of 11 percent was determined for the future extending into conditions prevailing during what is now a locked-in period. But, Staff's rate was based on estimates which in retrospect appear to be more optimistic than actual conditions. For instance, Staff's estimate for the cost of the preferred stock of 8.75 percent was low by comparison to the 11.57 percent actually incurred in July of 1974. Similarly, Staff's estimate of 8.75 percent on the $40 million debt was much too conservative by comparison to the actual 9.875 percent paid by Columbia in June 1974. Moreover, capital attraction conditions in the stock market during the locked-in period were possibly worse than expected by Staff as evidenced by a substantial decline in the market averages. (Standard & Poor's 13 natural gas distributors declined from about 72 to 60 or approximately 17 percent during the ten months January 1974 through October 1974.) Therefore, we consider Staff's 11 percent equity return on the low side of the range of reasonableness. We believe that the settlement

* Order Nos. 505 and 505–A, Docket No. R–424, 39 F.R. 6093 and 8332.

return on equity of 11.84 percent is reasonable in light of all relevant financial and economic considerations reviewed and discussed herein and should be approved. Based on the following capitalization and cost of debt and equity which we find appropriate the overall return on capital to Columbia will be 8.91 percent:

Capital structure as of Oct. 31, 1974, and rate of return

	Capital ratios (percent)	Cost or allowance (percent)	Weighted cost (percent)
Long-term debt:			
Debentures	50.14	6.23 [7]	3.12
Term bank loans	2.00	10.60 [8]	.21
Subordinated bank loans	5.34	10.60 [8]	.57
Miscellaneous debt of subsidiaries	.37	5.00	.02
Total debt	57.85	6.78	3.92
Preferred stock	2.22	11.57	.26
Common equity	39.93	11.84	4.73
Total	100.00		8.91

[7] Adjusted for $4,175,000 gains in reacquisition of securities at a discount, computed according to manufacturer's opinion 583.
[8] 115 percent of 9 percent prime rate plus ¼ percent.

Short term interest tax deduction. Both Staff and Charlottesville urge that interest on short-term borrowings should be included in Columbia's income tax calculation. We agree. Columbia distinguishes our decision in El Paso,[6] by arguing that the short-term borrowings herein are used for purchasing gas for underground storage and therefore is already included in rate base. Columbia reasons that the interest associated with these borrowings is included in its income tax deductions by reason of the inclusion of the storage gas in rate base. Columbia believes that El Paso stands only for the use of short-term interest as a tax deduction when the borrowings are associated with construction of facilities. We do not believe that the principles underlying El Paso are so limited. The interest is available to Columbia as an income tax deduction. Accordingly, it should be so treated for ratemaking purposes.

Sales volumes. The settlement rates set forth in the Stipulation and Agreement were developed on the basis of estimated sales volumes by Columbia Gas of 1,357,716,784 Mcf during the 12 months ending October 31, 1974. The Stipulation and Agreement further provided that, in the event actual sales exceeded this figure or fell short of this figure, the refunds provided for in the agreement would be either increased or reduced, as appropriate by the difference between the additional or reduced commodity revenues and the actual cost of gas purchased by Columbia Gas as compared with that reflected in the settlement cost of service.

Staff objected to the use of these revised estimates of sales volumes and the use of the adjustment procedure for variations, stating that, "this would result in rates calculated from a cost of service based upon a test period ended July 31, 1973, while the volumes would be based upon actual volumes sold for the 12 months ended October 31, 1974" [9] Staff's objection is basically that the Commission should not depart from the test period concept and rely on updated estimates for sales volumes without benefit of updated figures for all operating expenses which may result in offsetting the effect of projected reduced sales.

We need not reach the question here of the propriety of accepting undated estimates for only one item in the ratemaking process. A fatal defect is readily apparent in the settlement's use of revised estimates of sales volumes. The use of those volumes to determine the settlement rates is totally without any record support. Before this Commission can accept revised estimates of sales volumes it must be presented with clear evidence on the record as to the justification for the determination of those reduced volumes. The record contains no evidence that Columbia Gas would be unable to meet the agreed-upon entitlements of its customers. The record does not show that Columbia Gas' purchases from its producer suppliers declined, or that the producers reduced their sales to the Company, below the volumes contained in Columbia Gas' filing. Nor does the record contain any evidence of a reduced demand on the part of Columbia Gas' customers. In short, the record contains no evidentiary support which would permit this Commission to accept Columbia Gas' settlement figure for sales volumes for the purpose of determining rates. In the absence of such evidence we are precluded from approving this settlement provision.

We are, of course, aware that the period in question ended October 31, 1974 and that actual sales volumes are available for the twelve months ended that day. However, we feel constrained from looking now to those figures to supply evidence of the reliability or lack of reliability of the revised estimates used in the settlement agreement. We are of the opinion that it is not a proper function of this Commission to determine just and reasonable rates for an expired period on the basis of hindsight. At some point in time the record on which a decision is based must be closed. Data which may become available subsequent to the closing of the record is not a suitable substitute for required evidentiary support.

On the basis of the record presented in this proceeding we are of the opinion that the sales volumes contained in Columbia Gas' filing and advanced by Staff are just and reasonable and supported by the record. We further state that it would be improper to utilize the revised estimates of sales volumes, as was done in the proposed Stipulation and Agreement, to determine the settlement rates. The settlement rates should be determined by utilizing the test period sales volumes, as advanced by Staff, and as utilized by Columbia Gas in its filing.

Depreciation. We note at the outset of our discussion of depreciation that our determination of the proper depreciation accrual rate for Columbia Gas and Columbia Gulf must be guided by the principles announced in Memphis Light, Gas and Water Division v. F.P.C.,[9] wherein the Court found that the Commission could properly consider a decline in the service value of a natural gas pipeline company's property due to a decline in the supply of natural gas. However, the Court specifically held that before the Commission could determine depreciation based on a decline in gas supply there must be record evidence showing a declining gas supply. It must further be shown that the decrease in supply has caused the useful life of the particular property in question to decline.

A review of the record in these consolidated proceedings indicates that there is sufficient evidence, presented both by Staff and Columbia Gas and Columbia Gulf, on the issue of the declining gas supply available to those two companies and its effect on the specific depreciable plant in question, to justify an increase in the annual depreciation accrual rates. The issue presented to us by the proposed Stipulation and Agreement is the question of what the proper depreciation increase should be. The present proceeding presents four depreciation rates for our consideration. We shall deal with each separately.

Columbia Gulf

Staff recommended an annual depreciation accrual rate of 6 percent for Columbia Gulf's offshore facilities. In arriving at this determination, Staff Witness Feinstein separated Columbia Gulf's offshore facilities into two components, plant performing a supply function (laterals) and plant performing a transmission function (mainline) (Tr. 148; Exh. 56). Mr. Feinstein additionally made a study of the future reserves of gas available to Columbia Gulf by determining the reserves recoverable from offshore Louisiana and concluding what Columbia Gulf's share of those reserves would be (Tr. 157; Exh. 56). To determine the depreciation rate for the supply laterals, Mr. Feinstein utilized the unit of production declining balance approach and arrived at a 3-year weighted average rate of 7.47 percent. (Tr. 169; Exh. 57). To determine the depreciation rate for the mainline facilities, Mr. Feinstein utilized both the unit of production method which resulted in a depreciation rate of 3.70 percent, and a 20-year remaining life straight line method, which resulted in a rate of 5.07 percent (Tr. 172–173; Exh. 57, Schedule No. 5). Mr. Feinstein then arrived at composite rates for Columbia Gulf's total offshore property of 6.43 percent and 5.38 percent. After studying deficiencies in utilizing

[6] El Paso Natural Gas Company, 46 FPC 454 (1971).

[9] Commission Staff comments on proposed stipulation and agreement, August 12, 1974, at 16.

[9] CADC, Docket No. 73-1506, decided September 3, 1974.

solely the unit of production approach or the straight line remaining life method for the mainline property, Mr. Feinstein concluded that an annual depreciation accrual rate of 6 percent was proper (Tr. 173).

Columbia Gulf, through its Witness Darrow, recommended an annual accrual depreciation rate of 7 percent for its offshore facilities. Mr. Darrow made a study of the reserves available to the Columbia Gulf System (Exh. 12) as well as a study comparing the peak day requirements of Columbia Gulf with the volumes available to it (Exh. 13). Mr. Darrow further explained the economic and physical considerations of platform drilling offshore which usually results in depleting reserves at a more rapid rate than onshore production (Tr. 28–30). He further pointed out that Columbia Gulf's offshore lines have a service life of not more than fifteen years and more likely only ten years due to the reserves available to these properties (Tr. 31). On the basis of all these studies, Mr. Darrow concluded that a depreciation rate of 7 percent for offshore facilities was proper.

The proposed Stipulation and Agreement provides for a depreciation accrual rate of 6 percent for Columbia Gulf's offshore facilities. This rate is the same as that recommended by Staff, and consequently Staff had no objection to this proposed settlement rate. Upon review of the record before us in this proceeding we find that an annual depreciation accrual rate of 6 percent for Columbia Gulf's offshore facilities is reasonable and supported by the evidence. Both Staff and Columbia Gulf presented evidence on the decline in gas supplies available to Columbia Gas offshore and concluded that this decline would result in a decline in the service life of these properties. Moreover, Columbia Gulf presented testimony on the economic and physical factors involving offshore drilling which necessitate a more rapid depletion of wells. We are cognizant that the risks involved in offshore drilling are great and that the physical plant to be depreciated may indeed have a shorter life span than would a similar facility onshore due to the unique characteristics of offshore drilling. Upon the basis of the record before us, with particular reference to the evidence presented on declining gas supply and its effect on the specific offshore properties, we conclude that the 6 percent depreciation rate provided in the settlement is reasonable and supportable. We shall therefore approve the 6 percent depreciation rate for Columbia Gulf's offshore facilities.[10]

For its onshore plant, Columbia Gulf originally requested an increase from 3.65 percent to 4.5 percent in the annual depreciation accrual rate. Staff Witness Deutsch recommended an increase to 3.90 percent. The Stipulation and Agreement reflects a depreciation accrual rate for Columbia Gulf's onshore properties of 4.25 percent. The proposed increase for Columbia Gulf's onshore plant was supported by its Witness Darrow, who testified as to the projected future gas supply available to the Columbia Gulf system and on the declining reserve life index of Columbia Gulf. Mr. Darrow testified that the reserve life index has declined from 21.9 years in 1965 to 9.9 years in 1972 (Tr. 22; Exh. 12). He further pointed out that the Potential Gas Committee Report of October, 1971, estimated "probable" reserves for offshore Louisiana to be 31 trillion cubic feet (Tr. 24) and that Columbia Gulf has historically succeeded in acquiring approximately 8 percent of total Southern Louisiana production (Tr. 27). In order to secure sufficient supplies to meet the additional reserves required by 1980. Mr. Darrow testified that Columbia Gulf would have to secure 14.5 percent of the 31 trillion cubic feet of probable reserves in the offshore area, an unlikely possibility (Tr. 27). On the basis of the decline in gas reserves available to Columbia Gulf as shown in Mr. Darrow's testimony and exhibits, Columbia Gulf Witness Knight concluded that the service life of Columbia Gulf's onshore facilities had declined. He therefore, utilized the unit of production method of determining depreciation and found that a rate of 4.5 percent was reasonable. (Tr. 43; Exh. 15).

Staff Witness Deutsch, in advocating only a 3.90 percent annual accrual depreciation rate for Columbia Gulf's onshore facilities, divided the total onshore property into three classifications—gas purchase laterals, intermediate laterals and mainline facilities. For the first two classifications a unit of production method of depreciation was utilized since the witness's conclusion was that these properties are tied into limited supplies of natural gas whose reserves are known. Staff Witness Deutsch utilized the straight line method of depreciation for the facilities classified as "mainline" and determined their useful life to be 20 years. Witness Deutsch concluded that the straight-line method was appropriate for the mainline facilities since "it is impossible at this time to define with certainty the total units of gas that eventually will be transported through the Company's mainline system * * *" (Tra. 192) Mr. Deutsch pointed out, however, that the useful service life of Columbia Gulf's mainline system is dependent upon the ability of Columbia Gulf to add new reserves (Tr. 190) and that when Columbia Gulf is unable to hook up new gas reserves to its system it would be appropriate to change to a unit of production method for the determination of a depreciation rate for the company's mainline system (Tr. 192).

Upon a review of the record in this proceeding, we are of the opinion that the 4.25 percent annual accrual depreciation rate for Columbia Gulf's onshore properties provided for in the proposed settlement agreement is reasonable and supported by the evidence. Columbia Gulf has provided an extensive study on the declining reserves facing the Columbia Gulf system. As a result of these declining reserves there has been evidence presented that the useful life of the company's onshore properties has been shortened. Staff has presented no evidence detracting from the validity of this evidence nor to dissuade us from finding that it supports an increase in the depreciation rate for Columbia Gulf's onshore plant. We find the settlement proposal's depreciation rate of 4.25 percent to be reasonable and supported on the record before us. We shall therefore approve the 4.25 percent annual depreciation rate for Columbia Gulf's onshore facilities.[11]

Columbia Gas

In Docket No. RP73–86, Columbia Gas filed for an increase in the annual depreciation accrual rate for transmission and storage plant from 3.65 percent to 4 percent. Staff, through its Witness Deutsch, recommended 3.65 percent, or no change, in the present rate. The settlement agreement as presented reflects an annual depreciation accrual of 3.75 percent.

Staff Witness Deutsch, in recommending no increase in the depreciation rate in Columbia Gas' transmission and underground storage plant, based his conclusion on judgment which included an analysis of historical retirement data related to the property, a review of company policies, and a consideration of developments within the gas industry relating to supplemental sources of gas supply (Tr. 289–90). Mr. Deutsch testified that it was his view that the gas supply picture facing Columbia Gas has not deteriorated so drastically as to support the Company's proposal to base a depreciation rate for transmission and underground storage plant on a 20-year terminal life (Tr. 291–92). His viewpoint on the potential gas supply available to Columbia Gas was premised on the availability of Alaskan reserves, other foreign reserves including reserves from Canada, imported LNG, and coal gas (Tr. 293–301). Witness Deutsch therefore divided the facilities into two categories and concluded that the gas supply-oriented facilities had a 20-year remaining lifespan while the market delivery-oriented facilities had a remaining lifespan of 29 years. Mr. Deutsch admitted that there exists justification for concluding that a portion of the facilities has a lifespan of only 20 years since Columbia Gas' historic southwest sources are becoming depleted and thus the related facilities may experience earlier retirement (Tr. 302).

Columbia Gas, through its Witness Melton, utilized the straight line remaining life method to determine what

[10] While not controlling in the present proceeding, we note that the Commission Staff has recently recommended an annual depreciation accrual rate of 7.75 percent for Columbia Gulf's offshore properties. Columbia Gulf Transmission Company; Docket No. RP74–81, testimony of Edward H. Feinstein, filed March 11, 1975.

[11] While not controlling in the present proceeding, we note that the Commission Staff has recently recommended an annual depreciation rate of 4.30 percent for Columbia Gulf's onshore facilities. Columbia Gulf Transmission Company, Docket No. RP74–81, testimony of Norman Deutsch, filed March 11, 1975.

it considered to be a proper depreciation rate. Mr. Melton concluded that a 20 year remaining life span was appropriate for transmission and underground storage plant based on a study of the useful life remaining for each piece of property, utilizing survivor curves (Exh. 32). As his study indicates, the choice of a 20-year remaining life is greater than the remaining life calculated for any of the individual properties (Exh. 32, p. 2). Mr. Melton further shows that the depreciation rates recommended by Columbia Gas in their filing are less than the rates the company calculated to be proper (Tr. 55; Exh. 32, p. 1).

