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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.

(Continued inside)

PART II:

July 15, 1974—Pages 25931–26008

reminders

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

Title 3—The President

EXECUTIVE ORDER 11794

Revoking Executive Order No. 10958, Relating To The Civil Defense Medical and Food Stockpiles

Under and by virtue of the authority vested in me by Reorganization Plan No. 1 of 1958, and as President of the United States of America, Executive Order No. 10958 of August 14, 1961 is hereby revoked.

Nothing in this order shall be deemed to modify or diminish the civil defense and emergency preparedness planning functions assigned to the Secretary of Agriculture and the Secretary of Health, Education, and Welfare by Executive Order No. 11490 of October 28, 1969, those assigned to the Secretary of Defense by that order and Executive Order No. 10952 of July 20, 1961, or those assigned to the Administrator of General Services by Executive Order Nos. 10952, 11051 of September 27, 1962, 11490, or 11725 of June 27, 1973.

Richard Nixon

THE WHITE HOUSE,
July 11, 1974.

[FR Doc.74-16220 Filed 7-11-74;3:07 pm]

EXECUTIVE ORDER 11795

Delegating Disaster Relief Functions Pursuant To The Disaster Relief Act of 1974

By virtue of the authority vested in me by the Disaster Relief Act of 1974 (Public Law 93–288; 88 Stat. 143), section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

Section 1. (a) The Secretary of Housing and Urban Development is designated and empowered to exercise without the approval, ratification, or other action by the President, all of the authority vested in the President by the Disaster Relief Act of 1974, hereinafter referred to as the "act", except: (1) The authority vested in the President by section 301 of the act to declare emergencies and major disasters, by section 313 of the act to prescribe time limits for granting priorities for certain public facilities and certain public housing assistance, by section 401 of the act to provide for the repair, reconstruction, restoration, or replacement of Federal facilities, by section 412 to provide legal services, and by title V to provide for economic recovery, which are hereby reserved to the President; (2) the authority vested in the President by that part of section 202(c) of the act concerning the utilization and availability of the Federal civil defense communications system for the purpose of disaster warnings which the Secretary of Defense is empowered to exercise by this order; and (3) the authority vested in the President by section 409 of the act concerning food coupons and distribution, which the Secretary of Agriculture is empowered to exercise by this order.

(b) The Secretary of Housing and Urban Development may delegate or assign to the head of any agency of the executive branch of the Government, subject to the consent of the agency head concerned in each case, any authority or function delegated or assigned to the Secretary by the provisions of this section. Any such head of the agency may redelegate any authority or function so delegated or assigned to him by the Secretary to any officer or employee subordinate to such head of the agency.

(c) The Secretary of Housing and Urban Development shall prepare a plan for the implementation of the provisions of section 412 of the act, relating to legal services, and shall submit that plan to the President through the Director of the Office of Management and Budget.

Sec. 2. The Secretary of Defense is designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by section 202(c) of the act concerning the utilization and availability of the Federal civil defense communications system for the purpose of disaster warnings.

Sec. 3. The Secretary of Agriculture is designated and empowered to exercise, without the approval, ratification, or other action of the Presi-

dent, all of the authority vested in the President by section 409 of the act concerning food coupons and distribution.

Sec. 4. This order shall be effective as of May 22, 1974, and all actions taken by the Secretary of Housing and Urban Development pursuant to the act prior to the date of this order are, to the extent such actions would be authorized and under this order, ratified.

Richard Nixon

THE WHITE HOUSE,
July 11, 1974.

[FR Doc.74-16262 Filed 7-12-74;10:26 am]

rules and regulations

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-866, Amdt. No. 25]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Reasonable Level of Compensation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 10, 1974, effective June 1, 1974.

In accordance with the procedures adopted by ER-860, May 24, 1974, the Board has now completed its monthly review of reported commercial fuel price changes for MAC long-range Category B services as of June 1, 1974, and is herein amending the surcharge provisions applicable to those services by increasing the surcharge rate from 11.99 to 13.52 percent of the existing interim rates. The increased rates are to be effective retroactively to June 1, 1974. In addition, in conformance with ER-861, June 11, 1974, which adopted the same monthly review procedures for the commercial fuel surcharge applicable to Category A transportation services, we are herein amending that surcharge by increasing the rate from 11.65 to 13.52 percent of the existing rate. The Category A surcharge amendment, however, is to be effective retroactively only to June 11, 1974, since the surcharge provision was not adopted until that date.

By notice of rule making EDR-274, June 11, 1974, the Board proposed to apply a commercial fuel surcharge provision to the rates applicable to short-range Category B MAC services. A comment in response to the notice was filed by World Airways, Inc. In its comment, World requests that the surcharge rate computation for the short-range Pacific interisland services be based upon the revised methodology adopted in ER-862, June 11, 1974, with respect to long-range Category B services, rather than on the basis employed in EDR-274. Upon considerations, we have determined for the reasons set forth in EDR-274 to adopt the proposed surcharges, and, as indicated below, to compute the surcharge rate on the basis set forth in ER-862. These surcharges will be effective as of June 11, 1974 as proposed in the Notice.

By EDR-275, June 17, 1974, the Board proposed increases in the existing minimum interim final rates applicable to all foreign and overseas transportation services performed for the Department of Defense based upon reported results for calendar year 1973, to be effective retroactively to the date of the notice—June 17.[1] As indicated therein, if the proposed increases are finalized, the base period used for determining the commercial fuel price surcharge rates will be calendar year 1973, rather than the year ended September 30, 1973, as at present. Thus, the amendments herein will terminate as final rates effective June 16, 1974, but, consistent with past practice, will continue as temporary rates on and after June 17, until revised as a result of finalization of EDR-275.

Appendices A and B [1a] set forth the respective fuel cost and rate impact for long-range and short-range Category B MAC operations for the base year ended September 30, 1973, of commercial fuel price changes as of June 1, 1974, based upon the methodology employed in ER-862.[2] On the basis of these results, we will amend the surcharge provisions to increase: (1) The long-range Category B and Category A rates by 13.52 percent, effective June 1, and June 11, 1974, respectively; (2) the Pacific interisland rates by 1.99 percent from June 11, 1974; and (3) the other short-range Category B rates by 7.30 percent effective June 11, 1974.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) as follows:

1. In § 288.7 amend paragraph (a) (1) by amending the second proviso of the paragraph following the tables and amend the proviso in paragraph (d) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(1) * * *; *And provided further,* That (i) effective June 1 through June 16, 1974, the total minimum compensation for transportation with regular turbojet, wide-bodied jet and DC-8F-61-63 aircraft pursuant to the rates specified in paragraph (a) (1) of this section shall be further increased by a surcharge of 13.52 percent; (ii) effective June 11 through June 16, 1974, the total minimum compensation for (a) Pacific interisland services performed with B-727 aircraft and (b) all other services performed with B-727 aircraft, pursuant to the rates specified in subparagraph (1) of this paragraph shall be further increased by surcharges of 1.99 percent and 7.30 percent, respectively; and, (iii) on and after June 17, 1974, the total minimum compensation, pursuant to the rates specified in subparagraph (1) of this paragraph, for (a) services performed with regular jet, wide-bodied jet and DC-8F-61-63 aircraft, (b) Pacific interisland services performed with B-727 aircraft, and (c) all other services performed with B-727 aircraft shall be further increased by temporary surcharges of 13.52 percent, 1.99 percent, and 7.30 percent, respectively, subject to amendment (upward or downward) upon final determination by the Board.[3]

* * * * *

(d) For Category A transportation:

* * * * *

(2) * * *

Provided, however, That (i) effective June 11 through June 16, 1974, the total minimum compensation specified in paragraphs (d) (1) and (2) of this section shall be further increased by a surcharge of 13.52 percent; and, (ii) on and after June 17, 1974, the total minimum compensation specified in paragraphs (d) (1) and (2) of this section shall be further increased by a temporary surcharge of 13.52 percent, subject to amendment (upward or downward) upon final determination by the Board.

* * * * *

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, and 771, as amended; (49 U.S.C. 1324, 1373 and 1386))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-16129 Filed 7-12-74;8:45 am]

[1] The Board also proposed increases in the minimum rates applicable to Categories A and Z scheduled services based upon the proposed increases in the one-way Category B rates.

[1a] Filed as part of the original document.

[2] Adopted June 11, 1974.

[3] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Boiler Water Additives

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 4A2949) filed by Stauffer Chemical Co., 1200 South 47th St., Richmond, CA 94804, and other relevant material, has concluded that the food additive regulations should be amended as set forth below to provide for the safe use of potas-

sium tripolyphosphate as a boiler water additive used in the preparation of steam that will contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 17861 (21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1088(c) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.1088 **Boiler water additives.**

* * * * *

(c) List of substances:

	Limitations
* * *	* * *
Potassium tripolyphosphate	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 14, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective July 15, 1974.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: July 8, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–16092 Filed 7–12–74;8:45 am]

PART 121—FOOD ADDITIVES

Alkylene Oxide Adducts of Alkyl Alcohols and Phosphate Esters Mixture

The Commissioner of Food and Drugs having evaluated data in a petition (FAP 3A2886) filed by BASF Wyandotte Corp., 1609 Biddle Ave., Wyandotte, MI 48192, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of a mixture of alkylene oxide adducts of alkyl alcohols and phosphate esters of alkylene oxide adducts of alkyl alcohols, consisting of: α-alkyl (C_{12}-C_{18})-*omega*-hydroxy-poly (oxyethylene) (7.5–8.5 moles)/poly (oxypropylene) block copolymer, having an average molecular weight of 810; α-alkyl (C_{12}-C_{18})-*omega*-hydroxy-poly (oxyethylene) (3.3–3.7 moles) polymer having an average molecular weight of 380, and subsequently esterified with 1.25 moles phosphoric anhydride; and α-alkyl (C_{10}-C_{12})-*omega*-hydroxy-poly (oxyethylene) (11.9–12.9 moles)/poly (oxypropylene) copolymer, having an average molecular weight of 810, and subsequently esterified with 1.25 moles phosphoric anhydride, to assist in the lye peeling of fruits and vegetables.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.1091 (a)(2) by alphabetically inserting in the list of substances a new item as follows:

§ 121.1091 **Chemicals used in washing or to assist in the lye peeling of fruits and vegetables.**

* * * * *

(a) * * *

(2) * * *

Substances	*Limitations*
A mixture of alkylene oxide adducts of alkyl alcohols and phosphate esters of alkylene oxide adducts of alkyl alcohols consisting of: α-alkyl (C_{12}-C_{18})-*omega*-hydroxy-poly (oxyethylene) (7.5–8.5 moles)/poly (oxypropylene) block copolymer having an average molecular weight of 810; α-alkyl (C_{12}-C_{18})-*omega*-hydroxy-poly (oxyethylene) (3.3–3.7 moles) polymer having an average molecular weight of 380, and subsequently esterified α-alkyl (C_{10}-C_{12})-*omega*-hydroxypoly (oxy- with 1.25 moles phosphoric anhydride; and ethylene) (11.9–12.9 moles)/poly (oxypropylene) copolymer, having an average molecular weight of 810, and subsequently esterified with 1.25 moles phosphoric anhydride.	May be used at a level not to exceed 0.2 percent in lye peeling solution to assist in the lye peeling of fruits and vegetables.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 14, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective July 15, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)))

Dated: July 8, 1974.

SAM D. FINE,
Associate Commisisoner for Compliance.

[FR Doc.74–16091 Filed 7–12–74;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

CFR Correction

In Title 21 Code of Federal Regulations (Parts 130–140) revised as of April 1, 1974, in Part 135e, § 135e.46(e) appearing on page 175 the following entry now appearing under item 4 in the table reading,

"c. 2	Bacitracin	4–25	For broiler chickens; as zinc bacitracin, as provided by code No. 009 in § 135.501(c) of this chapter.	Increased rate of weight gain."

should be transferred below item 6b.

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Paragraph (3) of § 177.4(c), Special Allowances, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Pub. L. 91–95) is amended to provide for the payment of such an allowance for the period April 1, 1974, through June 30, 1974, inclusive.

In light of the directives in the Emergency Insured Student Loan Act of 1969 with respect to the factors that the Secretary of Health, Education, and Welfare is to consider and the officials with whom he is to consult in setting the rate of the special allowance, and since a comment period would cause delay of at least 30 days, following each quarterly 3-month period, before lenders could receive the special allowance for such period, it has been determined pursuant to 5 U.S.C. 553 that the solicitation of comment as to the rate of the special allowance for any particular quarter is both impracticable and contrary to the public interest.

Effective date: This regulatory amendment is effective August 14, 1974.

Section 177.4(c)(3) is amended as follows:

§ 177.4 Payment of interest benefits, administrative cost allowances and special allowance.

* * * * *

(c) Special allowances.

* * * * *

(3) Special allowances are authorized to be paid as follows:

* * * * *

(xx) For the period April 1, 1974, through June 30, 1974, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of three percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

(Catalog of Federal Domestic Assistance No. 13.460 Guaranteed Student Loan Program)

Dated: July 2, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: July 10, 1974.

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

[FR Doc.74-16133 Filed 7-12-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 70-27; Notice 11]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Hydraulic Brake Systems

This notice responds to petitions for reconsideration of the amendments to 49 CFR 571.105–75, Motor Vehicle Safety Standard No. 105–75, published in the FEDERAL REGISTER on February 22, 1974 (39 FR 6708). The standard is amended to defer for one year the requirements for a brake fluid level sensor vehicles with a GVWR over 10,000 pounds, and for two years, a 60-pound minimum baseline pedal effort on vehicles with a GVWR over 15,000 pounds. Slightly increased stopping distances in the third effectiveness test are adopted for one year for certain heavy vehicles at lightly loaded vehicle weight.

Timely petitions for reconsideration of the amendments were received from Girling, Ltd., Wagner Electric Corporation (Wagner), Ford Motor Company (Ford), General Motors Corporation (GM), and Recreational Vehicle Institute, Inc. (RVI). International Harvester Company (Harvester), subsequent to the time allowed for filing petitions for reconsideration, raised certain issues in writing to the Administrator, and its presentation in accordance with NHTSA regulations, has been considered as a petition for rulemaking. This notice discusses the major issues raised and their resolution.

Effective date. RVI again petitioned for a delayed effective date for recreational vehicles built upon truck and multipurpose passenger vehicles chassis, alleging that time will be needed by final-stage manufacturers for testing and retooling after receipt of the first chassis or vehicle manufactured after the effective date of Standard No. 105–75.

RVI's petition is found to be repetitious of arguments raised previously, and accordingly, pursuant to NHTSA regulations (49 CFR 553.35(c)), has not been granted. The denial of Notice 10 therefore stands, on the grounds set forth in Notice 10 of this docket. In brief, the NHTSA expects a manufacturer of incomplete vehicles to provide final-stage manufacturers, pursuant to 49 CFR Part 568, with information sufficient to indicate how the final-stage manufacturer may achieve compliance with Standard No. 105–75. Since the effective date of the standard is over a year away, there remains sufficient time for final-stage manufacturers to discuss with manufacturers of incomplete vehicles the kind of information that is to be provided, and to resolve such problems as may appear.

Harvester and Wagner have apprised the NHTSA of unexpected leadtime problems associated with the incorporation of brake fluid indicators into master cylinders of heavy vehicles. The agency has confirmed the seriousness of these problems, and has determined that they derive from factors substantially beyond the control of the affected vehicle manufacturers. It has accordingly concluded that a 1-year delay in the required date for introduction of fluid level sensors for vehicles whose GVWR exceeds 10,000 pounds would be in the public interest.

Harvester also requested a year's delay of the third effectiveness test requirements (S5.1.1.3). It stated that vehicles with 151 inches or less wheelbase and 8,000 pounds or greater GVWR will require anti-lock systems to meet the stopping distance requirements for lightly loaded vehicles, and that suitable anti-lock systems cannot be developed for 1976 model year production. The NHTSA does not consider that a year's delay of the third effectiveness test requirements is in the public interest. It finds, however, on the basis of the information before it that the incorporation of anti-lock systems into this class of vehicles by the September 1, 1975, effective date is probably impracticable. The standard accordingly is being amended to permit, for a period of 1 year, somewhat longer stopping distance requirements for lightly loaded vehicles of 8,000 pounds or more GVWR. The NHTSA finds these distances to be achievable without anti-lock systems, and that the change for the interim period is justifiable in terms of the costs and the safety benefits involved. As an example, the maximum stopping distance permissible from 60 mph at lightly loaded vehicle weight is changed from 216 feet to 242 feet for vehicles with a GVWR between 8,000 and 10,000 pounds.

Effectiveness requirements. Clarifying words are again added to the effectiveness requirements and test procedures in response to various requests. Heretofore the performance requirements for vehicles with inoperative brake power assist units and brake power units specified four stops at a decelaration figure, with the fifth and final stop specified in feet. This has apparently proved confusing, and the final stop will now be expressed in a manner consistent with the remainder of the performance requirements, as "an average deceleration of not lower than 7 fpsps". This value, however, applies only to passenger cars. Ford argued that the heavy truck stopping distance values are unrealistic, in the optional procedures provided by S5.1.3.2 and S5.1.3.3 for inoperative brake power assist units and brake power units. It petitioned for less stringent values. The agency has considered that Ford's views have merit, and is amending the standard to require a final stop at an average deceleration of not lower than 6 fpsps. Table III has been amended to reflect this change.

Two petitioners contested the pedal force baseline value range of 15 to 60 pounds for the fade and recovery and water recovery demonstrations. GM asked that the minimum be reduced to 10 pounds, while Harvester requested an increase in the maximum to 88 pounds. GM submitted new test data to substantiate its request and its petition is granted, but a floor of 5 pounds is placed on the recovery minimum value. Harvester's petition is predicated on the results of "extensive tests" that show "that no vehicle over 15,000 lbs. GVWR can be brought into compliance with this requirement for model year 1976." In recognition that even exerting its best efforts Harvester cannot comply by September 1, 1975, the NHTSA has determined that a relaxation of this requirement for two years would be in the public interest. Therefore, Harvester's petition is granted, and between September 1, 1975, and September 1, 1977, the maximum baseline pedal effort will be 90 pounds with a restriction on fade recovery of 100 pounds maximum, and of 110 pounds on water recovery.

With respect to the brake failure indicator lamp, Ford and Wagner requested clarification that the pressure failure condition is a rupture type, rather than one resulting from slow leaks. This request is granted, and S5.3.1 (a) is amended to specify that the failure causing the lamp to operate is "A gross loss of pressure (such as caused by a rupture of a brake line) * * *" Wagner also asked whether an automatic reset pressure failure valve would violate the standard. When there is a slow leak in the service brake system, the warning valve will shuttle, activating the indicator lamp, but the lamp will not remain activated when the pedal is released and then reapplied. The NHTSA intends the fluid level indicator to warn of fluid loss due to slow leaks, and the pressure differential indicator to warn of gross pressure loss. The failure of the lamps to remain activated by the valve does not violate Standard No. 105–75.

Some petitioners cited an apparent conflict in the previous denial of Toyota's petition to allow an indicator lamp to remain activated when the ignition is returned to "on" after the engine is started, and the fact that some systems do not instantly deactivate. NHTSA has previously noted in the notice of September 2, 1972 (37 FR 17970) that no time interval is specified, and that instantaneous deactivation could not be required of continuous sensing units. The indicators considered acceptable to NHTSA are those that may remain activated for a limited time (such as 1 to 10 seconds) after the ignition is returned to "on".

Finally, Wagner petitioned for reinstatement of the limiting phrase "in any reservoir compartment" in the requirement that an indicator lamp be activated whenever there is a drop in the level of brake fluid in a master cylinder reservoir to less than one-fourth of fluid reservoir capacity. The phrase was deleted in the notice of February 22, 1974, but it should have been retained to clarify that a low level in any reservoir compartment must be indicated. Wagner's petition is granted.

Test conditions. Ford requested an amendment of the test weight condition of S6.1 to clarify how, in the GVWR test condition, added weight is to be distributed, since even at lightly loaded weight on some vehicles the front axle load exceeds its proportional share of the GVWR. The clarification is now provided by adding to S6.1.1:

> However, if the weight on any axle at lightly loaded vehicle weight exceeds the axle's proportional share of the gross vehicle weight rating, the load required to reach GVWR is placed so that the weight on that axle remains the same as at lightly loaded vehicle weight.

Ford also asked that S6.2 *Test loads* be revised so that the manufacturer could designate the density of the test load selected, rather than to anticipate values that may be selected from within the prescribed range in the agency's compliance testing program. This petition is denied. Ford's suggestion would result in each manufacturer setting its own unique performance requirements, and would not be appropriate for standards required by law to be uniform for the types of vehicles to which they apply. Each vehicle must comply with the requirements of the standard when loaded with materials of any density within the applicable ranges. This is made clear by the second sentence of S6., *Test conditions:* "Where a range of conditions is specified, the vehicle shall be capable of meeting the requirements at all points within the range."

GM once again petitioned for an amendment of S6.4, *Transmission selector control,* to allow stopping of the test vehicle in gear rather than neutral. Since the agency, pursuant to 49 CFR 553.35, does not consider repetitious petitions, no action has been taken.

Test procedures and sequence. S7. allows automatic adjusters to be locked out prior to burnish and for the remainder of the test sequence. Girling has petitioned that lockout should only be in accordance with manufacturer's recommendations. NHTSA agrees and is amending S7. accordingly. At the request of GM the agency has also amended S7. to outline a test procedure for conducing stops when the gear selector is required to be in the neutral position.

Girling also asked that the postburnish brake adjustment test procedure (S7.4.1.2 and S7.4.2.2) be amended to make clear that these sections do not prohibit postburnish adjustment of manually-adjustable brakes. Girling is correct, and appropriate amendments are made to reflect the agency's intent.

Ford and Wagner both asked that the burnish procedure of S7.4.2.1.2 be amended in a manner consistent with Motor Vehicle Safety Standard No. 121, to allow brake applications at a point 1.5 miles from the previous brake application for vehicles unable to attain any required speed in 1 mile. The petition is granted, and the standard is amended accordingly.

Finally, Ford suggested that the test procedure for first reburnish, S7.6, be changed to reflect the optional procedure of S7.4.2.1.2, and this request has also been granted.

Other minor amendments have been made to correct printing errors and for internal consistency

In consideration of the foregoing, 49 CFR 571.105–75, Motor Vehicle Safety Standard No. 105–75, is amended as follows:

§ 571.105–75 [Amended]

1. Several corrections are made to amendments to 49 CFR 571.105–75, as they appeared in 39 FR 6708 (February 22, 1974):

a. Item 1, p. 6709, the redesignation as "§ 517.105–75" is changed to read "§ 571.105–75"

b. Item 7, p. 6710, the third from last line in S5.1.3.4 is changed to read "an average deceleration for each stop that"

c. Item 18, p. 6710, the second line of S7.4.2.1.1 is corrected by deleting the word "the" before the words "400 snubs".

d. References to "mi/h" (p. 6709—item 3 (S5.1.1.2), item 4 (S5.1.1.4), p. 6710—item 6 (S5.1.3.3), item 7 (S5.1.3.4), item 18 (S7.4.2.1.1, S7.4.2.1.2), item 19 (S7.5), p. 6711—item 25 (S7.10.2(c), item 26 (S7.11.2.1), item 27 (S7.15))) are changed to "mph".

e. References to "ft/s/s" (p. 6710—item 7 (S5.1.3.4), item 18 (S7.4.2.1.1, S7.4.2.1.2), p. 6711—item 25 (S7.10.2(c), item 26 (S7.11.2.1))) are changed to "fpsps".

2. In S5.1.1.3 the following is added at the end thereof: * * * However, a vehicle other than a passenger car with a GVWR of 8,000 pounds or greater and whose wheelbase is 151 inches or less, manufactured between September 1, 1975 and September 1, 1976, may stop within the corresponding distance specified in parentheses in column III(b) of Table II if its GCWR does not exceed 10,000 pounds, or column III(c) of Table II if its GVWR exceeds 10,000 pounds.

3. In S5.1.3.2 and S5.1.3.3, paragraph (b) is revised to read:

* * * * *

(b) In a final stop, at an average deceleration that is not lower than 7 fpsps for passenger cars (equivalent stopping distance 554 feet) or 6 fpsps for vehicles other than passenger cars (equivalent stopping distance 646 feet), as applicable, when the inoperative unit is depleted of all reserve capability.

4. S5.1.4.1 and S5.1.5.1 are revised to read:

The control force used for the baseline check stops or snubs shall be not less than 10 pounds, nor more than 60 pounds, except that the control force for a vehicle with a GVWR of 15,000 pounds or more manufactured between September 1, 1975, and September 1, 1977, may be between 10 and 90 pounds.

5. S5.1.4.3 is revised to read:

S.5.1.4.3(a) Each vehicle with a GVWR of 10,000 pounds or less shall be capable

of making five recovery stops from 30 mph at 10 fpsps for each stop, with a control force for the fifth recovery stop that is within plus 20 pounds and minus 10 pounds or minus 40 percent (whichever is greater) of the average control force for the baseline check, but not less than 5 pounds .

(b) Each vehicle with a GVWR between 10,000 pounds and 15,000 pounds, and each vehicle with a GVWR greater than 15,000 pounds manufactured on and after September 1, 1977, shall be capable of making five recovery snubs from 40 mph to 20 mph at 10 fpsps for each snub, with a control force for the fifth snub that is within plus 20 pounds or minus 40 percent (but not less than 5 pounds) of the average control force for the baseline check.

(c) Each vehicle with a GVWR greater than 15,000 pounds manufactured between September 1, 1975 and September 1, 1977, shall be capable of making five recovery snubs from 40 mph to 20 mph at 10 fpsps for each snub, with a control force for the fifth snub that is within the lesser of plus 20 pounds of the average control force for the baseline check or 100 pounds, and the greater of minus 10 pounds or minus 40 per cent (but not less than 5 pounds) of the average control force for the baseline check.

6. S5.1.5.2 is redesignated "S5.1.5.2(a)", and revised to read:

S5.1.5.2 (a) Except as provided in paragraph (b), after being driven for 2 minutes at a speed of 5 mph in any combination of forward and reverse directions through a trough having a water depth of 6 inches, each vehicle shall be capable of making five recovery stops from 30 mph at 10 fpsps for each stop with a control force for the fifth recovery stop that is within plus 30 pounds and the greater of minus 10 pounds, or minus 40 percent (but not less than 5 pounds) of the average control force for the baseline check.

7. In S5.1.5.2 a new paragraph (b) is added to read:

* * * * *

(b) Each vehicle with a GVWR greater than 15,000 pounds manufactured between September 1, 1975, and September 1, 1977, after being driven for 2 minutes at a speed of 5 mph in any combination of forward and reverse directions through a trough having a water depth of 6 inches, shall be capable of making five recovery stops from 30 mph at 10 fpsps for each stop with a control force for the fifth recovery stop that is within the lesser of plus 30 pounds of the average control force for the baseline check or 110 pounds, and the greater of minus 10 pounds or minus 40 percent (but not less than 5 pounds) of the average control force for the baseline check.

8. In S5.3.1 paragraph (a) before subparagraph (1) and paragraph (b) are revised to read:

(a) A gross loss of pressure (such as caused by rupture of a brake line but not by a structural failure of a housing that is common to two or more subsystems) due to any one of the following conditions:

* * * * *

(b) A drop in the level of brake fluid in a master cylinder reservoir to less than the recommended safe level specified by the manufacturer or one-fourth of the fluid reservoir capacity in any reservoir compartment, whichever is greater.

9. In S5.3.1 the following sentence is added at the end thereof:

* * * A vehicle other than a passenger car, with a GVWR greater than 10,000 pounds, manufactured between September 1, 1975 and September 1, 1976, need not meet the requirements of subparagraph (b).

10. S6.1.1. is amended by adding at the end thereof:

* * * However, if the weight on any axle of a vehicle at lightly loaded vehicle weight exceeds the axle's proportional share of the gross vehicle weight rating, the load required to reach GVWR is placed so that the weight on that axle remains the same as at lightly loaded vehicle weight.

11. In S7. the second sentence is revised to read:

* * * Automatic adjusters may be locked out, according to the manufacturer's recommendation, when the vehicle is prepared for testing. * * *

12. The following sentence is added at the end of S7:

* * * When the transmission selector control is required to be in neutral for a deceleration, a stop or snub shall be obtained by the following procedures: (1) Exceed the test speed by approximately 7 mph; (2) close the throttle and coast in gear to approximately 2 mph above the test speed; (3) shift to neutral; and (4) when the test speed is reached, apply the service brakes.

13. S7.4.1.2 and S7.4.2.2 are revised to read:

After burnishing, adjust the brakes manually in accordance with the manufacturer's recommendation if the brake systems are manual or if the automatic adjusters are locked out, or by making stops as recommended by the manufacturer if the automatic adjusters are operative.

14. S7.4.2.1.2 is revised by deleting the word "maximum" in the final sentence, and by adding the following sentence between the second and third sentences:

* * * If a vehicle cannot attain any speed specified in 1 mi, continue to accelerate until the speed specified is reached or until a point 1.5 mi from the initial point of the previous brake application is reached, whichever occurs first. * * *

15. S7.6 is revised to read:

S7.6 *First reburnish.* Repeat S7.4, except make 35 burnish stops or snubs. Reburnish a vehicle whose brakes are burnished according to S7.4.2.1.2 by making 35 snubs from 60 mph to 20 mph, but if the hottest brake reaches 500°±50° F. make the remainder of the 35 applications from such initial speed divisible by five but less than 60 mph as necessary to maintain a temperature of 500° F±50° F.

16. In S7.10.2 revise the last sentence of paragraph (a) to read:

* * * Make one stop from 60 mph at an average deceleration of not lower than 7 fpsps for passenger cars (equivalent stopping distance 554 feet), or 6 fpsps for vehicles other than passenger cars (equivalent stopping distance 646 feet) and determine whether the control force exceeds 150 pounds.

17. In Table II, the words "AND PEDAL FORCES" are deleted from the title, and Columns III(b) and III(c) are revised to read as follows:

Vehicle test speed (miles per hour)	(b)	(c)
30	57 (61)	68 (70)
35	74 (83)	90 (95)
40	96 (108)	115 (123)
45	121 (137)	143 (156)
50	150 (169)	174 (193)
55	181 (204)	208 (233)
60	*216 (242)	*245 (277)
80	N.A. (N.A.)	N.A. (N.A.)
95	N.A. (N.A.)	N.A. (N.A.)
100		

18. Table III is revised to read as follows:

TABLE III—*Inoperative brake power assist and brake power units*

Stop No.	Average deceleration, FPSPS				Equivalent stopping distance, feet			
	Column 1—Brake power assist		Column 2—Brake power unit		Column 3—Brake power assist		Column 4—Brake power unit	
	(a)	(b), (c)	(a)	(b), (c)	(a)	(b), (c)	(a)	(b), (c)
1	16.0	14.0	16.0	13.0	242	277	242	298
2	12.0	12.0	13.0	11.0	323	323	298	352
3	10.0	10.0	12.0	10.0	388	388	323	388
4	9.0	8.5	11.0	9.5	431	456	352	409
5	8.0	7.5	10.0	9.0	484	517	388	431
6	7.5	6.7	9.5	8.5	517	580	409	456
7	[1] 7.0	[1] 6.0	9.0	8.0	554	646	431	484
8	NA	NA	8.5	7.5	NA	NA	456	517
9	NA	NA	8.0	7.0	NA	NA	484	554
10	NA	NA	7.5	6.5	NA	NA	517	596
11	NA	NA	[1] 7.0	[1] 6.0	NA	NA	554	646

[1] Depleted.

(a) Passenger cars.
(b) Vehicles other than passenger cars with GVWR of 10,000 lb or less.
(c) Vehicles other than passenger cars with GVWR greater than 10,000 lb.
NA=Not applicable.

Effective date. September 1, 1975. Because these amendments relate to a standard that is effective September 1, 1975, it has been determined for good cause shows that an effective date later than 1 year after issuance is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51)

Issued on July 9, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-15989 Filed 7-12-74;8:45 am]

Title 7—Agriculture

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

[Lime Reg. 7, Amdt 1]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation increases the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 7, 1974 through July 13, 1974. The quantity that may be shipped is increased due to improved market conditions for Florida limes. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911.

(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 an increase in the quantity of limes available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lime Regulation 7 (39 FR 24881). The marketing picture now indicates that there is a greater demand for limes than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of limes to fill the current market demand thereby making a greater quantity of limes available to meet such increased demand, the regulation should be amended, 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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of limes grown in Florida.

(b) *Order, as amended.* Paragraph (b) (1) of § 911.407 (Lime Regulation 7, 39 FR 24881) is hereby amended to read as follows: "The quantity of limes grown in Florida which may be handled during the period July 7, 1974 through July 13, 1974, is hereby fixed at 22,000 bushels".

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

Dated: July 10, 1974.

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

[FR Doc.74-16138 Filed 7-12-74;8:45 am]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

PART 980—VEGETABLES: IMPORT REGULATIONS

Handling Regulation

This regulation, designed to promote orderly marketing of Idaho-Eastern Oregon potatoes, imposes minimum quality standards and requires inspection of fresh shipments to keep undesirable low quality potatoes from being shipped to consumers.

Notice of rule making with respect to a proposed handling regulation, to be made effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945) regulating the handling of Irish potatoes grown in designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER June 19, 1974 (39 FR 21151). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than July 5, 1974. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that this handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Intended planted fall acreage was forecast at 1,098.8 million acres, about 1 percent more than 1973. Prospective fall plantings in Idaho and Malheur County, Oregon, for 1974 were 336,000 acres, slightly less than the 339,500 acres planted last year. However, with average growing conditions, yields would be somewhat higher this year than last. Therefore, total supplies in 1974-75 are expected to be about as large as in 1973-74.

The grade, size, quality, maturity and pack requirements provided herein, which are the same as those currently in effect (38 FR 18865) through July 31, 1974, are necessary to prevent low quality potatoes from being distributed in the fresh market channels. The specific requirements hereinafter set forth would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing and effectuating the declared policy of the act.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes may be handled without regard to maturity requirements (1) in order to permit growers to make test diggings without loss of the potatoes so harvested or (2) in order to allow a lot to be shipped which, after regarding, meets the grade and size requirements but then fails to meet the maturity requirements, possibly due to further "skinning" as a result of running the potatoes over the grader again.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, maturity and pack requirements, provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Since no purpose would be served by regulating potatoes used for charity purposes such shipments are exempt. Certified seed and seed pieces cut from stock eligible for certification as certified seed are so exempted because requirements for this outlet differ greatly from those for fresh market. Potatoes used for experimentation have special requirements and do not normally enter commercial channels of trade. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing oulets are unregulated.

Requirements for export shipments differ from those for domestic markets; while the standard quality requirements are desired in foreign outlets, smaller sizes are more acceptable. In commercial prepeeling, operators can use potatoes with surface defects which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for export and prepeeling are provided with different requirements.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that shipments of 1974-75 crop potatoes grown in the production area will shortly be made and the regulation

should become effective at the time herein provided to maximize the benefits to producers. The Idaho-Eastern Oregon Potato Committee held an open meeting on June 4, 1974, to consider recommendations for a handling regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the recommendation by the committee has been disseminated among the growers and handlers of potatoes in the production area; and compliance with this section will not require any special preparation of potato sorting and packing equipment on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

§ 945.333 Handling regulation.

During the period July 15, 1974, through July 31, 1975, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c) and (d) of this section, or unless such potatoes are handled in accordance with paragraphs (e), (f), or (g) of this section.

(a) *Minimum quality requirements.* (1) *Grade—All varieties*—U.S. No. 2 or better grade.

(2) *Size.* (i) Round red varieties—1⅞ inches minimum diameter.

(ii) *All other varieties*—2 inches minimum diameter, or 4 ounces minimum weight.

(iii) *All varieties*—Size B if U.S. No. 1 or better grade.

(3) *Cleanliness—All varieties*—"Fairly clean."

(b) *Minimum maturity requirements.* (1) *White Rose and red skin varieties:* Beginning the effective date hereof through December 31, 1974, "moderately skinned"; thereafter, no maturity requirements.

(2) *All other varieties:* "Slightly skinned."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided,* That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Pack.* (1) When 50 pound containers (except master containers) of long varieties of potatoes are marked with a count, size or similar designation they must meet the count, average count and weight ranges for the count designation listed below.

	Range		
	Count	Average count [1]	Weight
Larger than 50 count	10 percent over or under.	5 percent over or under.	15 oz or larger.
50 count	45 to 55	48 to 53	12 to 19.
60 count	54 to 66	57 to 63	10 to 16.
70 count	63 to 77	67 to 74	9 to 15.
80 count	72 to 88	76 to 84	8 to 13.
90 count	81 to 99	86 to 95	7 to 12.
100 count	90 to 110	95 to 105	6 to 10.
110count	99 to 121	105 to 116	5 to 9.
120 count	108 to 132	114 to 126	4 to 8.
130 count	117 to 143	124 to 137	4 to 8.
140 count	126 to 154	133 to 147	4 to 8.
Smaller than 140 count	10 percent over or under.	5 percent over or under.	4 to 8.

[1] Applicable to lots.

The following tolerances by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(i) Not to exceed 5 percent for undersize; and

(ii) Not to exceed 10 percent for oversize.

(2) Potatoes packed in 50-pound cartons shall be U.S. No. 1 or better grade.

(d) *Inspection.* (1) No handler shall handle potatoes unless such potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and are covered by a valid inspection certificate except when relieved of such requirement pursuant to paragraphs (e), (f), or (g) of this section.

(2) Each lot moving by truck shall be accompanied by a copy of a valid inspection certificate.

(e) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Charity;

(ii) Certified seed;

(iii) Seed pieces cut from stock eligible for certification as certified seed;

(iv) Experimentation; and

(v) Canning, freezing and "other processing" as hereinafter defined: *Provided,* That shipments of potatoes for the purpose specified in this subdivision shall be exempt from inspection requirements specified in § 945.65 and paragraph (d) of this section and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanliness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Export. Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling. Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(f) *Safeguards.* (1) Each handler making shipments of potatoes for charity, certified seed, seed pieces cut from stock eligible for certification, experimentation, export, or for prepeeling pursuant to paragraph (e) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make shipments for each purpose;

(ii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iii) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require.

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable receiver;

(2) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (e) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's current list of manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(3) Each receiver of potatoes for processing pursuant to paragraph (e) of this section shall:

(i) Complete and return an application form for listing as a manufacturer of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(g) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1566 of this title effective September 1, 1971, as amended February 5, 1972, 37 F.R. 2745), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meaning as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(i) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, cleanliness and maturity requirements specified in paragraphs (a) and (b) of this section.

Effective date and termination of previous regulation. This regulation will become effective July 15, 1974, and will supersede § 945.332 which is hereby terminated upon such effective date.

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

Dated: July 9, 1974.

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

[FR Doc.74–16099 Filed 7–12–74;8:45 am]

PART 958—ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Handling Regulation

This regulation, designed to promote orderly marketing of Idaho-Eastern Oregon onions, imposes minimum quality standards and requires inspection of fresh market shipments to keep low quality onions from being shipped to consumers.

Notice of rule making with respect to a proposed handling regulation to be effective under Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, was published in the June 24, 1974, issue of the FEDERAL REGISTER (39 FR 22427). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than July 9, 1974. None was filed.

Findings. After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations of the committee reflect its appraisal of the composition of the 1974 crop of Idaho-Eastern Oregon onions and the marketing prospects for this season. Harvesting of onions is expected to begin about mid-July.

The grade, size and quality requirements provided herein are necessary to prevent onions of poor quality or less desirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality onions consistent with the overall quality of the crop.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments may be made to certain special purpose outlets without regard to the grade, size, quality, pack and inspection requirements, provided that safeguards are met to prevent such onions from reaching unauthorized outlets.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of onions grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, (3) information regarding the provisions of this regulation, which are similar to those which were in effect during the previous season, has been made available to producers and handlers in the production area, (4) compliance with this regulation will not require any special preparation by handlers which cannot be completed by the effective date, and (5) notice of the proposed regulation was published in the FEDERAL REGISTER of June 24, 1974.

§ 959.319 Handling regulation.

During the period July 17, 1974, through April 30, 1975, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraphs (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c), (d), or (e) of this section.

(a) *Grade, size, and pack requirements.*

(1) *Yellow varieties.* U.S. No. 1, 2¼ inches minimum diameter; or U.S. No. 1, 1½ inches minimum to 2¼ inches maximum diameter, if packed separately; or U.S. No. 2 grade, 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(2) *White varieties.* U.S. No. 1, 1½ inches minimum diameter; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 1½ inches minimum diameter; or U.S. No. 2, 1 inch minimum to 2 inches maximum diameter if packed separately.

(b) *Inspection.*

No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraphs (c) and (e) of this section.

(c) *Special purpose shipments.*

The minimum grade, size, quality, pack and inspection requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Canning; and
(6) Freezing.

(d) *Safeguards.*

Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office, and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 1 ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds 1 ton of onions.

(f) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning except for sizes of grades regulated as when used in the "United States Standards for Grades of Onions," as amended (§§ 51.2830–51.2854 of this title; 36 FR 19243). The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

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

Dated July 10, 1974 to become effective July 17, 1974.

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

[FR Doc.74-16137 Filed 7-12-74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1446—PEANUTS

General Regulations Governing 1974 and Subsequent Crop Peanut Warehouse Storage Loans

On page 27939 of the FEDERAL REGISTER of October 10, 1973, there was published a Notice of Proposed Rule Making relating to a Loan and Purchase Program for 1974-crop peanuts. On October 24, 1973, Secretary Butz announced six changes in the 1974 peanut program. The changes were: (1) Elimination of allotment transfers by lease, sale or owner privileges, (2) elimination of tolerance in program compliance determinations relating to measured acreage, (3) the transfer of field and supervisory price support functions from grower associations to Agricultural Stabilization and Conservation Service State and county offices, (4) no price support for peanuts found to contain aflatoxin, (5) an increase of $2 per ton in storage, handling and inspection charges (from $15 to $17 per ton) to be assumed by producers, and (6) CCC's minimum sales policy for acquired peanuts will be 115 percent of the loan rate on both domestic edible and diversion sales. There were about 170 responses, all but five of which opposed one or more of the changes. After consideration of all data, views and recommendations, three important changes are being made in the price support program as follows: (a) No price support for peanuts found to contain visible Aspergillus flavus mold, (b) producers will be required to assume a charge of $17 per ton for storage, handling and inspection cost on peanuts placed under warehouse storage loans, and (c) the minimum sales price referred to above is being modified to 100 percent rather than 115 percent of the loan rate.

The following regulations reflect this determination.

The 1973 Crop Peanut Warehouse Storage Loan Regulations (32 FR 9950, as amended) are hereby superseded but remain effective with respect to the 1973 crop of peanuts.

GENERAL

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; (15 U.S.C. 714 b and c). Interpret or apply secs. 101, 401, 63 Stat. 1051, as amended; (7 U.S.C. 1441, 1421).

GENERAL

§ 1446.1 General statement.

(a) *Scope.* This subpart sets forth the terms and conditions under which eligible producers acting collectively through specified cooperative marketing associations (referred to severally in this subpart as "the association") may obtain price support on their eligible 1974 and subsequent crop farmers stock peanuts. *Provided, however,* That CCC will make warehouse storage loans on peanuts of a particular crop only if an annual supplement to this subpart providing for such loans is issued by CCC. Any such annual supplement will also specify support prices, the associations through which producers may obtain price support, and other terms and conditions not contained in this subpart applicable to warehouse storage loan program for peanuts of a particular crop.

(b) *Price support advances.* Eligible producers may obtain price support through the association specified in the applicable annual supplement for the Southeastern area, Southwestern area, and Virginia-Carolina area, respectively. Each association will make price support advances on eligible peanuts delivered to it by eligible producers at warehouses operating under peanut receiving and warehouse contracts with the association. CCC will make a loan (referred to in this subpart as a "warehouse storage loan") to the association. Such loan will be secured by the eligible peanuts upon which the association has made advances to eligible producers.

(c) *Farm storage loans; purchases from producers.* Regulations containing the terms and conditions under which CCC will make farm storage loans directly to producers on, and purchases directly from producers of any crop farmers stock peanuts will be published separately in the FEDERAL REGISTER.

§ 1446.2 Administration.

(a) *Responsibility.* Under the general direction and supervision of the Executive Vice President, CCC, the Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS") will administer this subpart.

(b) *Limitation of authority.* County Executive Directors, State and county ASC committees, and the associations do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

(c) *Supervisory authority.* No delegation of authority in this subpart shall preclude the Executive Vice President, CCC, or his designee, from determining any questions arising under the regulations or from reversing or modifying any determination made pursuant to such delegation.

§ 1446.3 Definitions.

As used in this subpart, and in instructions and documents in connection herewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *ASCS.* The Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(b) *CCC.* The Commodity Credit Corporation, an agency and instrumentality of the United States within the Department of Agriculture.

(c) *County office.* The office of the county ASC committee where records for the farm are kept.

(d) *Effective farm allotment.* The effective farm peanut acreage allotment for the applicable crop of peanuts, as defined in the marketing quota regulations.

(e) *Farm.* A farm, as defined in the Regulations Governing Reconstitution of Farm, Allotments, and Bases, as amended, Part 719 of this title, which in general define a farm as all adjoining or

nearby farmland which is operated by one person.

(f) *Farmers stock peanuts.* Picked or threshed peanuts produced in the United States which have not been shelled, crushed, cleaned or otherwise changed (except for removal of foreign material, loose shelled kernels, and excess moisture) from the state in which picked or threshed peanuts are customarily marketed by producers.

(g) *Final acreage.* The final acreage of peanuts on a farm for the applicable crop determined in accordance with the marketing quota regulations which, in general, define such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(h) *Form MQ–94.* Inspection Certificate and Sales Memorandum for farmers stock peanuts.

(i) *Inspector.* A Federal or Federal-State inspector authorized or licensed by the Secretary, U.S. Department of Agriculture.

(j) *Lot.* That quantity of farmers stock or shelled peanuts for which one Form MQ–94 or other inspection certificate is issued. In the case of farmers stock peanuts delivered to the association for a price support advance, a lot shall consists of not more than the content of one vehicle or approximately 20,000 pounds when delivered by more than one vehicle.

(k) *Marketing quota regulations.* The Allotment and Marketing Quota Regulations for Peanuts of the 1972 and subsequent crops, as amended, issued by the Administrator, ASCS, Part 729 of this title.

(l) *Marketing year.* The period beginning on August 1 of the year in which the peanuts of the applicable crop are planted and ending on July 31 of the following year.

(m) *Net weight.* That weight of farmers stock peanuts obtained by multiplying the gross scale weight of peanuts by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material, and (2) moisture in excess of 7 percent in the Southwestern and Southeastern areas, and 8 percent in the Virginia-Carolina area.

(n) *Peanut receiving and warehouse contract.* Form CCC–1028 Identity Preserved, or Form CCC–1028–A Commingled Storage.

(o) *Producer advance value.* The value of a lot of eligible farmers stock peanuts computed on the basis of the weight, quality and the producer advance values for such type appearing in the applicable crop supplement.

(p) *Peanut Segregations*—(1) *Segregation 1*—Farmers stock peanuts which (i) have at least 99 percent peanuts of one type, (ii) have not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay, and (iii) are free from visible Aspergillus flavus mold. (2) *Segregation 2*—Farmers stock peanuts which (i) have less than 99 percent peanuts of one type, or (ii) have more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold or decay, and (iii) are free from visible Aspergillus flavus mold. (3) *Segregation 3*—Farmers stock peanuts which have visible Aspergillus flavus mold.

(q) *Sound mature kernels.* Kernels which are free from "damage" and "minor defects" as defined in the U.S. Standards for the applicable type of peanuts effective on the date of the inspection, and which will not pass through screens with the following openings:

(1) 15/64 by 3/4-inch in the case of Spanish and Valencia type peanuts.

(2) 15/64 by 1-inch screen in the case of Virginia type peanuts.

(3) 16/64 by 3/4-inch in the case of Runner type peanuts.

(r) *Extra large kernels.* Shelled Virginia type peanuts which will not pass through a screen having 21.5/64- by 1-inch openings and which are "whole" and free from "minor defects" and "damage" as such terms are defined in the U.S. Standards for Shelled Virginia type peanuts effective on the date of inspection.

(s) *Type.* The generally known types of peanuts (i.e., Runner, Spanish, Valencia, and Virginia), as defined in the marketing quota regulations.

(t) *Valencia type peanuts suitable for cleaning and roasting.* Valencia type peanuts containing not more than 25 percent peanuts having shells damaged by (1) discoloration, (2) cracks or broken ends, or (3) both.

(u) *Within quota card.* Form MQ–76 (Peanuts), Peanut Within Quota Marketing Card for the applicable crop issued pursuant to the marketing quota regulations.

(v) *Compliance regulations.* The Regulations Governing Acreage and Compliance Determinations for Farm Marketing Quotas, Acreage, Allotments, and Related ASCS Programs, as amended, issued by the Administrator, ASCS, and effective for the applicable crop, Part 718 of this title.

Warehouse Storage Loans

§ 1446.4 Availability of warehouse storage loans.

(a) *Loans to associations.* CCC will make warehouse storage loans to the associations specified in § 1446.1 which contract with CCC to arrange for the storing and handling of eligible farmers stock peanuts, make advances to eligible producers on such peanuts, and use such peanuts as collateral for loans to be obtained from CCC. Such loans will mature on demand.

(b) *Areas.* Price support advances will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(c) *Where available.* Price support advances will be available to eligible producers at warehouses which have entered into peanut receiving and warehouse contracts with the association. Such contracts will require the warehouses to inform producers that price support advances are available and to make advances to eligible producers on eligible peanuts tendered for price support as provided in paragraph (g) of this section. The names and locations of such warehouses may be obtained from the office of the appropriate association or from an ASCS State or county office. The associations shall pledge to CCC all eligible peanuts upon which they have made price support advances as security for loans obtained pursuant to agreements with CCC.

(d) *Time.* Price support advances to eligible producers on peanuts of any crop will be available from time of harvest through January 31 following the beginning of the marketing year on such crop, or such later date as may be established by the Executive Vice President, CCC. If the final date of availability falls on a non-workday for the association, the applicable final date shall be the next workday.

(e) *Inspection.* The type and quality of each lot of farmers stock peanuts delivered to an association for a price support advance shall be determined by an inspector when such peanuts are received at a warehouse under contract with an association.

(f) *Producer Agreement.* To obtain a price support advance the producer shall, in writing, authorize the association to pledge peanuts delivered to the association to CCC as collateral for a warehouse storage loan, and relinquish any right to redeem or obtain possession of such peanuts.

(g) *Advance to producer.* For each lot of eligible peanuts received, the association will make a price support advance to the producer in an amount equal to the producer advance value of such peanuts, except that, in addition to the deductions specified in § 1446.5, the association will deduct from such advances and pay over to the proper State authorities any assessments or excise taxes imposed by State law, and the Southwestern Peanut Growers Association will, upon the prior agreement of the producer, deduct from such advance an amount approved by CCC, not to exceed 50 cents per net weight ton of peanuts upon which such advance was made, to be used in payment for its peanut activities outside the price support program.

(h) *Fraud of Producer.* The making of any fraudulent representation by a producer in the loan documents or in obtaining a loan or advance shall render him subject to criminal prosecution under Federal law. The producer shall be personally liable to CCC, aside from any additional liability under criminal or civil frauds statutes, for the amount of such

advance and for all costs which CCC would not have incurred except for the producer's fraudulent representation, together with interest upon such amounts at the rate of 12 percent per annum: *Provided*, That the producer shall be given credit for the proceeds received by CCC upon sale of the peanuts upon which such advance was made.

§ 1446.5 Producer indebtedness.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm storage facilities or drying equipment are payable under the provisions of the note evidencing such loan out of any amount due the producer under this subpart, the amount due the producer, after deduction of amounts due prior lienholders, shall be applied to such installment(s).

(b) *Producers listed on county debt record.* If the producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the county debt record, amounts due the producer under this subpart, after deduction of amounts due prior lienholders and on farm storage facilities or drying equipment, shall be applied to such indebtedness as provided in the Secretary's Setoff Regulations, Part 13 of this title.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1446.6 Eligible producer.

(a) *Requirements.* An eligible producer is an individual, partnership, association, corporation, estate, trust or other legal entity, and whenever applicable, a State, political subdivision of a State or any agency thereof, producing peanuts as a landowner, landlord, tenant, or sharecropper on a farm on which it is determined (1) that the final acreage does not exceed the effective farm allotment, or (2) if the final acreage exceeds the effective farm allotment, that the producer did not knowingly exceed such allotment. Determinations under clauses (1) and (2) of the preceding sentence shall be made pursuant to the marketing quota regulations and the compliance regulations. No producer on a farm in a certification county for which the farm operator fails timely to file a certification of crop or land use acreages as required by Part 718 of this title shall be eligible for price support unless the late filed certification was accepted by the county committee.

(b) *Estates and Trust.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate or of a ward of incompetent person, and trustees of a trust estate shall be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian or trustees shall be considered to be the production of the person he represents. Loan documents executed by any such person shall be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; or (3) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

§ 1446.7 Eligible peanuts.

Peanuts eligible for price support advances shall be farmers stock peanuts of the applicable crop which were produced in the United States by an eligible producer, and

(1) Which contain not more than 10 percent moisture, and which if they have been mechanically dried, contain at least 6 percent moisture;

(2) Which contain not more than 10 percent foreign material;

(3) Which were not produced in violation of a restrictive lease on Federally-owned land, or on land owned by the Federal Government which was occupied by the producer without lease, permit, or other right of possession;

(4) Which are free and clear of all liens and encumbrances, including landlord's lien, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained; and

(5) In which the beneficial interest is in the producer who delivers them to the association and has always been in him or in him and a former producer whom he succeeded before they were harvested. To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farm on which the peanuts were produced shall have been substantially assumed by the person claiming succession. Mere purchase of a crop prior to harvest, without acquisition of any additional interest in the farm on which the peanuts were produced, shall not constitute succession. Any producer in doubt as to whether his interest in the peanuts complies with the requirements of this section should, before applying for price support, make available to the county ASC committee all pertinent information which will permit a determination with respect to succession to be made by CCC.

(6) Which are, if delivered to the association in bags in the Southwestern area, in new or thoroughly cleaned used bags which are made of material, other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes and are finished at the top with either the selvage edge of the material, binding or a hem. Such bags shall be of uniform size with approximately 2 bushel capacity.

(7) Are free of visible Aspergillus flavus mold as determined by a Federal-State inspector.

Effective date: July 15, 1974.

Signed at Washington, D.C. on July 10, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-16141 Filed 7-12-74;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Approval of Expenses and Fixing of Rates of Assessment for the 1974–75 Fiscal Period and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed budget and rates of assessment to be paid by handlers for local administration of Marketing Order 917, regulating shipments of California fresh pears, plums, and peaches. Such proposed budget is $812,427, and the rates of assessment are $.01 per carton of pears, $.075 per crate or lug of plums, and $.042 per lug of peaches.

Consideration is being given to the following proposals submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 917, as amended, regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof:

(a) That expenses that are reasonable and likely to be incurred during the fiscal period from March 1, 1974, through February 28, 1975, will amount to $812,427.

(b) That the rates of assessment for such fiscal period payable by each handler in accordance with § 917.37 be fixed at:

(1) One cent ($0.01) per No. 29B special lug box of pears, or its equivalent in other containers or in bulk;

(2) Seven and five-tenths cents ($0.075) per standard four-basket crate or No. 22D standard lug box of plums, or its equivalent in other containers or in bulk; and

(3) Four and two-tenths cents ($.042) per L.A. lug of peaches or its equivalent in other containers or in bulk.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ending February 28, 1974, be carried over in accordance with § 917.38 of said marketing agreement and order.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part, and "No. 29B special lug box" and "No. 22D standard lug box" shall have the same meanings as set forth in § 1387.11 of the regulations of the California Department of Food and Agriculture.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 29, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 9, 1974.

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

[FR Doc.74–19098 Filed 7–12–74;8:45 am]

Food and Nutrition Service

[7 CFR Part 220]

SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Notice of Proposed Rulemaking

Notice is hereby given that the Food and Nutrition Service, U.S. Department of Agriculture, intends to amend the regulations governing State Administrative Expenses for the child nutrition programs.

The most important provisions of the proposed amendment are listed below.

(1) The needs of each State's outreach effort would be used as a criterion for determining the basic amount of assistance. This is done in recognition of the difficulty faced by State agencies in extending child nutrition programs to schools without food service since over 85 percent of the school children in the country now attend schools that participate in one or more of the programs.

(2) The number of children from families with incomes of less than $6,000 would be used in allocating residual funds to States. The current family income level used is $4,000. This is done to reflect changes in the free and reduced price meal eligibility standards since 1971.

(3) To provide the flexibility needed to insure that States' allocations are related to States' needs as measured by the scope and size of programs actually administered, the percentage of residual funds allocated to the outlying areas would be reduced from 3 percent to 2 percent and the tentative allocation to each State would be made subject to reduction where appropriate.

(4) The section dealing with State agency justification for State administrative expense funds would be consolidated with the section dealing with allocation of funds to States.

Comments, suggestions, or objections are invited. To be assured of consideration, such comments, suggestions or objections must be delivered by August 5, 1974, to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C., 20250, or submitted by mail postmarked not later than August 5, 1974. The comment period is shorter than the 30 days normally provided so that Fiscal Year 1975 funds can be allocated in time to give States a sound basis for planning. Communications should identify the section and paragraph on which comments, etc., are offered. All written submissions received pursuant to this notice will be made available for public inspection in the Office of the Director, Child Nutrition Division, during regular business hours (8:30 a.m. to 5:00 p.m.) (7 CFR 1.27(b)).

The following changes are proposed:

1. Section 220.19 is revised to read as follows:

§ 220.19 Allocation of funds to States.

(a) FNS shall determine the amount of State administrative expense funds needed by each State based on justification for such funds as revealed in the State agency plan of child nutrition program operations submitted under § 210.4a of this chapter. Information as to the program or programs for which these funds are available for each State shall be supplied by FNS to each State agency. To the extent that funds are available, FNS shall establish a tentative allocation for each State agency which shall include: (1) A basic amount related to the number of man-years required for the State's outreach effort in establishing, maintaining and expanding the programs for needy children, determined by FNS on the basis of information available as to the salary level of State food service personnel; and (2) an amount determined by dividing two per centum of the remaining funds among Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands on the basis of the number of children, aged 3 to 17, inclusive, in each such State and by dividing the balance of 98 per centum of such remaining funds among other

States on the basis of the number of children, aged 3 to 17, inclusive, in each State in families with incomes of less than $6,000 per annum. Appropriate reductions shall be made by FNS from the tentative allocation so computed for any State where FNS determines that program scope and size, as indicated by the plan of child nutrition program operations, do not warrant the tentative allocation or where the State agency does not administer the programs authorized under the Act and the National School Lunch Act in nonprofit private schools and service institutions. Where Federal funds for State administrative expenses are available to FNS from more than one appropriation account, the makeup of the tentative figure for any State may be from one or more of such accounts, as determined by FNS.

§ 220.22 [Deleted]

2. Section 220.22 is deleted.

(Catalog of Federal Domestic Assistance Program No. 10.553 National Archives Reference Services)

Dated: July 9, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-16070 Filed 7-12-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

TRICYCLOHEXYLTIN HYDROXIDE

Food Additives; Proposed Tolerance

Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of California, Idaho, Oregon, and Washington submitted a petition (FAP 3H5040) proposing establishment of a tolerance (21 CFR Part 121) for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in dried hops at 90 parts per million. (For a related document, see this issue of the FEDERAL REGISTER, page 25960.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the act (sec. 409(d), 72 Stat. 1787 (21 U.S.C. 348(d))), it is proposed that § 121.1247 be revised to read as follows:

§ 121.1247 **Tricyclohexyltin hydroxide.**

Tolerances are established for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in or on the following processed foods when present therein as result of application of the insecticide to the growing crops:

90 parts per million in dried hops.
4 parts per million in dried prunes.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before August 14, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room B-1, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before August 14, 1974, and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the EPA Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: July 5, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-16118 Filed 7-12-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 49]

[Docket No. 13890; Notice 74-26]

AIRCRAFT REGISTRY

Recordable Conveyances

The Federal Aviation Administration is considering amending Part 49 of the Federal Aviation Regulations to simplify the process for the receipt of recordable conveyances to assure more expeditious and effective service to all users of the FAA Aircraft Registry (Registry).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before September 13, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Title V of the Federal Aviation Act of 1958, as amended, requires the establishment and maintenance of a system of recording conveyances affecting title to, or any interest in, any civil aircraft of the United States, and certain aircraft engines and propellers. In addition, Title V covers certain aircraft engines, propellers, appliances, and spare parts maintained by or on behalf of air carriers, at specified locations. For the purpose of this Notice the foregoing are referred to collectively as "aircraft." The Act further requires a record be kept of the time and date of the filing of conveyances and other instruments (referred to in CFR Part 49, and hereinafter as conveyances), and of the time and date of recordation thereof. In addition, the Act requires that conveyances be recorded in the order of their reception, and that an index thereof be maintained. In order to implement these statutory requirements, the Administrator of the FAA is authorized to adopt by regulation whatever provisions are necessary to facilitate the determination of the rights of parties dealing with civil aircraft of the United States.