Upon review of the evidence presented in this proceeding on the proper depreciation rate to be applied to Columbia Gas' transmission and underground storage facilities, we conclude that the settlement proposal of 3.75 percent is proper and we therefore approve it. The distinction in the rate recommended by Staff and that recommended by the Company lies in the different remaining life periods assigned by each to part of the property involved. As we stated above, Staff applied a longer remaining life to a portion of the market-oriented properties based on a presumption of future sources of supply from various foreign and domestic sources. It is our opinion that these potential sources are too speculative for us to base a decision upon. This Commission and the pipelines which it regulates cannot depend with assurance on sources of supply whose availability is a direct result of the nonintervention of foreign governments. Nor can this Commission speak with authority on the availability of Alaskan sources in the near future since even these domestic sources are subject to the granting of necessary permits and the compliance with environmental guidelines which may be determined only after lengthy judicial review proceedings. We are therefore precluded from accepting Staff's depreciation recommendation due to the speculative nature of the evidence presented in this proceeding. We must base our decision on facts presented in the record of this proceeding. The record of this proceeding gives ample evidence of the declining gas supply on Columbia Gas' system (Tr. 22–27; Exh. 12), and that future supply sources will not be adequate to meet system demands (Tr. 27). On the basis of this factual evidence of record, we shall accept and approve the proposed settlement depreciation rate of 3.75 percent.

In addition to a depreciation rate increase for transmission and underground storage facilities, the proposed settlement agreement provides for a depreciation rate of 6 percent for Columbia Gas' gathering plant, down from an originally filed request for a rate of 7 percent. Staff opposed the 6 percent depreciation rate and recommended a rate of 5.5 percent.

In making his recommendation, Staff Witness Feinstein conducted three tests, one using the unit of production method and two using the straight line service method based upon a 15 year remaining life. Using the unit of production method, Staff Witness Feinstein's study indicated a rate of 7.13 percent (Tr. 255, Exh. No. 68, Schedule No. 3), which he concluded to be excessive due to the fact that gas sales are also made off the various purchase lateral lines. The two straight-line method studies using a 15-year remaining life resulted in rates of 4.83 percent and 4.55 percent. Mr. Feinstein, as a matter of judgment, concluded that an annual depreciation accrual rate of 5.5 percent was appropriate.

On the basis of gas reserve studies which indicate Columbia Gas faces a declining reserve life index (Tr. 22; Exh. 12), Mr. Melton reviewed each component of gathering property and determined its individual useful life, all of which were less than ten years. Using this information, he concluded, using a straight line method, that the gathering facilities as a whole had a ten year remaining life.

He found therefore that an annual depreciation rate of 7.49 percent was appropriate (Tr. 55; Exh. 32, p. 1) even though the company filed for only a 7 percent depreciation rate for its gathering facilities .

On the basis of the record of this proceeding we are of the opinion that a 6 percent annual depreciation rate for Columbia Gas' gathering plant is reasonable and justified. The record clearly shows that the Company's future gas supply and the reserve life index is declining (Tr. 22; Exh. 12). Moreover, the historical supply area of the southwest is rapidly being depleted, as recognized by Staff (Tr. 302). On the basis of this gas supply picture it is reasonable for Columbia Gas to conclude that the gathering facilities have a useful life of ten years remaining.

Staff, on the other hand, utilizing a fifteen year remaining life, concluded that a 5.5 percent rate was appropriate. This recommendation was based on Staff's conclusion that sales were being made from Columbia Gas' gathering lines and that therefore a higher rate would not be appropriate. We are not persuaded that Staff's distinction is a reasonable basis upon which to recommend a rate 1.63 percent lower than the rate suggested to Staff as appropriate if the gathering lines did not serve this dual function. While concluding that gas sales were made off Columbia Gas' gathering lines, Staff presented no evidence as to the amount of sales, whether such sales would possibly continue if the nearby sources were to become depleted, or what portion of the gathering lines were engaged in such purported sales.

Staff's final recommendation of 5.5 percent further appears to be solely a result of choosing a rate falling somewhere between the rates suggested by Staff's studies. Such a judgmental procedure does not overcome the weight of the evidence presented by Columbia Gas as to the reasonableness of its recommendation, nor does it convince this Commission that the 5.5 percent rate suggested should be adopted over the 6 percent settlement rate.

We are therefore of the opinion, after careful review of the record, that the 6 percent annual depreciation rate provided in the settlement agreement for Columbia Gas' gathering plant is reasonable, appropriate, and should be approved.

We note that with respect to the depreciation rates here approved for Columbia Gulf and Columbia Gas that this Commission in future rate cases will be in a position to review the propriety of depreciation rates and will be able to adjust any rates if the future places these companies in a better supply picture than is presently anticipated.

Other provisions. We believe, there being no objections to the other provisions contained in the Stipulation and Agreement, all provisions not herein discussed should be accepted and approved.

The Commission finds. (1) It is necessary and proper in the administration of the Natural Gas Act to grant rehearing of our order of January 20, 1975.

(2) It is necessary and proper in the administration of the Natural Gas Act to accept the proposed Stipulation and Agreement tendered in these proceedings subject to the conditions hereinabove described.

The Commission orders. (A) Rehearing of our order of January 20, 1975 in this proceeding is hereby granted.

(B) The Stipulation and Agreement certified to the Commission in this proceeding is hereby accepted subject to the conditions as hereinabove described.

(C) Within 60 days of the issuance of this order Columbia Gulf Transmission Company and Columbia Gas Transmission Company shall file with the Commission revised tariff sheets in conformance with the terms of the settlement agreement approved herein and reflecting the conditions discussed in this order.

(D) Within (30) days of the filing of the revised tariff sheets, Columbia Gulf and Columbia Gas shall refund to their customers the difference between the amounts collected between September 14, 1973 and October 31, 1974 under the rates then in effect and the amounts which would have been collected under the settlement rates as conditioned by this order, with interest at 7 percent per annum.

(E) As provided in the Stipulation and Agreement, the issue of conjunctive billing is hereby reserved for consideration in the proceeding in Docket No. RP74–82.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[1]

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–16113 Filed 6–19–75;8:45 am]

[1] List of appearances filed as part of original document.

[Docket No. E-9483]

CONNECTICUT LIGHT AND POWER CO.

Notice of Purchase Agreement

JUNE 13, 1975.

Take notice that on June 9, 1975, the Connecticut Light and Power Company (CL&P) tendered for filing a proposed purchase agreement with respect to various gas turbine units dated April 1, 1975 between (1) CL&P and The Hartford Electric Light Company (HELCO) and (2) Vermont Electric Power Company, Inc. (VELCO).

CL&P states that the purchase agreement provides for a sale to VELCO of a specified percentage of capacity and energy from five gas turbine generating units during the period from May 1, 1975 to October 31, 1975.

CL&P states that questions as to VELCO's capability responsibility obligation, under the terms of the New England Power Pool (NEPOOL) Agreement, during the term of this purchase agreement affected the amounts of gas turbine capacity that could be purchased by VELCO and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit VELCO to receive urgently needed capacity, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on May 1, 1975.

CL&P states that the capacity charge rate for the proposed service was developed on a cost-of-service basis and is the same rate as that used for other gas turbine capacity sold during this capability period.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut and VELCO, Rutland, Vermont.

CL&P states that HELCO has submitted a certificate of concurrence in this docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 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.75-16105 Filed 6-19-75;8:45 am]

[Dockets Nos. E-7994, E-8082, E-7557, E-7720]

DUKE POWER CO.

Notice Establishing Procedure for Comment

JUNE 13, 1975.

Take notice that on April 2, 1975, the Presiding Administrative Law Judge in the above-designated matter certified to the Commission a settlement agreement filed March 28, 1975. On April 28, 1975, Staff Counsel filed comments generally supporting said agreement but questioning the treatment of Yadkin, Inc.

Notice is hereby given that Yadkin, Inc., shall have 15 days from the date of this notice to comment upon the proposed settlement. All parties to this proceeding shall also have 15 days from the date of this notice to file statements of fact and legal arguments to show the treatment of Yadkin, Inc., to be justified. Reply comments may be filed within 15 days of the filing of comments or statements.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16106 Filed 6-19-75;8:45 am]

[Docket No. E-9446]

GREEN MOUNTAIN POWER CO.

Order Rejecting in Part, Accepting and Suspending in Part Proposed Rate Increase, Allowing Intervention, and Instituting Procedures

JUNE 13, 1975.

On May 15, 1975, Green Mountain Power Corporation (Company) tendered for filing proposed changes in its FPC Electric Service Tariff. The proposed changes would increase revenues from jurisdictional sales and service by $955,956 based on the twelve months ending December 31, 1974. The Company proposed that the new rates become effective June 16, 1975. Notice of the Company's filing was issued on May 21, 1975, with petitions to intervene due on or before June 12, 1975.

Examination of the Company's filing reveals that part of the increase is based upon the inclusion of construction work in progress (CWIP) in the rate base. Commission regulations and practice do not at this time allow any utility to earn a return on CWIP. While this policy is under review in Docket No. RM75-13,[1] it would be premature to allow the Company to make a filing which contains rates based on CWIP being included in rate base. Accordingly, we will reject that portion of the proposed rate increase which is based on the inclusion of CWIP in rate base and allow the Company to file substitute sheets which reflect the exclusion herein required.

We further note that the Company states that it had to pass two dividends in 1974, has approximately 28 percent of its capital structure in short term notes, and must raise additional equity capital. All parties submitting evidence in this case on rate of return should address, among other things, the issues raised by the Company's statements. Thus, if the party believes that the Company must raise additional equity or debt capital, that party should demonstrate in its presentation on rate of return that the rate recommended will allow the Company to raise any required capital at reasonable rates. The parties should also direct their attention to what they mean by "raise capital at reasonable rates." Similarly the parties should explicitly address themselves to the allegation of the Company that its stock is currently selling at 50 percent of book value and the importance (or lack thereof) of such conditions as related to the particular rate of return recommendations.

The Company's filing includes copies of unexecuted Electric Service Agreements with the service wholesale customers in the form shown in the Company's FPC Electric Tariff, Original Volume No. 1, Original Sheet No. 16 (pages 1 and 2). The Company has requested that the unexecuted service agreements be designated service agreements under the Electric Tariff. The propriety of so doing should be addressed by each party in this proceeding.

The Company's proposed changes in its tariff have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise illegal. Accordingly, we shall suspend the use of these changes for 3 months and defer their use until September 16, 1975.

The Commission finds. (1) That portion of the Company's filing which reflects inclusion of CWIP in rate base should be rejected.

(2) That portion of the Company's filing not referred to in paragraph (1) should be accepted for filing and suspended for three months.

(3) The Company should be allowed to file within two months substitute sheets reflecting exclusion of CWIP in rate base.

The Commission orders. (A) That portion of the Company's filing which reflects the inclusion of CWIP in rate base is hereby rejected.

(B) That portion of the Company's filing not referred to in paragraph (A) is here accepted for filing, suspended for three months, and the use thereof defered until September 16, 1975.

(C) The Company shall be permitted to file substitute tariff sheets which reflect the exclusion of CWIP in rate base on or before August 15, 1975. Failure to so file shall be deemed cause to reject the entire filing.

(D) Pursuant to the Authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's regulations and rules of practice and procedure, a public hearing concerning the lawfulness of the Company's FPC Electric Service Tariff, as proposed to be

[1] Notice of which was issued November 14, 1974.

amended, shall be convened at 10 a.m., November 25, 1975.

(E) Commission Staff shall serve its direct case on or before October 17, 1975. Any intervenor testimony and exhibits shall be served on or before October 31, 1975. Company rebuttal testimony and exhibits shall be served on or before November 14, 1975.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose. (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(G) 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.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16107 Filed 6-19-75;8:45 am]

[Docket No. E-9479]

HARTFORD ELECTRIC LIGHT CO.

Notice of Purchase Agreement

JUNE 13, 1975.

Take notice that on June 6, 1975, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Purchase Agreement With Respect to Various Gas Turbine Units, dated April 1, 1975 between (1) HELCO and Western Massachusetts Electric Company (WMECO), and (2) Central Maine Power Company (CMP).

HELCO states that the purchase agreement provides for a sale to CMP of a specified percentage of capacity and energy from nine gas turbine generating units (South Meadow Unit Nos. 11, 12, 13 and 14, East Springfield Unit No. 10, Silver Lake Unit Nos. 10, 11, 12 and 13) during the period from April 1, 1975 to April 30, 1975, together with related transmission service.

HELCO states that questions as to CMP's capability responsibility obligation, under the terms of the New England Power Pool (NEPOOL) Agreement, during the term of this purchase agreement affected the amounts of gas turbine capacity that could be purchased by CMP and thus delayed execution of the Agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

In order to permit CMP to receive this capacity and to permit HELCO and WMECO to receive payments for this capacity, HELCO requests that the customary thirty-day notice period be waived, and the rate schedule be permitted to take effect as of April 1, 1975.

HELCO states that the capacity charge rate for the proposed service is the same rate as that used for other gas turbine capacity sold during this capability period; the monthly transmission charge is equal to one-twelfth of the estimated annual average unit cost of transmission service on the systems of the Northeast Utilities Companies multiplied by the number of kilowatts of winter capability which CMP is entitled to receive, reduced to give due recognition of the payments made by CMP for transmission services on intervening systems. The variable maintenance charge was arrived at through negotiations, according to HELCO.

WMECO has filed a certificate of concurrence in this docket.

HELCO states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and CMP, Augusta, Maine and that the filing is made in accordance with Part 35 of the Commission's regulations.

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 procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 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 proceedings. 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.75-16108 Filed 6-19-75;8:45 am]

[Docket No. E-9329]

INDIANA & MICHIGAN ELECTRIC CO.

Order Granting Rehearing in Part, Denying Rehearing in Part, Granting Motion To Lodge Previously Unfiled Response, and Establishing Procedures

JUNE 13, 1975.

On March 17, 1975, Indiana & Michigan Electric Company (I&M) tendered for filing an unsigned service agreement with the City of Anderson, Indiana (Anderson), which would provide service for Anderson under I&M's FPC Tariff WS. The new rate schedule would cancel and supersede I&M's FPC Rate Schedule No. 27, under which Anderson has been served under tariff rate IP. By order issued on April 16, 1975, after full consideration given to I&M's application and Anderson's protest thereto, we accepted the proposed service agreement for filing to become effective April 17, 1975, and denied Anderson's motion to reject.

The time lapsing between Anderson's filing of its protest and the issuance of our April 16, 1975 order was only eight days, less than the time permitted under our regulations for I&M to file a response to Anderson's protest. In order to enter onto the record its position with respect to Anderson's allegations, I&M on May 19, 1975 tendered for filing an unsigned response of I&M to the City of Anderson and an attached motion to lodge the unfiled response. I&M maintains that at the time our April 18, 1975 order was issued the response had been prepared but not yet filed. Since the Commission's order disposed of Anderson's allegations favorable to I&M's position I&M felt it unnecessary to file its response. I&M now requests, in light of Anderson's subsequent petition for rehearing, that the Commission accept its response and permit it to be docketed.

On May 14, 1975, Anderson filed a petition for rehearing of our April 16, 1975 order. Anderson maintains that the Commission erred (a) in finding I&M had given Anderson proper contractual notice to terminate service under Tariff IP; (b) in finding that Anderson did not have a contractual right to elect to continue to be served under Tariff IP; and (c) in finding that the proffered service agreement was not discriminatory.

In its first claim of error, Anderson continues to insist that the service agreement between itself and I&M which was dated and signed April 17, 1957 was actually entered into on January 1, 1955, more than two years previously. Anderson contends therefore that I&M was obliged to give notice of termination by January 1, 1971 and since it did not do so the service agreement is in full force and effect until January 2, 1978. Our order of April 16, 1975 fully considered this argument and found it wanting. Anderson has presented no new basis for its position to which we have not given full account. Anderson relies again on a September 6, 1973 letter of I&M to Anderson indicating I&M regarded Anderson's power demands in excess of 100,000 kva as a breach sufficient to warrant termination. Anderson maintains that this evidence of a 1973 intent manifests an identical intent existed in 1955 and therefore the 1955 contract, whose maximum power demands were also exceeded, was terminated and replaced by a contract which was not formally signed until April 17, 1957.

As we have previously stated:

> Even if I&M could treat an excess demand as sufficient breach of contract to terminate service thereunder, I&M appeared to recognize the necessity of so informing Anderson. No such notification was given to Anderson in 1955. (At 6 of our Order of April 16, 1975)

Upon a further review of the contracts in effect in 1955 and 1973 we reach the identical conclusion. There is no evidence that I&M, in 1955, regarded Anderson's excessive power demands as a breach of its contract resulting in an automatic termination of that contract. Indeed the 1951 contract specifically provides that prior to any termination of the contract due to a violation of any of its terms and conditions, I&M must give

written notice to the customer.[1] As we mentioned in our earlier order, no such notice was ever given.

Moreover the September 6, 1973 letter of I&M to Anderson is not dispositive of I&M's unexpressed intent existing in 1955. The provision in Tariff IP which placed a maximum delivery requirement upon I&M in 1955 differs from the provision in effect in 1973. The former provision merely states that I&M was not required to serve a capacity in excess of the amount contracted for (not to be less than 10,000 kilovolt-amperes) except by mutual agreement. In contrast, the relevant provision in effect in 1973 states that I&M was not required to serve a capacity in excess of the amount contracted for (not to be less than 10,000 kilovolt-amperes nor more than 100,000 kva) except by mutual agreement. The existence in Tariff IP in 1973 of this maximum limitation to all customers served under IP may well have been the basis of the conclusion on the part of I&M that a demand in excess of this amount constituted a sufficient breach to terminate the contract. Consequently, this expressed interpretation does not require this Commission to find that I&M's intent in 1955, when a differently-worded provision was in effect, was that an excess demand on behalf of Anderson constituted a breach warranting termination. We therefore affirm our original finding that I&M gave proper and sufficient contractual notice to terminate its contract to serve Anderson under Tariff IP.

With respect to Anderson's second claim of error—that it has a contractual right to elect to continue to remain under Tariff IP—we have fully discussed this allegation and found it to be unpersuasive. Anderson has presented no new argument which we have not considered except its allegation that the Commission has not properly distinguished the word "expiration" from the word "termination". Our April 16, 1975 order concluded that the pertinent contract and tariff provisions provided both parties with the right to terminate service upon sufficient contractual notice. Anderson is quite right in stating that the word "terminate" is not to be found in any of those provisions. Those provisions do indeed refer to "expiration". However, while Section 11 of the terms and conditions of Tariff IP refers to the expiration of the entire contract, the contractual language in the Service Agreement refers to the expiration of the periodic terms therein provided. Even with the substitution of this perhaps more appropriate word our conclusion is the same. The contract clearly provides either party with the right to elect to discontinue service at the expiration of any of the five year terms provided in the contract. I&M had therefore the contractual right to notify Anderson and cause the contract to be discontinued at the expiration of its periodic five-year term. We fail to see any practical difference between our earlier use of the word "termination" and Anderson's insistence upon "expiration". With the substitution in language, we again conclude that Anderson does not have the contractual right to elect to continue to be served under Tariff IP.

Anderson finally argues that the Commission erred in not finding the proposed unsigned service agreement discriminatory due to the fact that it limits Anderson to one delivery point and imposes on Anderson a 108,000 kva limitation. Anderson points out that neither of these specific limitations were considered at the hearing in Docket No. E-7740. We have carefully reviewed the provisions of the proposed service agreement and conclude that the restrictions, while they may ultimately be determined to be reasonable upon complete record support, do require the opportunity for Anderson to test their justness and reasonableness. We note that with respect to I&M's restriction of Anderson to one delivery point, that I&M, in its Motion and Response filed on May 19, 1975, states the inclusion of only one delivery point was not intended to limit Anderson but was merely intended to reflect the fact that Anderson's power purchases have been metered solely at one delivery point. I&M further states that it does not propose to limit Anderson to the one delivery point. While we do not contest the good faith of I&M we are of the opinion that it may be preferable to have a service agreement which actually reflects I&M's intent to not limit Anderson to one delivery point.

With respect to the limitation of 108,000 kva imposed upon Anderson in the proposed service agreement, we note that the pleadings offer no evidence justifying such a restriction. Since Anderson has not yet had the opportunity to contest this limitation and that of the delivery point limitation, we shall grant rehearing of our April 16, 1975 order insofar as to provide for a hearing on the issue of the justness and reasonableness of these proposed contractual restrictions. Since our order of April 16, 1975 is in all other respects reaffirmed the hearing hereinafter provided, and the testimony filed thereto, shall be limited to solely this issue.

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 to grant rehearing of our Order of April 16, 1975, insofar as to grant a hearing on the justness and reasonableness of the proposed service agreement provisions placing a limitation upon Anderson of one delivery point and 108,000 kva.

(2) Good cause has not been shown to amend our order of April 16, 1975, in any other respect.

(3) Good cause exists to accept for docketing I&M's Response to the City of Anderson, Indiana, filed on May 19, 1975.

The Commission orders. (A) Rehearing of our order of April 16, 1975, in this docket is hereby granted insofar as to provide for a hearing on the question of the justness and reasonableness of the proposed service agreement provisions which limit Anderson to one delivery point and 108,000 kva.

(B) Rehearing of our order of April 16, 1975, in this docket on all other issues therein discussed and decided is hereby denied.

(C) I&M's May 19, 1975, motion for leave to file previously unfiled response is hereby granted and its answer to Anderson, Indiana shall be formally docketed.

(D) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a public hearing shall be held commencing October 28, 1975, at 10 am (e.d.t.), in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The purpose of this hearing shall be to determine the justness and reasonableness of the proposed service agreement provisions which limit Anderson to one delivery point and 108,000 kva.

(E) On or before August 12, 1975, I&M shall file its prepared testimony and exhibits in this proceeding. On or before September 16, 1975 Anderson and any other intervenors shall file their prepared testimony and exhibits in this proceeding. The Commission Staff shall file its prepared testimony and exhibits on or before September 30, 1975. Any rebuttal evidence by I&M shall be served on or before October 14, 1975.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for in this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(G) Nothing contained herein shall be construed as limiting the rights of par-

[1] In pertinent part the 1951 service agreement provides as follows: If the Customer shall make default in the payment of any bill as aforesaid, or shall violate any of the terms or conditions of this contract, and after such default or violation the Company shall deliver at such premises addressed to the Customer, a written notice of its intention to cut off the supply of electricity on account of said default or violation then the Company shall have the right to cut off such supply at the expiration of 5 days after giving such notice unless within such 5 days the Customer shall make good such default or violation. Should the Customer continue in default or violation after service has been discontinued, the Company may continue to withhold the supply of electricity until such time as such default in, or violation of, the terms of this agreement has been made good. Any suspension of service by the Company as provided for herein shall not terminate this contract, and the Customer hereby agrees to pay the guaranteed minimum charge specified herein for the period during which service is suspended, in addition to any arrears which may exist. (Emphasis supplied)

ties 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.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16109 Filed 6-19-75;8:45 am]

[Docket No. E-9454]

PUBLIC SERVICE CO. OF NEW MEXICO

Extension of Time To Intervene

JUNE 13, 1975.

On June 9, 1975, the City of Gallup, New Mexico filed a motion to extend the time for petitions to intervene fixed by notice issued June 4, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the time for filing petitions to intervene in the above matter is extended to and including June 30, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16110 Filed 6-19-75;8:45 am]

[Project No. 344]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Extension of Time

JUNE 13, 1975.

On June 9, 1975, the Secretary of the Interior filed a motion to accept out of time a statement of fact and law filed pursuant to order issued March 3, 1975, in the above-designated mater. The motion states that no party objects to the granting of this motion provided that an extension of the reply date is granted. On June 10, 1975, Staff Counsel filed a motion for a further extension of the reply date.

Upon consideration, the filing of the Secretary of the Interior is accepted and the time for filing all statements of fact and law in reply is extended to and including July 18, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16111 Filed 6-19-75;8:45 am]

[Dockets Nos. RP75-111, RP74-39-22, RP74-39-23, RP74-39-24, RP74-39-25]

TEXAS EASTERN TRANSMISSION CORP.

Order Consolidating Proceedings, Providing for Hearing and Establishing Procedures, Convening a Prehearing Conference, and Granting Interventions

JUNE 16, 1975.

Texas Eastern Transmission Corporation; Texas Eastern Transmission Corporation [Indiana Natural Gas Corporation]; Texas Eastern Transmission Corporation [Pulaski Natural Gas Company]; Texas Eastern Transmission Corporation [City of Huntingburg, Indiana]; Texas Eastern Transmission Corporation [Starks Water and Gas Corporation].

On February 28, 1975, Texas Eastern Transmission Corporation (TETCO) filed with the Commission a study it prepared which indicated that 36 of its customers were expected to exceed their curtailed Annual Quantity Entitlements (AQE's). The potential overruns were estimated on the basis of the AQE of each customer remaining as of January 31, 1975, the actual takes of each customer during the corresponding months of 1974, and the most recently estimated curtailments by TETCO for each month during the period February–August 1975.

On April 15, 1975 TETCO filed a second study, prepared on the same basis as the previous study, except that it reflects actual remaining entitlements as of March 31, 1975. The second study indicated that 41 customers were expected to overrun.

A third study, filed in May 1975, reflects actual remaining entitlements as of April 30, 1975. It too indicates that 41 customers may exceed their curtailed AQE's. This third study includes statements by TETCO that 21 of the 41 customers listed are negotiating now, or have completed successful negotiations, with other TETCO customers for additional gas to cover, at least partially, their AQE deficits. At least one other customer of the 41 has stated that it will cut its purchases from TETCO to avoid an overrun.

The three studies, and in particular the third, lead the Commission to believe that twenty customers of TETCO, give or take a few, may overrun their curtailed AQE's for the 12 months ending August 31, 1975. Indeed, the Commission has already received four petitions from TETCO customers requesting increases in their AQE's or curtailed AQE's. We fear that many more will follow during the course of the summer.

The choices faced by TETCO customers upon exhausting their AQE's prior to August 31 are three:

(1) Curtail all deliveries on the system, including residential and commercial loads,

(2) Pay a $3.00 penalty charge on each dekatherm (dth) of natural gas taken in excess of the curtailed AQE,

(3) Overrun the curtailed AQE and petition this Commission for a waiver of the $3.00 penalty charge on excess volumes.

On the basis of the information provided by the TETCO studies, we anticipate that many of the pipeline's customers will exhaust their AQE's prior to August 31, and will seek a waiver of TETCO's penalty charge from the Commission. In order to deal with the large number of petitions we expect in a manner which is both fair to all of TETCO's customers and expedient, we shall convene, on our own motion, a proceeding pursuant to section 5 of the Natural Gas Act to examine the overrun situation on the TETCO system with an eye toward solving what may be a serious problem. Along with requests for relief we shall consider the adequacy of the $3.00 per Mcf penalty charge, and the appropriateness of continuing the peak day exemption of small customers.

A formal hearing on the AQE overrun problem will be held on August 5, 1975. Each customer facing a premature exhaustion of its AQE should present evidence on the following issues:

(1) The number of residential, commercial and industrial customers it was serving as of August 31, 1972 and the number of residential, commercial and industrial customers it was serving as of May 31, 1975. List industrial or commercial customers which have been dropped or attached during this time period, and the peak day and annual usage of such customers.

(2) A breakdown, by TETCO's nine priority-of-service categories, of volumes delivered for the nine months ending May 31, 1975, on a month by month basis.

(3) A breakdown, by TETCO's nine priority-of-service categories, of the projected deliveries for the three months ending August 31, 1975.

(4) Measures taken to conserve natural gas supply, and a description of any self-help measures adopted.

(5) A description of the alternate fuel capabilities of all commercial and industrial customers now being served.

(6) A description of policies toward growth on its system since August 31, 1972.

In order to maximize the accessibility of these proceedings for the small customers in areas remote from Washington, D.C., we direct that a prehearing conference be held before a Presiding Administrative Law Judge to expedite the hearing, schedule witnesses and, if possible, reach a settlement of these issues, thereby precluding the necessity of holding a formal hearing. In order to assure prompt notice of this order to the interested parties, a copy shall be served upon all TETCO customers by regular mail.

Any TETCO customer having an interest in these proceedings is requested to attend the prehearing conference or have a representative present to speak for him. Evidence on the six issues enumerated above should be filed with the Commission on or before June 30, 1975. We shall waive § 1.15(b) of our rules of practice and procedure and require that one copy of the requested filing be served upon TETCO, and that seven copies be served upon the Commission. These filings shall be made in affidavit form, under oath.

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[1] Petition filed by Indiana Natural Gas Company (Indiana) on March 7, 1975. Indiana requests 56,398 dth in excess of its curtailed AQE. Indiana was able to purchase natural gas from Oxford Natural Gas Company commencing in April for 60 days.

The four petitions filed in Docket Nos. RP74–39–22,[1] RP74–39–23,[2] RP74–39–24[3] and RP74–39–25[4] shall be consolidated under a new docket in Docket No. RP75–111 which new docket shall serve for the section 5 proceedings to be held in accordance with this order. This order shall serve as public notice of these proceedings. All parties to these consolidated proceedings and those in Docket Nos. RP71–130 and RP72–58 shall be considered parties herein. Other persons wishing to participate should file either a petition for extraordinary relief, pursuant to Section 1.7(b) of the Commission's Rules of Practice and Procedure [18 CFR 1.7(b)], or a petition to intervene in accordance with § 1.8 of the Rules (18 CFR 1.8).

Public notice of the petitions in Docket Nos. RP74–39–22, RP74–39–23, RP74–39–24, and RP74–39–25 was given as follows:

Docket No.	Notice issued	Intervention date
RP74–39–22	Mar. 19, 1975	Mar. 28, 1975
RP74–39–23	May 13, 1975	May 30, 1975
RP74–39–24	June —, 1975	June 20, 1975
RP74–39–25	June —, 1975	June —, 1975

Petitions to intervene have been received from the following parties:

DOCKET NO. RP74–39–22

Bay State Gas Company, *et al.*
Indiana Gas Company, Inc.
Philadelphia Gas Works[5]
TETCO
Algonquin Gas Transmission Company
General Motors Corporation
Consolidated Edison Company of New York, Inc.[6]
Brooklyn Union Gas Company[5 6]
New Jersey Natural Gas Company[6]
Texas Gas Transmission Corporation[6]

DOCKET NO. RP74–39–23

Equitable Gas Company
Philadelphia Gas Works[5]
Public Service Electric and Gas Company
Algonquin Gas Transmission Company
Arkansas-Missouri Gas Company, *et al.*
Bay State Gas Company, *et al.*
Central Illinois Public Service Company
Columbia Gas Transmission Corporation[5]
Elizabethtown Gas Company
General Motors Corporation[5]
Mississippi Valley Gas Company
Missouri Utilities Company

The Commission finds. (1) Good cause exists to provide for a formal hearing for the purposes of taking evidence on the annual overrun situation facing TETCO and its customers, the adequacy of TETCO's $3.00 penalty provisions and the appropriateness of continuing the exemption from peak day curtailment currently applicable to TETCO's small customers.