In general, Title V of the Act provides that no conveyance, the recording of which is provided for by that Title, shall be valid until the time it is filed for recordation, except as to the parties to the conveyance or persons with actual notice of its existence. To determine aircraft ownership and the priorities of applicable encumbrances, it is necessary to search the records at the Registry in Oklahoma City.

The continuing increase in the number of civil aircraft, the number of conveyances being filed concerning those aircraft, and the requirements of prospective aircraft purchasers and the security holders for accurate current data identifying conveyances both filed for recordation and recorded, highlights the importance of the recordation system. The agency provides document indexes of filed conveyances for use by interested parties to search the records themselves or have someone search the records on their behalf. This is commonly known as a "title" or "records" search.

In order to meet the needs of those using the Registry, the FAA proposes to modify Registry procedures to assure more expeditious and effective service by clearly defining the time at which conveyances are considered received, and hence, filed for recordation. Section 49.19 now provides that a conveyance is filed for recordation upon the date and

at the time it is received by the Registry. Since the number of conveyance instruments are increasing and are received continuously through personal presentation as well as by the simultaneous receipt of large numbers of conveyances by incoming mail deliveries, the FAA believes that a more specific definition of the time of official receipt is needed.

To achieve these goals, the FAA proposes to receive and index conveyances filed for recordation in the following manner:

When a conveyance is personally presented (hand-delivered) at the Registry, it would be stamped with the date and the time of actual presentation. Each hand-delivered instrument would be deemed to be received and filed for recordation as of the time of presentation and would then be entered on chronological lists of hand-delivered documents that would be made available periodically throughout each business day.

A conveyance could also be filed with the Registry by mail. Each mail-delivered conveyance (whether delivered by ordinary, air, special delivery, certified, or registered mail) would be deemed to be received as of the close of business on the date of actual receipt and would therefore be stamped as received and filed for recordation as of that hour (currently 4:30 p.m., local time). Mailed conveyances would be entered on close of business document indexes for each date.

After the close of business each day, the lists of hand-delivered conveyances for that day would be consolidated with that day's mail-delivered document index to produce two computer-printed indexes of all of the documents filed that day. One would be arranged numerically as to the aircraft "N" number, or other identifying description. The second would be arranged alphabetically as to the parties to the transactions. Copies of each of these consolidated computer indexes would be available for public inspection commencing at the opening of business on the following day (currently 8:00 a.m., local time).

Accordingly, each hand-delivered conveyance would be filed for recordation at the time and in the order received, while all those arriving by mail during the same day would be filed for recordation simultaneously at the close of business that day, and thus after the hand-delivered instruments.

In addition to the proposal concerning filing for recordation, the FAA proposes to adopt new procedures for recordation as well. A conveyance is recordable only if it complies with the eligibility requirements of Part 49. Examination as to eligibility is made subsequent to the time when a conveyance is filed for recordation. Under current Registry procedures, a conveyance determined not to be eligible for recordation, may be (1) returned for correction, or (2) placed in suspense with a notice of deficiency being sent to the appropriate party. It is now proposed to add a new § 49.20 to provide that each conveyance which has been filed for recordation but subsequently determined not to be eligible would be rejected. The rejected document would be returned, and the initial stamping of time and date of filing for recordation deemed invalidated. Thus, ineligible conveyances would no longer be retained on a suspense basis. It should be noted that the prepayment of recording fees as now required by § 49.33(e), is a condition of eligibility. If the conveyance or other cause of ineligibility is corrected, the conveyance may be resubmitted and the time and date of new submission would be stamped on the conveyance. The time and date of new submission (as contrasted with the earlier time and date of filing an ineligible conveyance) is deemed the time and date of filing for recordation.

The FAA believes that these procedures would have the following benefits: (1) They would clarify the differing procedures for hand-delivered and mailed conveyances, thus permitting an informed choice of which procedure a person could elect to use; (2) a numerical and an alphabetical computer-printed index of conveyances (both hand and mail-delivered) filed for recordation during the preceding day, would be readily available at the start of the following business day; and (3) these computer indexes would be supplemented each day by periodic lists of hand-delivered conveyances filed for recordation from the opening of business. In summary, these procedures would make it possible for a person to review all available indexes, including the computer index of conveyances filed for recordation the previous day, and the current day's periodic list of hand-delivered conveyances.

For the Registry, the proposed system would make document handling procedures more efficient and economical and would eliminate interruptions to the orderly sequence of processing of conveyances. In addition, internal coordination between the Registry and the FAA fiscal officers would be simplified, and document control and flow would be facilitated.

To further facilitate these procedures a special post office box in Oklahoma City would be obtained for the exclusive use of the Registry and §§ 47.19 and 49.11 would be amended to include only this number.

These amendments are proposed under the authority of sections 313(a), 501, 502, and 503 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1401, 1402, and 1403) and section 6(c) of the Department of Transportation Act of (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 49.19 of the Federal Aviation Regulations and to add a new § 49.20 to read as follows:

§ 49.19 Effective date of filing for recordation.

(a) A conveyance is filed for recordation when it is received by the FAA Aircraft Registry, and is so stamped as to date and time.

(b) For the purposes of this Part, a conveyance is considered as having been received by the FAA Aircraft Registry—

(1) In the case of a conveyance mailed to the Registry, as of the close of business of the regular business day during which the conveyance arrives at the Registry; or

(2) In the case of a conveyance which is personally submitted to the Registry, at the actual time of that submission.

§ 49.20 Recordation.

(a) A conveyance filed for recordation in accordance with § 49.19 of this Part, is recorded if it meets the eligibility requirements specified in this Part.

(b) If a conveyance filed for recordation in accordance with § 49.19 does not meet the eligibility requirements specified specified in this Part, the person submitting the conveyance is so notified with the return of the conveyance. Upon correction of the defect, the conveyance may be filed for recordation under § 49.19 as of the date of the subsequent submission, and for recordation under this section.

Issued in Oklahoma City, Oklahoma on July 9, 1974.

THOMAS J. CRESWELL,
Director, Aeronautical Center.

[FR Doc.74-16078 Filed 7-12-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-RM-9]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the control zone and transition area at Missoula, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207. All communications received on or before August 9, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

The FAA Flight Standards Division has revised the instrument arrival and departure procedures at Missoula, Mont. It is necessary to provide additional controlled airspace to protect these procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (39 FR 354) amend the description of the control zone to read as follows:

MISSOULA, MONT.

Within a 5-mile radius of the Johnson-Bell Airport (latitude 45°54'54" N., longitude 114°05'14" W.); within 3 miles each side of the Missoula VORTAC 312° radial extending from the 5-mile radius zone to 16.5 miles northwest of the VORTAC; within 5 miles each side of the Missoula VORTAC 302° radial extending from the VORTAC to 11 miles northwest of the VORTAC; within 2 miles each side of the Missoula VORTAC 172° radial extending from the 5-mile radius zone to 10.5 miles southeast of the VORTAC.

In § 71.181 (39 FR 440) amend the description of the transition area to read as follows:

MISSOULA, MONT.

That airspace extending upward from 700' above the surface within a 23.5-mile radius of the Missoula VORTAC extending from the Missoula VORTAC 190° radial clockwise to the 290° R; within 9.5 miles southwest and 5.5 miles northeast of the Missoula VORTAC 312° radial extending from the VORTAC to 38 miles northwest of the VORTAC; within 3 miles each side of the Missoula VORTAC 172° radial extending from the VORTAC to 19.5 miles southeast; and that airspace extending upward from 1200' above the surface within a 13-mile radius of the Missoula VORTAC extending from the 357° radial clockwise to the 072° radial; within a 23.5-mile radius of the Missoula VORTAC extending from the 072° radial clockwise to the 190° radial; within a 34-mile radius of the Missoula VORTAC extending from the Missoula VORTAC 256° radial clockwise to the 357° radial; within 9.5 miles southwest of the Missoula VORTAC 298° radial extending from the 34-mile radius area to 38 miles northwest; within 5 miles west and 9.5 miles east of the Missoula VORTAC 172° radial extending from the VORTAC to 30 miles southeast of the VORTAC.

These amendments are proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado, on July 5, 1974.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

[FR Doc.74-16079 Filed 7-12-74;8:45 am]

Federal Railroad Administration

[49 CFR Parts 225, 227]

[Docket No. RAR-2, Notice 1]

RAILROAD INCIDENTS

Reports and Classification; Investigation

The Federal Railroad Administration (FRA) is considering amendments to part 225 of Title 49 of the Code of Federal Regulations which requires rail carriers engaged in interstate or foreign commerce to report certain accidents. The proposed amendments to Part 225 reflect consideration of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 421); the Occupational Safety and Health (OSH) Act of 1970 (29 U.S.C. 651); and the need to improve the quality and timeliness of FRA collection of all data about accidents, injuries and occupational illness which may occur in the railroad industry. These proposed amendments would be in addition to recently promulgated amendments to § 225.1 appearing at 38 FR 35472 which are restated in the proposed amendment.

The Federal Railroad Safety Act of 1970 requires the FRA to issue, as necessary, appropriate rules and regulations concerning railroad safety. Accordingly, FRA deems it appropriate to obtain accident information resulting from rail transportation activities from all railroads in the general transportation system. Except for railroads whose entire operations are confined solely within an industrial installation, it is proposed that the accident reporting requirements under Part 225 be applicable to all railroads, including rail rapid transit systems, and rail commuter systems.

The OSH Act administered by the OSH Administration (OSHA), of the Department of Labor is similar in many respects to the Railroad Safety Act. It is the position of the Department of Transportation that the Accident Reports Act (45 U.S.C. 38) and the implementing regulations (49 CFR Part 225) exempt the railroad industry from the accident reporting and record keeping requirements of OSHA. However, FRA proposes to amend Part 225 to require railroads to report information to FRA similar to that required under the OSH Act so that such data would be comparable to that collected by OSHA for other industries. Information concerning occupational illness will be required to be furnished to FRA.

Provisions relating to public examination of accident reports will be revised to reflect more clearly the purposes and intent of the Freedom of Information Act.

Under current reporting requirements, railroads are required to report to FRA accidents which result in the death of a person, serious injury to a person, or in more than $750 in damages to railroad property. Under the proposed regulations railroads will be required to include in their monthly reports, data concerning:

a. Any impact between railroad on-track equipment and a highway user such as an automobile, bicycle, bus, truck, motorcycle, or pedestrian, at a rail-highway grade crossing;

b. Collision, derailment or other event resulting in more than $1,750 in damages to railroad property;

c. Any event arising from the operation of a railroad resulting in death or injury of a person; or

d. Any occupational illness of a railroad employee.

In order to provide a proper perspective of the number of train accidents that have been reported under the $750 reporting threshold established in 1957, FRA proposes adjustment of the reporting threshold. FRA's evaluation of the costs pertinent to train accidents indicates that the inflationary trend that has occurred in this area calls for a new reporting threshold of $1750. In order to preclude future distortion of reported numbers of train accidents relative to inflation of costs associated with those accidents, FRA proposes to review periodically the train accident reporting threshold, and may change the threshold from time to time. Interested persons are specifically invited to comment on the proposed reporting threshold, and the following method used to determine same.

In order to determine accident reporting threshold adjusted for inflationary factors for the period 1956 to 1973, a representative sample of materials, direct labor and fringe benefit costs were considered. The Association of American Railroads, Railway Progress Institute and the Labor Unions were of much assistance in arriving at the various indices necessary for formulating a reporting threshold index number.

Mechanical material costs were based on 20 items used in the repair and construction of locomotives and cars which were considered most susceptible to damage in derailments. The amounts used were based on costs published in the AAR manual and costs furnished by the RPI. These amounts and their proportional increases are indicators of the escalation in mechanical material costs. Similiarly the 8 track material items are considered to be representative samples of track damage.

Direct labor costs for both mechanical and track were obtained from ICC reports and Labor Union data. Fringe benefits were based on United States Department of Transportation, Federal Highway Administration Policy and Procedure Memorandum 30-3 which gives labor surcharges established by the Federal Highway Administration for use where railroads relocated their lines as a result of highway construction. The labor cost indices are calculated to reflect escalation of labor costs.

The distribution of material and labor is based on accident report data.

Appendix A which follows shows the basis for the threshold index numbers and the calculations involved in arriving at these factors.

Based on the above information the accident reporting threshold in $50 increments for the years 1956-73 has been calculated as follows:

Year:	*Reporting threshold*
1956	$750
1957	800
1958	850
1959	850
1960	900
1961	950
1962	1,000
1963	1,000

Year:	*Reporting threshold*
1964	1,050
1965	1,100
1966	1,150
1967	1,200
1968	1,250
1969	1,350
1970	1,400
1971	1,450
1972	1,500
1973	1,600
1974	1,750

Future adjustments to the reporting threshold will be made in accordance with Appendix A hereto.

FRA proposes to amend its regulations relating to its accident investigation practices to make it clear that FRA has the authority under appropriate circumstances to require autopsies of railroad employees who die as a result of a rail incident.

As a result of the new and expanded responsibilities under the Rail Safety Act, FRA conducted studies to analyze the current accident reporting system, to identify deficiencies and recommend system improvements. The investigation included a survey of railroads, States and labor organizations and several discussions and conferences with OSHA for the purpose of analyzing user requirements. The studies culminated in recommendations for improving the current accident reporting forms and procedures as well as other aspects of the information system. Additionally, FRA has met with industry and labor representatives to review progress and exchange views on the development of new reporting forms and instructions. Four proposed reporting forms are designed to provide FRA with comprehensive rail safety data necessary in the discharge of its responsibilities. While the new forms are similar to the present forms they have been expanded to provide additional information necessary to the exercise of the FRA's functions. These forms have been field tested in the industry. Additional forms are now being developed to be used in the future to elicit more detailed information to assist in determining probable causes of accidents and injuries. Railroads will be required to complete these report forms in the manner prescribed by the FRA Guide for Preparing Incident Reports, which will be distributed to all railroads and other parties. The proposed FRA Guide will spell out in detail the methodology to be used in completing incident report forms. Details as to classification of incidents, employees, injuries, etc. and the symbols to be used in completing the forms will be set forth in the Guide.

The regulations are proposed under the authority of both the Accident Reports Act and the Federal Railroad Safety Act of 1970. However, FRA proposes to enforce violations of these regulations primarily under the authority granted by the Railroad Safety Act. FRA proposes to impose penalties for the failure to file reports when required, the failure to report all reportable incidents, and the failure to complete the report forms in the manner prescribed by these regulations. Under the Accident Reports Act, violations of regulations issued thereunder constitute a misdemeanor and involve criminal prosecution, while under the Rail Safety Act, civil penalties are provided and can be assessed by the Administrator. In addition, violations can be administratively handled under the Federal Claims Collection Act. While reserving the right to file a criminal information in cases of flagrant or repeated violations, FRA intends to handle violations, if any, under the Railroad Safety Act. In addition, the Department has submitted to the Congress a legislative proposal to amend the Accident Reports Act by eliminating the criminal sanctions, and substituting civil penalty provisions comparable to those provided in the Rail Safety Act. Further, the promulgation of these regulations under the Railroad Safety Act will have the effect of preempting any State railroad accident reporting requirements.

Since the practices of FRA in conducting incident or other rail safety investigations are not limited to incident reporting, FRA investigation policies will be set forth in a new Part 227 of 49 CFR.

FRA proposes to make these amendments effective January 1, 1975. To insure that the new incident reporting requirements and procedures are fully and correctly implemented beginning January 1, 1975, railroads subject to this Part 225, are asked to begin voluntarily using the new report forms and procedures beginning September 1, 1974, for the month of August 1974, in addition to making accident reports under the current procedures. This lead time will enable railroad personnel to become familiar with the new requirements and insure a full understanding of the procedures which must be followed to comply with the new regulations when they become effective January 1, 1975.

In consideration of the foregoing, it is proposed to amend Part 225 of Title 49 of the Code of Federal Regulations to read as follows:

PART 225—RAILROAD INCIDENTS: REPORTS AND CLASSIFICATION

Sec.

AUTHORITY: Secs. 12 and 20, 24 Stat. 383, 386, as amended, (49 U.S.C. 12 and 20); secs. 1–7, 36 Stat. 350, as amended, (45 U.S.C. 38–43); sec. 202(a), 84 Stat. 79, as amended, (45 U.S.C. 431); secs. 6(e) and (f), 80 Stat. 939, (49 U.S.C. 1655(e) and (f)); 49 CFR 1.49(c).

§ 225.1 Purpose.

The purpose of reporting to the Federal Railroad Administration (FRA) occupational illness of employees and incidents resulting in death or injuries to persons or damage of railroad property arising from the operation of a railroad is to carry out the intent of Congress as expressed in the Federal Railroad Safety Act of 1970, as amended, and the Accident Reports Act, as amended, namely the disclosure of hazards arising in the provision of common carrier transportation by rail. The Federal Railroad Safety Act requires the FRA to promulgate rules and regulations concerning railroad safety. Accordingly, FRA requires prompt and full reports of incidents and occupational illnesses from all railroads. Although these regulations are promulgated pursuant to both of the above Acts, reliance is primarily based upon the authority granted under the Federal Railroad Safety Act since that Act is broader in scope. Promulgation of these regulations under the Railroad Safety Act will preempt State railroad accident reporting requirements. Further, reliance on that Act will facilitate the application and enforcement of the reporting requirements to permit the imposition of civil rather than criminal penalties.

§ 225.3 Applicability.

This part applies to all railroads except those railroads whose entire operations are confined within an industrial installation.

§ 225.5 Definitions.

(a) *Railroad* means any system of surface transportation of persons and property over rails. It includes line-haul freight and passenger railroads, switching and terminal railroads, and passenger carrying railroads including but not limited to rapid transit, commuter, scenic, street, subway, elevated, cable, and cog railways. It excludes railroads whose entire operations are confined within an industrial installation.

(b) *Incident* means: (1) Any impact between railroad on-track equipment and a highway user, such as an automobile, bus, truck, motorcycle, bicycle, farm vehicle, pedestrian, at or adjacent to a rail-highway crossing;

(2) Any collision, derailment, fire, explosion, act of God, or other event, resulting in more than $1,750 in damages to railroad on-track equipment, signals, structures, track, or roadbed;

(3) Any event connected with the performance of rail transportation business and resulting in death of one or more persons, or the injury to one or more persons requiring medical treatment; and any occupational illness of a railroad employee that results in medical treatment, lost work day, transfer to another job, termination of employments, loss of conciousness or restriction of work or motion.

(c) *Joint operations* means rail operations conducted on a track used jointly or in common by two or more reporting

carriers, or when a train, locomotive or car operated by one carrier moves over the track of another carrier.

(d) *Occupational illness* means any abnormal condition or disorder, other than one resulting from an injury, caused by environmental factors associated with his or her employment. It includes acute and chronic illnesses or disseases which may be caused by inhalation, absorption, ingestion, or direct contact.

(e) *Medical treatment* means treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment (one-time treatment, subsequent observation of minor scratches, cuts, bruises, splinters, etc. which do not ordinarily require medical care even though provided by a physician or registered professional personnel.

(f) *Lost workdays* means any full days or parts of days (consecutive or not) a railroad employee, because of injury or occupational illness, is away from work, except the day of injury.

(g) *Restriction of work or motion* means the assignment of a railroad employee, because of injury or occupational illness, to a temporary job or less than full time work at a permanent job, or the inability of a railroad employee to perform all normally assigned duties.

§ 225.7 Public examination of reports.

Incident reports made by railroads in compliance with these rules shall be available to the public in the manner prescribed by Part 7 of Title 49 CFR. Incident reports may be inspected at the Office of Safety, Federal Railroad Administration, 2100 Second Street, SW., Washington, D.C. 20590. Written requests for a copy of a report should be addressed to the Office of Safety at the above address accompanied by the appropriate fee prescribed in subpart H of Part 7 of Title 49 CFR.

§ 225.9 Telegraphic reports of certain incidents.

(a) A railroad must report by telegram to the Office of Safety, Federal Railroad Administration, 2100 Second Street, SW., Washington, D.C. 20590, immediately after it receives notice of the occurrence of the following incidents:

(1) The death of any rail passenger or employee resulting from an incident; or

(2) The death or injury to five or more persons resulting from a single incident.

(b) A report made under this section must state:

(1) The name of the carrier;

(2) The name, title, and telephone number of the individual making the report;

(3) The time, date and location of the incident;

(4) The circumstances of the accident; and

(5) The number of persons killed or hospitalized.

§ 225.11 Reports of incidents for railroads.

(a) Effective January 1, 1975, every railroad subject to this part must submit to the FRA a monthly report of each railroad incident occurring during the month. The report must be in the form prescribed herein and must be submitted within thirty (30) days after the expiration of the month during which the incidents occurred. Reports must be completed as required by the current FRA Guide for Preparing Incident Reports.

(b) As part of every monthly report, a Class I railroad or switching and terminal company must include a copy of its "Monthly Report of Employees, Service and Compensation" (ICC Wage Statistics, Form A) submitted to the Interstate Commerce Commission for the corresponding month.

(c) As part of every monthly report, a rapid transit carrier must submit for the corresponding month a report (for its rail transportation business) showing the following:

(1) Employee manhours worked.

(2) Total passenger train miles operated.

(3) Number of passengers transported.

(d) As part of its monthly reports for March, June, September, and December, every Class I railroad or switching and terminal company must include copies of current quarterly Form OS–A required by the Interstate Commerce Commission. As part of its monthly reports for April, July, October and January, every Class I railroad must include copies of current quarterly Form OS–B report required by the Interstate Commerce Commission.

§ 225.13 Late reports.

(a) Should it be discovered by a railroad that the report of an incident has, through mistake or otherwise, been improperly omitted from its regular monthly incident report, a report covering such incident must be submitted with a suitable letter of explanation.

§ 225.15 Incidents not to be reported.

(a) Accidents or casualties at highway or street crossings, or on parts of highways within railroad rights of way, not involving the presence or operation of on-track equipment and not involving employees then engaged in the operation of a railroad;

(b) Casualties in or about living quarters not arising from the operation of a railroad;

(c) Disability resulting solely from a preexisting abnormal physical condition (only to the person afflicted);

(d) Suicides as determined by a coroner or other public authority; and

(e) Attempted suicides.

§ 225.17 Doubtful cases.

(a) The reporting officer of a railroad will ordinarily determine the reportability or nonreportability of an incident after examining all evidence available. The FRA, however, cannot delegate authority to decide matters of judgment when facts are in dispute. In all such cases the decision shall be that of the FRA.

(b) Even though there may be no witness to an incident, if there is evidence indicating that a reportable incident may have occurred, a report of that incident must be made. In contrast, if there is no evidence of an incident due to the operation of a railroad, the incident should not be reported.

(c) All incidents reported as "claimed but not admitted by the carrier" are given special examination by the FRA, and further inquiry may be ordered. Incidents accepted as reportable are tabulated and included in the various statistical statements issued by the FRA. The denial of any knowledge or refusal to admit responsibility by the railroad does not exclude such incidents from monthly and annual figures. Facts stated by a railroad that tend to refute the claim of an injured person are given consideration, and when such facts seem sufficient to support the railroad's position, the case is not allocated to the reporting railroad.

§ 225.19 Primary groups of incidents.

For reporting purposes reportable railroad incidents are divided into three groups:

Group I—Highway grade crossing.
Group II—Rail equipment.
Group III—Death, injury and occupational illness.

(a) *Group I—Highway Grade Crossing Incident.* Every highway grade crossing incident must be reported to the FRA on Form FRA F 6180.57, regardless of the extent of damages or whether a casualty occurred. In addition, whenever a highway grade crossing incident results in more than $1,750 damages to railroad on-track equipment, signals, structures, track or roadbed, it must be reported to the FRA on Form FRA F 6180.54. For purposes of this part damages to railroad property includes labor costs and all other costs to repair or replace in kind damaged on-track equipment, signals, structures, track or roadbed. It excludes the cost of clearing the wreck.

(b) *Group II—Rail Equipment Incident.* Rail equipment incidents are collisions, derailments, fires, explosions, and events resulting in more than $1,750 in damages to railroad on-track equipment. Every rail equipment incident must be reported to the FRA on Form FRA F 6180.54. Where the property of more than one railroad is involved in an incident the $1,750 threshold is calculated by including the damages suffered by each railroad. See Section 225.25, Joint Operations. The $1,750 reporting threshold will be reviewed periodically and may be adjusted from time to time.

(c) *Group III—Death, Injury or Occupational Illness Incident.* Incidents of this type, arising from the operation of a railroad, must be reported on Form FRA F 6180.55. Such incidents to be reported are:

(1) Fatality resulting from an injury, regardless of the length of time between the injury and death;

(2) Fatality to an employee resulting from occupational illness, regardless of the length of illness;

(3) Injury to an employee that results in medical treatment, lost workdays, transfer to another job, termination of employment, loss of consciousness or restriction of work or motion.

(4) Occupational illness of an employee that results in medical treatment, lost workdays, transfer to another job, termination of employment, loss of conciousness or restriction of work or motion; or

(5) Injury to any person other than an employee that results in medical treatment.

§ 225.21 Forms. [1]

(a) *FRA F 6180.54—Rail Equipment Incident Report.* This form is used to report each reportable rail equipment incident which occurred during the preceding month.

(b)(1) *FRA F 6180.55—Railroad Injury and Illness Summary.* Form FRA F 6180.55 must be used to report all reportable fatalities, injuries and occupational illnesses that occurred during the preceding month. This report must be filed each month, even though no reportable incident occurred during the month covered. Such report must include an oath or verification, made by the proper officer of the reporting carrier, as provided for attestation on the form. If no reportable incident occurred during the month, that fact must be stated on this form. Class I and II line-haul and terminal and switching railroads, must show on this form the total number of locomotive train miles, motor miles, and yard switching miles run during the month, computed in accordance with Train-Mile, Locomotive-Mile, Car Mile, and Yard Switching accounts in the Uniform System of Accounts for Railroad Companies prescribed by the Interstate Commerce Commission at 49 CFR Part 1200.

(2) *Form FRA F 6180.55a—Railroad Injury and Illness* (Continuation Sheet), must be used as a supplement to Form FRA F 6180.55 when additional space is required to report all the reportable casualties or occupational illnesses that occurred during the preceding month.

(c) *FRA F 6180.56—Annual Railroad Report of Manhours by State,* must be submitted as part of the monthly Railroad Injury and Illness Summary (Form FRA F 6180.56) for the month of December each year.

(d) *FRA F 6180.57—Highway Grade Crossing Incident Report,* must be used to report each highway grade crossing incident which occurred during the preceding month.

§ 225.23 Joint operations.

(a) Any reportable death or injury to an on-duty employee arising from an incident involving joint operations must be reported on Form FRA F 6180.55 by the employing carrier.

(b) In all cases involving joint operations each carrier must report on Form F 6180.55 the casualties to all persons on its own train or other on-track equipment. Whether on or off duty, casualties to employees must be reported by the employing carrier. Casualties to all other persons not on trains or on-track equipment must be reported on Form FRA F 6180.55 by the carrier whose train or equipment is involved. Any person found unconscious or dead on or adjacent to the premises or right of way of the carrier having track maintenance responsibility must be reported by that carrier on Form FRA F 6180.55 if such death or injury resulted from railroad operations.

(c) In all rail equipment incident cases involving joint operations, the carrier responsible for carrying out repairs to, and maintenance of, the track on which the incident occurred, and any other carrier directly involved in the incident, must each report the incident on Form FRA F 6180.54.

§ 225.25 Recordkeeping.

(a) Beginning January 1, 1975, all railroads must maintain records of reportable occupational illnesses and injuries sustained by employees. Such records must consist of (1) a log of occupational illnesses and injuries, and (2) a supplementary record of each occupational illness and injury. An annual summary of Occupational Injuries and Illnesses containing the information called for in the FRA Guide for Preparing Incident Reports, shall be filed with FRA and posted at places within the establishment that will ensure opportunity for employees to observe, within one month following the end of the year.

(b) The log must contain: The Company name, establishment name, establishment location. A unique case or file number for each reportable injury or illness, date of injury or initial diagnosis of illness, employee's name (first name or initial, middle initial, last name), occupation of employee (enter regular job title, not activity he was performing when injured), department in which employee is regularly employed, nature of injury or illness and parts of body affected, date of fatalities, number of days away from work due to injury or illness, number of days of restricted activity due to injury or illness, an entry for cases which are reportable but which did not result in lost workdays or days of restricted activity, an entry for cases which resulted in permanent transfers or termination.

(c) In addition to logs, all railroads must maintain a supplementary record of reportable occupational illnesses and injuries sustained by employees. Such records must contain at least the following facts:

(1) About the employer—Name, mail address and location if different from mail address.

(2) About the ill or injured employee—Name, employee or social security number, home address, age, sex, occupation and department.

(3) About the injury or exposure to hazard resulting in occupational illness—Place of injury or exposure, whether it was on employer's premises, what the employee was doing when injured or exposed to the hazard, and how the injury occurred or illness contracted.

(4) About the injury or occupational illness—Description of the injury or illness, including part of body affected; name of the object or substance which directly injured the employee; and date of injury or diagnosis of illness.

(5) Other—Name and address of physician; if hospitalized, name and address of hospital; date of report; and name and position of person preparing the report.

§ 225.27 Retention of records.

(a) Every reporting railroad must retain the logs and supplementary records required by § 225.25 of this part for a period of not less than 5 years following the end of the calendar year to which they relate.

(b) Every reporting railroad is required to retain for a period of two years a duplicate of each report Form FRA F 6180.54, 6180.56, and 6180.57 submitted to FRA. A duplicate of each report Form FRA F 6180.55 and 6180.55a submitted to FRA must be retained for five years.

§ 225.29 Penalties.

Any railroad subject to this part which fails to file a report or retain a copy thereof, or maintain a log or supplementary report as required by this part shall be liable to a civil penalty of at least $250 but not more than $2,500, and may be subject to the penalties provided for under 45 U.S.C. 39. If the violation is a continuing one, each day of each violation constitutes a separate offense.

PART 227—INVESTIGATION

§ 227.1 Investigation.