(2) Good cause exists to consolidate the proceedings in Docket Nos. RP74–39–22, RP74–39–23, RP74–39–24, RP74–39–25, and RP75–111, for the purposes of hearing and decision, inasmuch as each of these proceedings contain common questions of law and fact.

(3) The participation in these proceedings of all parties to the proceedings in Docket Nos. RP71–130 and RP72–58 may be in the public interest.

(4) The participation in these proceedings of all parties who have filed petitions to intervene in Docket Nos. RP74–39–22 and RP74–39–23 may be in the public interest.

The Commission orders. (a) The proceedings in Docket Nos. RP74–39–22, RP74–39–23, RP74–39–24, RP74–39–25, and RP75–111 are hereby consolidated for the purposes of hearing and decision.

(b) 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 on August 5, 1975, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning the issues discussed above and the issues raised in the petitions filed in the above dockets in this consolidated proceeding.

(c) Pursuant to § 1.18 of the Commission's rules of practice and procedure a prehearing conference shall be held on July 9, 1975 at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(d) All TETCO customers seeking relief from the AQE overrun penalty in these proceedings shall, on or before June 30, 1975, file in affidavit form, under oath, one set of responses to the six questions posed above upon TETCO and seven sets of responses upon the Commission.

(e) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose, shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(F) All parties to the proceedings in Dockets Nos. RP71–130 and RP72–58 shall be parties to this consolidated proceeding.

(G) Each party which has petitioned to intervene in Docket Nos. RP74–39–22 and RP74–39–23 is hereby permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–16115 Filed 6–19–75;8:45 am]

[1] Petition filed by Pulaski Natural Gas Company (Pulaski) on April 25, 1975. Pulaski requested 800 Mcf per day to serve Federal Copper and Aluminum Company.

[2] Petition filed by the City of Huntingburg, Indiana (Huntingburg) on May 21, 1975. Huntingburg requests an additional 40,000 dth for the year ending August 31, 1975, 85,940 dth thereafter. Huntingburg has been able to mitigate its problem for this year with a purchase of natural gas under § 2.68 of the Commission's regulations.

[3] Filed by Starks Water and Gas Company (Starks) in April 1975. Starks requests 2 Mcf per month for boiler fuel use by General Box Company.

[5] Petitioner requests a formal hearing.

[6] Petition is not timely filed.

[Docket No. RP75–56]

TEXAS GAS PIPE LINE CORP.

Order Amending Prior Order

JUNE 16, 1975.

By order issued March 7, 1975, we accepted for filing Texas Gas Pipe Line Corporation's (Texas Gas) January 24, 1975 proposed rate increase, suspended it and set the matter for hearing. We further granted waiver of our Regulations in order to treat the proposed rate increase as a minor rate increase.

In setting the matter for hearing and establishing procedural dates we did not provide a date upon which Texas Gas should file its prepared testimony and exhibits in support of its proposed rate increase. We therefore deem it appropriate to amend our order of March 7, 1975, to provide a date upon which Texas Gas should file its prepared testimony and exhibits. We will further amend that order by extending the procedural dates for the filing of prepared testimony by the Commission staff and the intervenors.

Ordering paragraphs (A) and (C) of the Commission's March 7, 1975 order in Docket No. RP75–56 are hereby amended and revised to read as follows:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 15 and 18 thereof, and the Commission's rules and regulations a public hearing shall be held on September 30, 1975, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the justness and reasonableness of the rates proposed in this proceeding.

(C) On or before July 22, 1975, Texas Gas shall file its prepared testimony and exhibits in support of its proposed rate increase. On or before August 19, the Commission staff shall serve its prepared testimony and exhibits. Any prepared testimony or exhibits of intervenors shall be served on or before September 2, 1975. Company rebuttal shall be served on or before September 16, 1975.

The Commission finds. It is necessary and proper in the public interest and in carrying out the provisions in the Natural Gas Act that the Commission amend ordering paragraphs (A) and (C) of its order issued March 7, 1975 in this docket as hereinabove described.

The Commission orders. (1) Ordering paragraphs (A) and (C) of the Commission's order issued March 7, 1975 in this docket are hereby amended as hereinabove described.

(2) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16112 Filed 6-19-75;8:45 am]

[Dockets Nos. RP74-42; RP71-122; RP75-62; RP72-89; RP75-28; RP71-121, RP72-21; RP72-6; RP75-110; RP71-119; RP71-130, RP72-58; RP72-99; RP73-101; RP71-100; RP71-29, RP71-120]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

Order Reopening Proceedings, Providing for Hearings and Establishing Procedures

JUNE 11, 1975.

On June 6, 1975 the Commission released a report prepared by the Staff of our Bureau of Natural Gas entitled *Requirements and Curtailments of Interstate Pipeline Companies Based On Form 16 Reports Required To Be Filed On April 30, 1975.* The report summarizes data in the Form 16 filings of 144 major pipelines (Class A and B) and four smaller (Class C) pipeline companies, which provide the companies' actual requirements and curtailment information for the period April 1, 1974 through March 31, 1975, and projected requirements and supply deficiency information for the period April 1, 1975 through March 31, 1976.

Schedule IV, attached to the report shows the projected requirements and curtailments for the heating season November 1975 through March 1976. The net firm curtailments exceed those of the heating season just past by 30.2 percent. The data indicate that fourteen of the pipelines reporting project curtailments of more than 20 percent during the upcoming heating season. (Appendix)

The Staff report indicates the seriousness of the gas supply situation for the coming winter. The fourteen pipelines listed in the Appendix face severe shortages which limit their flexibility to the point that they may be unable to serve many high priority loads. We believe that it is essential to prepare for shortages of this magnitude well in advance so that the impact of these shortages may be minimized as much as possible. Toward that end, we shall require these fourteen pipelines and their customers, both direct and indirect, to inform us as to how the projected shortages will impact upon their systems, how they plan to deal with the shortages, and the flexibility the pipelines and their customers may call on in dealing with these shortages.

We shall direct that the Presiding Administrative Law Judges in the proceedings in Dockets Nos. RP75-62, RP72-89, RP75-28, RP71-130 and RP72-58, RP71-29 and RP71-120 preside over conferences in those proceedings to determine the expected impact of upcoming winter curtailment and alternatives to help alleviate the most serious effects. Further, we direct that the hearings in Docket Nos. RP74-42, RP71-122, RP71-121 and RP72-21, RP72-6, RP71-119, RP72-99, RP73-101, and RP71-100 be reopened for the purposes outlined above. We direct that a conference be convened in the matter of Lawrenceburg Gas Transmission Corporation so that that pipeline and its customers may participate in proceedings to achieve the results sought above.

The Commission recognizes that the convening of fourteen conferences within a short period of time is an undertaking which will cause our Staff and other parties scheduling difficulties. To minimize problems of that nature, we shall direct the Chief Administrative Law Judge to schedule the conference between July 15, 1975 and August 15, 1975.

In order to properly evaluate the seriousness of the gas supply situation for the forthcoming winter season and so as to provide, where necessary and possible, ameliorating plans, all customers of the respective pipelines are urged and those who are parties to these respective dockets are required to provide to their respective interstate pipeline suppliers the data necessary so that each of the fourteen pipeline companies shall, on a best efforts basis, provide the Commission, their customers, the appropriate state regulatory bodies, and the Washington office of the Federal Energy Administration on or before July 10, 1975, the following information:

(1) The priority-of-service categories which are expected to be curtailed on an average daily system-wide basis during the months November 1975 through March 1976. The companies should respond to this request by listing the priority-of-service categories in their currently effective curtailment plans.

(2) The average daily (Mcf) and peak day (Mcf) flexibility to be gained, if any, by maximization of purchases from producers, maximization of storage, LNG or SNG for each month of this winter.

(3) For each direct industrial customer subject to curtailment this winter, the fourteen pipelines shall provide the following information to the Commission:

(a) type of natural gas purchase contract (firm or interruptible,

(b) existing alternate fuel capability; full ——, partial—— percent,

(c) the kind and amount of alternate fuels[1] needed for each month during the 1975-76 winter heating season, after curtailment as shown in Form 16,

(d) the kind and amount of alternate fuels believed to be available for each month of the 1975-76 winter season,

(e) the deficiency of alternate fuels by kind and amount for 1975-76 winter season,

(f) the description of operating options available to the industrial customer if no additional natural gas or alternate fuels are provided.

(4) For each distribution customer subject to curtailment during the 1975-76 winter period the pipeline shall provide the following information:

(a) the priority-of-service categories which the distributor expects to curtail on an average daily systemwide basis during each of the months of November, 1975 through March, 1976. The distributor companies should respond by listing priority-of-service categories in their currently effective curtailment plans,

(b) the average daily (Mcf) and peak day (Mcf) flexibility to be gained, if any, by maximization of purchases from producers, maximization of storage, LNG or SNG for each month of this winter,

(c) for each industrial customer of the distributor subject to curtailment this winter provide the following information:

(i) the type of natural gas purchase contract (firm or interruptible),

(ii) existing alternate fuel capability; full ——; partial —— percent,

(iii) the kind and amount of alternate fuels needed for each month during the 1975-76 winter heating season, after curtailment as shown in Form 16,

(iv) the kind and amount of alternate fuels believed to be available to industrial each month of the 1975-76 winter season,

(v) the deficiency of alternate fuels by kind and amount for the 1975-76 winter season,

(vi) a description of operating options available to the industrial customer if no additional natural gas or alternate fuels are provided.

We recognize that the time given to the pipelines to make the requested information available is short, however, the magnitude of the problem is such that the Commission must act immediately.

The Commission finds. (1) It is in the public interest and consistent with the purposes of the Natural Gas Act to schedule conferences, in each of the proceedings hereinabove named, for the purpose of determining the impact of projected curtailments of natural gas deliveries over the 1975-76 winter heating season, and to the extent necessary develop ameliorating plans.

The Commission orders. (A) The Presiding Administrative Law Judge in each of the ongoing proceedings in Dockets Nos. RP75-62, RP72-89, RP75-28, RP71-130 and RP72-58, and RP71-29 and RP71-120 is directed to preside over conferences in each proceeding to determine the impact of projected curtailment for the 1975-76 winter heating season.

(B) The proceedings in Docket Nos. RP74-42, RP71-122, RP71-121 and RP72-21, RP72-6, RP71-119, RP72-99, RP73-101, and RP71-100 are hereby reopened.

(C) Pursuant to the authority of the Natural Gas Act, particularly Sections 5, 14, and 15, a conference, to be scheduled by the Chief Administrative Law Judge, shall be held to determine the impact of projected curtailment over the 1975-76 winter heating season upon Lawrenceburg Gas Transmission Corporation and its customers.

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[1] With respect to this order in response to each request for information on alternate fuel capability, the responding party shall provide alternate fuel amounts in average daily quantities per month in gallons of propane, barrels of oil, tons of coal, and kwh of electric power. In this regard, the feasibility of converting to electric power should be addressed.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose, shall preside over conferences to be held in each of the reopened proceedings listed above in Ordering Paragraphs (B) and (C) and shall prescribe relevant procedural matters not herein provided.

(E) The Chief Administrative Law Judge shall schedule the conferences provided for in Ordering Paragraphs (A), (B), and (C) within the period beginning July 15, 1975 and ending August 15, 1975. The Chief Administrative Law Judge shall give these proceedings priority in scheduling over all other proceedings with the exception of those in which a party is seeking extraordinary relief from curtailment.

(F) Each of the fourteen pipelines designated in this order shall provide, on a best efforts basis, the information called for in the body of this order no later than July 10, 1975. All parties in the instant proceedings are hereby ordered and all customers of the respective pipeline companies are hereby urged to provide their pipeline suppliers with the necessary data to enable the pipelines to comply with this order. Copies shall also be served upon their customers, the appropriate state regulatory bodies, and the Washington office of the Federal Energy Administration.

(G) By virtue of the information obtained in the proceedings hereinbefore ordered, the Administrative Law Judges shall pursue, when necessary, procedures for the purpose of providing ameliorating plans for the coming winter heating season.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16028 Filed 6-19-75;8:45 am]

[Dockets Nos. RI75-143, RI75-144, RI75-77]

BURMAH OIL AND GAS COMPANY AND GULF OIL CORPORATION

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX

	Projected		
	Firm requirements (in thousand cubic feet)	Deficiency (in thousand cubic feet)	Percent deficient
Alabama-Tennessee Natural Gas Co	15,927,000	5,183,000	32.54
Arkansas-Louisiana Gas Co	235,401,000	66,708,000	28.34
Cities Service Gas Co	299,405,000	81,423,000	27.19
Columbia Gas Transmission Corp	848,726,000	235,177,000	27.71
East Tennessee Natural Gas Co	39,611,000	13,343,000	33.69
Eastern Shore Natural Gas Co	3,361,000	1,644,000	48.91
El Paso Natural Gas Co	605,814,000	148,568,000	24.52
Lawrenceburg Gas Transmission Corp	2,299,000	642,000	27.93
Panhandle Eastern Pipeline Co	360,975,000	85,646,000	23.73
Texas Eastern Transmission Corp	501,370,000	117,491,000	23.43
Transcontinental Gas Pipe Line Corp	496,700,000	180,426,000	36.32
Transwestern Pipeline Co	194,905,000	43,572,000	22.36
Trunkline Gas Co	249,312,000	120,483,000	48.33
United Gas Pipe Line Co	709,971,000	320,182,000	45.10

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate [4]	
RI75-143	Burmah Oil & Gas Co	8	11	Montana-Dakota Utilities Co. (North Dakota) (Rocky Mountain).	$12,500	5-16-75		11-16-75	[1] [4] 34.015	[4] 34.44	
RI75-144	Champlin Petroleum Co	109	11	Mountain Fuel Supply Co. (Wyoming) (Rocky Mountain).	62,011	5-19-75		12- 6-75	27.6275	[3] 29.1074	RI74-245.
I75-77	Gulf Oil Corp	174	1-12	Northwest Pipeline Corp	2,095	5-15-75		[2] 5-31-75	34.2455	[3] 35.775	RI75-77.

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Suspended in docket No. RI75-89.
[2] Suspended in docket No. RI75-77.
[3] Includes double tax in order to recoup taxes on past production.
[4] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed rate increases of Burmah Oil and Champlin Petroleum exceeds the applicable area ceiling rate in Opinion No. 658 and are suspended for five months.

Champlin Petroleum's proposed rate increase in addition to a 1.0¢ periodic escalation, also reflects the recent 1% increase in the Wyoming severance tax and, includes double the allowable tax in order to recoup taxes on past production. Gulf's underlying rate is currently in effect subject to refund and Gulf's tax increase covers double the amount of contractually due Wyoming tax. After tax reimbursement on past production has been recovered, a rate decrease will be required to reflect tax reimbursement for future production only.

[FR Doc.75-16029 Filed 6-19-75;8:45 am]

ALABAMA POWER CO.

Meeting With Federal Power Commission Staff

Hydroelectric Project The FPC issues notice of a meeting with Federal Power Commission Staff requested by Alabama Power Company regarding the formal investigation and hearing ordered by the Commission with regard to the failure of Walter Bouldin Dam Project No. 2146. The meeting will be held at 10 a.m. July 17, 1975 in Room 5200 at the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-16156 Filed 6-19-75;8:45 am]

GENERAL ACCOUNTING OFFICE

INTERNATIONAL AIR TRANSPORTATION FAIR COMPETITIVE PRACTICES ACT OF 1974

Guidelines for Implementation of Section 5

These guidelines will be considered by the General Accounting Office in carrying out its responsibilities under section 5, Public Law 93–623, 88 Stat. 2104 (49 U.S.C. 1517). Section 5 requires, in the absence of satisfactory proof of necessity, the disallowance of expenditures from appropriated funds for Government-financed commercial foreign air transportation of passengers and property performed by an air carrier not holding a certificate under section 401 of the Federal Aviation Act of 1958. These guidelines will require the executive departments, agencies, and instrumentalities of the United States (hereinafter referred to as "agency") to modify their current regulations concerning Government-financed commercial foreign air transportation in order to avoid disallowance of expenditures that previously would have been allowed.

1. Certificated air carriers (those holding certificates under section 401 of the Federal Aviation Act of 1958, 49 U.S.C. 1371 (1970)) must be used for all Government-financed commercial foreign air transportation of persons or property if service provided by those carriers is "available."

2. Generally, passenger or freight service by a certificated air carrier is "available" if the carrier can perform the commercial foreign air transportation needed by the agency and if the service will accomplish the agency's mission. Expenditures for service furnished by a non-certificated air carrier generally will be allowed only when service by a certificated air carrier or carriers was "unavailable."

3. Passenger or freight service by a certificated air carrier is considered "available" even though:

(a) Comparable or a different kind of service by a non-certificated air carrier costs less, or

(b) Service by a non-certificated air carrier can be paid for in excess foreign currency, or

(c) Service by a non-certificated air carrier is preferred by the agency or traveler needing air transportation, or

(d) Service by a non-certificated air carrier is more convenient for the agency or traveler needing air transportation.

4. Passenger service by a certificated air carrier will be considered to be "unavailable":

(a) When the traveler, while en route, has to wait six hours or more to transfer to a certificated air carrier to proceed to the intended destination, or

(b) When any flight by a certificated air carrier is interrupted by a stop anticipated to be six hours or more for refueling, reloading, repairs, etc., and no other flight by a certificated air carrier is available during the six hour period, or

(c) When by itself or in combination with other certificated or non-certificated air carriers (if certificated air carriers are "unavailable") it takes 12 or more hours longer from the origin airport to the destination airport to accomplish the agency's mission than would service by a non-certificated air carrier or carriers.

5. The Comptroller General will disallow any expenditures for commercial foreign air transportation on non-certificated air carriers unless there is attached to the appropriate voucher a certificate or memorandum adequately explaining why service by certificated air carriers is "unavailable."

6. Although international air freight forwarders as defined in 14 CFR 297.1(c) and 297.2 (1974) engaged in foreign air transportation [49 U.S.C. 1301(21)(c) (1970)] may be used for Government-financed movements of property, the rule stated in guideline 5 applies to the use of underlying air carriers by international air freight forwarders engaged in such foreign air transportation.

7. In order that bills submitted by international air freight forwarders engaged in foreign air transportation may be paid upon presentation, such carriers are directed to submit with their bills a copy of the airway bill or manifest showing the underlying air carriers utilized with such justification certificates or memoranda as they may have for the use of underlying non-certificated air carriers.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.75–16082 Filed 6–19–75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 2 on Wednesday and Thursday, July 9 and 10, 1975 from 10 a.m. to 4:30 p.m., in Room 2408 at 26 Federal Plaza, New York, New York 10007. The meeting will be devoted to the initial step of the procedure for screening and evaluating the qualifications of Architect/Engineers under consideration for selection to furnish professional services for the proposed Federal Correctional Institution for Adults at Otisville, New York. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5), the meeting will not be open to the public.

GERALD J. TURETSKY,
Regional Administrator.

[FR Doc.75–16224 Filed 6–19–75;8:45 am]

INTERNATIONAL TRADE COMMISSION

CONCEPTS AND PRINCIPLES WHICH SHOULD UNDERLIE THE FORMULATION OF AN INTERNATIONAL COMMODITY CODE

Final Report

The House Ways and Means Committee has authorized the release of a report prepared by the United States International Trade Commission on the concepts and principles which should underlie the formulation of an international commodity code. The report was prepared in connection with an investigation (No. 332–73) initiated in accordance with section 608(c)(1) of the Trade Act of 1974. That law directs the Commission to report to both Houses of Congress and to the President on the concepts and principles which should underlie the formulation of an international commodity code "adaptable for modernized tariff nomenclature purposes and for recording, handling, and reporting of transactions in national and international trade."

The United States International Trade Commission instituted its investigation on February 4, 1975, under section 332(g) of the Tariff Act of 1930. A draft report to the Commission was released for public views on April 24, 1975 (USITC Publication 729). The final report was transmitted to both Houses of Congress and to the President on Monday, June 2, 1975.

The report discusses the need for a comprehensive international commodity code and sets forth the concepts and principles which should underlie its formulation, including suggested methods for its development and maintenance. The report also includes the dissenting statements of Vice Chairman Parker and Commissioner Ablondi concerning the suggested methods relating to development, administration and maintenance. The appendix to the report contains the written statements of interested parties and U.S. Government agencies on the draft report.

Copies of the report (USITC Publication 730) will be available as soon as the Commission's supply is received from the Government Printing Office. Requests will be honored as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. International Trade Commission, 8th and E Streets, NW., Washington, D.C. 20436.

For release June 16, 1975.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.75–16134 Filed 6–19–75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75–39)]

SPACE PROGRAM ADVISORY COUNCIL

Meeting

The NASA Space Program Advisory Council will meet on July 23 and 24, 1975,

in Room 7002, Federal Office Building 6, 400 Maryland Avenue, SW., Washington, D.C. The meeting, to be held from 9 a.m. to 4:45 p.m. on July 23, 1975, and from 9 a.m. to noon on July 24, 1975, is open to the public. The seating capacity of the room is about 40 persons, including Council members and other participants. Visitors will be requested to sign a visitor's register.

The NASA Space Program Advisory Council was established as an interdisciplinary group to advise NASA senior management with respect to the plans for, the work in progress on, and the accomplishments of NASA's space programs. The Council is concerned with the disciplines appropriate to Physical Sciences, Life Sciences, Space Applications, and Space Systems, as they bear on space programs. The Chairman of the Council is Dr. Frederick Seitz. There are currently fifteen members on the Council and additional members on four standing committees and one ad hoc committee which report to the Council. The following list sets forth the approved agenda and schedule for the meeting. For further information contact the Executive Secretary, Mr. Nathaniel B. Cohen, Area Code 202, 755–8433.

JULY 23, 1975

Item and time	*Topic*
1. 9 a.m.	Opening Remarks—This time is provided for the Chairman's introductory remarks and for the Executive Secretary to cover administrative matters.
2. 9:15 a.m.	Fiscal year 1977 budget issues—The Acting Associate Administrator will summarize the status of fiscal year 1977 planning to date and review the principal issues presented at the March SPAC meeting. Reports will be received from those asked to study the issues in their respective areas of expertise, and the Council will discuss development of overall FY 1977 recommendations to provide to NASA. Specific subject areas and the approximate time of their consideration are as follows:
9:30 a.m.	Large Space Telescope.
10 a.m.	Other Space Science Issues.
11 a.m.	Applications Issues.
12 noon	Lunch.
1:30 p.m.	Fiscal Year 1977 Budget Issues (Concluded) Discussion of the FY 1977 budget issues will continue with the following approximate schedule:
1:30 p.m.	Life Science Issues.
2:15 p.m.	Other Issues.
2:45 p.m.	General Discussion and Working Session.
4:45 p.m.	Adjourn.

JULY 24, 1975

3. 9 a.m.	Committee Reports—This time is provided for reports of the four standing committees and the Ad Hoc Subcommittee on Scientist Astronauts on matters other than the fiscal year 1977 budget issues.
4. 11 a.m.	Review of Economic Studies—The results of recent studies of the impact of NASA R. & D. upon various sectors of the economy and upon the national economy as a whole will be described for the Council.
12 noon	Adjourn.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

JUNE 16, 1975.

[FR Doc.75-16117 Filed 6-19-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR OCEANOGRAPHY

Meeting

The Advisory Panel for Oceanography will hold a two-day meeting on July 9 and 10, 1975, in Rm. 338 at the National Science Foundation, 1800 G Street NW., Washington, D.C. The meeting will begin at 9 a.m. on both days. The purpose of the Panel is to provide advice and recommendations in the evaluation of specific research proposals and to advise the Foundation on the impact of its research support program on the scientific community in oceanography. This Panel functions in accordance with the Federal Advisory Committee Act, Pub. L. 92–463.

July 9—9 a.m.–5 p.m. The agenda for this portion of the meeting will consist of the evaluation of research proposals that have been assigned to the Oceanography Section. The entire session will be closed to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b) (4), (5), and (6). The closing of this portion of the meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of Section 10(d) of Pub. L. 92–463.

The July 10 portion of the meeting is open to the public. The agenda is as follows:

9–11:45 a.m. Introductory Remarks and Section Highlights

Presentation on Department of Interior's Bureau of Land Management Program on the Outer Continental Shelf

Discussions of Support for Marine Biomedical Research; support for University National Oceanographic Laboratory System (UNOLS) Marine Technician; and the research vessel *Eastward* Program.

12:45–4:15 p.m. Discussions between NSF Staff and the Advisory Panel on:

FY 75 Program Summary and long-range research directions; the Oceanographic Facilities and Support (OFS)–UNOLS Santa Catalina report on long-range oceanographic facilities needs; and primary functions of the Advisory Panel and its proposal review process.

Anyone who plans to attend or would like more information about the Panel should contact Dr. R. E. Wall, Head, Oceanography Section, Rm. 317, National Science Foundation, Washington, D.C. 20550, telephone 202/632–4227. Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.75-16097 Filed 6-19-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. P–499–A]

DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES, ET AL.

Notice of Receipt of Partial Application for Construction Permits and for Facility Licenses: Time for Submission of Views on Antitrust Matters

The Department of Water and Power of the City of Los Angeles, the State of California Department of Water Resources, the City of Anaheim, the City of Glendale, the City of Pasadena, the City of Riverside, the Northern California Power Agency, the Pacific Gas and Electric Company and the Southern California Edison Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed one part of an application, which was docketed on May 21, 1975, in connection with plans to construct and operate four generating units of an undetermined type, each with a net electrical output of approximately 1,170 megawatts. The proposed facilities, designated as the San Joaquin Nuclear Project, are to be located near Wasco, approximately 33 miles northwest of Bakersfield, in Kern County, California. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

Pursuant to § 2.101 of Part 2, the remaining portion of the application consisting of an Environmental Report is expected to be filed in August 1976, and the Preliminary Safety Analysis Report in December 1976.

Upon receipt of the portions of the application dealing with environmental and radiological health and safety matters, separate notices of receipt will be published, by the Nuclear Regulatory Commission (the Commission), including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555; the Nuclear Regulatory Commission, Inspection and Enforcement, Region V, 1990 N California Boulevard, Walnut Creek, California 94596; the Federal Records Center, Reading Room, 4747 Eastern Avenue, Bell, California 90201;

and the Kern County Library, 1315 Truxtun Avenue, Bakersfield, California 93301. Docket No. P–499–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before August 12, 1975.

Dated at Bethesda, Maryland, this 5th day of June 1975.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Project, Branch No. 2–1, Division of Reactor Licensing.

[FR Doc.75–15287 Filed 6–19–75;8:45 am]

[Docket Nos. 50–259 and 50–260]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR–33 and Amendment No. 7 to Facility Operating License No. DPR–52 issued to Tennessee Valley Authority which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units 1 and 2, located in Limestone County, Alabama. The amendments are effective as of their date of issuance.

The amendments revise the Technical Specifications, taking into account the present condition of plant systems, so as to assure that the two units will remain in a safe and stable posture during the period of defueling of both units and storage of the fuel in their respective fuel pools. The plant will be maintained in this condition until completion of the repairs of damage resulting from the fire which occurred on March 22, 1975. These amendments also authorize the removal of fire-affected equipment. Approval of restoration of the facility will be the subject of a separate action.

The application for these 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. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated June 2, 1975, (2) Amendment No. 10 to License No. DPR–33 and Amendment No. 7 to License No. DPR–52 with Change No. 11, (3) Part VI Section E of "Plan for Evaluation, Repair, and Return to Service of Browns Ferry Units 1 and 2", Revision 7 dated May 28, 1975, and Revision 10 dated June 5, 1975, and (4) 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 Athens Public Library, South and Forrest, Athens, Alabama 35611.

A copy of items (2), (3), and (4) 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 June 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75–16136 Filed 6–19–75;8:45 am]

[Docket Nos. STN 50–483; STN 50–486]

UNION ELECTRIC CO. (CALLAWAY UNITS 1 AND 2)

Reopening the Evidentiary Record and Reconvening Hearing

The Atomic Safety and Licensing Board, in a consideration of the evidentiary record, including oral and documentary presentations, is desirious of receiving additional evidence respecting the soil structure adjacent and related to the site of the proposed nuclear power facility. The Board has requested Union Electric Company (Applicant) to make a further presentation of such additional evidence, including among other aspects, data in reference to water well drillings as reflected in the State of Missouri records which have been relied upon by the Applicant. The Board also is desirous of securing evidence from the seismological laboratory at St. Louis University respecting the area in eastern Missouri. The Applicant has responded to the Board's request stating that a further presentation can be made on July 1 and 2, 1975.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of this Commission, that the evidentiary record in this proceeding which was completed on April 30, 1975, is reopened, and sessions of further evidentiary hearings shall convene as follows: First, at 9 a.m. on Tuesday, July 1, 1975, at the meeting room of Howard Johnson Motor Inn at City Route 44 and Interstate 44, Rolla, Missouri 65401, to receive evidence from among other sources, that reflected by the records of the State of Missouri, particularly in reference to the manner of procurement, assemblage, and analyses of data related to water well drillings relied upon by the Applicant; and a second session shall convene at 9 a.m. on Wednesday, July 2, 1975, in Judge Harper's Courtroom in the United States District Court Building, First Floor, 1114 Market Street, St. Louis, Missouri 63101, to receive evidence related to the seismological analyses of the area of eastern Missouri particularly among other areas, that related to the site of the proposed nuclear power facility.

These sessions of evidentiary hearing are open for public attendance and all parties to the proceeding may participate in the presentation of the evidence.

Issued: June 13, 1975, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.75–16137 Filed 6–19–75;8:45 am]

[Docket Nos. 50–524A, 50–525A, 50–526A, 50–527A]

ALABAMA POWER CO. (ALAN R. BARTON UNITS 1, 2, 3 AND 4)

Notice of Antitrust Hearing

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the regulations in Title 10, Code of Federal Regulations, Part 50 and Part 2, the notice published in the FEDERAL REGISTER of February 19, 1975 (40 FR 7141) by the Atomic Energy Commission, as statutory predecessor of the Nuclear Regulatory Commission, and the memorandum and order dated June 13, 1975, granting the petitions of Alabama Electric Cooperative, Inc. and Municipal Electric Utility Association of Alabama for leave to intervene in this proceeding and directing a hearing to determine whether the activities under the proposed construction permit would create or maintain a situation inconsistent with the antitrust laws as provided in subsection 105(c) of of the Atomic Energy Act of 1954, 42 U.S.C. 2135(c), a hearing will be held at a time and place to be fixed by a duly designated Atomic Safety and Licensing Board.