(a) It is the policy of the Federal Railroad Administration (FRA), under the authority of the Accident Reports Act, 45 U.S.C. 38, and the Federal Railroad Safety Act of 1970, 45 U.S.C. 421, to investigate rail transportation incidents which result in the death of any person, or the injury of a number of persons. Other incidents are investigated where it appears that an investigation would substantially serve to promote safety of operations. Duly authorized representatives of the FRA are authorized to investigate incidents without prior specific authorization by the FRA, and have been issued credentials authorizing them to inspect the records and properties of carriers. Such employees are authorized and directed to obtain all relevant information concerning incidents under investigation, to make inquiries of persons having knowledge of the facts, conduct interviews and inquiries, and attend, as an observer, hearings conducted by carriers. Whenever practical, joint investigations will be conducted with State Commission representatives. Where it is deemed necessary to carry out the investigation, the FRA may authorize the issuance of subpoenas to require the production of records and the giving of testimony. Wherever it appears necessary to fully develop the facts, the FRA may schedule a formal hearing before an authorized hearing officer, in which event testimony will be taken under oath, a record made, and opportunity allowed

[1] Specimen forms and FRA Guide for Preparing Incident Reports will be furnished by Office of Safety, FRA, 2100 Second Street SW., Washington, D.C. 20590 upon request.

for cross-examination of witnesses. Information obtained through such investigations may be made the basis for a public report or it may be used for such other purposes as may be appropriate.

(b) Where the Administrator of the FRA determines that it is necessary in the conduct of an investigation he may require autopsies and other tests of the remains of railroad employees who die as a result of a rail transportation incident.

(Secs. 12 and 20, 24 Stat. 383, 386, as amended (49 U.S.C. 12 and 20); secs. 1–7, 36 Stat. 350, as amended (45 U.S.C. 38–43); sec. 202(a), 84 Stat. 79, as amended (45 U.S.C. 431); secs. 6 (e) and (f), 80 Stat. 939 (49 U.S.C. 1655 (e) and (f); 49 CFR 1.49(c))

Interested persons are invited to participate in making this amendment by submitting written data, views, or comments. Communications should identify the regulatory docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket No. RAR–2, 400 7th Street SW., Washington, D.C. 20590. Communications received before August 30, 1974 will be considered by the Federal Railroad Administrator before making final action on the proposed amendment. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5101, Nassif Building, 400 7th Street SW., Washington, D.C. The proposed report forms and guide for their completion may also be examined at the Nassif Building or at any FRA regional office. Specimen copies of these forms and guide may be obtained by writing the Docket Clerk at the above address. The proposals contained in this notice may be changed in light of comment received.

In addition, to insure that all interested persons have an opportunity for oral presentation, the FRA will conduct a public hearing at 10 a.m. on August 29, 1974, in room 2230, 400 Seventh Street SW., Washington, D.C.

The hearing will be an informal one, not a judicial or evidentiary type of hearing. There will be no cross-examination of persons making statements. A staff member of the FRA will make an opening statement outlining the matter set for hearing. Interested persons will then have an opportunity to present their initial oral statements. At the completion of all initial oral statements, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for conducting the hearing will be announced at the hearing.

Interested persons may present oral or written statements at the hearing. All statements will be made a part of record of the hearing and be a matter of public record. Persons who wish to make oral statements at the hearing should notify the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, before August 15, 1974, stating the amount of time required for his initial statement.

This notice is issued under the authority of sections 12 and 20, 24 Stat. 383, 386, as amended (49 U.S.C. 12 and 20); sections 1–7, 36 Stat. 350, as amended (45 U.S.C. 38–43); section 202(a), 84 Stat. 79, as amended (45 U.S.C. 431); sections 6 (e) and (f), 80 Stat. 939 (49 U.S.C. 1655 (e) and (f)); and § 1.49(c) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(c).

Issued in Washington, D.C., on July 8, 1974.

JOHN W. INGRAM,
Administrator.

APPENDIX A

PROCEDURE FOR DETERMINING REPORTING THRESHOLD

1. Wage figures used for track direct labor rates will be based on the "Average straight time rate" shown in the "Recapitulation by Group of Employees," for Group III *Maintenance of Way and Structures Employees* as shown in the most recent annual edition of statement 300 of the Interstate Commerce Commission, Bureau of Accounts, Wage Statistics of Class 1 Railroads in the United States.

2. Wage figures used for mechanical direct labor rates will be based on the "Average straight time rate" shown in the "Recapitulation by Group of Employees" for Group IV *Maintenance of Equipment and Stores Employees* as shown in the most recent annual edition of statement 300 of the Interstate Commerce Commission, Bureau of Accounts, Wage Statistics of Class 1 Railroads in the United States.

3. Fringe benefit surcharges will be added to the average straight time rates for mechanical and track employees based on the most recent transmittal of *Labor Surcharges Established by Agreement between Federal Highway Administration and Railroad Association Applicable to Indicated Paragraphs of PPM 30–3 (Volume 1, Chapter 4 Section 3)*, to the Federal Highway Administration Policy and Procedure Memorandum 30–3 entitled "Reimbursement for Railroad Work."

4. To calculate the index number for mechanical labor divide the previous mechanical wage rate into the present mechanical wage rate. The resultant is the mechanical labor index number.

5. To calculate the track labor index number divide the previous track wage rate into the present track wage rate. The resultant is the track labor index number.

6. Calculation of the labor index number is as follows: (track labor index number x .20) + (mechanical labor index number x .80) = labor index number.

7. Mechanical material index number is calculated by first totaling the present cost of the following mechanical materials:

33 in. Cast steel wheels	8
6 by 11 in. roller bearings	8
Roller bearing axles	4
6 by 11 in. roller bearing truck sides (750#)	4
6 by 11 in. truck bolsters (1060#)	2
E coupler	2
Brake beams	4
AB cylinder	1
AB reservoir	1
AB control valve	1
Steel bar	500#
Steel sheets	1,000#
Steel plate	1,000#
Brake shoes	8
Roller bearing adapters	8
Outer coil springs	24
Board feet hardwood lumber	800
Traction motor	1
1¼ in. brake pipe	80'
Hand brake	1

The present total for these mechanical materials is then divided by the previous total for mechanical materials. The resultant is the mechanical material index number.

8. Track material index number is calculated by first totaling the present cost of the following track materials:

Ties wooden		4,500
Rail	ton	250
Tie plates	do	90
Spikes	(5.8 tons)	27,000
Joint bar (set)	(25.4 tons)	400
Bolts		2,000
Frog		1
Switch		1

The present total for these track materials is then divided by the previous total for track materials. The resultant is the track material index number.

9. Calculation of the material index number is as follows: (track material index number ×.20) + (mechanical material index number ×.80) = material index number.

10. Calculation of the threshold index number is as follows: (labor index number ×.40) + (material index number ×.60) = threshold index number.

11. In order to calculate the new reporting threshold multiply the existing reporting threshold by the threshold index number. The resultant when rounded to the nearest $50 will be the new accident reporting threshold figure.

Reporting threshold index calculations

Units on which based	Description	1956	1960	1965	1970	1973
8	33 in CS wheels	$301	$422	$532	$648	$725
8	6 in by 11 in RB	743	816	680	649	649
4	RB axles	386	420	490	571	699
4	6 in by 11 in RB truck sides (750 lb)	630	765	915	1,086	1,177
2	6 in by 11 in truck bolsters (1,060 lb)	445	515	647	754	788
2	E coupler	168	234	200	219	326
4	Brake beams	108	148	181	171	255
1	AB cylinder	62	65	74	88	85
1	AB reservoir	65	57	73	92	79
1	AB control value	247	275	325	417	492
500 lb	Steel bar	30	35	36	48	72
1,000 lb	Steel sheets	50	68	80	103	135
1,000 lb	Steel plate	50	63	83	95	125
8	Brake shoes	15	19	18	19	22
8	RB adapters	40	50	59	68	96
24	Outer coil springs	114	124	114	132	164
800	Board-feet hardwood lumber	136	140	136	170	184
1	Traction motor	5,836	7,288	9,104	10,778	12,010
60 ft	1¼ in brake pipe	16	19	19	21	24
1	Hand brake	40	45	69	83	98
	Total mechnical materials	9,482	11,568	13,835	16,212	18,205
	Mechanical material index No	1.00	1.21	1.46	1.71	1.92
	Base wage and fringes mechanical	$2.52	$3.20	$3.80	$5.38	$7.28
	Mechanical labor index No	1.00	1.27	1.51	2.14	2.89

Reporting threshold index calculations—Continued

Units on which based	Description	1956	1960	1965	1970	1973
4,500	Ties wooden	$13,500	$18,000	$22,500	$27,000	$31,500
250 ton	Rail	25,735	29,900	35,700	41,425	44,750
90 ton	Tie plates	10,845	12,978	17,420	18,378	20,070
27,000 (5.8 ton)	Spikes	1,089	1,762	1,498	1,732	1,902
400 (25.4 ton)	Joint bar (set)	3,226	3,876	4,597	5,359	5,832
2,000	Bolts	314	343	399	456	550
1	Frog	580	682	783	884	1,014
1	Switch	461	542	644	746	807
	Total track material	55,750	67,583	83,541	95,980	106,425
	Track material index No.	1.00	1.21	1.49	1.72	1.91
	Base wage and fringes track	$2.24	$2.78	$3.55	$4.75	$6.38
	Track labor index No.	1.00	1.26	1.52	2.15	2.88

1. Assuming a mechanical labor to track labor distribution of 80% mechanical and 20% track:
For 1956 Labor Index No. = (1.00)×.80+(1.00)×.20=1.00
For 1960 Labor Index No. = (1.27)×.80+(1.26)×.20=1.27
For 1965 Labor Index No. = (1.51)×.80+(1.52)×.20=1.51
For 1970 Labor Index No. = (2.14)×.80+(2.15)×.20=2.14
For 1973 Labor Index No. = (2.89)×.80+(2.88)×.20=2.89
2. Assuming a mechanical material distribution of 80% and a track material distribution of 20%:
For 1956 Material Index No. = (1.00)×.80+(1.00)×.20=1.00
For 1960 Material Index No. = (1.21)×.80+(1.21)×.20=1.21
For 1965 Material Index No. = (1.46)×.80+(1.49)×.20=1.47
For 1970 Material Index No. = (1.71)×.80+(1.72)×.20=1.71
For 1973 Material Index No. = (1.92)×.80+(1.91)×.20=1.92
3. Assuming a labor distribution of 40% and a material distribution of 60% the threshold index number would be:
For 1956 Threshold Index No. = 1.00 (.40)+1.00 (.60) = 1.00
For 1960 Threshold Index No. = 1.27 (.40)+1.20 (.60) = 1.23
For 1965 Threshold Index No. = 1.51 (.40)+1.47 (.60) = 1.49
For 1970 Threshold Index No. = 2.14 (.40)+1.71 (.60) = 1.88
For 1973 Threshold Index No. = 2.89 (.40)+1.92 (.60) = 2.31
4. Using the 1956 threshold of $750 and the calculated index numbers, thresholds (for the years 1956, 1960, 1970, and 1973 rounded to the nearest $50) should be as follows:
1956 = 1.00×750 = $750
1960 = 1.23×750 = (922.50) = $900
1965 = 1.49×750 = (1117.50) = $1,100
1970 = 1.88×750 = (1410) = $1,400
1973 = 2.31×750 = (1732) = $1,750

[FR Doc.74-15936 Filed 7-12-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

ETHYLENE

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Proposed Exemption From Tolerance

The U.S. Department of Agriculture submitted a petition (PP 4E1457) proposing establishment of an exemption from the requirement of a tolerance for residues of ethylene when used to stimulate witchweed germination in control programs.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the plant regulator is useful for the purpose for which the exemption is proposed and that a tolerance is not necessary to protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))), it is proposed that § 180.1016 be revised to read as follows:

§ 180.1016 Ethylene; exemption from the requirement of a tolerance.

Ethylene is exempted from the requirement of a tolerance for residues when:

(a) Used as a plant regulator on fruit and vegetable crops in conformity with good agricultural practice before or after harvest, or

(b) Injected into the soil to cause premature germination of witchweed in corn, cotton, peanut and soybean fields as part of the U.S. Department of Agriculture witchweed control program.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before August 14, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room B-1, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before August 14, 1974, and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the EPA Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: July 5, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-16120 Filed 7-12-74;8:45 am]

[40 CFR Part 180]

TRICYCLOHEXYLTIN HYDROXIDE

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Proposed Tolerance

Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of California, Idaho, Oregon, and Washington submitted a petition (PP 3E1405) proposing establishment of a tolerance (40 CFR Part 180) for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in or on the raw agricultural commodity fresh hops at 30 parts per million. (For a related document, see this issue of the FEDERAL REGISTER, page 25953.)

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

1. The insecticide is useful for the purpose for which the tolerance is proposed.

2. The established tolerances for combined residues of the insecticide and its organotin metabolites in the fat, meat, meat byproducts and milk of cattle is adequate to cover any residues resulting from the use of brewers' yeast in calf starter diets as well as residues from existing uses of the insecticide and § 180.6(a)(2) applies.

3. There is no reasonable expectation of residues in eggs, poultry, or the fat, meat, meat byproducts, or milk of livestock, except cattle, and § 180.6(a)(3) applies.

4. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(c), 68 Stat. 514; 21 U.S.C. 346a(e)), it is proposed that § 180.144 be amended by adding the new paragraph, "30 parts per million * * *" after the paragraph "60 parts per million * * *", as follows:

§ 180.144 Tricyclohexyltin hydroxide; tolerances for residues.

* * * * *

30 parts per million in or on hops.

* * * * *

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before August 14, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room B-1, East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of

the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before August 14, 1974, and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the EPA Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: July 5, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-16119 Filed 7-12-74;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 JUSTICE

Law Enforcement Assistance Administration

F.Y. 1975 GUIDELINES

Notice of Issuance

Notice is hereby given that on July 1, 1974, the Law Enforcement Assistance Administration issued the following Fiscal Year 1975 Guidelines:

G 1432.2A—Format Standards for Manuscripts, LEAA Grant, Contract or In-House Project Reports.
G 3500.1A—LEAA Funding for Narcotics and Dangerous Drugs Grants.
G 3600.1A—LEAA Pilot Cities/Counties Programs.
M 4100.1C—State Planning Agency Grants.
G 6060.1A—Use of LEAA Funds for Psychosurgery and Medical Research.
G 7370.2A—Helicopter Procurement.
G 7400.1B—Construction Contracts—EEO Procedure for submitting Information on Construction and Renovation Contracts.
G 7400.2A—The Effect on Minorities and Women of Minimum Height Requirements for Employment of Law Enforcement Officers.
M 7100.1A—Financial Management for Planning and Action Grants.
G 7140.1A—Distribution, Resolution and Clearance of Audit Reports.
G 7140.2—Reporting of Possible LEAA Fund Misuse.

Drafts of the Guidelines were distributed for review and comment on April 8, 1974. Comments received on the drafts have been taken into account in preparation of the final Guidelines. Copies of these Guidelines are available to the public at the LEAA Central Library, Room 504, 5th St. NW. Washington, D.C., and the following LEAA—U.S. Department of Justice Regional Offices: 147 Milk Street, Suite 800, Boston, Massachusetts 02109; 26 Federal Plaza, Room 1337, Federal Office Building, New York, New York 10007; 325 Chestnut Street, Suite 800, Philadelphia, Pennsylvania 19106; 730 Peachtree Street, N.E., Room 985, Atlanta, Georgia 30308; O'Hare Office Center, Room 121, 3166 Des Plaines Avenue, Des Plaines, Illinois 60018; 600 S. Ervay Street, Suite 313–C, Dallas, Texas 75201; 436 State Avenue, Kansas City, Kansas 66010; Federal Building, Room 6519, Denver, Colorado 82202; 1860 El Camino Real, 3rd Floor, Burlingame, California 94010; 130 Andover Building, Seattle, Washington 98188.

THOMAS J. MADDEN,
General Counsel.

[FR Doc. 74–16085 Filed 7–12–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CENTRAL OFFICE OFFICIALS

Delegation of Authority

JULY 5, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

This delegation is issued under the authority delegated to the Commissioner by the Secretary in section 25 of Secretarial Order 2508 (10 BIAM 2.1).

Section 5 of Part 10 of the Bureau of Indian Affairs Manual (10 BIAM 5) was published on page 637 of the January 16, 1969, FEDERAL REGISTER (34 FR 637) and subsequently amended. It is being further amended by adding a new section 5.6 to delegate to the Director, Office of Trust Responsibilities, the authority to approve nationwide oil and gas lease bonds required in connection with mining on Indian lands.

A new section 5.6 is added to read as follows:

5.6 *Nationwide Oil and Gas Lease Bonds.* The Director, Office of Trust Responsibilities, and those persons designated to act for him during his absence, are authorized to approve nationwide oil and gas lease bonds.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74–16125 Filed 7–12–74;8:45 am]

Bureau of Land Management

[NM 21859]

NEW MEXICO

Notice of Application

JULY 3, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDAN,
NEW MEXICO

T. 28 N., R. 9 W.,
Sec. 35, SE¼NE¼.

This pipeline will convey natural gas across .049 miles of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–16084 Filed 7–12–74;8:45 am]

Fish and Wildlife Service

DIRECTOR'S WATERFOWL ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name: Director's Waterfowl Advisory Committee.
Date: August 6, 1974.
Place: Conference Room 2008, New Executive Office Building 726 Jackson Place, NW., Washington, D.C. 20006.
Time: 9 a.m.

Purpose of meeting: The Committee will review the staff recommendations of the United States Fish and Wildlife Service for 1974–75 waterfowl regulations, and present to the Director their recommendations for 1974–75 waterfowl season frameworks.

This meeting will be open to the public. Persons wishing to attend should notify the Director, United States Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, or call AC 202–343–6025. Statements of interested persons other than Committee members must be filed in writing with the Director before or after the meeting. To the extent time permits, the Chairman of the meeting will accept brief oral statements from the public at the close of the Committee's agenda providing that such statements are also submitted in writing before or after the meeting.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

JULY 9, 1974.

[FR Doc.74–16065 Filed 7–12–74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-9]

LEON E. KOCHER COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Leon E. Kocher Coal Company has filed a petition to modify the application of 30 CFR 77.1301(c)(1) to its Porter Tunnel Mine located at Tower City, Pennsylvania.

30 CFR 77.1301(c)(1) provides as follows:

§ 77.1301 Explosives; magazines.

* * * * *

(c) Magazines other than box type shall be:

(1) Located in accordance with the current American Table of Distances for storage of explosives.

Petitioner states that it cannot relocate its powder magazines on its land in accordance with the standards of 30 CFR 77.1301(c)(1) as interpreted by the Mining Enforcement and Safety Administration, and that to comply with such standards by relocating its magazines to other property will result in a diminution of safety protection of its miners and the public.

Petitioner further states that:

The Magazines are surrounded on three (3) sides by a natural barricade.

Extra hazards would be encountered if the Magazines were relocated, the only place being across a State Highway, and the explosives would be transported continually across said highway.

Under the present arrangement the powder is loaded from the Magazine directly into the powder cars which transport the powder into the mine; if the Magazines were relocated it would necessitate extra handling by truck to the powder cars and thereby increase the hazards.

The closest building[s] to the Magazines are a work shop and washhouse.

The area in which the Magazines are presently located is under 24 hour a day surveillance.

The Magazines are in excellent condition and * * * taking all factors into consideration the present Magazines accords [sic] the maximum degree of safety and eliminates [sic] the hazards that would be encountered if the magazines were relocated.

After notice of the petition was given to the United Mine Workers of America and a copy of the petition was posted on the mine bulletin board, the Petition was scheduled for hearing at Pittsburgh, Pennsylvania on June 26, 1974. The only parties appearing at the hearing were the Petitioner with counsel and the Mining Enforcement and Safety Administration with counsel.

The hearing commenced on said date, but upon motion and Order of Continuance, the hearing has been continued for completion on August 29, 1974, in Courtroom No. 1, Schuylkill County Courthouse, Second Street and Laurel Boulevard, Pottsville, Pennsylvania.

Persons interested in this petition may furnish written comments thereon or request to participate in the resumed hearing not later than August 28, 1974. Such comments or request must be filed with the Hearings Division of the Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition and the record of proceedings thereon are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JULY 8, 1974.

[FR Doc.74-16126 Filed 7-12-74;8:45 am]

Office of the Secretary

[INT DES 74-73]

WILDERNESS PROPOSAL FOR CAPITOL REEF NATIONAL PARK, UTAH

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a wilderness proposal for Capitol Reef National Park, Utah.

The statement considers establishment of 181,230 acres of wilderness in nine units within Capitol Reef National Park, Utah. Also considered are 15,470 acres of potential wilderness additions to be added by the Secretary of the Interior at such time he determines they qualify.

Written comments on the environmental statement are invited and will be accepted for a period of forty-five (45) days following publication of this notice. Comments should be addressed to the Superintendent, Capitol Reef National Park.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Rocky Mountain Regional Office
National Park Service
655 Parfet Street
Lakewood, Colorado 80215

Utah State Office
National Park Service
125 S. State Street, Room 2207
Salt Lake City, Utah 84111

Superintendent
Capitol Reef National Park
Torrey, Utah 84775

Dated: June 27, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-16064 Filed 7-12-74;8:45 am]

[INT DES 74-75]

AUTHORIZED AUBURN-FOLSOM SOUTH UNIT, CENTRAL VALLEY PROJECT, CALIFORNIA

Availability of Draft Amendment to the Final Environmental Statement and Supplement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a draft amendment to the Final Environmental Statement for the authorized Auburn-Folsom South Unit, Central Valley Project, California. This Amendment was prepared in response to a ruling on April 15, 1974, by Chief Judge Thomas J. MacBride, United States District Court for Eastern District of California that the final environmental statement and supplement did not sufficiently comply with the requirements of the National Environmental Policy Act of 1969; and a direction by him that a free-standing amendment be prepared which adequately discussed certain specified flood control and water supply alternatives to Auburn Reservoir. An injunction against further planning or construction was stayed for 180 days. Written comments may be submitted to the Regional Director on or before August 14, 1974.

Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343-9247.

Office of Assistant to the Commissioner—Ecology, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225. Telephone (303) 234-3006.

Office of the Regional Director, Bureau of Reclamation, Mid-Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Telephone (916) 481-6100.

Auburn-Folsom South Unit CVP Construction Office, Bureau of Reclamation, P.O. Box 1308, Auburn, California 95603. Telephone (916) 885-7546.

Single copies of the draft amendment to the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director.

Dated: July 11, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-16194 Filed 7-12-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

MARAD TANKER CONSTRUCTION PROGRAM

Award of Construction-Differential Subsidy Contracts

Notice is hereby given that on June 29, 1974, the Maritime Subsidy Board awarded construction-differential subsidy contracts Nos. MA/MSB-318, 321, 333 to Newport News Shipbuilding and Dry Dock Company, No. MA/MSB-334 to Zapata Ocean Carriers, Inc. and Nos. MA/MSB-319 and 322 to VLCC I Corporation and VLCC II Corporation to aid in the construction of a total of three new tank vessels of approximately 390,770 deadweight tons, MA Design T11-S-116a. The applications for such contracts were noticed in the FEDERAL REGISTER on July 10 and 31, 1973 (38 FR 18397 and 20356) and June 12, 1974 (39 FR 20625).

Dated: July 9, 1974.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-16134 Filed 7-12-74;8:45 am]

National Oceanic and Atmospheric Administration

PERMITS FOR TAKING MARINE MAMMALS FOR PUBLIC DISPLAY IN TRAVELING SHOWS

Policy on Issuance

Under the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations promulgated thereunder (39 FR 1851, January 15, 1974), we have received applications requesting the Director to grant public display permits to persons wishing to use marine mammals in travelling exhibits.

As a result of public presentations made in connection with a public hearing on one such application, as well as our analysis of other relevant documents and materials, we have determined that, consistent with the purposes and policies of the Act, public display permits may be granted for the purpose of exhibiting marine mammals of the Order Pinnipedia except walruses in travelling shows. Consideration of applications for such permits will involve the same factors as do applications for stationary public display facilities, including: The public benefit to be gained from the display contemplated, taking into account the manner of the display and the anticipated audience on the one hand, and the effect of the proposed taking or importation on the population stocks of the marine mamal in question and the marine ecosystem on the other; the applicant's qualifications for the proper care and maintenance of the marine mammals; and the adequacy of the applicant's facilities.

Therefore, notice is hereby given that effective this date, and pursuant to the provisions of the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), applications requesting public display permits to take marine mammals of the Order Pinnipedia except walruses for use in travelling exhibits will be considered by the National Marine Fisheries Service, and permits granted on the basis of those considerations stated in § 216.31(c) of the regulations.

This policy does not apply to applications for permits to take marine mammals other than those of the Order Pinnipedia except walruses for use in travelling exhibits.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

JULY 8, 1974.

[FR Doc.74-16112 Filed 7-12-74;8:45 am]

AQUARIUM PROGRAM

Issuance of Permit for Marine Mammals

On May 20, 1974, notice was published in the FEDERAL REGISTER (39 FR 17784) that an application had been filed with the National Marine Fisheries Service by the Aquarium Program, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts 02543, for a permit to take two (2) Atlantic harbor seals (*Phoca vitulina concolor*) for public display.

Notice is hereby given that, on July 3, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit to the Aquarium Program, Northeast Fisheries Center, National Marine Fisheries Service, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

JULY 3, 1974.

[FR Doc.74-16110 Filed 7-12-74;8:45 am]

BUTTONWOOD PARK ZOO

Issuance of Permit for Marine Mammals

On May 20, 1974, notice was published in the FEDERAL REGISTER (39 FR 17783), that an application had been filed with the National Marine Fisheries Service by the Buttonwood Park Zoo, Park Department, City of New Bedford, Massachusetts 02740, for a permit to take two (2) California sea lions (*Zalophus californianus*) and four (4) Atlantic harbor seals (*Phoca vitulina concolor*) for public display.

Notice is hereby given that, on July 2, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit to Buttonwood Park Zoo, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Offices of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, and the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

JULY 2, 1974.

[FR Doc.74-16111 Filed 7-12-74;8:45 am]

DR. HARRY HOLLIEN

Issuance of Permit for Marine Mammals

On May 20, 1974, notice was published in the FEDERAL REGISTER (39 FR 17785) that an application had been filed with the National Marine Fisheries Service by Dr. Harry Hollien, Communication Sciences Laboratory, University of Florida, Gainesville, Florida 32601, for a permit to conduct bioacoustic studies with Atlantic bottlenosed dolphins (*Tursiops truncatus*), in order to determine the feasibility of using underwater sound transmission to divert these animals away from commercial fishing vessels and nets.

Notice is hereby given that, on July 9, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit authorizing the above mentioned research to Dr. Harry Hollien, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

JULY 9, 1974.

[FR Doc.74-16106 Filed 7-12-74;8:45 am]

LAFAYETTE PARK ZOO

Issuance of Permit for Marine Mammals

On March 27, 1974, notice was published in the FEDERAL REGISTER (39 FR 11320), that an application had been filed with the National Marine Fisheries Service by the Lafayette Park Zoo, 3500 Granby Street, Norfolk, Virginia 23508, for a permit to take three (3) California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that, on July 3, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit authorizing the Lafayette Park Zoo to retain one (1) previously held, stranded California sea lion, and to take two (2) California sea lions, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, and the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14

Elm Street, Gloucester, Massachusetts 01930.

JACK W. GEHRINGER,
Director,
National Marine Fisheries Service.

JULY 3, 1974.

[FR Doc.74-16109 Filed 7-12-74;8:45 am]

NELLY AND ANDRE BRUNEAU

Issuance of Permit for Marine Mammals

On January 8, 1974, notice was published in the FEDERAL REGISTER (39 FR 1370), that an application had been filed with the National Marine Fisheries Service by Nelly and Andre Bruneau, Van Donwen's Seals, 197 Morriston Road, Gillette, New Jersey 07933, for a permit to take one (1) California sea lion (*Zalophus californianus*) for training and exhibit in a travelling sea lion show.

Notice is hereby given that, on July 8, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit to Nelly and Andre Bruneau, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, and the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

JULY 8, 1974.

[FR Doc.74-16107 Filed 7-12-74;8:45 am]

NEYLAN A. VEDROS ET AL.

Notice of Receipt of Applications for Scientific Research Permits

Notice is hereby given that the following applicants have applied in due form for permits to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

1. Neylan A. Vedros, Naval Biomedical Research Laboratory, School of Public Health, University of California, Berkeley, California 94720, to take up to eighty (80) aborted, dead or moribund California sea lion pups (*Zalophus californianus*) each year for three years.

The sea lions will be taken by the Applicant from San Miguel Island, California Channel Islands. The animals will be taken through September 1974 and from March through September 1975 and 1976.

For the past several years, the Naval Biomedical Research Laboratory has been participating in a broad study of the causes of abortion in California sea lions. Major effort has been centered on the San Miguel Island rookeries where the incidence of abortion has been unusually high. Research to date has isolated a *Leptospira* species of bacteria from aborted sea lion fetuses which, in turn, has been implicated as the causative agent in the death of hundreds of young adult sea lions. *Leptospira* are known to cause abortion in terrestrial mammals and to infect man.

A virus has been isolated from female sea lions and aborted fetuses which is indistinguishable from vesicular exanthema virus which infects swine and can cause abortion of swine fetuses. The proposed research, which is a continuation of the studies conducted during 1973 under the provisions of an economic hardship exemption, will involve analysis of tissue materials collected from aborted, dead or moribund sea lion fetuses, with respect to gross pathology, bacteriology, toxicology, histopathology and serology.

During the course of the proposed research, only aborted, dead or moribund sea lion pups will be collected. In no instance would normal or healthy animals be examined, and particular care will be taken to minimize any disturbance to the pinniped rookeries.

2. John D. Hall, Division of Natural Sciences, Coastal Marine Laboratory, Santa Cruz, California 95064, to conduct scientific research regarding the trophic impact of Pacific white-sided dolphins (*Lagenorhynchus obliquidens*) and California sea lions (*Zalophus californianus*).

The proposed research project is directed towards the development of techniques which can be used to estimate the trophic impact of marine mammal species in a specific oceanographic region. The California sea lion and Pacific white-sided dolphin have been selected as the initial species for this project because both species are numerous and hardy, and are commonly maintained in captivity without problem.

The research project will be conducted in 1974 and 1975, and will consist of the following activities:

a. Twenty-six (26) California sea lions (*Zalophus californianus*) will be taken, lavaged with saline solutions to obtain stomach contents and released;

b. Four (4) California sea lions (*Zalophus californianus*) will be taken, fitted with radio transmitters which permit tracking and determination of the depth of dives, released and tracked for 48 hours, at which time the transmitter harness will self-release. During tracking, the depth at which the sea lion is feeding will be trawled to collect food organism samples;

c. Eighty (80) Pacific white-sided dolphins (*Lagenorhynchus obliquidens*) will be taken, marked with cryogenic brands, and released;

d. Of the eighty (80) Pacific white-sided dolphins (*Lagenorhynchus obliquidens*) to be taken and marked, thirty (30) will also be lavaged with saline solutions to obtain stomach contents, and then released;

e. Of the eighty (80) Pacific white-sided dolphins to be taken and marked, six (6) will also be fitted with radio transmitters which permit tracking and determination of the depths of dives, then released and tracked for 48 hours, at which time the transmitter harnesses will self-release. During tracking, the depth at which the dolphin is feeding will be trawled to collect food organism samples;

f. Of the eighty (80) Pacific white-sided dolphins (*Lagenorhynchus obliquidens*) to be taken and marked, six (6) will also be fitted with acoustic-cine packages, released and tracked for 48 hours. This instrumentation will provide information regarding feeding behavior, selection of food species and intra-specific behavior;

g. Of the eighty (80) Pacific white-sided dolphins to be taken and marked, two (2) dolphins will be transported to holding facilities for 30 days, and subsequently will be marked and released. The dolphins will be used for determining the metabolic rate of such dolphins.

The animals will be taken in the areas of Monterey Bay and the California Channel Islands. The California sea lions will be taken by, or under the direction of, Mr. Thomas Dohl, who has been working actively with wild and captive pinnipeds for more than three years. Capture will occur either on land, by use of throw nets, or in the water, by use of a small seine net.

The dolphins will be taken by Mr. John D. Hall, who has participated in the capture, transport, maintenance and husbandry of small cetaceans and pinnipeds during the past seven years. The dolphins will be taken with a breakaway hoop net operated from the bow of a research vessel.

The two dolphins to be maintained in captivity for 30 days will be held in a circular redwood tank, 30 feet in diameter and 6 feet deep, which is located at the Naval Undersea Center, San Diego, California. This facility has been inspected by a licensed veterinarian, who has certified that such facilities are adequate to ensure the well-being of the dolphins.

3. Thomas P. Dohl, Division of Natural Sciences, Coastal Marine Laboratory, University of California, Santa Cruz, California 95064, to take, hold in captivity for 90 days, and release two (2) Pacific white-sided dolphins (*Lagenorhynchus obliquidens*) for scientific research.

The dolphins will be taken during July or August 1974, in and around Monterey Bay, California. They will be taken by means of a hoop net operated from the pulpit of a research vessel. The animals will be initially maintained in holding facilities for acclimation and health checks, and then transferred to a granite-plaster pool, 30 feet long, 15 feet wide and from 3 to 8 feet deep, which contains 30,000 gallons of artificial sea water.

This research project is directed towards developing methods and techniques of remotely applying laser mark-

ings to free swimming cataceans. Specifically, it is intended to establish the type of laser best suited to this task, and the energy levels required to produce clear long-duration depigmented marks.

Each side of the dorsal fin will be exposed to two laser treatments for comparison of beam strength and/or laser type. The animal will then be returned to the holding facilities described above for observation. Each of the two requested dolphins will in turn be exposed to this treatment and held for 90 days to observe scarring and depigmentation. At the termination of the observation period, the animals will be returned to a school of their species at sea.

The technique of remote laser marking of cetaceans at sea should provide a direct method of studying animal migration routes, population mixing and local, seasonal animal movements, without the necessity for either handling the animals or utilizing marks which can only be recovered from dead animals. Indirectly, this work may aid in assessment of population numbers, attrition and recruitment rates.

The dolphins will be taken and transported by Mr. Thomas Dohl and Mr. John Hall, who have, respectively, nine and seven years experience in the capture, transportation, and husbandry of cetaceans.

Documents submitted in connection with these applications are available as follows:

Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-7780;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-548-2575.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on these applications on or before August 14, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of these applications are those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

JULY 8, 1974.

[FR Doc.74-16113 Filed 7-12-74;8:45 am]

ROBERT ELSNER

Issuance of Permit for Marine Mammals

On May 20, 1974, notice was published in the FEDERAL REGISTER (39 FR 17782) that an application had been filed with the National Marine Fisheries Service by Robert Elsner, Professor of Physiology, Institute of Marine Science, University of Alaska, Fairbanks, Alaska 99701, to take by shooting, forty (40) harbor seals (*Phoca vitulina richardii* and/or *Phoca vitulina lærgha*), forty (40) ringed seals (*Pusa hispida*), ten (10) ribbon seals (*Histriophoca fasciata*), ten (10) bearded seals (*Erignathus barbatus*) and ten (10) northern sea lions (*Eumetopias jubatus*) for the purpose of scientific research.

Notice is hereby given that, on July 3, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Robert Elsner, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

JULY 3, 1974.

[FR Doc.74-16108 Filed 7-12-74;8:45 am]

TULSA ZOOLOGICAL PARK ET AL.

Notice of Receipt of Applications for Public Display Permits

Notice is hereby given that the following applicants have applied in due form for permits to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

1. Tulsa Zoological Park, 5701 East 36th Street, N., Tulsa, Oklahoma 74115, to import one (1) female Atlantic harbor seal (*Phoca vitulina concolor*) from Montreal, Quebec, Canada for public display.

The seal was initially taken from Sable Island by the staff of the Montreal Aquarium for use in physiological and nutritional research.

The seal will be imported during 1974 via commercial airline, and will be immediately examined by a veterinarian upon arrival in Tulsa.

The harbor seal facility includes an indoor, glass-fronted winter enclosure, 23 feet long, 7 feet high, and from 4 to 10 feet wide, consisting of a 4 foot deep pool and a beaching area, 5 feet wide and 13 feet long. The indoor/outdoor summer seal facility includes an indoor area, 24 feet long, 6 feet wide and 10 feet high with a shallow pool, 12 feet long, 6 feet wide and 2 feet deep. The outdoor portion of the summer facility is a dirt and gravel area enclosed by wire mesh, 33 feet long, 9 feet wide and 10 feet high. One harbor seal is currently maintained in this facility.

Care and maintenance for the harbor seals will be provided by two zookeepers, with three years experience and eighteen months experience, respectively, in pinniped husbandry. The zookeepers will work directly under the supervision of the area supervisor, who has a B.S. degree in wildlife biology and five years experience in the care and maintenance of sea lions and harbor seals.

The Tulsa Zoological Park is a non-profit division of the City of Tulsa, Oklahoma. An estimated 200,000 persons visit the zoo annually.

2. The San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112, to take six (6) male California sea lions (*Zalophus californianus*) for the purpose of public display.

The California sea lions will be taken by a professional collector from the beaches of the California Channel Islands, acclimated to captivity by the collector and transported via commercial airline to the San Diego facility.

These six animals are to be housed in the Wegeforth Bowl in a complex of six tanks, the smallest of which is 5 feet wide by 8 feet long and 3 feet deep with 898 gallons capacity, the largest tank is 60 feet long, 8 feet wide and 4 feet deep with 14,361 gallons capacity. All tanks have adequate hauling out facilities. Fresh water for the pools is provided by the municipal water supply, and is monitored to maintain proper water quality standards. Two trainer-keepers are assigned full time to care for these requested animals, and nine others already on display. The sea lions will be displayed in a performing exhibit.

The San Diego Zoological Garden has a veterinary hospital with a large staff experienced in marine mammal husbandry. Care and maintenance of the sea lions will be provided by the Zoological Garden's sea lion Trainer, who has performed this function since 1948.

The zoo is a non-profit corporation operated by the Zoological Society of San Diego. An estimated 900,000 persons visit the zoo annually.

3. The Zoological Society of Cincinnati, 3400 Vine Street, Cincinnati, Ohio 45220, to take four (4) male and four (4) female California sea lions (*Zalophus californianus*) for public display.

The sea lions will be taken by a professional collector from the California Channel Islands, acclimated to captivity by the collector and transported via commercial airline to the Cincinnati facility.

The animals will be maintained and displayed in a 130,000 gallon pool, 60 feet in diameter and 8 feet deep. Fresh water for the pool is provided by the municipal water supply. A 2,000 gallon salt water pool is located adjacent to the display pool. The animals have free access to the salt bath. Two California sea lions and one South African fur seal are currently maintained in this facility.

Dr. Jerry A. Theobald, D.V.M., has been staff veterinarian for the Cincinnati Zool for thirteen years. The General Curator of the Zoo, Mr. Robert R. Cotshow, has worked at the zoo over a period of eleven years as an animal keeper, Staff Zoologist and Curator. The Staff Zoologist, Mr. Jerry Wallace, has been with the zoo for four years.

The Cincinnati Zoo is a non-profit municipal facility of the city of Cincinnati, Ohio. An estimated 700,000 persons visit the zoo annually.

The arrangements and facilities for transporting and maintaining the marine mammals as described in the above applications have been reviewed and inspected by licensed veterinarians, who have certified that such arrangements and facilities are adequate to provide for the well-being of the animals.

Documents submitted in connection with these applications are available as follows:

Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-7780 (all applications);
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813-893-3141 (application no. 1);
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-548-2575 (applications nos. 2 and 3);
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617-281-0640 (application no. 3);

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on these applications on or before August 14, 1974 to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of these applications are those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

JULY 3, 1974.

[FR Doc.74-16114 Filed 7-12-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-290; NADA No. 12-656V]

FORT DODGE LABORATORIES, INC.

Promazine Hydrochloride; Order Vacating Notice of Opportunity for Hearing

A notice of opportunity for hearing on a proposal by the Commissioner of Food and Drugs to withdraw approval of new animal drug application No. 12-656V for Promazine Granules was published in the FEDERAL REGISTER of August 11, 1971 (36 FR 14772), on the grounds that the application failed to include substantial evidence of effectiveness under the labeled conditions of use.

In response to the notice Fort Dodge Laboratories, Inc., Fort Dodge, IA 50502, holder of the application, submitted a supplement to the application which included new information providing substantial evidence of effectiveness when used as recommended.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360(b)) and under authority delegated to the Commissioner (21 CFR 2.120), the notice of opportunity for hearing as described above is vacated.

Dated: July 8, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-16094 Filed 7-12-74;8:45 am]

INTRAUTERINE DEVICES

Open Hearing Regarding Dalkon Shield and Other Intrauterine Devices

On May 8, 1974, A. H. Robins Company, 1407 Cummings Drive, Richmond, VA 23220, the manufacturer of the Dalkon Shield, an intrauterine device (IUD), by letter informed more than 120,000 physicians of reports of deaths and injuries from septicemia associated with spontaneous abortion occurring with a Dalkon Shield in situ.

On June 10-11, 1974 and June 13-14, 1974, two Food and Drug Administration advisory committees (the "Panel on Review of Obstetrical and Gynecology Devices," established for the purpose of reviewing and evaluating all available data concerning the safety, effectiveness, and reliability of obstetrical and gynecology devices currently in use, and the "Obstetrics and Gynecology Advisory Committee," established for the purpose of advising the Commissioner of Food and Drugs regarding the safety and effectiveness of drugs employed in obstetrics and gynecology) held meetings after which they concluded that the Dalkon Shield raised sufficient questions of safety to recommend that the device be withdrawn from the market. The conclusion reached by these two committees was made on the basis of information furnished by A. H. Robins Company and additional material developed by the Food and Drug Administration, and by the Center for Disease Control (CDC) in cooperation with the American Medical Association and the American Osteopathic Association.

Copies of the material presented to the advisory committees, along with a summary of a report prepared by the CDC, are available for public review in the office of the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

The list of materials on file for public review is as follows:

1. Clark, Frederick A., Jr.: "Statement on Septic Spontaneous Abortion and the Dalkon Shield," (with attachments 1 through 7 and Appendix A) June 11, 1974. (Presented to the Food and Drug Administration Bureau of Medical Devices and Diagnostic Agents and its OB-GYN Device Panel)

2. Ostergard, Donald R., M.D.: "Intrauterline Contraception in Nulliparas with the Dalkon Shield," *American Journal of Obstetrics and Gynecology* Vol. 116, No. 8, pages 1088-1091, August 15, 1973.

3. "Report on Intrauterine Contraceptive Devices," Advisory Committee on Obstetrics and Gynecology, Food and Drug Administration, January 1968.

4. "Regulation of Medical Devices (Intrauterine Contraceptive Devices)" Hearings before a Subcommittee of the Committee on Government Operations, House of Representatives, Ninety-Third Congress, First Session, May 30-31; June 1, 12-13, 1973.

5. Summary Minutes, Meeting of the Food and Drug Administration Panel on Review of Obstetrical-Gynecological Devices, June 10-11, 1974.

6. Summary Minutes, Meeting of the Food and Drug Administration Advisory Committee on Obstetrics and Gynecology, June 13-14, 1974.

7. Ostergard, Donald R., M.D., "Statement on the Dalkon Shield Intrauterine Device and Spontaneous Septic Abortion," prepared for the Food and Drug Administration Advisory Committees on Obstetrics and Gynecology, June 13-14, 1974.

8. "Current Trends, IUD Safety: Report of a Nationwide Physician Survey," *Center for Disease Control, Morbidity and Mortality, Weekly Report* Vol. 23, No. 26, July 5, 1974.

9. Press Release (74-37) dated June 27, 1974 regarding the use of the Dalkon Shield and other IUD products.

On June 28, 1974, after conferring with the Food and Drug Administration, the A. H. Robins Company suspended the sale and distribution of the Dalkon Shield until the Food and Drug Administration further evaluates the safety of this device.

On this same date the Food and Drug Administration issued a press release announcing the suspension, advising physicians that the *Drug Bulletin*, a Food and Drug Administration publication for practicing physicians, would provide information and recommendations relating to the use of IUD's and request information on the safety issues involved.

The Commissioner of Food and Drugs has concluded that all interested persons should have an opportunity to present data, comments or suggestions relative to this important matter. John Jennings, M.D., Associate Commissioner for Medical Affairs, will chair an open public hearing on August 21, 1974, beginning at 9 a.m., in Conference Room E, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852 to consider the safety issues related to the Dalkon Shield and other IUD's. The hearing will particularly consider whether there are any differences in safety between the Dalkon Shield and other IUD's.

At this open public hearing, members of both the Panel on Review of Obstetrical and Gynecology Devices and the Obstetrics and Gynecology Advisory Committee will serve with Dr. Jennings to receive and review all of the information presented.

Any interested person who wishes to present data or information at the hearing must so inform Dr. Lillian Yin (HFK-400), Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852, telephone No. 301-443-3550, of that inten-

tion, and of the amount of time requested for his presentation, by close of business on Wednesday, August 7, 1974. Dr. Yin will then promptly inform each person requesting an opportunity to be heard the amount of time to be allocated for his presentation. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations in view of the limitations of time.

Any interested person may also present written data or information, which shall be considered. Three copies of such written presentations shall be furnished to Dr. Yin at the above address on or before August 21.

Following this open public hearing, the two committees, after considering all information presented, will make final recommendations on this matter to the Commissioner. The Commissioner will then make a decision as to what further action, if any, is warranted with respect to the Dalkon Shield and other IUD's. A notice of the Commissioner's decision will be published in the FEDERAL REGISTER.

All written data or information submitted in response to this notice of open public hearing will be made available for public review in the office of the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: July 9, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–16090 Filed 7–12–74;8:45 am]

[FAP 2H2811]

ONYX CHEMICAL CO.

Filing of Petition for Food Additive; Correction

In FR Doc. 74–3647 appearing at page 5647 in the issue of Thursday, February 14, 1974, the chemical nomenclature "n-alkyl (C_{12}–C_{18}) dimethyl ethylbenzyl ammonium chlorides" is corrected to read "*n*-alkyl (C_{12}–C_{18}) dimethyl benzyl ammonium chloride."

Dated: July 5, 1974.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.74–16095 Filed 7–12–74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the meeting of the National Advisory Council on Vocational Education will be held on August 15, 1974, from 9 a.m. to 5 p.m., local time and on August 16, 1974 from 9 a.m. to 4 p.m., local time, at the Embassy Row Hotel, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

AUGUST 15 AND 16

Review of Committees
Discussion of Report on Urban Vocational Education
Discussion of Report on Career Education
Committee Reports

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425–13th Street, NW., Washington, D.C. 20004.

Signed at Washington, D.C. on July 8, 1974.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.74–16083 Filed 7–12–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Community Planning and Development

[Docket No. D–74–282]

ASSISTANT REGIONAL ADMINISTRATOR FOR COMMUNITY PLANNING AND MANAGEMENT, BOSTON REGIONAL OFFICE (REGION I)

Redelegation of Authority With Respect To Comprehensive Planning Assistance Grant Programs

SECTION A. *Authority Redelegated.* The Assistant Regional Administrator for Community Planning and Management, Region I (Boston), is hereby authorized, with respect to the Comprehensive Planning Assistance Grant Program under section 701 of the Housing Act of 1954 (40 U.S.C. 461), except the authority under section 701(b), to (a) authorize grants and establish the terms thereof; (b) execute agreements for grants and amendments thereto; and (c) approve requisitions for funds and third-party contracts.

SEC. B. *Continuation in Effect of Existing Redelegations.* The redelegation of authority set forth in section A above shall not be deemed to modify or otherwise affect the authority of any employee of the Department, including the Regional Administrator, Region I, except that of the Assistant Regional Administrator for Community Planning and Management, Region I, or to supersede any redelegation of authority previously made by the Assistant Secretary for Community Planning and Management.

(Sec. 7(d), Department of HUD Act; (42 U.S.C. 3535(d)))

Effective date: This redelegation of authority shall be effective as of March 14, 1974.

D. O. MEEKER, JR.,
Assistant Secretary for Community Planning and Development.

[FR Doc.74–16103 Filed 7–12–74;8:45 am]

Office of the Secretary

[Docket No. D–74–280]

ACTING GENERAL MANAGER, COMMUNITY DEVELOPMENT ADMINISTRATION, AND ACTING ADMINISTRATOR, NEW COMMUNITIES ADMINISTRATION

Designation

SECTION A. *Designation.* Each of the officials appointed to, or designated to serve as Acting during a vacancy in, the following positions are hereby designated to serve as Acting General Manager, Community Development Corporation, and Acting Administrator, New Communities Administration, in the absence of the General Manager and of all other officials whose position titles precede his in this designation:

(1) Deputy Administrator, New Communities Administration;
(2) Assistant Deputy Administrator, New Communities Administration;
(3) Assistant Administrator for Program Development and Management;
(4) Assistant Administrator for Technical Analysis;
(5) Assistant Administrator for Finance;
(6) Assistant Administrator for Project Implementation;
(7) Assistant Administrator for Program and Policy Evaluation.

SEC. B. *Functions and Concurrence.* The official serving as the Acting General Manager, Community Development Corporation, and the Acting Administrator, New Communities Administration, shall have all the powers, functions, and duties delegated or assigned to the General Manager, Community Development Corporation, and to the Administrator, New Communities Administration, provided, however, that the Acting General Manager and the Acting Administrator shall not act without the concurrence of the General Counsel.

SEC. C. *Effective Date.* This designation to serve as Acting General Manager, Community Development Corporation, and Acting Administrator, New Communities Administration, is effective as of June 18, 1974.

ALBERTO F. TREVINO, JR.,
General Manager, Community Development Corporation, and Administrator, New Communities Administration.

[FR Doc.74–16101 Filed 7–12–74;8:45 am]

[Docket No. D-74-281]

DIRECTOR AND DEPUTY DIRECTOR, ANCHORAGE, ALASKA, INSURING OFFICE

Redelegation of Authority With Respect to the Low-Rent Public Housing Program

The Director and Deputy Director, Anchorage, Alaska Insuring Office, each are authorized to exercise the power and authority of the Secretary of the Department of Housing and Urban Development with respect to the management aspects under the Low-Rent Public Housing Program pursuant to the U.S. Housing Act of 1937 (42 U.S.C. 1401, et seq.), including the power and authority under sections 1(1) and 1(2) of Executive Order 11196, except the authority to:

1. Determine that there is a substantial breach or default and invoke any remedy on behalf of the Federal Government upon default or breach by a local housing authority in respect to the terms, covenants, or conditions of an annual contributions contract.

2. Terminate annual contributions contracts when the decision to terminate is made by the Federal Government.

3. Waive the provisions of annual contributions contracts: *Provided*, That the Director and Deputy Director, Anchorage Insuring Office, are authorized to waive provisions with respect to the following:

a. Employment of a former local housing authority Commissioner.

b. Frequency of examination of tenants to permit a local housing authority to change its established reexamination schedule.

c. Approval of the use of force account for modernization programs.

d. Approval of construction and equipment contracts for modernization exceeding $5,000, but not exceeding $50,000.

4. Establish the rate of interest on Federal loans and advances.

5. Issue notes or other obligations for purchase by the Secretary of the Treasury.

6. Sue and be sued.

7. Issue rules and regulations.

8. Exercise the powers and authorities under section 402(a) and 402(c)(1-7) of the Housing Act of 1950 (12 U.S.C. 1749(a) and 1749(c)(1)(7)).

(Secretary's delegation of authority to redelegate published at 36 FR 5005, Mar. 16, 1971, as amended)

Effective date. This redelegation of authority is effective as of April 4, 1974.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.74-16102 Filed 7-12-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

ALASKAN REGION AIR TRAFFIC CONTROL ADVISORY COMMITTEE

Notice of Establishment

Notice is hereby given that an Alaskan Region Air Traffic Control Advisory Committee is being established for the period terminating June 13, 1976, unless further renewed by appropriate action, pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770). The Air Traffic Division of the FAA Alaskan Region is the sponsor of the committee. The committee is composed of representatives of the military services, the Federal Aviation Administration and civil users of the air traffic control system. The committee provides a forum for discussion of mutual air traffic control problems, programs and ideas and provides advice and recommendations regarding service problems or solutions to current air traffic problems within the geographical area served by the FAA Alaskan Region. The chairman of the committee is designated by the Director, FAA Alaskan Regional Office.

I have determined that establishment of this Advisory Committee is in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Meetings of the committee will be open to the public.

Issued in Washington, D.C., on July 5, 1974.

LYLE K. BROWN,
Director.

[FR Doc.74-16080 Filed 7-12-74;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX74-2; Notice 1]

CARROZZERIA ZAGATO

Petition for Temporary Exemption From Motor Vehicle Safety Standards

Carrozzeria Zagato of Milan, Italy, through Elcar Corporation of Elkhart, Indiana, has applied for temporary exemption of its Elcar passenger car from certain safety standards on grounds that exemption would facilitate the development and field evaluation of a low-emission motor vehicle.

Elcar is a recently formed corporation engaged in the importation and marketing of an electrically-powered two-passenger vehicle manufactured by Zagato. The vehicle, currently sold abroad as the "Zele", will be marketed under the name "Elcar" in the United States. Elcar requests exemptions for one year only and does not intend to import more than 2,500 vehicles during this time.

The exemption that it requests would allow it to manufacture vehicles without defrosting/defogging systems (Standard No. 103), key-lock warning systems (Standard No. 114), conforming door latches and hinges (Standard No. 206), and passenger restraint warning and ignition interlock systems (Standard No. 208). The year provided by the exemption would allow time for design and tooling of nonstandard components necessary for lightweight electric vehicles. The Elcar cannot comply currently with Standard No. 103 as presently available electric defrosting systems are unsuitable, and SAE test procedures incorporated in Standard No. 103 require idling, a physical impossibility for electric vehicles. Concerning Standard No. 114, the design of its "key insertion area is not compatible to facilitate additional electric circuits capable of accommodating an alarm system at this time." Its problems with Standard No. 206 stem from the fact that the hinge load requirements specified are more appropriate for heavier weight vehicles. As for Standard No. 208, seat assemblies will have to be redesigned to incorporate warning systems. Analysis is incomplete concerning installation of an interlock system "compatible to a vehicle that is completely electrically energized and lacking transmissions."

The company's arguments that one-year exemptions will not unreasonably degrade the safety of the vehicle may be summarized as follows: Standard No. 103: The sliding windows in the doors will alleviate fogging conditions and Elcar anticipates major market areas for the cars in the Southern, Western, and Southwestern states "that do not require defrosting and heater systems." Standard No. 114: The steering wheel lock requirement of the standard is met, and "the striking physical appearance difference" makes it less likely that the vehicle will be subject to theft. Standard No. 206: The vehicle has such a low top speed (25 mph for one model, 35 mph for another) that it is less likely that impacts will occur such as could throw occupants from the vehicle. Further, the hinges have steel reinforcements embedded in the fiberglass body structure. Standard No. 208: The car provides passenger restraint systems and, with the exception of Standard No. 206, meets all other occupant protection requirements.

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 Carrozzeria Zagato, 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, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: August 14, 1974.

Proposed effective date: Date of issuance of exemption.

(Sec. 3 Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on July 10, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74-16117 Filed 7-12-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice and Order for Further Special Prehearing Conference

In the matter of Consumers Power Company (Big Rock Point Nuclear Plant).

Notice is hereby given that, pursuant to the Memorandum and Order dated March 29, 1974, issued herein by the Atomic Safety and Licensing Board established by the Commission for this proceeding, and in accordance with § 2.751a of the Commission's Rules of Practice, 10 CFR Part 2, a Further Special Prehearing Conference will be held at the Holiday Inn—O'Hare Airport, International Room, 3801 North Mannheim Road, Schiller Park, Illinois 60176, commencing at 10 a.m., local time, on Thursday, July 18, 1974.

The conference will deal with the following matters:

(1) Identification of the key issues;

(2) The need for discovery, and the time required therefor;

(3) Establishment of a schedule for further action;

(4) The impact, if any, upon the progress of this proceeding of the opinion of U.S. District Court for the Western District of Michigan, Southern Division, dated June 19, 1974 in, *West Michigan Environmental Action Council, Inc.*, v. *AEC*, et al. No. G 58-73 CA 7, USDC, WD Michigan;

(5) The matters discussed by the Board in the aforementioned Memorandum and Order of March 29, 1974 including the additional technical points which were to be addressed by the parties; and

(6) Such other matters as may aid in the orderly and expeditious conduct of the hearing.

It is so ordered.

Dated at Bethesda, Maryland, this 9th day of July, 1974.

THE ATOMIC SAFETY AND LICENSING BOARD,
MAX D. PAGLIN,
Chairman.

[FR Doc.74-16072 Filed 7-12-74;8:45 am]

[Docket No. 50-494]

GENERAL ATOMIC CO.

Notice of Application for and Atomic Energy Commission Consideration of Issuance of Facility Export License

Please take notice that General Atomic Company, San Diego, California has submitted to the Atomic Energy Commission an application for a license to authorize the export of a pool-type research reactor with a thermal power level of 300 kilowatts to Japan Atomic Energy Research Institute, Tokaimura, Japan, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to General Atomic Company a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Maryland, this 29th day of June, 1974.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.74-16073 Filed 7-12-74;8:45 am]

[Docket No. 50-473]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on March 1, 1974 (39 FR 7978) and the Atomic Energy Commission having found that:

(a) The application filed by General Electric Company, Docket No. 50-473, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-97 to General Electric Company, authorizing the export of a boiling water reactor with a thermal power level of 2894 megawatts to the Hidroelectrica, Espanola, S.A., Madrid, Spain.

The export of this reactor to Spain is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Spain Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland, this 29th day of June 1974.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.74-16074 Filed 7-12-74;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission ("the Commission") has issued Amendment No. 5 to Facility Operating License No. DPR-16 to the Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station, Unit 1 located in Lacey Township, Ocean County, New Jersey. The amendment is effective retroactively as of July 2, 1974.

The amendment allows operation of the reactor for a specified period of time under the following conditions (1) reactor power up to 50 percent rated power, and (2) oxygen concentration greater than 5% in the primary containment. The specified period is 24 hours, from 10:15 p.m., July 2, 1974 until 10:15 p.m., July 3, 1974.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act, as amended ("the Act") and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Act, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated July 3, 1974, (2) Amendment No. 5 to License No. DPR-16, and Change No. 21, and (3) the Commission's related Safety Evaluation dated

July 5, 1974. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C., 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 5th day of July 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.16075 Filed 7-12-74;8:45 am]

[Docket No. 50-421]

MITSUBISHI INTERNATIONAL CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 18, 1973 (38 FR 9616) and the Atomic Energy Commission having found that:

(a) The application filed by Mitsubishi International Corporation, Docket No. 50-421, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-86 to Mitsubishi International Corporation, authorizing the export of a pressurized water reactor with a thermal power level of 2,440 megawatts to the Kansai Electric Power Co., Inc., Osaka, Japan (Mihama-cho site).

The export of this reactor to Japan is within the purview of the present Agreement for Cooperation Between the Govermnent of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland, this 29th day of June 1974.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.74-16076 Filed 7-12-74;8:45 am]

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Notice of Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 7 to Provisional Operating License No. DPR-9. The license authorized Power Reactor Development Company to possess, but not operate, the Enrico Fermi Atomic Power Plant Unit No. 1 located in Monroe County, Michigan. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications in their entirety to reflect the present retired status of the Fermi 1 facility.

The application for the amendment complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated January 25, 1974, as supplemented May 1, 1974, (2) Amendment No. 7 to License No. DPR-9, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 1st day of July, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.74-16077 Filed 7-12-74;8:45 am]

[Docket Nos. 50-471A and 50-472A]

BOSTON EDISON CO.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

NOTE: This document previously published at 39 FR 25258.

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated June 26, 1974, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by August 14, 1974 either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attn: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX A

PILGRIM NUCLEAR GENERATING STATION, UNITS 2 AND 3

DEAR MR. SHAPAR:

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act, as amended, in regard to the above-cited application.

Pilgrim Nuclear Generating Station, Units 2 and 3, will consist of two 1180 megawatt units located near Plymouth, Massachusets. The estimated cost of Unit 2 at completion is approxmiately $611 million; of Unit 3, approximately $695 million. Unit 2 is scheduled to go into commercial operation approximately August 1980; Unit 3, approximately February 1982. Boston Edison Company (BECO) will have responsibility for construction and operation of these units.

Unit 2 will be owned jointly by the following utilities: BECO (58.417 percent), Central Maine Power Company (2.85 percent), Central Vermont Public Service Corporation (2.97 percent), the Connecticut Light and Power Company (8.61 percent), Fitchburg Gas and Electric Company (.19 percent), Montaup Electric Company (2.15 percent), New Bedford Gas and Electric Company (1.53 percent), New England Power Company (9.97 percent), Public Service Company of New Hampshire (3.47 percent), the United Illuminating Company (3.3 percent), Western Massachusetts Electric Company (4.63 percent), Ashburnham Municipal Light Plant (.032 percent), Town of Braintree Electric Light Department (.348 percent), City of Holyoke Gas and Electric Department (.435 percent), Town of Hudson Light and Power Department (.174 percent), Marblehead Municipal Light Department (.126 percent), Town of Middleboro Gas and Electric Department (.174 percent), Middleton Municipal Light Department (.087 percent), North Attleborough Electric Department (.113 percent), Paxton Municipal Electric Light Department (.042 percent), Templeton Municipal Lighting Plant (.052 percent), and Electric Department of the City of Burlington (.33 percent). Boston Edison is currently the sole owner of Unit 3, but it has specifically reserved the right to amend its application in order to include additional participants.