The application, and a letter of the Attorney General dated February 5, 1975, have been placed in the Public Document Room of the Nuclear Regulatory Commission at 1717 H Street NW., Washington, D.C. Copies of the foregoing documents will also be available at the Clanton Public Library, 100 First Avenue, Clanton, Alabama 35045.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issue specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's "Rules of Practice". Limited appearances will be permitted at the time of the hearing

in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, on or before July 21, 1975. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Supervisor, Docketing and Service Section, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's Rules of Practice, an original and twenty (20) conformed copies of each paper with the Commission.

The Atomic Safety and Licensing Board established to rule on petitions for intervention.

Issued at Bethesda, Maryland this 13th day of June, 1975.

MARSHALL E. MILLER,
Chairman.

[FR Doc.75-16135 Filed 6-19-75;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 June 17, 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.

Requests for extension which appear to raise no significant issues 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

DEPARTMENT OF AGRICULTURE

Agricultural Research Service, Soybean Transportation Analysis, NER 324, on occasion, soybean handlers and shippers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of the Census, Monthly Retail Trade Report—Accounts Receivable, multiunit firms, on occasion, business firms, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, Instrumentation Plan for the CCEM Project, NIE 117, on occasion, teachers and students in public schools, Planchon, P., 395-3898.

Health Resources Administration, Faculty Evaluation Form—Public Health and National Health Service Corps Scholarship, HRABHM 0610, on occasion, faculty and dean, Lowry, R. L., 395-3772.

National Institutes of Health, Occupational Cancer Study, OSNIH-CA-27, single-time, cancer patients and controls, Dick Eisinger, 395-4716.

Office of Education, Parental Skills Program for Parents of Handicapped Children, OE-9046, on occasion, parents of handicapped children, Planchon, P., 395-3898.

DEPARTMENT OF THE TREASURY

Bureau of Customs, Transportation Entry and Manifest of Goods, 7512-C, 7512-D, on occasion, importers, customhouse brokers, and carriers, Caywood, D. P., 395-3443.

DEPARTMENT OF TRANSPORTATION

Departmental and other Profile and Anthropometric Data Relating to Interstate Truck and Bus Drivers Population in the U.S., single-time, truck drivers, Strasser, A., 395-3880.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
- Turkey Inquiry (production in selected States), annually, turkey growers, Lowry, R. L., 395-3772.
- Quarterly Agricultural Labor Survey, quarterly, farmers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of the Census, National Immunization Survey—Current Population Survey Supplement, CPS-1, annually, households in U.S., Strasser, A., Dick Eisinger, 395-3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Consumer Expectations from Food Labeling, FDA BF0116, annually, grocery buyers, Hall, George, 395-4697.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Monthly Report of Lunch Service Operations in Commodity Only Schools, FNS-130, monthly, school food authorities, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Operation Medihc—Serviceman's Referral Statement, HRA 1756, on occasion, Marsha Traynham, 395-4529.

Office of Education:
- Request for Assistance to Offset Loss in Anticipated Members, HIP and ADA, OE-4019-2, on occasion, local education agency, Marsha Traynham, 395-4529.
- Investigation Report on the Administration of ESEA, Title I Program Activities, OE-4517, on occasion, Government agencies (SEA'S), Marsha Traynham, 395-4529.
- Application for Federal Assistance (Nonconstruction) Program—Instructions for Environmental Education Program, OE-326, annually, all public and private nonprofit agencies, Marsha Traynham, 395-4529.

Food and Nutrition Service, Regulations—Special Food Service Program for Children, on occasion, Marsha Traynham, 395-4529.

Food and Drug Administration:
- Shell Stock Shipper or Reshipper Inspection Report, FD-3038A, on occasion, Marsha Traynham, 395-4529.
- Shucking—Packing Plant Inspection Report, FD-3038, on occasion, Marsha Traynham, 395-4529.
- Shellfish Certification Cancellation, FD-3038C, on occasion, Marsha Traynham, 395-4529.
- Shellfish Certification, FD-3038B, annually, Marsha Traynham, 395-4529.

Health Resources Administration, Quarterly Statistical Report—Operation Medihc, quarterly, Marsha Traynham, 395-4529.

Social and Rehabilitation Service, Report on Vending Stand Program, SRS-RSA-15, annually, Government agencies, Marsha Traynham, 395-4529.

Office of Education:
- Application for Federal Assistance (Short Form) Instructions for Environmental Education, OE-326-1, annually, all public and private nonprivate agencies, Marsha Traynham, 395-4529.
- Application for Federal Assistance (Nonconstruction Programs, Instructions for Migratory Programs, ESEA, OE-362, annually, Government agencies (SEA'S), Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-16191 Filed 6-19-75;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 June 16, 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.

Requests for extension which appear to raise no significant issues 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

ACTION

Program for Local Service Evaluation Questionnaire (volunteer stations), single-time, local service agencies (volunteer stations), Lowry, R. L., 395–3772.
(Volunteers), single-time, PLS questionnaire, Lowry, R. L., 395–3772.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Questionnaires for Purchasers, Producers, and Importers of Door Skins and for Importers of Flush Doors, single-time, importers of door skins and flush doors, Evinger, S. K., 395–3648.

ACTION

Action volunteer application/PLS, single-time, action volunteer application/PLS, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Bureau of the Census, Report of Organization, annually, restaurants and large single units, Lowry, R. L., 395–3772.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, RFP–238, "Effectiveness of Highway Arterial Lighting Treatments" prospectus, single-time, equipment manufacturers power companies, Caywood, D. P., 395–3443.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Medical Economic Research Project (record check), HRA 0606, single-time, health care providers, Sunderhauf, M. B., 395–4911.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–16192 Filed 6–19–75;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 June 13, 1975 (44 USC 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.

Requests for extension which appear to raise no significant issues 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

Geographic Availability—Computer Operator and Technician, DE:X–251, on occasion, job applicants, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Regulations—Tobacco Inspection and Price Support Services for Flue-Cured Tobacco, 7 CFR 29 (SUB G), on occasion, tobacco auction warehousemen, Lowry, R. L., 395–3772.
Forest Service:
Backcountry Recreation Survey, single-time, vehicles within a given recreation region, Planchon, P., 395–3898.
Private Forest Owner Survey; Forest Industry Survey, single-time, forest landowners and forest industry in Montana, Peterson, M. O., 395–5631.

DEPARTMENT OF COMMERCE

National Oceanic & Atmospheric Administration, Flood Damage Report, WSE–7, monthly, NWS field offices, county agents, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Survey of the Reported Behaviors, Knowledge, Beliefs and Attitudes of Physicians Toward Diagnosis and Treatment of Hypertension, FDAHFD 0522, single-time, physicians, Dick Eisinger, 395–4716.

Public Health Service, Impact of Regional Office Monitoring Activities on Decentralized Health Services Programs in Region II, 2–0602, single-time, Health Centers, Human Resources Division, Dick Eisinger, 395–3532.
Health Resources Administration, Alternative Working Models for Medical Direction in Skilled Nursing Facilities, HRANCHS 0513, single-time, institutions, Dick Eisinger, 395–4716.

DEPARTMENT OF THE INTERIOR

Geological Survey, Meter Adjustment Ticket, on occasion, offshore oil and gas operations, Caywood, D. P., 395–3443.

REVISIONS

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation, Crop Insurance Acreage Report (selected crops), FCI–19, annually, farmers, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Forest Service, National Immunization Survey—Current Population Survey Supplement, 3200–4, on occasion, cooperating State and Federal forestry agencies, Lowry, R. L., 395–3772.
Bureau of the Census:
General Revenue Sharing, RS–9–LS, annually, local government county officials, Hulett, D. T., 395–4730.
Power Driven Hand Tools, Annual Report, MA 35B, annually, manufacturing establishments, Peterson, M. O., 395–5631.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, Uniform Quarterly Reporting Requirements for Comprehensive Health Centers, 0429, quarterly, federally funded grantees, Reese, B. F., 395–5630.

DEPARTMENT OF LABOR

Manpower Administration, Employment Security Automated Reporting System (ESARS)—ES 209 and other reports, ESARS, on occasion, State Employment Service Offices, Strasser, A., 395–3880.

EXTENSIONS

VETERANS ADMINISTRATION

Waiver of Heirs or Next of Kin (in disposition of personal effects and funds of veterans who die in VA hospitals), 4–1347, on occasion, heirs and next of kin of deceased veterans, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation, Claim for Raisin Indemnity (adjustment of losses), FC1–63, on occasion, farmers, Marsha Traynham, 395–4529.
Agricultural Marketing Service, Application for License (to sample or inspect commodities), GR–357, on occasion, commodity samplers, Marsha Traynham, 395–4529.
Animal and Plant Health Inspection Service, Indemnity Claim for Animals and Materials Destroyed, ANH1–23, on occasion, livestock producers and shippers, Marsha Traynham, 395–4529.

DEPARTMENT OF COMMERCE

Bureau of the Census, Survey of Local Government Finances (school systems), F–33, annually, officials of school systems, Planchon, P., 395–3898.

DEPARTMENT OF DEFENSE

Departmental and Other, Parents Dependency Affidavit, DD137–3, on occasion, individuals, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
School's Application for Federal Loan Insurance Comprehensive Certificate, OE 1156–2, annually, IHE's, Marsha Traynham, 395–4529.
Report on ESEA Title I Comparability Requirements—P.L. 891, as amended, OE–4524, annually, local educational agencies, Marsha Traynham, 395–4529.
Application for Federal Assistance (short form)—Section 1203 HEA Comprehensive Planning Grants, OE 1279, annually, State Commission, Marsha Traynham, 395–4529.
Guarantee Agency Monthly Report, Guaranteed Student Loan Program, Pub. L. 89–329, OE–1130, monthly, State and private guarantee agencies, Marsha Traynham, 395–4529.
LEA Title I Comparability Reports; Form A—General Information; Form B—Detailed School Data, OE–4524A, annually, LEA's, Marsha Traynham, 395–4529.
Public Health Service:
Financial Status Report, PHS 5154, on occasion, Marsha Traynham, 395–4529.
OMB Circular A–102—Supplements, HEW 601T, on occasion, Marsha Traynham, 395–4529.
Office of Education, Lender's Application for Federal Loan Insurance Comprehensive Certificate, OE 1156–1, annually, participating lenders, Marsha Traynham, 395–4529.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service:
Form Letter—Notification Concerning Revalidation of Immigrant Visa Petition, I–71, on occasion, employers intending to employ aliens, Marsha Traynham, 395–4529.
Application by Nonimmigrant Alien for Replacement of Arrival Document or for Alien Registration, I–102, on occasion, nonimmigrant aliens, Marsha Traynham, 395–4529.

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Division (ESA), Form Letter Requesting Information Regarding Labor Standards, WH-352, on occasion, construction workers on Government contracts, Marsha Traynham, 395-4529.

PHILIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-16193 Filed 6-19-75;8:45 am]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Interest Rate

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on July 1, 1975, and ending on December 31, 1975, is 8⅞ per centum per annum.

Dated: June 17, 1975.

REX M. MATTINGLY,
Acting Chairman.

[FR Doc.75-16141 Filed 6-19-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3807]

OPPENHEIMER FUND, INC. ET AL.

Application for an Order Pursuant to Section 6(c) of the Act for Exemption From the Provisions of Section 22(d) of the Act and Rule 22d-1 Thereunder

Notice is hereby given That Oppenheimer Fund, Inc., Oppenheimer A.I.M. Fund, Inc., Oppenheimer Time Fund, Inc., Oppenheimer Income Fund, Inc. and Oppenheimer Special Fund, Inc. (collectively referred to as the "Funds") each of which is registered as an open-end investment company under the Investment Company Act of 1940 (the "Act") and Oppenheimer Management Corporation ("OMC"), One New York Plaza, New York, New York 10004, (collectively referred to with the Funds as the "Applicants") have filed an application for an order pursuant to section 6(c) of the Act for exemption from section 22(d) of the Act and Rule 22d-1 thereunder, in connection with the transactions described below. OMC acts as investment adviser and principal underwriter of each Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to any person except at a current public offering price described in the prospectus. Shares of each of the Funds are currently offered to the public at a price based on net asset value plus a sales charge that varies with the quantity of securities purchased. Rule 22d-1 permits certain variations in sales load, none of which, the application states, are applicable to the proposed transactions.

Applicants propose to offer to the shareholders of any Fund the option of having their income dividends and capital gains distributions, or either, automatically reinvested at net asset value without a sales charge in the shares of any one of the other Funds in which the shareholder in question has an established account.

It is also proposed that shareholders of Oppenheimer Monetary Bridge, Inc. ("Bridge"), an open-end investment company registered under the Act for which OMC acts as investment adviser and principal underwriter, be offered the option on the terms set forth above of having their income dividends automatically reinvested at net asset value without a sales charge in the shares of any one of the Funds in which the shareholder in question has an established account and that the shareholders of any of the Funds be offered the option on the terms set forth above of having their income dividends and capital gains distributions, or either, invested in shares of Bridge if the shareholder in question has an established account in Bridge; Bridge is not a party to the application since the public offering price of its shares is their net asset value without a sales charge and therefore the issuance of its shares at net asset value pursuant to the proposed option would not be in violation of Section 22(d) of the Act.

Applicants represent that the requirement of having an established account is necessary to reduce the likelihood of small new accounts resulting from the exercise of the option. Such dividends or distributions would be reinvested pursuant to this option at the net asset value per share of the Fund whose shares were being acquired (the "issuing Fund") on the dividend or distribution payment date of the Fund whose dividend or distribution is used to make the investment (the "paying Fund"). No sales commission would be received by OMC or any dealer on any such reinvestment and there will be no service charge. None of the Funds would bear any expense pursuant to the proposed option other than transfer agency costs and the costs of furnishing prospectuses of the issuing Funds.

Prospectuses of the issuing Funds will be available from dealers or will be sent to shareholders who notify the transfer agent of the paying Fund directly of a desire to elect the option. A shareholder will be permitted to cancel the option by written notice to the transfer agent of the paying Fund.

Applicants state that the purpose of the proposed reinvestment option is to give the shareholders of any Fund the opportunity to invest their dividends and distributions at no sales charge in the shares of any other Fund in which they have established accounts; thus, each shareholder using the option will already have selected the shares of the issuing Fund as an investment medium and may make additional investments in the shares of the issuing Fund while maintaining his initial investment in the shares of the paying Fund.

Applicants state that the shareholders of each of the Funds could, in effect, accomplish reinvestment in shares of any of the other Funds by electing to receive dividends and/or distributions in additional shares of the paying Fund and then exchanging such additional shares for shares of the issuing Fund pursuant to the exchange privilege described in the Funds' current prospectuses. The proposed privilege would permit such reinvestment without the payment of the $5.00 service fee applicable to such exchanges.

Section 6(c) provides, in pertinent part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given That any interested person may, not later than July 8, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-16086 Filed 6-19-75;8:45 am]

[70–5694]

GEORGIA POWER CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JUNE 13, 1975.