On August 2, 1971, the Department rendered antitrust advice on BECO's application to construct a single nuclear generating unit at the same location: Pilgrim Nuclear Generating Station, Unit 1 (AEC Docket No. 50-293A). In that letter, we indicated that various New England utilities, including BECO, appeared to have precluded municipal utility systems in New England from gaining access to bulk power supply on the same basis as investor-owned utilities. We concluded that many of the antitrust allegations advanced by Massachusetts municipal utilities raised substantial questions under the antitrust laws, both with respect to the collective activities of the utilities in New England and with respect to the willingness of BECO to seriously negotiate concerning municipal utility access to Pilgrim Unit 1. We therefore recommended that the Commission hold a hearing on antitrust issues relating to that application. In the period since the Attorney General's ad-

vice was published (36 FR 17680-81, September 4, 1971) until the present, various municipal utilities have been engaged in negotiations with BECO which would allow them to secure access to Pilgrim Unit 1 and the necessary transmission service. Although the parties have reached agreement on the principal points, these negotiations have not yet been concluded. Accordingly, the Department will not, at this time, comment upon or supplement its advice with respect to Pilgrim Unit 1.

On May 16, 1972, BECO offered to all publicly-owned and privately-owned utilities in New England an opportunity to participate as joint owners of or purchasers of unit power from Pilgrim Unit 2. During the next several months thereafter, BECO received letters of intent from various utilities wishing to participate. BECO is now engaged in the execution of participation contracts with all utilities which had indicated a continuing interest in participating in Pilgrim Unit 2; all such contracts must be completed by October 1, 1974. The offer of participation made provision for wheeling of power from Pilgrim Unit 2 to the respective owners. BECO has informed the Department that it intends to make a similar offer with respect to participation in Pilgrim Unit 3 as soon as certain studies concerning the unit have been completed.

BECO's demonstrated commitment to allowing municipal utilities in New England to gain access to bulk power from Pilgrim Units 2 and 3 on the same basis as is available to investor-owned utilities appears to represent a significant step toward improving the competitive structure of the New England utility industry. Under these circumstances, it is our opinion that an antitrust hearing will not be necessary with respect to the instant application.

[FR Doc.74-15550 Filed 7-8-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26848; Order 74-7-16]

PAN AMERICAN WORLD AIRWAYS, INC.

Proposed Increases in Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3rd day of July, 1974.

By tariff revisions [1] marked to become effective July 5, 1974, Pan American World Airways, Inc. (Pan American) proposes to increase its fares applicable between Fairbanks and Portland/Seattle. The increases in normal coach fares are 8.3 and 5.5 percent, respectively, and similar increases are proposed for other fares. The carrier also proposes to delete the present military standby fare and replace it with a military reservation fare at 75 percent of the normal coach fare. The increases allegedly reflect escalation in the carrier's U.S.-mainland-Alaska fuel cost which is alleged to have increased more than 90 percent, with further escalation expected. Pan American contends that "absorption of these higher fuel costs without a compensating revenue adjustment would seriously erode the rate of return on investment in those markets." Pan American has used an estimated fuel cost of 23.49 cents per gallon in computing its fiscal year 1975 financial results, compared with 12.16 cents per gallon in calendar year 1973.

With respect to the Fairbanks-Seattle market,[2] Pan American alleges that without the fuel-related increases it would earn only 7.3 percent return on its investment for the year ending June 30, 1975. With the fare increases, it forecasts a 10.6 percent return. It estimates a 16 percent increase in traffic over the 1973 level and a passenger load factor of 45.6 percent assuming an elasticity factor of −0.42. The carrier states that this projection of traffic growth is predicated upon development efforts related to the Alaskan pipeline and characterizes its calculation as "optimistic."

Upon consideration of the tariff filing, Pan American's justification, our recent consideration of the fares in other mainland-Alaska markets,[3] and all relevant matters, the Board finds that the proposed increased fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board has also concluded to suspend the regular, discount and military fares pending investigation.

The Board recognizes that Pan American has experienced significant fuel cost increases in mainland-Alaska markets as elsewhere. Nevertheless, we do not believe the carrier has adequately demonstrated the need for the fare increases here proposed. Present fares in these markets are already 15.5 percent (Seattle) and 24.1 percent (Portland) above the level produced by application of the formula prescribed in Phase 9 (Fare Structure) of the Domestic Passenger-Fare Investigation (DPFI). Only recently, the Board suspended fares proposed in the Anchorage-Seattle market which were 15.2 percent higher than that level,[4] notwithstanding that States-Alaska operations' were not in issue in that proceeding. We continue to be of the opinion that, while some higher costs may be traceable to States-Alaska operations, the DPFI findings should properly be considered, at least as a benchmark in evaluating fares for comparable distances in other areas. Stated differently, any significant departure from Phase 9 standards must be supported by a clear demonstration of differing costs and revenue need.

Pan American here proposes fares which would be 22 to 34 percent above those found reasonable for comparable distances in the 48 contiguous states, and we are not persuaded that such a significant deviation is warranted. Moreover, it appears that the carrier's projected costs include anticipatory increases, both in the price of fuel and in other costs.[5] Equally, or perhaps of greater significance, Pan American projects a load factor of only 45.6 percent in the Fairbanks-Seattle market despite an estimated 16 percent increase in traffic. This is largely the result of its recent return to a daily pattern of service, from the six weekly frequencies necessitated by the fuel shortage. It would appear that the latter frequency, at least until the market impact of the pipeline development is more clearly known, could adequately serve the market, and that the need for an increase in fares at this time would thus be negated. Put another way, a fare increase at this time runs the distinct risk of underwriting costs attributable to excessive capacity. Adjusting Pan American's data to reflect a six-day-per-week schedule, and eliminating anticipatory fuel costs, the carrier would realize a 22 percent return on investment based upon its forecast traffic. Even assuming a reduction of 10 percent in its forecast traffic as a result of the schedule reduction, the return on investment would be above 12 percent with a 49 percent load factor.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether all regular, discount and military fares and cancellations of fares between Fairbanks, on the one hand, and Portland, Oregon and Seattle, Washington on the other, on 4th Revised Page 527 of Airline Tariff Publishers, Inc., Agent's C.A.B. No. 202, and rules, regulations, or practices affecting such fares are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and rules, regulations, or practices affecting such fares;

2. Pending hearing and decision by the Board, all regular, discount and military fares and cancellations of fares between Fairbanks, on the one hand, and Portland, Oregon and Seattle, Wash. on the other, on 4th Revised Page 527 of Airline Tariff Publishers, Inc., Agent's C.A.B. No. 202, are suspended and their use deferred to and including October 2, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs C.A.B. No. 202.

[2] Portland-Fairbanks traffic has been included in the Seattle market by the carrier as "traffic originating/terminating in Portland is minimal—only four passengers per day."

[3] Order 74-6-54, June 11, 1974.

[4] Order 74-6-54, June 11, 1974.

[5] Fuel costs were projected at a rate of 23.49 cents per gallon for Seattle and 31.65 cents for New York, rather than the April 1974 actual costs of 21.869 cents and 30.068 cents for the Seattle and New York markets, respectively, while payroll costs were increased 8.35 and 17.96 percent above 1973 experience. These percentage increases were inclusive of "future contracted increases and minimum requirements for wage settlements affecting the forecast year ending June 30, 1975."

3. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. A copy of this order be served upon Pan American World Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.*

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-16130 Filed 7-12-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CELANESE CHEMICAL CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 4F1488) has been filed by the Celanese Chemical Co., 1211 Avenue of the Americas, New York, NY 10036, proposing establishing of tolerances (40 CFR Part 180) for residues of the fungicide formaldehyde in or on the raw agricultural commodities grains of barley, corn, oats, sorghum, and wheat and the forages of alfalfa, Bermunda grass, bluegrass, brome grass, clover, cowpea hay, fescue, lespedeza, lupines, orchard grass, peanut hay, pea vine hay, rye grass, soybean hay, sudan grass, timothy, and vetch as animal feed only at 2,000 parts per million from postharvest application.

The analytical methods proposed in the petition for determining residues of the fungicide are as follows:

a. For residue levels above 100 parts per million, the residues are extracted with water and reacted with sodium sulfite. The resulting basic solution is then back titrated with sulfuric acid.

b. For residue levels below 100 parts per million, the residues are extracted with acetylacetone and determined colorimetrically at 410 nanometers.

Dated: July 5, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-16123 Filed 7-12-74;8:45 am]

SHELL CHEMICAL CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 4F1515) has been filed by Shell Chemical Co., 1025 Connecticut Avenue, NW., Washington, D.C. 20036, proposing establishment of a tolerance (40 CFR Part 180) for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in or on the raw agricultural commodity tomatoes at 0.5 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a phosphorus-sensitive thermionic detector.

Dated: July 5, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-16124 Filed 7-12-74;8:45 am]

[OPP-18008]

STATE OF NORTH CAROLINA DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES

Denial of Registration of a Pesticide Containing DDT

Pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973), the State of North Carolina Department of Natural Resources applied for registration of a pesticide containing DDT for restricted use in protecting newly planted seedling pine from destruction by the pales weevil, Hylobius pales (Herbest). Receipt of this application was published in the FEDERAL REGISTER on November 28, 1973 (38 FR 32836).

The use of DDT for this purpose is not considered to be consistent with the Administrator's Order of June 14, 1972, published in the FEDERAL REGISTER of July 7, 1972 (37 FR 13369). Alternative control methods appear to be available. Scientific evidence indicates that when a one year delay is maintained between the cutting of forest trees and the setting of pine seedlings, weevil damage is usually not a serious problem. In addition, some tests have indicated that a top dip using 3 percent Gardona wettable powder provides a significant level of protection of pine seedlings, if planting is delayed until late March or early April. These facts suggest that certain modifications of forest cultural practices could result in a significant reduction of seedling loss without the use of a persistent chemical. This request has therefore been denied and the State of North Carolina has been notified.

The State has indicated that it may submit information before the next growing season which will show that these alternative cultural practices are not economically practical under the particular conditions existing in that State. Should this matter be reopened, a notice will be published in the FEDERAL REGISTER.

Dated: July 9, 1974.

JAMES L. AGEE,
Acting Assistant Administrator
for Water and Hazardous Materials.

[FR Doc.74-16122 Filed 7-12-74;8:45 am]

FEDERAL MARITIME COMMISSION

MED GULF CONFERENCE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 5, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire
Billig, Sher & Jones, P.C.
Suite 300
1126 Sixteenth Street, N.W.
Washington, D.C. 20036

Agreement No. 9522-20, among the members of the Med-Gulf Conference, modifies the organic agreement to provide for associate membership in the Conference.

By Order of the Federal Maritime Commission.

Dated: July 10, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-16132 Filed 7-12-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8864]

AMERICAN ELECTRIC POWER SERVICE CORP.

Interconnection Agreement Modification

JULY 5, 1974.

On June 20, 1974 American Electric Power Service Corporation (American) submitted for filing on behalf of Indiana & Michigan Electric Company (I&M) Modification No. 6 dated May 1, 1974 to the Interconnection Agreement dated

* Concurring and dissenting opinions of Minetti and West filed as part of the original document.

December 30, 1960 between Indianapolis Power & Light Company (Indianapolis) and I&M, designated Indiana Rate Schedule FPC No. 21. Also submitted was Indianapolis Power & Light Company's Certificate of Concurrence with Modification No. 6.

American states that section 1 of Modification No. 6 provides for a new Service Schedule F—Short Term Power which supersedes the existing Service Schedule F designated by the Commission as Indiana Supplement No. 6 to Rate Schedule FPC No. 21. This new Service Schedule F provides for an increase in the Demand Charge from 40 cents to 45 cents per kilowatt per week and from 10 cents to 11 cents per kilowatt per day for Short Term Power sold for periods less than one week.

American states that section 2 of Modification No. 6 provides for a new Service Schedule I—Limited Term Power (Firm) which supersedes the existing Service Schedule I designated by the Commission Supplement No. 6 to Rate Schedule FPC No. 21. This new Service Schedule I provides for an increase in the Demand Charge from $2.15 per kilowatt per month to $2.50 per kilowatt per month.

American requests that the Commission waive any requirements not already complied with under § 35.13 of the regulations under the Federal Power Act.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 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 15, 1974. 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.74-16066 Filed 7-12-74;8:45 am]

[Docket No. E-8755]

CENTRAL KANSAS POWER COMPANY, INC.

Order Accepting for Filing and Rejecting in Part Proposed Tariff Sheets, Providing for Hearing, Granting Intervention, and Denying Waiver

JULY 2, 1974.

On April 30, 1974, Central Kansas Power Company, Inc. (CKP) tendered for filing a proposed change in its FPC Electric Tariff,[1] together with a proposed initial rate, both for service to its existing wholesale customer Sunflower Electric Cooperative, Inc. (Sunflower).

CKP's filing consisted of two rate schedules, SEC-1-BASE and SEC-1-EXCESS. CKP states that Rate Schedule SEC-1-BASE was filed as a rate change and that SEC-1-EXCESS was filed as an initial rate schedule. CKP requests that, if it is determined that CKP and Sunflower have a fixed-rate fixed-term contract, the Commission accept a rate schedule which would reinstate the excess demand charges and ratchet clause provided by its original contract with Sunflower. CKP also requests that Rate Schedule SEC-1-EXCESS be accepted as an initial rate schedule for all service in excess of 22,000 KW output of its Sunflower Unit No. 1.

This filing was noticed on May 6, 1974, with protests and petitions to intervene due on or before May 21, 1974. A timely notice of intervention was filed by the State Corporation Commission of Kansas. A timely petition to intervene and motion to reject was filed by Sunflower. On May 24, 1974, CKP's filing was found deficient for failure to comply with the Commission's Regulations. On May 28, 1974, CKP filed a reply to Sunflower's petition to intervene and motion to reject. On June 3, 1974, CKP also filed a Supplement A to its Schedule M to cure the deficiency in its April 30 filing. On the same date, CKP also filed a petition for waiver of the Commission's Rules. Sunflower, on June 19, 1974, filed an opposition to CKP's request for waiver and a response to CKP's reply to Sunflower's motion to reject the filing.

The filing by CKP, the petition and responses of Sunflower, and the answer and petition by CKP all raise the issue of the application of the Mobile-Sierra doctrine[2] to the contract between these two parties and to the filing of the proposed rate schedules herein. We shall discuss this issue fully.

We believe that the contract on file with this Commission is a fixed-rate fixed-term contract for the sale of electric power and energy up to 22,000 KW. There is no provision for a unilateral change in the contract which would take it outside the purview of the Mobile-Sierra rule. The only provision for a change in rates in this contract is by redetermination and agreement by the parties. Another provision provides for options to the parties in case the rates are increased or decreased by any regulatory body having jurisdiction thereof. This provision, however, does not authorize a unilateral change by either party and does not alter the provision for change by agreement of the parties, as asserted by CKP.

We also believe that the contract is for sales of up to 22,000 KW, without an excess demand charge and without a ratchet provision. The contract and original rate schedule[3] (Exhibit D to the contract) included these two provisions. Supplement No. 1 has been superseded, however, by two subsequent supplements. Supplement No. 1 to Supplement No. 1 is is a voluntary undertaking by CKP to remove the ceiling on the maximum demand of 22,000 KW and to reduce the excess demand charge for demand in excess of 18,700 KW. Supplement No. 2 to the rate schedule replaces this supplement. The availability clause under this supplement is for the output of Sunflower Unit #1 (22,000 KW). There is no ratchet or excess demand charge included in this supplement. We believe that the original contract as amended by Supplement No. 2 is the currently effective rate schedule for service by CKP to Sunflower, and that it cannot be unilaterally altered by the parties. However, we believe the availability clause effectively limits the contractual demand to 22,000 KW, the output of the Sunflower Unit #1. Accordingly, we shall reject CKP's proposed Rate Schedule SEC-1-BASE and CKP's proposal to reinstitute the ratchet and excess demand provisions, as contrary to the rule of Mobile Sierra.

As to Rate Schedule SEC-1-EXCESS, we shall accept that as the filing of an initial rate schedule. Although CKP has been providing service to Sunflower in excess of the maximum contract demand in its rate schedule, this does not alter the contract as on file with this Commission.[4] We stated in the Order Denying Rehearing in Gulf States that:

> Whether or not [the company] has in fact been supplying amounts of electric energy in excess of the maximum contract demand in the Company's FPC Rate Schedule * * * does not in any way alter the fact that only the Company's contract as filed with this Commission, along with any properly filed and accepted amendments, can be regarded as embodying the presently effective contractual rates, terms and conditions * * * [W]here amounts of energy are proposed to be sold outside the contract demand parameters, the rates proposed for such sales may be viewed as initial rate.[5]

We shall also institute an investigation and hearing into this part of the filing as an initial rate schedule, under Section 206 of the Act.

CKP has also requested waiver of the Commission's Regulations to permit the filed rates to become effective on June 1, 1974. This request is opposed by Sunflower, which states that the deficiency in CKP's filing has not yet been cured. We believe that CKP's filing of June 3, 1974, substantially cures the defects in its April 30 filing. Good cause has not been shown to permit waiver of the regulations, however, so we shall accept CKP's filing as of June 3, 1974, and permit SEC-1-EXCESS to become effective on July 3, 1974.

Sunflower has also requested that if there is a question as to the applicability of the Mobile-Sierra doctrine to sales in excess of 22,000 KW, that we suspend Rate Schedule SEC-1-EXCESS for five months, and set a hearing on the applicability of the doctrine. No authority for such action exists, since we believe that this is an initial rate schedule, so this request must be denied.

[1] Rate Schedule FPC No. 1.

[2] United Gas Pipeline Co. v. Mobile Service Corp., 350 U.S. 332 (1956); F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

[3] Supplement No. 1 to FPC Electric Tariff No. 1.

[4] Cf. *Gulf States Utilities Company*, Docket No. E-8121, order issued June 14, 1973; Order denying rehearing issued August 7, 1973.

[5] Mimeo at 3.

We note also that the fuel clause in both rate schedules included items other than those in Account 151 which are not permitted by Section 35.14 of the regulations. Accordingly, we shall reject the fuel clause without prejudice to CKP's right to file a clause in conformance with the Regulations. Additionally, the fuel proposed clause imputes CKP's cost of fuel to purchases and net interchange energy, contrary to the holding in New England Power Company, Opinion No. 633.[6]

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter into an investigation under Section 206 of the Federal Power Act concerning the lawfulness of the rates and charges contained in CKP's proposed Rate Schedule SEC–1–EXCESS, as hereinafter ordered.

(2) Good cause exists to permit the intervention of the above mentioned petitioners.

(3) Good cause does not exist to grant waiver of the Commission's regulations.

(4) Good cause exists to reject CKP's proposed fuel adjustment clause in Rate Schedule SEC–1–EXCESS as hereinafter ordered.

(5) Good cause exists to reject Rate Schedule SEC–1–BASE and to reject CKP's proposal to reinstate the excess demand charge and ratchet for that rate schedule.

The Commission orders. (A) CKP's proposed rate schedule SEC–1–BASE is hereby rejected.

(B) CKP's proposal to reinstitute the excess demand charge and ratchet is also rejected.

(C) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR, Ch. I), a public hearing shall be held commencing on December 2, 1974, at 10:00 a.m., E.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in CKP's Rate Schedule SEC–1–EXCESS.

(D) On or before October 21, 1974, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of the intervenors shall be served on or before November 4, 1974. Rebuttal evidence of CKP shall be served on or before November 18, 1974.

(E) The proposed fuel clause contained in Rate Schedule SEC–1–EXCESS is hereby rejected.

(F) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) CKP's request for waiver of the regulations is hereby denied.

(H) 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.

(I) 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.

(J) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–15806 Filed 7–12–74;8:45 am]

[6] Issued October 30, 1972.

[Dockets Nos. RP74–57 and RP72–155]

EL PASO NATURAL GAS CO.

Order Accepting Tendered Tariff Sheets for Filing and Placing Suspended Rates Into Effect

JULY 9, 1974.

By order issued February 8, 1974, this Commission suspended until July 10, 1974, a general rate increase of $70 million which has been tendered by El Paso Natural Gas Company (El Paso) on January 10, 1974. In that order we stated that, in light of Commission Opinion No. 671 issued October 31, 1973, in United Gas Pipe Line Company, Docket No. RP72–75, the burden would be upon El Paso to justify any commodity rate levels reflecting inclusion of less than 75 percent of Seaboard fixed costs. The order further provided that certain uncertificated gas plant facilities, which were included in El Paso's rate base projections, could not be included in El Paso's rates if not certificated and in service when the proposed rates became effective. By order issued June 21, 1974, in Docket No. CP74–47, we granted temporary authorization to operate the proposed facilities, but set the matter for formal hearing and ordered that the cost of the facilities not be included in El Paso's rates.

Further, on February 14, 1974, El Paso filed for a PGA adjustment of 4.83¢ per Mcf to its rates in effect subject to refund in Docket No. RP74–104. That increase was made effective, after a one-day suspension, on April 2, 1974.

On June 10, 1974, El Paso filed three groups of adjusted tariff sheets[1] and a motion to place into effect on July 10, 1974, those rates, as adjusted, which had been suspended in our order of February 8, 1974. The adjusted tariff sheets of Group B reflect the increased gas costs of 4.83¢ per Mcf which we had permitted to be recovered in the underlying rates; a reduction of .02¢ per Mcf to reflect elimination of the cost of the uncertificated gas plant facilities; and a restructuring of the rates under Rate Schedules G and G–X applicable to California sales under two-part rates. The proposed restructured rate levels of the demand and commodity charges classify 25 percent of fixed costs to demand and 75 percent of fixed costs to commodity as prescribed by the Commission in Opinion No. 671. Since those tariff sheets included within Group B of El Paso's tendered filing of June 10, 1974, conform to our order of February 8, 1974, we shall accept them for filing, and grant El Paso's motion that its tendered rates be placed into effect on July 10, 1974, as modified by those tariff sheets. Notice of El Paso's June 10, 1974, filing was issued on June 28, 1974 with protests or petitions to intervene to be filed on or before July 8, 1974. No protest or petitions have been filed to date.

The Commission finds. (1) El Paso's revised tariff sheets, alternate Group B, tendered on June 10, 1974, should be accepted for filing as hereinafter ordered.

(2) El Paso's motion to place those tariff sheets tendered for filing on January 10, 1974, and modified by revised tariff sheets, Group B tendered on June 10, 1974, into effect on July 10, 1974, should be granted.

The Commission orders. (A) El Paso's revised tariff sheets, alternate Group B, tendered on June 10, 1974, are hereby accepted for filing to be effective July 10, 1974.

(B) Those tariff sheets proffered in Docket No. RP74–57 and modified by El Paso's tendered tariff sheets of June 10, 1974, Group B, shall be placed into effect on July 10, 1974, subject to refund in the manner provided by the Natural Gas Act.

[1] *Group A*—Substitute Twelfth Revised Sheet No. 3 to Original Volume No. 1; Second Revised Sheet No. 1–D to Third Revised Volume No. 2; Fourth Revised Sheet 1–C to Original Volume No. 2–A. The effect of this group would be to restructure Rate Schedules G and G–X, include the uncertificated facilities in the rates and include the PGA increase.

Group B—Substitute Twelfth Revised Sheet No. 3 to Original Volume No. 1; Second Revised Sheet No. 1–D to Third Revised Volume No. 2; Fourth Revised Sheet 1–C to Original Volume No. 2–A. The effect of this group is to restructure Rate Schedules G and G–X, eliminate the uncertificated factilities from the rates and include the PGA increase.

Group C—Alternate Substitute Twelfth Revised Sheet No. 3 to Original Volume No. 1, Second Revised Sheet No. 1–D to Third Revised Volume No. 2; Fourth Revised Sheet 1–C to Original Volume No. 2–A. This group would include the uncertificated facilities in the rates and include the PGA increase.

(C) The tariff sheet Groups A and C, filed June 10, 1973, are hereby deemed withdrawn.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-16068 Filed 7-12-74;8:45 am]

[Docket No. CP74-289]

EL PASO NATURAL GAS CO.

Order Providing for Hearing, Granting Interventions, and Prescribing Procedures

JULY 9, 1974.

On May 13, 1974, El Paso Natural Gas Company (El Paso) filed an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act and §§ 157.5 and 157.7(a) of the Commission rules and regulations requesting certification of an operating arrangement whereby El Paso will sell certain volumes of gas (up to 25,000,000 Mcf), to Pacific Gas and Electric Company (PG&E). These volumes El Paso claims can be obtained from curtailments of the Priority 5 loads of its east-of-California (EOC), customers during the current summer season.

In return, PG&E has agreed to store the excess gas for El Paso and will back off its entitlement of gas from El Paso by as much as 300,000 Mcf per day during the 1974–1975 heating season. This arrangement has been undertaken by the parties pursuant to El Paso's realization that it would incur shortages on its system this winter of a magnitude which, absent the proposed transaction, would result in its Priority 1 and 2 EOC customers being curtailed.[1] The initial term of this agreement would be from the date of certification herein to April 30, 1975.

In addition, El Paso has entered into a back-up agreement with Southern California Gas Company (So. Cal.), whereby So. Cal. has agreed to assist El Paso by accepting reduced deliveries up to 300,000 Mcf per day whenever El Paso fails for any of various reasons to obtain the gas they need under their PG&E arrangement. The term of this agreement is November 1, 1974, through April 30, 1975.

In the execution of the above arrangements, the parties have provided for certain other conditions which we need not specify here. It is sufficient to state that factual and legal issues are raised by the instant application and the attendant arrangements which require resolution in an evidentiary hearing. We will consequently order such a hearing herein.[2]

Timely petitions to intervene have been tendered in this docket by the following parties:

Citizens Utilities Company
City of Mesa, Arizona
Pacific Gas and Electric Company
Public Utilities Commission of the State of California
Southern Union Gas Company
Southern California Gas Company
Southwest Gas Corporation
Arizona Corporation Commission
Arizona Public Service Company
City of Willcox, Arizona
Arizona Electric Power Cooperative, Inc.
Salt River Project Agricultural Improvement and Power District

Late petitions to intervene have been filed by:

San Diego Gas & Electric Company
Nevada Industrial Customers

The above petitioners will be granted intervention because of their collective status as customers of El Paso PG&E or So. Cal.

The Commission finds. (1) It is in the public interest to order a hearing concerning the propriety of issuing a certificate of public convenience and necessity to El Paso for the arrangement set forth in its application herein.

(2) It is in the public interest to permit the intervention of the petitioners hereinabove set forth.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, (18 CFR, Chapter 1), a public hearing shall be held commencing August 27, 1974, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the propriety of issuing a certificate of public convenience and necessity to El Paso for the arrangement proposed herein.

(B) On or before August 6, 1974, the Applicant and any supporting intervenor shall file and serve its testimony and exhibits comprising its case-in-chief upon all parties including Commission Staff.

(C) An 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 hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) The petitioners hereinabove set forth are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided,* however, That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene, and, *Provided, further,* That the admission of said intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-16067 Filed 7-12-74;8:45 am]

[Docket No. RP74-35]

UNITED NATURAL GAS CO.

Tendered Corrected and Revised Tariff Sheets

JULY 8, 1974.

Take notice that on June 26, 1974 United Natural Gas Company (United) tendered for filing United Natural Gas Company FPC Gas Tariff, Original Volume No. 1, Sixth, Seventh and Eighth Revised Sheets No. 3–A making corrections and/or revisions described by United as follows:

1. Sixth Revised Sheet No. 3–A is being reissued as of June 24, 1974 to be effective June 14, 1974, to correct the PGA Current Adjustment Column (4), to 2.14¢ instead of 2.05¢.

2. Seventh Revised Sheet No. 3–A is being reissued as of June 24, 1974, as Eighth Revised Sheet No. 3–A, superseding Seventh Revised Sheet No. 3–A, to be effective July 12, 1974, to make corrections as follows:

a. PGA Current Adjustment, Column (4), to 2.89¢ instead of 2.05¢.

b. PGA Cumulative Adjustment, Column (5), to 13.58¢ instead of 10.69¢.

c. Rate After Current PGA Adjustment, Column (6), to the rates indicated instead of the rates shown in the previous filing.

d. Correct the SO, Commodity Base Tariff Rate, Column (3), to reflect one-half the Demand portions of the 100% Load Factor CD–1 Rate.

3. Eighth Revised Sheet No. 3–A is being reissued, as of June 24, 1974, as Seventh Revised Sheet No. 3–A, superseding Sixth Revised Sheet No. 3–A, to be effective July 1, 1974, to reflect the supersession of the correct tariff sheet as related to the dates the rates are to be effective. Alternates Eighth Revised Sheet 3–A is likewise being reissued as of June 24, 1974, as Alternate Seventh Revised Sheet No. 3–A superseding Sixth Revised Sheet No. 3–A, to be effective July 1, 1974, to reflect the supersession of the correct tariff sheet as related to the dates the rates are to be effective.

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 16, 1974. 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.74-16069 Filed 7-12-74;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5,

[1] Priorities for El Paso's permanent curtailment plan were prescribed in Opinion No. 697, issued June 14, 1974.

[2] By letter issued at the direction of the Commission, dated June 17, 1974, the Commission authorized the issuance of a temporary certificate allowing El Paso to commence the necessary operations described in their application pending disposition of their permanent certificate request.

1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, August 1, 1974
Thursday, August 8, 1974
Thursday, August 15, 1974

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92–392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) that the closing is necessary in order to provide the members with the opportunity to advance proposals and counterproposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman,
Federal Prevailing Rate Advisory.

JULY 10, 1974.

[FR Doc.74–16096 Filed 7–12–74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

G. AND H. COAL CO.

Application for Renewal Permit; Electric Face Equipment Standard; Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 has been received for the item of equipment in the underground coal mine identified below:

ICP Docket No. 4220–000, G & H COAL CO., Mine No. 5, Mine ID No. 15 02325 0, Hyden, Kentucky, ICP Permit No. 4220–001 (Kersey 944D Mine Tractor, Ser. No. 6887).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearings as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JULY 9, 1974.