Notice is hereby given that Georgia Power Company 270 Peachtree Street, NW, Atlanta, Georgia 30303 ("Georgia"), an electric utility subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $100,000,000 principal amount of its First Mortgage Bonds, percent Series. The proposed series of bonds will bear a single maturity date within the range of 5 to 30 years, such maturity date will be determined by Georgia after the date of public invitation for proposals. The interest rate and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture, dated as of March 1, 1941, between Georgia and Chemical Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of July 1, 1975, which includes a prohibition until July 1, 1980, against refunding the bonds with or in anticipation of the proceeds from borrowings at a lower effective interest cost. Georgia further states it may request, by further amendment, the sale of its bonds be excepted from the competitive bidding requirements of Rule 50. It may also seek authorization to lengthen the period of non-refundability if that appears to be advantageous.

Georgia will apply the proceeds from the sale of the bonds, together with (1) cash contributions to capital of $86,000,000 by Southern during 1975 (File No. 70–5630), (2) the proceeds from the sales of certain transmission facilities to Oglethorpe Electric Membership Corporation in the aggregate amount of $101,300,000 (File Nos. 70–5658 and 70–5696), (3) proceeds from the sale of $100,000,000 principal amount of additional first mortgage bonds and 750,000 shares ($75,000,000) of preferred stock later in 1975, (4) funds provided through the issuance of tax-exempt revenue bonds by public authorities for construction of certain pollution control facilities for Georgia, and (5) any excess cash on hand to finance in part its 1975 construction program (estimated at $473,751,000), to pay notes payable in the form of bank notes and commercial paper notes incurred for construction purposes and for other lawful purposes. The issuance, later in 1975, of the long-term securities referred to above will be the subject of future filings with this Commission. Georgia estimates that it will not be necessary to sell any additional securities in 1975 for construction purposes except for commercial paper and short-term notes. Georgia estimates that upon successful consummation of its porgram for sale of long-term securities during 1975, no notes payable will be outstanding at December 31, 1975.

The Commission has issued an order (HCAR No. 19037) giving Georgia authority to issue and sell, through August 31, 1975, short-term notes to banks and dealers in commercial paper up to $300,000,000 at any one time outstanding, and, thereafter through March 31, 1975 up to $140,000,000 at any one time outstanding.

It is stated that the Georgia Public Service Commission has authority over the proposed issuance and sale of the bonds by Georgia. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees and expenses to be incurred in connection with the transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than July 9, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–16122 Filed 6–19–75;8:45 am]

[70–5692]

NATIONAL FUEL GAS CO., ET AL.

Proposed Merger of Non-Utility Subsidiaries and of Intrasystem Sale of Assets

JUNE 12, 1975.

Notice is hereby given that National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York 10020 ("National"), a registered holding company, and its three wholly-owned non-utility subsidiaries, The Sylvania Corporation ("Sylvania"), The Mars Company ("Mars") and National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16031 ("Supply Corporation") have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a)(1), 10, 12(c) and 12(f) of the Act and Rules 42 and 43 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Sylvania, Mars and Supply Corporation are organized under the laws of Pennsylvania. Sylvania is principally engaged in the production, transmission, storage, purchase and sale of natural gas in New York and Pennsylvania and sells all of its gas to Supply Corporation. In addition, Sylvania operates an unrelated business which accounts for approximately 15 percent of its total revenues. Supply Corporation is engaged in the purchase, production, transmission and storage of natural and synthetic natural gas, selling approximately 98 percent of its gas to National Fuel Gas Distribution Corporation ("Distribution Corporation"), National's sole gas utility subsidiary, for resale to customers in portions of Pennsylvania, New York and Ohio.

The applicants-declarants propose a two-step plan of corporate simplification, to be implemented as of August 1, 1975. The first step provides for Sylvania to convey to Mars all of its properties which are unrelated to gas production, transmission or storage. Thereafter, in a second step, Sylvania will be merged into and survived by Supply Corporation. Upon completion of the proposed simplification, National will have one utility subsidiary, Distribution Corporation, and two non-utility subsidiaries, Mars and Supply Corporation.

The property to be conveyed to Mars by Supply Corporation consists of approximately 485 separate parcels of land in New York and Pennsylvania. In respect to these lands, however, Sylvania

will reserve all rights related to gas supply for the use of Supply Corporation after the merger. The transfers of these properties will be made at their cost, net of applicable reserves, appearing on the books of Sylvania on the date of transfer, less amounts related to the gas rights reserved by Sylvania. Mars will make cash payments to Sylvania which, on the basis of net book values as of January 31, 1975, would be $15,825.

The proposed plan of merger between Sylvania and Supply Corporation provides, among other things, for the assumption by Supply Corporation of all of Sylvania's assets and liabilities; for the cancellation of Sylvania's issued and outstanding common stock; and for the payment by Supply Corporation of all expenses incident to the merger. As of February 28, 1975, Sylvania and Supply Corporation had outstanding 15,000 and 1,013,802 shares of capital stock, respectively. As of such date, their capitalization appeared as follows:

	Supply Corp.	Sylvania
Stated capital	$25,345,050	$1,500,000
Capital surplus	5,061,772	
Earned surplus	38,753,745	1,455,606
Funded debt	40,469,700	3,600,000
Total	109,630,267	6,555,606

Upon competition of the merger, Sylvania's stock will be retired and the stated capital represented thereby will be credited to Supply Corporation's capital surplus. All other items of the capitalization will be consolidated, and no other securities will be issued or retired. Accordingly the pro forma capitalization of the surviving company will appear as follows:

Stated capital	$25,345,050
Capital surplus	6,561,772
Earned surplus	40,209,351
Funded debt	44,069,700
Total	116,185,873

It is stated that the proposed transactions will serve a substantial purpose and be in the public interest. Specifically, the applicants-declarants believe that the transactions will simplify the existing corporate structure of National and its subsidiaries by combining, in Supply, all of the gas production, transmission and storage functions now carried by the two merging subsidiaries. National projects that the merger will result in achieving greater operating efficiencies by eliminating the need to separately account for services and expenses associated with arranging for separate financing programs. Furthermore, after the merger, only one company, rather than two, will be subject to Federal Power Commission regulation. Thus, it is believed that savings will be achieved by eliminating the need for separate filings and appearances before that commission. It is further stated that the preliminary sale to Mars by Sylvania of properties unrelated to the gas business will free Supply Corporation of performing functions not related to its primary obligation of supplying gas to Distribution Corporation.

The fees, commissions and expenses paid or incurred in connection with the proposed transactions are estimated to total $27,100, which includes fees of outside counsel totalling $10,000. It is stated that the Federal Power Commission has jurisdiction over the abandonment by Sylvania and the acquisition by Supply Corporation of certain facilities being transferred to Supply Corporation, and that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 7, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-16123 Filed 6-19-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

NATIONAL LABOR RELATIONS BOARD

DISCRIMINATION CASES

Memorandum of Understanding Between OSHA and NLRB

The Occupational Safety and Health Administration, U.S. Department of Labor, and the General Counsel, National Labor Relations Board entered into an agreement on April 16, 1975, which establishes a procedure for coordinating section 11(c) litigation under the Occupational Safety and Health Act (OSH Act) and litigation under Section 8 of the National Labor Relations Act (NLRA). The purpose of the agreement is to avoid duplicate litigation and insure that the exercise by employees of their rights in the area of health and safety will be protected. Thus, the agreement recognizes that although many employee rights relating to safety and health may be protected under both the NLRA or the OSH Act, such activities should primarily be protected under the OSH Act.

The memorandum of understanding is set forth below.

Signed at Washington, D.C. this 16th day of June, 1975.

WILLIAM J. KILBERG,
Solicitor of Labor.

MEMORANDUM OF UNDERSTANDING BETWEEN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, U.S. DEPARTMENT OF LABOR, AND THE GENERAL COUNSEL, NATIONAL LABOR RELATIONS BOARD

The Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, and the General Counsel, National Labor Relations Board (General Counsel) enter into this agreement in order to establish a procedure for coordinating 11(c) litigation under the Occupational Safety and Health Act (OSH Act) and litigation under section 8 of the National Labor Relations Act (NLRA) which will (1) obviate duplicate litigation and (2) insure that employee rights in the area of safety and health will be protected.

A. *Background.* 1. Section 7 of the NLRA in relevant part provides that "Employees shall have the right to * * * engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection * * *." Section 8 of the NLRA prohibits unfair labor practices which restrain or coerce employees in the exercise of the rights guaranteed in section 7. Unfair labor practice proceedings are held before Administrative Law Judges. The Judges' Decisions are appealable to the Board and thereafter may be reviewed by Circuit Courts of Appeal.

2. Section 11(c)(1) of the OSH Act provides that "no person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act." Jurisdiction for enforcement of alleged 11(c) violations rests with the United States District Courts, whose decisions are reviewable by the Circuit Courts of Appeal.

3. Although there may be some safety and health activities which may be protected solely under the OSH Act, it appears that many employee safety activities may be protected under both Acts. However, since an employee's right to engage in safety and health activity is specifically protected by the OSH Act and is only generally included in the broader right to engage in concerted activities under the NLRA, it is appropriate that enforcement actions to protect such safety and health activities should primarily be taken under the OSH Act rather than the NLRA.

B. Procedural agreement. 1. Where a charge involving issues covered by Section 11(c) of the OSH Act has been filed with the General Counsel and a complaint has also been filed with OSHA as to the same factual matters, the General Counsel will, absent withdrawal of the matter, defer or dismiss the charge. The General Counsel will inform the charging party of its action and will send a copy of such letter to OSHA.

2. Where a charge involving issues covered by section 11(c) of the OSH Act has been filed with the General Counsel, but no complaint has been filed with OSHA, the General Counsel will notify the employee of his right to file a complaint under section 11(c), which right should be exercised within 30 days. If the employee notifies the General Counsel of the filing of an OSHA complaint, or if the General Counsel is so informed by OSHA pursuant to consultations at the end of the 30-day period, then the General Counsel will proceed in accordance with paragraph B–1 above.

3. The General Counsel will process under the NLRA those charges involving issues covered by section 11(c) of the OSH Act where, after notice pursuant to paragraph B–2 above, the charging party has not filed or, having filed, has withdrawn a complaint with OSHA.

4. Where a charge has been filed with the General Counsel which includes both issues covered by section 11(c) of the OSH Act and matters within the exclusive jurisdiction of the General Counsel, the General Counsel and the Office of the Solicitor of Labor will consult in order to determine the appropriate handling of the matter.

5. The parties to this agreement will engage in periodic consultations in order to review its implementation.

Dated: April 16, 1975.

WILLIAM J. KILBERG,
Solicitor,
Department of Labor.
PETER G. NASH,
General Counsel,
National Labor Relations Board.

[FR Doc.75–16088 Filed 6–19–75;8:45 am]

Office of the Secretary

MAGNAVOX CO.

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–8: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 17, 1975 in response to a worker petition received on April 16, 1975 which was filed by the International Union of Electrical, Radio, and Machine Workers (AFL–CIO) on behalf of workers producing television receivers and radio/stereo/tape combination sets at the Jefferson City, Tennessee plant of Magnavox Company, Ft. Wayne, Indiana. The investigation was expanded to also include workers producing Odyssey electronic games and cabinets for televisions and combination sets at the Jefferson City plant, and workers producing console color television receivers at the Greeneville, Tennessee plant of Magnavox Company.

The notice of investigation was published in the Federal Register (40 FR 18517) on April 28, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Magnavox Company, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivisions have decreased absolutely, and

(3) That increases of imports af articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The subjects of this investigation were monochrome and color television receivers, radio/stereo/tape combination sets, Odyssey electronic games, and cabinets for television receivers and combination sets, all produced at the Jefferson City plant; and color television receivers produced at the Greeneville plant.

Significant total or partial separations. Significant total or partial separations of hourly and salaried workers at both the Jefferson City and the Greeneville plant occurred in late 1974. Employment of hourly electronic workers at Jefferson City declined 24 percent in the fourth quarter of 1974 from the same period in 1973; and employment of hourly workers at Greeneville declined 47 percent in the fourth quarter of 1974 from previous year's levels.

Sales or production, or both, have decreased absolutely. Sales and production of all products of the Greeneville and Jefferson City plants declined in 1974 from 1973 levels. Production levels continued to decline in the first quarter of 1975, falling sharply from the same period in 1973.

Increased imports contributed importantly. Imports of color television receivers increased 60 percent from 1970 to 1973, then declined 12 percent in 1974. However, during the 1970–1974 period the ratio of imports to production increased from 23.9 percent to 26.1 percent. Imports of console color television receivers, with screen sizes of 21 to 25 inches, like or directly competitive with those produced at Magnavox's Greeneville plant have been negligible. Nearly 42 percent of all color televisions imported into the United States in 1974 had screen sizes of 13 to 17 inches, and adversely affected similar screen size televisions produced at the Jefferson City plant.

Imports of monochrome television receivers increased 30 percent from 1970 to 1974. Imports as a ratio of domestic production increased from 97 percent in 1970 to 198 percent in 1974, and as a ratio of domestic consumption imports increased from 50 percent in 1970 to 68 percent in 1974.

Imports of radio/stereo/tape combination sets increased nearly 19 percent from 1970 to 1974. As a ratio of production, however, imports declined from 185 percent in 1970 to 142 percent in 1974. Imports of console and consolette sets of the type produced by Magnavox comprised less than five percent of imports of combination sets in 1973 and 1974.

The evidence developed in the Department's investigation indicates that increased imports did not contribute importantly to unemployment of workers producing larger screen size console color television receivers, radio/stereo/tape combination sets and cabinets for these products at the Greeneville and Jefferson City plants. Imports of console and consolette sets of the type produced by Magnavox have comprised less than five percent of total imports of combination sets in 1973 and 1974. Several Magnavox customers—dealers selling directly to the public—indicate that imports do not compete with console television and combination sets produced by Magnavox.

Imports were not a factor in reduced sales of Magnavox's Odyssey electronic games. Magnavox officials and the company's customers agreed that no imported product is competitive with Odyssey.

Increased imports have contributed importantly to separations of workers producing portable color and monochrome sets at the Jefferson City plant. Imports of monochrome television receivers comprised more than two-thirds of domestic consumption in 1974. Although those Magnavox customers surveyed did not sell competitive imported products, the customers indicated that sales of Magnavox monochrome and color sets have been lost to imports in increasing quantities.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with color and monochrome television receivers produced at Magnavox's Jefferson City plant have contributed importantly to the separation of workers and decline in production and sales of those products at the plant. I further conclude that increased imports did not contribute importantly to either the separation of workers engaged in activities other than the production of monochrome and color television receivers at the Jefferson City plant or the separation of workers at the Greeneville plant. After due consideration I make the following certification:

All hourly and salaried workers engaged in employment related to the production of

monochrome and color television receivers at the Jefferson City plant of the Magnavox Company, who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of June 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-16091 Filed 6-19-75;8:45 am]

MOUNTAINTOP, PENNSYLVANIA PLANT OF RCA CORP.

Determination Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-7; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 17, 1975 in response to a worker petition filed on April 16, 1975 on behalf of workers and former workers producing power transistors at the Mountaintop, Pennsylvania plant of RCA Corp., New York, New York.

The notice of investigation was filed in the FEDERAL REGISTER (40 FR 18517) on April 28, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Mountaintop, Pennsylvania plant of RCA Corp., the Plant's major customers, industry analysts, the International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. From 1972 to mid-October 1974 no workers had been layed off at the Mountaintop plant of RCA. In October 1974 about 10 percent of the employees were layed off. Another 20 percent of the workforce was layed off in January 1975 and substantial layoffs have occurred as recently as May 16, 1975.