[FR Doc.74–16088 Filed 7–12–74;8:45 am]

L. PARTIN COAL CO.

Applications for Renewal Permits; Electric Face Equipment Standard; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4453–000, L. Partin Coal Company, No. 5 Mine, Mine ID No. 15 02352 O, Gilley, Kentucky, ICP Permit No. 4453–005 (Goodman 512 EJ Coal Cutter, Co. No. I), ICP Permit No. 4453–010 (Joy T–2 Truck, Co. No. I).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JULY 9, 1974.

[FR Doc.74–16089 Filed 7–12–74;8:45 am]

OLD BEN COAL CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Correction

In FR Doc.74–15545 appearing at page 25256 of the issue for Tuesday, July 9, 1974, the following should be deleted:

Section ID No. 049 (13A, 14th, 15th N. Panel off 1B East North.

Section ID 050 (40A, 40th 41st, 42nd S. Panel off 11th East South).

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

ARCHITECTURE PLUS ENVIRONMENTAL ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Architecture Plus Environmental Arts Panel to the National Endowment for the Arts will be held at 10:00 a.m. on July 25 and 26, 1974 in the first floor conference room of the Shoreham Building, 806 15th Street NW., Washington, D.C.

This meeting is for the purpose Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), and (5)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382–5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts, and the Humanities.

[FR Doc.74–16087 Filed 7–12–74;8:45 am]

MUSIC ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Music Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on July 22 and 23, 1974 in the first floor conference room of the Shoreham Building, 806 15th St. NW., Washington, D.C.

This meeting is for the purpose Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5

U.S.C. 552(b) (4), and (5)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-16086 Filed 7-12-74;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 July 10, 1974 (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, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Hazardous Substances Survey of Chemical Industry: Form ——, Single time, Ellett, Chemical manufacturers.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental: Health Program Assessment Report, Form OS 29-74, Annual, HRD, Head start grantees.

VETERANS ADMINISTRATION

Application for Educational Assistance: Form VA 22-5490, Occasional, Caywood, Children of veteran or serviceman or servicewoman.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-16185 Filed 7-12-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1080]

NEW MEXICO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April, because of the effects of a certain disaster, damage resulted to property located in the State of New Mexico;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, Therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provision of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Otero County, New Mexico, and adjacent affected areas, suffered damage or destruction resulting from a forest fire which occurred during the period April 6-9, 1974. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration, District Office, 5000 Marble Avenue, NE., Patio Plaza Building, Albuquerque, New Mexico 87110.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to

Dated: July 3, 1974.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.74-16127 Filed 7-12-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-74-37]

YOUNGSTOWN SHEET AND TUBE CO.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Youngstown Sheet and Tube Company, P.O. Box 900, Youngstown, Ohio 44501, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.179 (b)(4) concerning wind indicators and rail clamps for overhead and gantry cranes and 1910.179(e)(4) concerning rail sweeps for overhead and gantry cranes.

The addresses of the places of employment that will be affected by the application are as follows:

Youngstown Sheet and Tube Company
Indiana Harbor Works
3001 Dickey Road
East Chicago, Indiana 46312

Youngstown Sheet and Tube Company
Brier Hill Works
P.O. Box 900
Youngstown, Ohio 44501

Youngstown Sheet and Tube Company
Campbell Works
P.O. Box 900
Youngstown, Ohio 44501

Youngstown Sheet and Tube Company
Struthers Works
P.O. Box 900
Youngstown, Ohio 44501

Youngstown Metal Products Company
A Division of Youngstown Sheet and Tube Company
P.O. Box 900
Youngstown, Ohio 44501

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing places of employemt as safe as that required by 29 CFR 1910.179(b)(4) which requires that outdoor storage bridges be provided with automatic rail clamps and 29 CFR 1910.179(e)(4) which requires that bridge trucks be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

A variance from 29 CFR 1910.179(b)(4) was requested for the Indiana Harbor Works only. The applicant states that each of the ore bridge cranes are driven by four individual assemblies consisting of a motor, a worm and gear drive, a series of spur gears and then to a large diameter toothed pinion which engages a stationary rack. The rack is secured to the concrete foundation so that bridge movement is caused by the toothed pinion revolving and engaging the stationary rack. When the power is off the worm and gear acts as a self locking brake. In addition, there are brakes on the motors and the screw on No. 3 bridge, and a brake on the screw on No. 1 and No. 2 bridges which are actuated when the power is off.

The applicant alleges that by positive engagement of toothed pinions with stationary toothed racks and the positive braking action of the worm and gear drives, the bridges are securely locked in place. Furthermore, the applicant contends that the rack and pinion with worm gear drive provides protection as great as, or greater than, automatic rail clamps.

In addition, the applicant states that the three bridge cranes have provided a total of 120 years of service and in that time it has never incurred damage to an ore bridge or injured an employee as the result of high velocity winds or failure to have automatic rail clamps. The applicant also states that in the event of a storm or high velocity winds, all personnel working on the level of the ore bridges are ordered to ground level.

A variance is sought from 29 CFR 1910.179(e)(4) for all of the places of employment listed above. The applicant states that it does not equip overhead cranes with rail sweeps. Instead, it uses

temporary rail stops on runway rails to prevent one crane from striking another crane which is out of operation or being repaired. The applicant contends that rail sweeps would not be compatible with the use of rail stops. In order for maintenance work to begin, rail sweeps would have to be removed from other cranes on the runway rails so that rail sweeps would not strike the rail stops. Repair crews could be exposed to additional safety hazards in the removal and replacement of the rail sweeps.

The applicant alleges that rail sweeps would inhibit the inspection of track wheels for flange wear and tread cracking as required in 29 CFR 1910.179(j).

In addition, the applicant states that it prohibits all employees from being present on the crane runway when a crane is operating.

The applicant contends that the use of temporary rail stops and the prohibition of personnel being on the runways when a crane is in operation is equally as safe as using rail sweeps.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive—Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Court House
Room 423
Indianapolis, Indiana 46204

U.S. Department of Labor
Occupational Safety and Health Administration
847 Federal Office Building
1240 East Ninth Street
Cleveland, Ohio 44199

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views, and arguments relating to the pertinent application no later than August 14, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than August 14, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, and from the photographs and drawings accompanying the application that an interim order is necessary to prevent undue hardship for the applicant pending a decision on the application for a variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Youngstown Sheet and Tube Company be, and it is hereby, authorized to use a rack and pinion with worm gear at all four legs of each outdoor storage bridge crane at its Indiana Habor Works facility instead of using automatic rail clamps provided that the worm and gear drives are designed to withstand five times the rated motor horsepower, that there are brakes on the motors and the screw on No. 3 bridge and a brake on the screw of No. 1 and No. 2 bridges which are actuated when the power is off, that the bridges are securely locked in place automatically by the engagement of the toothed pinions with the stationary toothed racks and the positive braking action of the worm and gear drives, and provided that the applicant evacuate all employees from the area of the ore bridges when necessary as a result of weather conditions.

It is also ordered that Youngstown Sheet and Tube Company be, and it is hereby, authorized to use temporary rail stops instead of equipping overhead cranes with rail sweeps provided that employees be prohibited from being present on the crane runway when a crane is in operation and provided that repair crews install rail stops between a crane that is being repaired or serviced and any other crane that is operating on the same runway. Upon completion of the maintenance work, the rails will be examined for foreign objects prior to operation of the overhead crane.

Youngstown Sheet and Tube Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of July 15, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 8th day of July 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-16131 Filed 7-12-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 9, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 25, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 107496 (Sub-No. E217), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Wyoming to points in Kansas. The purpose of this filing is to eliminate the gateways of Sidney, Nebr., points in Laramie County, Wyo., and points in Kansas on and north of Kansas Highway 96 and on and west of U.S. Highway 283.

No. MC 107496 (Sub-No. E218), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Liquid chemical insecticides*, in bulk, in tank vehicles, from Minneapolis-St. Paul, Minn., to points in Kentucky. The purpose of this filing is to eliminate the gateway of the plantsite of Ashland Chemical Company, at or near Mapelton, Ill.

No. MC 107496 (Sub-No. E219), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Peru, Ill., and points within 10 miles of Peru to points in Nebraska. The purpose of this filing is to eliminate the gateways of Mt. Ayr, Ft. Dodge, Sioux City, and Council Bluffs, Iowa.

No. MC 107496 (Sub-No. E221), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plantsite of the Dundee Cement Co., at or near Castleton, Ind., to points in Iowa (except points in Lee, Van Buren, and Davis Counties). The purpose of this filing is to eliminate the gateway of the plantsite of the Dundee Cement Co., at or near Rock Island, Ill.

No. MC 107496 (Sub-No. E222), filed June 4, 1974. Applicant: RUAN TRANS-

PORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plantsite of the Dundee Cement Co., at or near Castleton, Ind., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Lemont, Ill.

No. MC–107496 (Sub-No. E223), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water treatment ingredients and materials*, in bulk, in tank vehicles, from the storage and manufacturing facilities of Conservation Chemical Company located at Gary, Ind., to points in Minnesota. The purpose of this filing is to eliminate the gateway of the plantsite of the Apple River Chemical Company at or near East Dubuque, Ill.

No. MC–107496 (Sub-No. E224), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except chemicals), in bulk, in tank vehicles, from the plantsite of American Oil Company located at or near Whiting, Ind., to points in Minnesota on and south of Minnesota Highway 19. The purpose of this filing is to eliminate the gateways of Clear Lake and Dubuque, Iowa and points within 10 miles thereof.

No. MC–107496 (Sub-No. E225), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petroleum chemicals) as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plantsite of American Oil Company located at or near Whiting, Ind., to points in South Dakota. The purpose of this filing is to eliminate the gateway of the site of the pipeline terminal outlet of Kaneb Pipeline Company at or near Le Mars, Iowa.

No. MC–107496 (Sub-No. E236), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank vehicles, from the plantsite of the Apple River Chemical Company at or near East Dubuque, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 107496 (Sub-No. E237), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, from the plantsite of the Stauffer Chemical Co. (formerly the Des Plaines Chemical Company), at or near Morris, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC–107496 (Sub-No. E238), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Ia. 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, and liquid fertilizers*, in bulk in tank vehicles, from the plant site of Notrogen Products Division of W. R. Grace & Co., at or near Monmouth, Ill., to points in Kansas. The purpose of this filing is to eliminate the gateway of Muscatine, Ia.

No. MC–107496 (Sub-No. E239), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Ia. 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, and fertilizer ingredients* in bulk, from the plantsite of United States Steel Corporation, Chemical Division, at or near Tilton, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Ft. Madison, Ia.

No. MC–107496 (Sub-No. E240), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Ia. 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow* in bulk, in tank vericles, from Minneapolis, Minn., to points in Arizona. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC–107496 (Sub-No. E250), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Ia. 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Peru, Ill., and points within 10 miles of Peru to points in South Dakota. The purpose of this filing is to eliminate the gateway of the terminal of Kaneb Pipe Line Company at or near Milford, Iowa.

No. MC–107496 (Sub-No. E253), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Ia. 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Havana, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of points in Harrison County, Mo.

No. MC–107496 (Sub-No. E254), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Wyoming to points in Missouri (except Atchison, Nodaway, and Holt Counties). The purpose of this filing is to eliminate the gateways of the pipeline outlet of William Brothers Pipeline Company in Doniphan County, Kans., and Superior, Nebr.

No. MC–107496 (Sub-No. E255), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Wyoming to points in Missouri (except points on and west of U.S. Highway 59). The purpose of this filing is to eliminate the gateways of Sidney, Nebr., points in Kansas on and north of U.S. Highway 40, and the pipeline outlet of Williams Brothers Pipeline Company in Doniphan County, Kans.

No. MC–107496 (Sub-No. E256), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles from Meredosia, Ill., the plantsite of ARCO Chemical Company, Division of Atlantic Richfield Company, located at or near Peru, Ill., and the plant site of CF Industries, Inc., at or near Albany, Ill., to points in Colorado. The purpose of this filing is to eliminate the gateway of the plantsite of Farmland Industries, Inc., near Hastings, Nebr.

No. MC 107496 (Sub-No. E257), filed June 4, 1974, Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from

Kansas City, Kans., and Sugar Creek, Mo., to points in North Dakota. The purpose of this filing is to eliminate the gateways of points in Taylor County, Iowa, and the terminal of Kaneb Pipe Line Company at or near Milford, Iowa.

No. MC 107496 (Sub-No. E258), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphate*, in bulk, in tank vehicles, from Lawrence, Kans., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Freemont, Nebr.

No. MC 107496 (Sub-No. E259), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Kansas City, Kans., to points in Colorado on and north of a line beginning at the junction of Colorado Highway 96 and the Colorado-Kansas State line, west over Colorado Highway 96 to Pueblo, thence west over U.S. Highway 50 to Montrose, thence west over Colorado Highway 90 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of points in Nebraska west of U.S. Highway 83.

No. MC 107496 (Sub-No. E260), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Kansas City, Kans., to points in Illinois on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateways of Alexandria and Palmyra, Mo., and points in Doniphan County, Kans.

No. MC 107496 (Sub-No. E261), filed June 1, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from points in Douglas and Bayfield Counties, Wisc., to points in Nebraska. The purpose of this filing is to eliminate the gateways of Minneapolis and Austin, Minn.

No. MC 107496 (Sub-No. E262), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, in tank vehicles, from the plantsite of the Apple River Chemical Company at or near East Dubuque, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC–107496 (Sub-No. E263), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from the plantsite of Stauffer Chemical Company (formerly the Des Plaines Chemical Company) at or near Morris, Ill., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC–107496 (Sub-No. E264), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plant or distribution terminal sites of Dundee Cement Company, located at or near Rock Island, Ill., to points in Texas. The purpose of this filing is to eliminate the gateway of the plantsite of Ash Grove Lime and Portland Cement Company in or near Chanute, Kans.

No. MC–107496 (Sub-No. E265), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions*, in bulk, in tank vehicles, from the plant and warehouse sites of Nitrin, Inc., at or near Cordova, Ill., to points in Texas. The purpose of this filing is to eliminate the gateway of Lawrence, Kans.

No. MC–107496 (Sub-No. E266), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, from the plantsite of the Apple River Chemical Company at or near Niota, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC–107496 (Sub-No. E267), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemical adhesives*, in bulk, in tank vehicles, from the plant site of H. B. Fuller Company, at Kansas City, Kans., to points in Ohio. The purpose of this filing is to eliminate the gateway of the plant site of Ashland Chemical Company at or near Mapleton, Ill.

No. MC–107496 (Sub-No. E268), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemical adhesives*, in bulk, in tank vehicles, from the plant site of H. B. Foster Company, at Kansas City, Kans., to points in Wisconsin (except points west of U.S. Highway 51). The purpose of this filing is to eliminate the gateway of the plant site of Ashland Chemical Company at or near Mapleton, Ill.

No. MC–107496 (Sub-No. E285), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check, attorney (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonedible animal oils*, in bulk, in tank vehicles, from points in North Dakota to points in Louisiana. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC–107496 (Sub-No. E286), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check, attorney (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Quincy, Ill., to points in Iowa. The purpose of this filing is to eliminate the gateway of Alexandria, Mo.

No. MC–107496 (Sub-No. E288), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check, attorney (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and compounds used in the treatment of water and crude petroleum and as oil corrosion inhibitor*, in bulk, from the plant site of Ashland Chemical Co., division of Ashland Oil and Refining Co., at Mapleton, Ill., to points in Montana except points in Daniels, Sheridan, Custer, Roosevelt, McCone, Richland, Dawson, Prairie, Wibaux, Fallon, Powder River, and Carter Counties, Mont. The purpose of this filing is to eliminate the gateway of Casper, Wyo.

No. MC–107496 (Sub-No. E290), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check, attorney (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum*

products, in bulk, in tank vehicles, from points in Colorado, to points in Iowa. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC–107496 (Sub-No. E301), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Epoxidized vinyl plasticizers*, in bulk, in tank vehicles, from Blooming Prairie, Minn., to points in Louisiana. The purpose of this filing is to eliminate the gateway of the plant site of Ashland Chemical Company, Division of Ashland Oil and Refining Co., at or near Mapleton, Ill.

No. MC–107496 (Sub-No. E302), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Epoxidized vinyl plasticizers*, in bulk, in tank vehicles, from Blooming Prairie, Minn., to points in Tennessee. The purpose of this filing is to eliminate the gateway of the plantsite of Ashland Chemical Company, Division of Ashland Oil and Refining Co., at or near Mapleton, Ill.

No. MC–109326 (Sub-No. E1), filed May 11, 1974. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Miami, Fla., and points in that part of Florida on and west of U.S. Highway 231, to Indianapolis, Ind. The purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC–109326 (Sub-No. E2), filed May 11, 1974. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in that part of Georgia in and south of Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Telfair, Wheeler, Montgomery, Toombs, Tattanall, Evans, Bulloch, and Effingham Counties, to Kansas City, Mo. The purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC–109326 (Sub-No. E3), filed May 11, 1974. Applicant: C & D TRANSPORTATION, P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and commodities distributed by meat packing-houses*, as described in Parts A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, fresh or frozen in vehicles equipped with mechanical refrigeration, from Montgomery, Ala., to points in that part of Mississippi on and south of U.S. Highway 98. The purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC–109326 (Sub-No. E4), filed May 11, 1974. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and agricultural commodities (not including manfactured products thereof), as defined in Section 203(B)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with bananas, from Gulfport, Miss., to Atlanta, Ga., Louisville, Ky., Cincinnati, Ohio, Kansas City and St. Louis Mo., Indianapolis, Terre Haute, and Evansville, Ind., and points in Tennessee. The purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC–109326 (Sub-No. E5), filed May 11, 1974. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in that part of Florida on and west of U.S. Highway 231 to Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC–109326 (Sub-No. E6), filed May 11, 1974. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Pensacola, Fla., to Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC–109326 (Sub-No. E7), filed May 11, 1974. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in Florida to Kansas City, Mo. The purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC–109326 (Sub-No. E8), filed May 11, 1974. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William F. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in Florida to St. Louis, Mo. the purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC–110420 (Sub-No. E1), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representsentative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible blends of animal and vegetable oils*, in bulk, in tank vehicles (a) from Waterloo, Iowa, and Cudahy, Wis., to points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Virginia, West Virginia, and the District of Columbia (Chicago, Ill.) *; (b) from Louisville, Ky., to points in Maine and New Hampshire (Gary, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by an asterisk above.

No. MC–111045 (Sub-No. E1), filed May 6, 1974. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from LeMoyne, Ala., to points in Texas. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC–111045 (Sub-No. E2), filed May 12, 1974. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquid nitrogen and nitrogen tetroxide), in bulk, in tank vehicle, from points in Broward, Dade, Hillsborough, and Orange Counties, Fla., to points in Georgia. The purpose of this filing is to eliminate the gateway of points in Bradford County, Fla.

No. MC–111545 (Sub-No. E54), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel*, from points in that part of Minnesota on and south of U.S. Highway 12, and points in Wisconsin (except Green Bay and points within 50 miles of Green Bay), to points in Georgia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–111545 (Sub-No. E93), filed May 22, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga.

30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in Massachusetts to points in that part of Colorado on and south of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 24 to Wolcott, thence along Colorado Highway 131 to junction U.S. Highway 40, thence along U.S. Highway 40 to Craig, thence along Colorado Highway 13 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Miami, Okla.

No. MC–111545 (Sub-No. E103), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more (except buses), and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to the transportation of commodities when moving on trailers, from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and west of a line beginning at the Tennessee-Virginia State line, thence along U.S. Highway 25E to Tazewell, thence along Tennessee Highway 33 to Halls Crossroads, thence along U.S. Highway 441 to the Tennessee-North Carolina State line, to points in Maine, New Hampshire, and Rhode Island. The purpose of this filing is to eliminate the gateway of Toccoa, Ga.

No. MC–111545 (Sub-No. E104), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractor's equipment*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 84 to Abilene, thence along U.S. Highway 80 to the Texas-Louisiana State line, on the one hand, and, on the other, points in that part of Kansas on and east of U.S. Highway 75. The purpose of this filing is to eliminate the gateway of Joplin and Kansas City, Mo.

No. MC–111545 (Sub-No. E106), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids, and (3) *parts, attachments, and accessories* for use in the installation and operation of (1) and (2) above, restricted in (1) and (2) above to the transportation of commodities, which, because of size or weight, require the use of special equipment, from points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to Horsehead, thence along New York Highway 13 to Ithaca, thence along New York Highway 34 to Auburn, thence along New York Highway 38 to North Victory, thence along New York Highway 104 to Oswego, to points in Louisiana. The purpose of this filing is to eliminate the gateways of Asheville, N.C., and Clarksville, Tenn.

No. MC–111545 (Sub-No. E108), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Mississippi on and south of U.S. Highway 80, on the one hand, and, on the other, points in Wisconsin, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateways of (1) Keokuk or Clinton, Iowa, and (2) Blytheville, Ark.

No. MC–111545 (Sub-No. E110), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, from points in that part of Florida on, east, and south of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 129 to Oldtown, thence along Florida Highway 349, to Suwannee, to points in Michigan. The purpose of this filing is to eliminate the gateway of Rocky Mount, Va.

No. MC–111545 (Sub-No. E111), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked-down, or in sections, the transportation of which, because of size or weight, requires the use of special equipment, from points in Alabama to points in Kansas. The purpose of this filing is to eliminate the gateway of Joplin, Mo.

No. MC–111545 (Sub-No. E112), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transportation of which, because of size or weight, requires the use of special equipment, restricted against the transportation of any such commodities to be used in, or in connection with, main or trunk pipelines, from points in that part of Utah on and north of a line beginning at the Utah-Colorado State line, thence along U.S. Highway 50 to Interstate Highway 70, thence along Interstate Highway 70 to Salina, thence along U.S. Highway 89 to Sevier, thence along Utah Highway 4 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction Utah Highway 21, thence along Utah Highway 21 to the Utah-Navada State line, to points in Mississippi. The purpose of this filing is to eliminate the gateways of Eve and Malden, Mo.

No. MC–111545 (Sub-No. E115), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicants representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more (except buses), and related *machinery, tools, parts, and supplies* moving in connection therewith, restricted to the transportation of commodities when moving on trailers, from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on, south, and west of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 231 to Lebanon, thence along U.S. Highway 70 to Kingston, thence along Tennessee Highway 58 to junction Tennessee Highway 72, thence along Tennessee Highway 72 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line, to points in Vermont. The purpose of this filing is to eliminate the gateway of Toccoa, Ga.

No. MC–111545 (Sub-No. E116), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Texas, Oklahoma, Kansas, and Louisiana, on the one hand, and, on the other, points in Lea County, N. Mex. The purpose of this filing is to

eliminate the gateway of Midland or Seminole, Tex.

No. MC–111545 (Sub-No. E118), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractor's equipment*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Oklahoma on and east of the line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 77 to Oklahoma City, thence along Oklahoma Highway 3 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Kansas State line, on the one hand, and, on the other, points in that part of Nebraska on, north, and east of a line beginning at the Nebraska-Iowa State line, thence along Nebraska Highway 2 to junction U.S. Highway 77, thence along U.S. Highway 77 to Lincoln, thence along U.S. Highway 34 to Aurora, thence along Nebraska Highway 14 to Albion, thence along Nebraska Highway 91 to Dunning, thence along Nebraska Highway 2 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line. The purpose of this filing is to eliminate the gateway of Rockport, Mo.

No. MC–111545 (Sub-No. E121), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, unassembled, from Terre Haute, Ind., to points in Florida, Louisiana, that part of Mississippi, south and east of a line beginning at Rosedale, thence along Mississippi Highway 8 to Grenada, thence along Mississippi Highway 7 to the Mississippi-Tennessee State line, that part of North Carolina south and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 25 to Asheville, thence along U.S. Highway 70 to Morganton, thence along North Carolina Highway 18 to Wilkesboro, thence along U.S. Highway 421 to Greensboro, thence along U.S. Highway 220 to the North Carolina-Virginia State line, and that part of Texas south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 180 to Fort Worth, thence along U.S. Highway 30 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of (1) Florence, Ala., (2) Spartanburg, S.C., and (3) Marietta, Ga.

No. MC–111545 (Sub-No. E122), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections (other than machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), the transportation of which, because of size or weight, requires the use of special equipment, between points in Texas, on the one hand, and, on the other, points in Delaware, Kentucky, North Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Clarksdale or Corinth, Miss.

No. MC–111545 (Sub-No. E123), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga., 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, the transportation of which, because of size or weight, requires the use of special equipment, between points in Alabama, on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhole Island, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E134), filed May 26, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment and parts* thereof, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in that part of Minnesota on and south of U.S. Highway 12, to points in Florida and Georgia. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

No. MC–111545 (Sub-No. E136), filed May 26, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crawler type tractors, roadbuilding, construction, and mining machinery, and diesel engines*, which are machinery and contractor's equipment, and the transportation of which, because of size or weight, requires the use of special equipment, and *attachments and parts* therefor, when transported with such commodities, from points in Iowa, Kansas, Minnesota, Nebraska, and that part of Wisconsin within 300 miles of Ames, Iowa, to points in Mercer, Monroe, Wyoming, Summers, McDowell, Pocahontas, and Greenbier Counties, W. Va. The purpose of this filing is to eliminate the gateway of Chicago, Peoria, or Decatur, Ill.

No. MC–111545 (Sub-No. E137), filed May 26, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), restricted to the transportation of crates, crate parts, and pallets, from Talladega, Ala., to points in Illinois and Indiana. The purpose of this filing is to eliminate the gateway of Clarksville, Tenn.

No. MC–111545 (Sub-No. E138), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids, and (3) *parts, attachments, and accessories*, for use, in the installation and operation of (1) and (2) above, restricted in (1) and (2) to the transportation of commodities which because of size or weight, require the use of special equipment, from points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to Horseheads, thence along New York Highway 13 to Ithaca, thence along New York Highway 34 to Auburn, thence along on New York Highway 38 to North Victory, thence along New York Highway 104 to Oswego, to points in that part of Arkansas south and east of a line beginning at the Arkansas-Oklahoma State line, thence along U.S. Highway 64 to Beebe, thence along U.S. Highway 167 to Hardy, thence along U.S. Highway 63 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Asheville, N.C., and Clarksville, Tenn.

No. MC–111545 (Sub-No. E139), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires

the use of special equipment, between points in that part of West Virginia on and south of a line beginning at the West Virginia-Kentucky State line, thence along U.S. Highway 52 to Naugatuck, thence along West Virginia Highway 65 to Logan, thence along U.S. Highway 119 to Marmet, thence along unnumbered highway to Bell, thence along U.S. Highway 60 to Gauley Bridge, thence along West Virginia Highway 16 to Bulva, thence along West Virginia Highway 39 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways of Boone, N.C., Keokuk, Iowa, and Hamilton, Ill.

No. MC–111545 (Sub-No. E140), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 231 to Shelbyville, thence along U.S. Alternate Highway 41 to Tullahoma, thence along Tennessee Highway 55 to McMinnville, thence along U.S. Highway 70S to junction Tennessee Highway 30, thence along Tennessee Highway 30 to Dayton, thence along U.S. Highway 27 to junction Tennessee Highway 68, thence along Tennessee Highway 68 to the Tennessee-Georgia State line, on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at the Ohio River, thence along U.S. Highway 36 to Marysville, thence along U.S. Highway 33 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E151), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in New Jersey to points in that part of Colorado on and west of a line beginning at the Colorado-Wyoming State line, thence along Colorado Highway 125 to junction U.S. Highway 40, thence along U.S. Highway 40 to Denver, thence along Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Miami, Okla.

No. MC–111545 (Sub-No. E152), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6425. Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, restricted against the transportation of any must commodities to be used in, or in connection with, main or trunk pipelines, between points in that part of Arizona on and west of a line beginning at the International Boundary line between the United States and Canada, thence along U.S. Highway 89 to Williams, thence along Arizona Highway 64 to Grand Canyon, thence along Arizona Highway 64 to Cameron, thence along U.S. Highway 89 to the Arizona-Utah State line, on the one hand, and, on the other, points in that part of Oklahoma on and north of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 75 to Tulsa, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of Eve, Mo.

No. MC–111545 (Sub-No. E153), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 278 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction Interstate Highway 65, thence along Interstate Highway 65 to intersection Alabama Highway 91, thence along Alabama Highway 91 to intersection U.S. Highway 278, thence along U.S. Highway 278 to the Alabama-Georgia State line, on the one hand, and, on the other, points in that part of Indiana on and north of Indiana Highway 14. The purpose of this filing is to eliminate the gateway of Piedmont, Ala.

No. MC–111545 (Sub-No. E154), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Maine, on the one hand, and, on the other, points in that part of Indiana on, south, and west of a line beginning at the Indiana-Illinois State line, thence along Indiana Highway 64 to English, thence along Indiana Highway 37 to Sulphur, thence along Indiana Highway 66 to Cannelton. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E156), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Oklahoma on and south of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 62 to Oklahoma City, thence along U.S. Highway 66 to the Oklahoma-Texas State line, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Keokuk, Iowa, and Fayetteville, Ark.

No. MC–111545 (Sub-No. E157), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Kentucky within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in Maine and Massachusetts. The purpose of this filing is to eliminate the gateway of Asheville or Mt. Airy, N.C.

No. MC–111545 (Sub-No. E158), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Massachusetts, on the one hand, and, on the other, points in that part of Tennessee within 175 miles of Chattanooga, Tenn. The purpose of this filing is to eliminate the gateway of Asheville, N.C.

No. MC–111545 (Sub-No. E159), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment (except agricultural machinery and implements, other than hand, as defined by the Commission), between points in Connecticut, on the one hand, and, on the other, points in Florida. The purpose of this

filing is to eliminate the gateway of Florence, S.C.

No. MC–111545 (Sub-No. E160), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Missouri on and north of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 66 to Springfield, thence along U.S. Highway 65 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line, on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 36 to Urbana, thence along U.S. Highway 68 to Ripley. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

No. MC–111545 (Sub-No. E161), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in that part of Tennessee within 175 miles of Chattanooga, Tenn. The purpose of this filing is to eliminate the gateway of Asheville, N.C.

No. MC–111545 (Sub-No. E162), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Georgia, on the one hand, and, on the other, points in Indiana, Kansas, Michigan, and Ohio. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E163), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Arkansas, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of Mt. Ayr, Mo.

No. MC–111545 (Sub-No. 164), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Application's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Maine, on the one hand, and, on the other, points in that part of Tennessee within 175 miles of Chattanooga, Tenn. The purpose of this filing is to eliminate the gateway of Asheville, N.C.

No. MC–111545 (Sub-No. E165), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Application's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Iowa to points in New Mexico. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC–111545 (Sub-No. E167), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Maryland, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Hugo, Okla.