Sales or production, or both have decreased absolutely. Mountaintop's sales decreased 7.5 percent in the fourth quarter of 1974 from both the previous quarter and the fourth quarter of 1973. Sales in the first quarter of 1975 decreased 21.3 percent from the first quarter of 1974.

Mountaintop's fourth quarter 1974 production decreased 5.9 percent from the previous quarter and 12.6 percent from the fourth quarter of 1973. Production for the first quarter of 1975 was 33.6 percent lower than the first quarter of 1974.

Increased imports contributed importantly. Aggregate imports of semiconductors rose 12.6 percent in 1974 over 1973. Imports as a proportion of domestic shipments rose from 59.4 percent in 1973 to 71.8 percent in 1974. The imports as a proportion of domestic consumption rose from 39.7 percent in 1973 to 44.5 percent in 1974. In addition imports of semiconductors from RCA's Malaysian plant increased irregularly reaching peak levels in the first quarter of 1975. The increase in the level of quarterly shipments from Malaysia from the fourth quarter of 1974 through the first quarter of 1975 was equivalent to about 10 percent of the decline in total Mountaintop production for the same period.

In October 1974 RCA had the choice of reducing production at and shipments from the Malaysia plant or taking such measures at Mountaintop. The company decided to continue and gradually expand Malaysian production and shipments thereby reducing production and employment at the Mountaintop facility. Shipments from the Malaysian facility in the first quarter of 1975 increased by more than one third over the fourth quarter of 1975 and contributed importantly to reductions in employment at Mountaintop that occurred in the first quarter of 1975. Malaysian production is not expected to expand significantly in the immediate future under current market conditions. Subsequent to March 31, 1975, layoffs cannot be attributed importantly to increased imports in light of the sharp decline of aggregate imports of semiconductors in both absolute and relative terms that occurred in the first quarter of 1975, and the stabilization of production and shipments at RCA's Malaysia plant.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with power transistors produced by the Mountaintop, Pennsylvania Plant of RCA Corp., contributed importantly to the total or partial separation of the workers of that firm during the period October 19, 1974 through March 31, 1975. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker who was last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act, I make the following certification:

All hourly and salaried employees of the Mountaintop, Pennsylvania Plant of RCA Corp., New York, New York who became or will become totally or partially separated from employment on or after October 19, 1974 and before March 31, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of June, 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-16092 Filed 6-19-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[AB 20]

TEXAS AND PACIFIC RAILWAY CO.

Abandonment

JUNE 17, 1975.

In the matter of Texas and Pacific Railway Company abandonment between Plaquemine and McWilliams, in Iberville Parish, Louisiana.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Iberville Parish, La., on or before July 2, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 10th day of June, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] RICHARD W. KYLE,
Acting Secretary.

TEXAS AND PACIFIC RAILWAY COMPANY ABANDONMENT BETWEEN PLAQUEMINE AND MCWILLIAMS, IN IBERVILLE PARISH, LOUISIANA

The Interstate Commerce Commission hereby gives notice that by order dated June 10, 1975, it has been determined that the proposed abandonment of the Texas and Pacific Railway Company of its line from Plaquemine to the end of the line at McWilliams, a distance of 2.09 miles, all in Iberville Parish, La., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) the subject segment has had little traffic in the past and, since 1972, has had no traffic at all, (2) nearby team tracks and adequate highways exist in the affected area and can accommodate the relatively low volume of traffic, (3) there are no economic development plans dependent upon the existence of the subject segment, and (4) adverse impacts on local water, air, and historic aspects are either absent or negligible.

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 July 17, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-16159 Filed 6-19-75;8:45 am]

[Notice 793]

ASSIGNMENT OF HEARINGS

JUNE 17, 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 cancelation 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. 35794, Northville Dock Pipe Line Corp., and Consolidated Petroleum Terminal, Inc.—Petition for Declaratory Order or Investigation and No. 35852, Northville Dock Pipe Line Corp., Northville Industries Corp., Consolidated Petroleum Terminal, Inc., and Total Resources, Inc.—Investigation of Operations; continued to July 28, 1975 (2 days), in Room B-2231, 26 Federal Plaza, New York, New York.

MC 123407, Sub 209, Sawyer Transport, Inc., now assigned, July 8, 1975, at Jackson, Miss., will be held in the Grand Jury Room, U.S. Post Office & Courthouse, Capitol & West Streets.

MC 133490, Sub 9, Lee's Trucking, Inc., application dismissed.

MC-C-8498, Edward Ketwenske-Revocation of Certificate, now being assigned July 30, 1975 (1 day), in Room B-2231, 26 Federal Plaza, New York, New York.

MC 71598, Sub 3, C. G. Potter, DBA Maumee Express, now being assigned July 31, 1975 (2 days), in Room B-2231, 26 Federal Plaza, New York, New York.

MC-C-8320, Fidelity Storage & Van Co., Inc.—Revocation of Certificate—, now assigned July 16, 1975, at Lincoln, Nebraska, will be held in Room 228, Federal Building & U.S. Courthouse, 129 N. 10th Street.

MC 139960, Western Pacific Transport Company, now assigned July 14, 1975, at Salt Lake City, Utah; will be held in Room B-20, Federal Office Building, 125 S. State Street.

MC 78228, Sub 52, J Miller Express, Inc., now assigned July 9, 1975 at Washington, D.C., is canceled and transferred to Modified Procedure.

F.D. 27773, Missouri Pacific Railroad Company—Merger—The Texas and Pacific Railway Company and Chicago & Eastern Illinois Railroad Company and F.D. 27774, Missouri Pacific Railroad Company-Securities, now being reopened for limited hearing July 9, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 96881, Sub 16, Orville M. Fine, d.b.a. Fine Truck Line, now assigned July 21, 1975 at Fayetteville, Arkansas; will be held in Room 409 Federal Building, 356 Mountain Street.

MC 107913, Sub 14, F & W Express, Inc., now assigned August 8, 1975 at Little Rock, Arkansas; will be held in Room 3412 Federal Office Building, Building 700 W. Capitol Street.

MC-F 12333, Ehrlich-Newmark Trucking Co., Inc.—Purchase (Portion)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC 76065, Sub 24, Ehrlich-Newmark Trucking Co., Inc., MC-F 12334, Tredways Express, Inc.—Purchase (portion)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC-F 12345 Hempstead Delivery Co., Inc.—Purchase (portion)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC-F 12345 Hempstead Delivery Co., Inc.—Purchase (portion)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC 121393, Sub 5, Hempstead Delivery Co., Inc., and MC 34975, Sub 9, Tredways Express, Inc., now being assigned September 8, 1975 (1 week) at New York, New York; in a hearing room to be designated later.

No. 36170, Houston Lighting & Power Company v. The Atchison, Topeka and Santa Fe Railway Company et al., now being assigned for prehearing conference July 29, 1975, at the Office of the Interstate Commerce Commission, Washington, D.C.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-16158 Filed 6-19-75;8:45 am]

[Notice 11]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 20, 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 July 10, 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-75799. By order entered June 16, 1975 the Motor Carrier Board approved the transfer to James J. Borda, doing business as Hart's Rapid Delivery, Laconia, N.H., of the operating rights set forth in Certificate No. MC-64831, issued March 29, 1955, to Andre W. Dupuis, doing business as Dupuis the Mover, Manchester, N. H., authorizing the transportation of various specified commodities, from, to, or between points in New Hampshire, Massachusetts, Connecticut, New York, Rhode Island, and Maine. James J. Borda, 127 Court St., Laconia, N.H. 03246, for transferee, and Andre W. Dupuis, 113 Mammoth Rd., Manchester, New Hampshire 03103, for transferor.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-16157 Filed 6-19-75;8:45 am]

[No. MC-113388 (Sub-No. 103)]

LESTER C. NEWTON TRUCKING CO.

Extension—Frozen Poultry

JUNE 17, 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 June, 1975.

It appearing, that by application filed January 16, 1974, as amended, Lester C. Newton Trucking Co., a corporation, of Seaford, Del., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of frozen poultry, frozen poultry products, and frozen vegetables, from Presque Isle, Caribou, and Portland, Maine, to points in Delaware, Florida, Georgia, Maryland, New York, North Carolina, Pennsylvania, and South Carolina, and the District of Columbia;

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 protestants Worster Motor Lines, Inc., separately, and Cole's Express and St. Johnsbury Trucking Company, Inc., jointly, have filed verified statements in opposition to the application; and that

applicant and the supporting shipper have filed verified statements in rebuttal;

It further appearing, that applicant is a motor common carrier specializing in the transportation of foodstuffs from and to points on the East Coast; that it maintains a terminal at Presque Isle; that applicant operates 66 tractors and 65 trailers, and at the time of execution of its verified statement (July 3, 1974) was awaiting the delivery of 10 new tractors and 10 trailers; that it presently holds authority to transport frozen potatoes, frozen potato products, and potato flakes from Caribou, Presque Isle, and Portland to some or all of the destination States pertinent to this application; that in addition, it holds authority to transport frozen fruit, frozen berries, and frozen vegetables from Caribou to New York, N.Y., and Carnegie, Pa.; that it seeks the additional authority sought herein so that it can expand its present operations by handling additional commodities for the supporting shipper in order to meet shipper's changing transportation requirements; that it submits as part of its evidence, a traffic study which indicates that between January 1 and June 30, 1974, applicant transported 114 shipments for shipper from Caribou and Presque Isle to various East Coast points, including the points involved herein; that such shipments weighed in excess of 4 million pounds and produced revenues of $72,650; and that applicant submitted financial and safety data;

It further appearing, that J–S Industries, Inc., a non-operating holding company, owns, as pertinent, subsidiary corporations which operate the two plants involved in this proceeding (Potato Service, Inc., of Presque Isle and American Kitchen Foods, of Caribou); that Potato Service produces in excess of 1 million pounds daily at its Presque Isle plant and American Foods 630,000 pounds daily at the Caribou plant; that J–S indicates that the volume of production at both plant sites frequently outstrips the capacity to move products to customers located in the destination territory, and, as a result, the overflow is moved by rail to various public warehouses including, as pertinent, one at Portland; that during 1973, a total of 1 million pounds moved from the J–S plant sites to the Portland warehouse; that these plants presently produce a variety of potato products, however, these plants will be offering in the near future a wider selection of products, including frozen poultry products and frozen vegetables, which will be sold to retail, wholesale, and institutional buyers; that a breakdown of shipper's 1973 sales volumes for its potato and potato products to each of the destination States and to the District of Columbia and New Jersey was submitted, which it believes illustrates the projected breakdown for the sale of the commodities pertinent to this application to the involved destination territory and New Jersey; that although shipper indicates that it is difficult to project the actual degree of acceptance for these new products, it estimates that the new products will account for a total sales increase of between 15 and 20 percent to the pertinent territory and New Jersey; that in addition shipper includes as part of its evidence a list of representative destination points for this traffic within these States; that shipper indicates that its use of rail and private carriage will remain the same, and the projected increase in production will move by motor carrier; that it will tender this traffic to applicant and other carriers providing service from and to these points; that it does not believe existing carriers alone can handle the additional traffic; that it states that applicant is its principal carrier, consistently provides it with equipment on a daily basis from its terminal at Presque Isle, and regularly performs a satisfactory transportation service involving multiple delivery service to its customers throughout the involved destination territory; and that it maintains that a grant of the authority sought will enable applicant to provide it with an efficient transportation service on its full line of products;

It further appearing, that protestant Worster is authorized, as pertinent, to transport the involved commodities from points in Maine to points in New York, Pennsylvania, and Maryland; that it maintains terminals at Bergen and Salamanca, N.Y., and Boston, Mass., and operates 130 tractors and 75 mechanically refrigerated trailers; that it argues that New York, Pennsylvania, and Maryland receive the bulk of shipper's traffic, and the additional traffic which applicant seeks to transport from New England points to these States would help balance its operations; that it submits that with respect to these three States, the record fails to show a need for the additional service sought herein; and that it urges that the application be denied to the extent that it seeks service to New York, Pennsylvania, and Maryland;

It further appearing, that protestant Cole's is authorized, as pertinent, to transport general commodities from points in Maine to Boston, where it interlines with protestant St. Johnsbury, which holds pertinent authority to points in New York, and those points in Pennsylvania within 35 miles of the City Hall in Philadelphia; that protestants indicate that they have been interlining traffic for many years and provide a through trailer service from and to these points; that Cole's maintains terminals at several points in Maine, including Presque Isle and Portland, and operates 92 tractors and 106 semitrailers, 30 of which are refrigerated; that Cole's avers that it has satisfactorily handled frozen food traffic from the pertinent origin points for many years, including traffic for the supporting shipper's subsidiaries; that it contends that there has been a decrease in the volume of traffic from points in Aroostock County, Maine, including Caribou and Presque Isle, and from Portland, which has seriously affected its operational efficiency; and that the involved traffic would help balance its operations and it requests therefore that the additional authority sought herein be denied;

It further appearing, that applicant indicates, in rebuttal that the application as filed inadvertently failed to include New Jersey as a destination State; that it notes, however, that the certificate of support filed by the supporting shipper indicates that it is supporting a request for authority to serve New Jersey, and the evidence submitted by the supporting shipper included evidence pertaining to a need for service to New Jersey; and that it requests that any authority granted in this proceeding include service from the pertinent origin points to New Jersey;

It further appearing, that the evidence of record demonstrates a clear need for the service sought herein; that applicant is already handling a substantial amount of the traffic from shipper's plant sites, and from a public warehouse located at Portland under its existing permanent motor carrier authority; that a grant of the additional authority sought herein will enable applicant to handle the involved commodities which shipper anticipates adding to its line of products in the very near future; that shipper anticipates that these new commodities will account for an increase of between 15 and 20 percent in its production levels at both plant sites and in its traffic moving from its Portland warehouse to the pertinent destination territory; that the evidence indicates that this additional traffic will move by motor carrier, and will be offered to applicant and existing motor carriers as well; that it appears, therefore, that a grant of the additional authority sought herein will not have an adverse effect on motor carriers presently providing service from and to these points, and at the same time will permit applicant to provide a more complete service for the supporting shipper; and that we conclude, therefore, that need has been shown for the authority granted below;

It further appearing, that the evidence of record also supports a need for service from the pertinent origin points to New Jersey; and that the authority as set forth below will authorize service from the sought origin points to New Jersey;

It further appearing, that because it is possible that other parties, who have relied upon the notice of the application as published, 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 granted below 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 an appropriate petition for leave to intervene in this proceeding setting forth the precise manner in which it has been so prejudiced;

It further appearing, that inasmuch as the authority granted in this order

duplicates applicant's existing authority to a certain extent, such authority granted herein and applicant's existing authority that it duplicates shall be construed as conferring only a single operating right;

And it further appearing, that otherwise the evidence of record warrants the service authorized below and demonstrates that applicant is fit, financially and otherwise, to conduct the service authorized;

Wherefore, and good cause appearing therefor:

We find, that the public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of frozen poultry, frozen poultry products, and frozen vegetables, from Presque Isle, Caribou, and Portland, Maine, to points in Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, and South Carolina, and the District of Columbia; 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 the authority granted herein and applicant's other authority which it duplicates shall be construed as conferring only a single operating right; that an appropriate certificate should be granted, subject to the condition described above; and 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.

It is 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 operation, 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 by 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] RICHARD W. KYLE,
Acting Secretary.

[FR Doc.75–16160 Filed 6–19–75;8:45 am]