No. MC–111545 (Sub-No. E170), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractors' equipment* (other than machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Mississippi on, south, and west of a line beginning at the Mississippi-Arkansas State line, thence along U.S. Highway 82 to Indianola, thence along U.S. Highway 49W to Yazoo City, thence along U.S. Highway 49 to Hattiesburg, thence along U.S. Highway 98 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways of Texarkana, Tex., and Kansas City, Mo.

No. MC–111545 (Sub-No. E171), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractors' equipment* (other than machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling, of pipelines, including the stringing and picking up thereof), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Mississippi on and south of U.S. Highway 80, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of Texarkana, Tex., and Joplin, Mo.

No. MC–111545 (Sub-No. E172), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractors' equipment*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Oklahoma, on the one hand, and, on the other, points in that part of Kansas on, east, and north of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 75 to Holton, thence along Kansas Highway 16 to Tonganoxie, thence along U.S. Highway 24 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC 111545 (Sub-No. E173), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractors' equipment* (other than machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment, and

supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Mississippi on and south of U.S. Highway 82, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of Texarkana, Tex., and Joplin, Mo.

No. MC 111545 (Sub-No. E174), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractors' equipment*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 69 to junction Missouri Highway 13, thence along Missouri Highway 13 to Springfield, thence along U.S. Highway 60 to Monett, thence along Missouri Highway 37 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Uinta, Lincoln, Teton, Yellowstone National Park, and Park Counties, Wyo. The purpose of this filing is to eliminate the gateway of Sherrard, Ill.

No. MC 111545 (Sub-No. E177), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in Connecticut and Delaware to points in that part of Arkansas on and west of a line beginning at the Arkansas-Louisiana State line, thence along U.S. Highway 167 to Little Rock, thence along U.S. Highway 65 to Conway, thence along U.S. Highway 64 to junction Arkansas Highway 21, thence along Arkansas Highway 21 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of (1) Ringgold, Ga., and (2) Broken Bow, Fogel Spur, Arkoma, Tom, or Westville, Okla.

No. MC 111545 (Sub-No. E178), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in North Carolina to points in Arkansas. The purpose of this filing is to eliminate the gateway of Holland, Mo.

No. MC 111545 (Sub-No. E179), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Louisiana, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of Columbia, S.C.

No. MC 111545 (Sub-No. E181), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in South Carolina, on the one hand, and, on the other, points in Utah, restricted against the transportation of any such commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Mindenmines, Mo.

No. MC 111545 (Sub-No. E182), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Georgia located on, north, and west of U.S. Highway 301, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateways of points in Georgia, South Carolina, or North Carolina within 175 miles of Chattanooga, Tenn.

No. MC-112822 (Sub-No. E118), filed May 25, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, from Idaho Falls, Nampa, Rupert, and Twin Falls, Idaho, to points in that part of New Mexico on and east of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 85 to Romeroville, thence along U.S. Highway 84 to Fort Sumner, thence along New Mexico Highway 20 to junction U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Swink, Colo.

No. MC-113651 (Sub-No. E3), filed May 15, 1974. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Peoria, Ill., to points in Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia, restricted to traffic originating at Peoria, Ill. The purpose of this filing is to eliminate the gateway of Muncie, Ind.

No. MC-113843 (Sub-No. E156), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, hides and pelts), from the plant site of the Aurora Packing Company at North Aurora, Ill., to Accomack and Northampton Counties, Va. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E183), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Portland, Maine, to Springfield, Ill., Louisville, Ky., St. Louis, Mo., Sioux City and Davenport, Iowa, Grand Forks, N. Dak., and Sioux Falls, S. Dak., and points in that part of Virginia on, south, and west of Virginia Highway 16. The purpose of this filing is to eliminate the gateways of Athens, Pa., and Dundee, N.Y.

No. MC-113843 (Sub-No. E184), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Easton, Maine, to Springfield, Ill., Louisville, Ky., St. Louis, Mo., Sioux City and Davenport, Iowa, Grand Forks, N. Dak., and Sioux Falls, S. Dak., to Charlottesville and Lynchburg, Va., and that part of Virginia on, south, and west of a line beginning at the West Virginia-Virginia State line

and extending along Virginia Highway 311 to Roanoke, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Athens, Pa., and Dundee, N.Y.

No. MC–113843 (Sub-No. E185), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes, and potato products*, from Presque Isle, Maine, to Springfield, Ill., Louisville, Ky., St. Louis, Mo., Sioux City and Davenport, Iowa, Grand Forks, N. Dak., and Sioux Falls, S. Dak., and points in that part of Virginia on, south, and west of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 311 to Roanoke, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Athens, Pa., and Dundee, N.Y.

No. MC–113843 (Sub-No. E186), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, from points in that part of the Upper Peninsula of Michigan on and north of a line beginning at Lake Superior at Ontonagon and extending along U.S. Highway 45 to junction Michigan Highway 38, thence along Michigan Highway 38 to Keweenaw Bay to Washington, D.C. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E187), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the Commission, from Detroit, Mich., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–113843 (Sub-No. E189), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, cooked, preserved, salted, and smoked meats*, from Detroit, Mich., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Buffalo, N.Y.

No. MC–113843 (Sub-No. E190), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Detroit, Mich., to points in Vermont, New Hampshire, and points in that part on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Syracuse, N.Y.

No. MC–113843 (Sub-No. E192), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Detroit, Mich., to Cambridge, Springfield, Woburn, and Stoneham, Mass. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Rochester, N.Y.

No. MC–113843 (Sub-No. E193), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Detroit, Mich., to Camden, Newark, and Jersey City, N.J., and Philadelphia, Pa. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Buffalo, N.Y.

No. MC–113843 (Sub-No. E197), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boston, Mass., to Green Bay and Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC–113843 (Sub-No. E198), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in West Virginia.

The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E199), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Kentucky. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E201), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and dairy products*, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from Rochelle, Ill., to points in Vermont, New Hampshire, and points in that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC–113843 (Sub-No. E206), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Kentucky. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E207), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E208), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Kentucky. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E209), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Minnesota. The

purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E210), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Arkansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E211), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E212), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Kansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E213), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E214), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Arkansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E215), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E216), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Fostoria, Ohio, to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC–113843 (Sub-No. E217), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Piqua, Ohio, to points in Maine. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC–113843 (Sub-No. E218), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Columbus, Ohio, to points in Maine. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E219), filed May 12, 1974, Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Sandusky, Ohio, to points in Maine. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E220), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Fostoria, Ohio, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E224), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Cincinnati, Ohio, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E225), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Fostoria, Ohio, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E226), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Piqua, Ohio, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E227), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables, and frozen vegetable products*, from Houlton, Caribou, and Corinna, Maine, to points in Michigan (except Detroit). The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 113843 (Sub-No. E228) filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables, and frozen vegetable products*, from Houlton, Caribou, and Corinna, Maine, to points in Kentucky and West Virginia. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E229), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables, and frozen vegetable products*, from Houlton, Caribou, and Corinna,

Maine, to points in Kentucky and West Virginia. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E230), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables, and frozen vegetable products*, from Houlton, Caribou, and Corinna, Maine, to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E240), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Sandusky, Ohio, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E241), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Cincinnati, Ohio, to points in Rhode Island. The purprose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E242), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Cincinnati, Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E243), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Sandusky, Ohio, to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E244), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Fostoria, Ohio, to points in New Hampshire. The purpose of this filing to to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E245), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, meat by-products*, as defined by the Commission, from Piqua, Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E246), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Sandusky, Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 113843 (Sub-No. E247), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Columbus, Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-16031 Filed 7-12-74;8:45 am]

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PART II

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

■

Food Stamp Program

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. No. 19]

FOOD STAMP PROGRAM

On January 28, 1974, there was published in the FEDERAL REGISTER (39 FR 3642), a notice of proposed rulemaking relating to revision of the regulations governing the Food Stamp Program.

The proposed amendments would: (1) Incorporate the amendments to the Food Stamp Act in Public Law 93–86, approved August 10, 1973; (2) include revisions reflecting the Supreme Court decisions holding that the "tax dependency" and "relatedness" provisions of the Food Stamp Act are unconstitutional; and (3) make other necessary changes. Interested persons were given 30 days in which to submit comments, suggestions, or objections to the proposed regulations.

Responses to the proposed regulations were received from 879 interested parties with 2,291 comments. All of the comments received have been carefully considered. An analysis of the comments and the changes resulting therefrom, as well as any clarifying changes made, are discussed below:

1. *Section 270.2 Definitions.*

§ *270.2(j) "Boarder".* There were nine comments received on this section. Six of these favored and three opposed the revision. There was general support for the delegation of the distinction between the related and the unrelated boarder. Some respondents asked for clarification of whether a spouse or child could be considered a boarder. Since the intent of the change was to remove the distinction between related and unrelated individuals, the proposed language has not been changed. The status of related individuals will be based on actual living situations as determined by the State agency.

§ *270.2(s) "Eligible food".* Several respondents opposed the inclusion of garden seeds and plants and imported foods in this definition. However, in view of the amendment to section 3(b) of the Food Stamp Act, changing the definition of food, these comments were not accepted. Others commented in favor of removing nonnutritious foods from the definition of eligible food. Congress considered such a restriction but decided against it because of the difficulty and inconvenience it would cause to all customers and to retail food stores. The proposed language in this respect has not been changed. Conversely, comments favoring the inclusion of certain nonfood items among items eligible for purchase with food coupons could not be accepted because the Food Stamp Act specifically restricts recipients' use of coupons to the purchase of food as defined in Section 3(b). Other changes made in this section are as follows:

§ *270.2(d) "Application form"* was changed to state that a combined Meal Service Application will be used for communal dining facilities, drug addict and alcoholic treatment and rehabilitation programs, and nonprofit meal delivery services.

§ *270.2(h) "Authorized representative"* has been expanded to include private nonprofit organizations and institutions which act on behalf of residents of drug or alcoholic treatment and rehabilitation centers.

§ *270.2(m) "Communal dining facility".* The word "appropriate" was added to the second sentence to make this reference consistent with section 10(h) of the Food Stamp Act.

§ *270.2(ii) "Hearing Official"* was revised to allow local agency officials to act as hearing officials in local evidentiary hearings as provided in § 271.1(o).

§ *270.2(ss) "Retail food store"* has been revised from the proposed regulations to reflect the fact that a firm must sell eligible food which would include, but not be limited to, staple foods. While this is a change from the proposed regulations the provision is now identical to the one in the previous regulations.

§ *270.2(xx) "Student"* was revised to include preschool and kindergarten individuals, and

§ *270.2(yy) "Training allowance"* was added as a new definition in response to questions raised by Federal and State agency personnel and the general public.

2. *Section 270.3 Administration.*

§ *270.3(c) Limitation on Use of Personnel and Facilities of Parties to Strikes or Lockouts in Certification.* Thirty-two respondents favored and 14 opposed this revision. State agencies and volunteer associations objected to the potential limitation on outreach, the use of volunteers, and the effect of the limitation in a disaster situation. They also requested that "dispute" be more clearly defined.

As proposed, the provision does contain an exception for disasters as provided for in Part 274. Regarding the other objections, the provision has been modified to define dispute as a strike or lockout, to specify activities in which volunteers may and may not be used, and to clearly permit their use in all outreach activities.

3. *Section 270.4 Coupons as obligations of the United States, crimes and offenses.*

§ *270.4(d) Situations which may lead to prosecution.* There were nine comments on this section. State agencies and legal action groups felt that a definite time period for reporting changes in household circumstances should be established. Many respondents expressed concern that under the language of the regulation a recipient may be liable to prosecution even if a false statement or failure to report were unintentional. The intent of this paragraph is to make the recipient aware that certain fraudulent actions may merit legal prosecution. To clarify this intent the words "knowingly" and "willful" have been added to show that making a false statement or withholding information must be intentional. The question of establishing a definite time period for reporting changes has been covered in § 271.3(a)(1).

4. *Section 271.1 General terms and conditions for State agencies.*

§ *271.1(e) Residency and citizenship.* The majority of the comments received on this section did not favor the change primarily because of concern about verification of citizenship or alien status. The regulations do not mandate verification. Legal aid and volunteeer groups raised questions of constitutionality and recommended the provision be deleted. Others requested that eligibility be continued for foreign students and other temporary legal aliens.

Because such changes would be inconsistent with similar criteria now applied in the programs of supplemental security income and Aid to Families with Dependent Children, the provision was not changed. Finally, States questioned the eligibility of a household which includes an ineligible alien. The regulation prohibits only the participation of the individual alien; the rest of the household, if otherwise eligible, may participate.

§ *271.1(n) Notice of adverse action.* There were over 200 comments on this section. Many comments opposed the change in the advance notice period from 15 days to 10 days because of the belief that poor mail service would severely limit the time a household would have to decide to appeal an agency action. Several State agencies approved the change because the 10-day period is consistent with the practice followed in the AFDC program. Others were concerned that the waiver of advance notice in the case of "mass changes" in benefits for certain classes of recipients would work an undue hardship on many individuals.

The advance notice waiver has been modified to the extent that the State agency must publicize impending mass changes in program benefits, either through a general notice mailed to all recipients or by announcements made through the news media. It is believed that this provision will relieve State agencies of the obligation to identify and notify each household whose benefits are affected by the mass change and, at the same time, will provide households in a reasonable manner with an indication that some change in their program status should be expected. Provisions relating to continuation of benefits pending a hearing decision have been transferred from § 271.1(o) to this paragraph for conformance purposes. To answer criticism that the 10-day advance notice period is too short, § 271.1(n)(4)(i) continues to provide that State agencies may reinstate benefits if a hearing is requested after the advance notice period expires.

§ *271.1(o) Fair hearings.* There were 22 comments on this section, most of which opposed the proposed rule on the ground that the so-called "fact-policy" distinction maintained in the regulations had been voided in the Supreme Court affirmation under the name of Carleson v. Yee-Litt (412 U.S. 924) of the decision of the District Court in the case of Yee-Litt v. Richardson (353 F. Supp. 996).

In conformity with the Yee-Litt decision, this section has been revised so that households which receive a notice of adverse action are eligible to receive

continued food stamp benefits if an appeal is filed, whether fact or policy questions are involved. Under this section, State agencies may elect to implement a system of local evidentiary hearings with a right to appeal to an Agency-level hearing, and the agency conference provision has been deleted. Paragraphs regarding continuation of benefits have been transferred to § 271.1(n) for conformance purposes.

Clarifying changes in this section are: In § *271.1(m)(1)(i)* and § *271.1(m)(1)(iii)*, the words "by transaction month" were added, and in § *271.1(m)(1)(ii)*, the words "by ATP transaction month" were added, since retaining the record of ATP cards by transaction month facilitates the auditing process. In the first sentence of § *271.1(m)(2)*, "FNS" was changed to "USDA" for consistency with § 271.1(m)(1)(ii) and the phrase "from the month of origin of such records" was added for clarity.

§ *271.1(p)* was deleted for consistency with the fair hearing provisions in § 271.1(o).

In § *271.1(r)*, the reference to "household recertifications" has been changed to "certified subsequent to their first application" for consistency with § 271.4(a).

5. *Section 271.3 Household eligibility.*

§ *271.3(a)(1) Reporting changes and cooperation during certification.* Based on public comment, a 10-day period was added during which clients must report changes in the household circumstances and the minimum dollar change which must be reported for both income and deductions was raised to $25. A similar 10-day period has been included for States to act on these changes. Also added was a section on cooperation during quality control reviews which provides for a disqualification period for refusal to cooperate but allows reinstatement if the household fully cooperates in providing the verification needed for certification. Due to these changes, the section has been restructured.

§ *271.3(a)(2) Use of coupons to purchase delivered meals.* Only six comments were received on this provision and all were in favor of permitting food coupons to be used to purchase delivered meals. Among the comments were requests to remove the age and disability criteria; however, as these restrictions are set forth in the Food Stamp Act, these criteria shall remain.

§ *271.3(a)(3) Use of coupons to purchase meals at communal dining facilities.* Of the 33 comments received, the overwhelming majority supported this provision to permit elderly persons to use food coupons to purchase meals at communal dining facilities. Only a minor revision which was necessary for parallel construction has been made.

§ *271.3(a)(4) Use of coupons to purchase meals served at rehabilitation centers.* No changes are made in this section based on public comment. However, the section has been revised to provide that private nonprofit organizations or institutions must act as authorized representatives for residents of drug or alcoholic treatment and rehabilitation centers and to provide for liability of such organizations or institutions in the case of fraud or loss of coupons.

§ *271.3(a)(5) Use of coupons by Alaskans to purchase hunting and fishing equipment.* The ten comments received on this section were evenly divided for and against permitting Alaskans in remote areas of the State to purchase some hunting and fishing equipment with food coupons. Opposition was expressed toward the geographic limitation and to the exclusion of firearms and ammunition from the definition of hunting and fishing equipment in § 270.2(kk). As these restrictions are imposed by the Food Stamp Act, they cannot be deleted in the regulations. Only a minor revision, which was necessary for parallel construction, was made.

§ *271.3(c)(1)(i)(m) Housing income in kind.* Thirty-five comments were received on this section. A number of the comments were received on this section. A number of the comments centered on the administrative difficulties involved in administering the provision; others objected to the provision in principle. Because the requirement is statutory, however, it has been adopted as proposed.

§ *271.3(d) Work registration requirement.* About 600 comments were received on the work registration requirement. Comments centered around the participation of strikers, the "unlawful strike" provision, the requirement for continuance of suitable employment and the requirement that registrants accept any suitable employment within 30 days after registration. Quite a few commentators opposed the "unlawful strike" provision on the grounds that the provision discriminated against strikers in that others accused or convicted of unlawful acts are not denied food stamp eligibility. Others felt that the proposed distinction between "lawful" and "unlawful" strikes is not recognized in the Food Stamp Act.

It is the position of FNS that a reasonable statutory construction compels the conclusion that the word "strike" in section 5(c) of the Act means a legal strike. A court order declaring a strike unlawful, therefore, subjects a household to the statutory sanctions if a member refuses to work at the plant or site involved. The household member has then failed to comply with the work requirement and his household is thereby denied food stamp eligibility. This provision has not been changed. Many commentators objected to the participation of strikers under any circumstances; however, legislation that would ban participation of lawful strikers has been voted down in Congress several times, and Section 5(c) of the Act permits lawful strikers to participate.

Many commentators objected to the requirement that recipients continue suitable employment to which they have been referred by the Employment Service. Some objections were as follows: (1) The requirement would lock food stamp recipients into low-paying, undesirable jobs; and (2) the requirement as written could conceivably be used to deny food stamp eligibility to those who leave employment because they are disabled or have been laid-off or fired.

It was never the intent of the regulation to deny food stamp eligibility to those who leave employment due to circumstances beyond their control. Accordingly the regulation has been clarified to show this intent and a paragraph has been added outlining the actions required of a household member to effect compliance with any of the several aspects of the work requirement.

Many commentators objected to the proposed rule requiring registrants to demonstrate that employment offered is unsuitable and the proposed rule that any suitable employment offered after a lapse of 30 days after registration must be accepted. Many felt that registrants would have difficulty proving that employment offered is unsuitable and that the requirement for accepting any suitable employment after 30 days would make it more difficult for workers to find jobs in their major field of experience.

Both rules are retained in the final regulations. The intent of the shift in responsibility for determining suitability of employment was to place more emphasis on the role of the registrant in the work registration process. However, the criteria for suitability are clearly expressed in the regulations and the registrant need only compare these criteria to his actual situation to determine whether or not employment offered is suitable. The intent of the work registration requirement is to implement the policy required by section 5(c) of the Act. It has been determined that the 30-day period provided for refusing suitable employment not in one's major field of experience is reasonable in light of this intent.

Clarifying changes in this section are as follows:

§ *271.3(c)(1)(ii) Income exclusions.* This section was revised to emphasize that the exclusions listed are all inclusive.

§ *271.3(c)(1)(ii)(f)*. For technical consistency, the 10 percent income exclusion was moved to § 271.3(c)(1)(iii)(a).

§ *271.3(c)(1)(ii)(h)*. In accordance with existing legislation, payments under the WIC (Women, Infants, and Children) Program have been excluded from income.

§ *271.3(c)(iii) Income deductions.* The 10 percent income exclusion transferred from § 271.3(c)(1)(ii)(f) was added as the first deduction to be computed. Child-care deductions have been expanded to include child-care deductions when a household member is a student or trainee; and the educational expenses which may be deducted have not been changed but have been revised for purposes of clarity.

§ *271.3(c)(1)(iii)(h) Standard utility allowance.* This section has been revised to allow the recipient to have the standard disregarded if he can verify that his actual costs differ from the standard and requires the State agency

to make only annual reviews of its standard through quality control or other methods.

§ 271.3(c)(4)(i) *Maximum allowable resources.* Because they are not household members, roomers' and boarders' resources have been deleted.

§ 271.3(c)(4)(iii) *Resource exclusions.* In an effort to clarify current policy, various word changes have been made. The words "and lot normal for the community" were added after "the home"; "one licensed vehicle" was substituted for "one licensed automobile or other vehicle"; "but not limited to" was added between "such as" and "irrevocable trust funds"; specific reference to those payments that are excluded resources by Federal law was included; a section which limits excluded resources to those listed in the regulations was added.

6. *Section 271.4 Certification of households.*

§ 271.4(a)(4) *Certification periods.* There were a number of comments objecting to the explicit statement regarding termination of eligibility upon expiration of the certification period and the requirement of a newly completed application, interview and verification upon subsequent certification. These comments clearly indicate that there was substantial need to make clear in the regulations that which has always been policy, that is, that entitlement to food stamp benefits does not extend beyond the certification period assigned to the household. The explicit provision that eligibility expires upon expiration of the certification period has been retained. Once the certification period has expired, entitlement cannot be reestablished until the household is certified again.

§ 271.4(a)(4)(iii) *Assigning certification periods.* Several respondents felt that 6 months should be the "normal" certification period. Those in favor of the proposed rule urged the Department to establish minimum periods of eligibility for strikers. Several respondents requested a clarification of "furnish". The language has been clarified to show that State agencies are not limited to periods of 1, 2, 3, 6 and 12 months in assigning certification periods. The 3-month, 6-month and 12-month periods are intended to be maximums for the type of household involved. For instance, the State agency could assign certification periods of 5 months or 9 months, depending on household circumstances. Also, the wording in this section has been revised to clarify "furnish".

§ 271.4(a)(6) *Certification continuation.* There were six comments from Federal, State and local agencies. Several State agencies suggested that the provision be deleted. Since the 60-day continuation of eligibility for those moving from one food stamp project area to another is a statutory provision, this option must be offered to all households certified under normal program procedures.

Technical changes have been made as follows to include the substantive features of procedures found in FNS Instructions: (1) Households which have received their full month's entitlement in the month of the move shall receive the full coupon allotment in the two subsequent months; (2) households which have received only a portion of their coupon entitlement in the month of the move must surrender any unused issuance authorization documents if they wish to participate that month in the project area to which they are moving; (3) households may request certification at any time during the 60-day period; and (4) State agencies are required to report the number of Forms FNS–286 issued and redeemed.

7. *Section 271.6 Methods of distributing, issuing and accounting for coupons and receipts.*

§ 271.6(d)(2) *Public assistance withholding.* Comments received concerning the benefit to recipients of the public assistance withholding provision were evenly divided for and against. Some commented that it would be very beneficial to the recipients while others felt that food stamps should only be mailed to recipients in remote areas or to the sick or handicapped. Some people expressed concern about the safety of the mailman delivering the coupons. The primary objections raised by State agencies were the administrative costs and complexity involved in such an option. Because the Food Stamp Act mandates that public assistance recipients be given the opportunity of having a deduction made from their grants or payments, only a minor change has been made in the proposed provision. Since the Department believes the problems posed by State agencies are valid, implementation has been extended to July 1, 1975 to allow more time for orderly implementation.

§ 271.6(d)(4) *Semimonthly issuance.* Few comments were received on semimonthly issuance. Favorable comments came from citizens' groups who felt the provision would give recipients greater budgetary discretion. Opponents felt households should be assigned the frequency of issuance which coincides with receipt of income. The regulation implements the semimonthly provision of the Food Stamp Act, as amended, in the most administratively feasible way. It allows participants to elect semimonthly issuance if they choose, without mandatory twice monthly issuance to every household. Such a mandate would impose unnecessary burdens on State agencies and on many recipients who receive their incomes once a month and wish to purchase all of their coupon allotment at one time.

A clarifying change made in this section follows:

§ 271.6(h) *Surety bond coverage.* A technical change was made by adding a sentence at the end of this paragraph which would ensure that, in the event of loss, the financial interests of the State would be protected.

8. *Section 271.7 Financial liabilities of the State agency.*

§ 271.7(a) *Gross negligence.* Comments expressed concern that the language of the definition was overly broad and could lend itself to arbitrary application by FNS. Many comments received from commercial organizations favored the proposed rule as a means of correcting program abuses resulting from the failure of a State agency to administer the program properly. The provision has been modified to provide State agencies an opportunity to correct a situation which is not grossly negligent in and of itself, but which, in the absence of corrective measures, could result in gross negligence.

§ 271.7(e) *Collection of Nonfraud claims.* One comment suggested that this section be clarified to show that State agencies should make demand for overissuances resulting from agency error or some misunderstanding of program provisions on the part of the recipient. This suggestion, which only requests explicit statement of what is now policy, has been adopted in the final regulation. The regulation continues to allow for noncollection of such claims under certain conditions.

9. *Section 272.1 Approval of retail stores, wholesale food concerns, and meal services.*

§ 272.1(f) *Denial of authorization.* Several comments indicated the wording in this section was too restrictive. This wording, which specified that the stock of retail stores must consist primarily of staple foods if they are to effectuate the purpose of the program and become authorized, was not intended to limit authorization to large stores. Rather, the provision was to insure that only stores carrying types of food which help enable recipients to prepare nutritionally adequate meals would be authorized. However, to eliminate misunderstanding, the wording in this section has been changed to "include staple foods".

The following clarifying change was made in this section:

§ 272.1(c)(3) *Establishment under contract with State or local agency.* The requirement that a private establishment sell meals to the elderly at its "place of business" has been deleted. Such an establishment could sell meals at another location and still effectuate the purposes of the Food Stamp Act.

10. *Section 272.2 Participation of retail food stores, and meal services.*

§ 272.2(d) *Acceptance of coupons by retail food stores and meal services.* For clarity, the words "or specimen" have been added in the first sentence. Since wholesalers and banks would refuse to accept these coupons, the restriction should be clearly stated in the regulations.

11. *Section 272.3 Participation of wholesale food concerns.*

§ 272.3(a) *Acceptance of coupons by wholesale food concerns.* For the reason given in § 272.2(d), the words "or specimen" have been added at the end of this section.

12. *Section 272.5 Participation of banks.*

Clarifying changes made in this section are as follows:

§ 272.5(a) *Redemption certificates.* The wording was changed in the fifth

sentence to indicate that the handling of Redemption Certificates is now uniform across the country.

§ 227.5(b) *Role of Federal Reserve Banks.* The words "armed forces installations" were inserted in the first sentence to indicate that the Federal Reserve Banks could receive from them, cancelled coupons for collection as cash items.

§ 227.5(c)(3)(i) *Notification to carrier.* The words "A copy of" were added prior to "The notification".

13. *Part 274 Emergency Food Assistance for Victims of Disasters.* References to the Disaster Relief Act of 1970 were changed to read the "Disaster Relief Act of 1974" to reflect changes required by approval of Public Law 93–288 (88 Stat. 143).

Section 274.3 Definitions.

§ 274.3(a) *Major disaster.* The definition of a major disaster was changed to include "tsunami", "volcanic eruption", "landslide", "mudslide", "snowstorm", and "explosion", as required by Public Law 93–288.

Section 274.10 Definitions.

§ 274.10(a) *Mechanical disasters.* Several comments suggested that strikes, lockouts and work stoppages should be included in the definition of mechanical disasters. However, in these cases the equipment could still be operated by persons other than the usual operators.

§ 274.10(d) *Temporary standards of eligibility.* Several comments suggested the use of the most recent basis of issuance available prior to the disaster for the household's temporary standard of eligibility. Temporary emergency standards were developed for households because it was felt that after 15 consecutive calendar days households would have spent their purchase requirement for food and would not, therefore, have it to spend for the food coupons. The Act mandates that temporary emergency standards of eligibility will be provided for these households.

Accordingly, Parts 270, 271, 272, 273, and 274 of Chapter II, Title 7 CFR are amended as follows:

1. The part headings of Subchapter C are amended to delete the words "nonprofit" and "delivery" from "nonprofit meal delivery services" and, as amended, read as follows:

Part
270 General information and definitions.
271 Participation of State agencies and eligible households.
272 Participation of retail food stores, wholesale food concerns, meal services and banks.
273 Administrative and judicial review—food retailers, food wholesalers and meal services.
274 Emergency food assistance for victims of disasters.

PART 270—GENERAL INFORMATION AND DEFINITIONS

2. In § 270.1, the third and fourth sentences of paragraph (b) are amended to delete the words "nonprofit" and "delivery" from the phrase "nonprofit meal delivery services" and read as follows:

§ 270.1 General purpose and scope.

* * * * *

(b) * * * Part 272 of this subchapter sets forth additional terms and conditions relating to the participation of retail food stores, wholesale food concerns, meal services, and banks. Part 273 of this subchapter sets forth the procedure for an administrative and judicial review requested by food retailers, food wholesalers, and meal services. * * *

* * * * *

3. § 270.2 is amended by deleting paragraphs (b), (q), (kk) and (rr). Paragraphs (c) through (m) are relettered (b) through (l) and newly designated paragraphs (d), (f), (g), (h) and (j) are amended. New paragraphs (m) and (q) are added. Paragraphs (r), (s), (x), (ii) and (jj) are amended. New paragraphs (kk) and (ll) are added. Paragraphs (ll) through (qq) are relettered (mm) through (rr). Paragraphs (ss), (tt), (ww) and (xx) are amended. A new paragraph (yy) is added and newly designated paragraph (zz) is amended. The new and amended paragraphs of § 270.2 read as follows:

§ 270.2 Definitions.

* * * * *

(d) "Application form" means any one of FNS forms, "Retailer Application for Authorization to Participate in the Food Stamp Program," or "Meal Service Application for Authorization to Participate in the Food Stamp Program for Communal Dining Facilities, Drug Addiction or Alcoholic Treatment and Rehabilitation Programs, and Nonprofit Meal Delivery Services," or "Wholesaler Application for Authorization to Participate in the Food Stamp Program," as required by the context.

* * * * *

(f) "Authorization" means the approval by FNS of retail food stores, meal services, and wholesale food concerns to participate in the program.

(g) "Authorization card" means the FNS form which evidences approval of a retail food store, a meal service, or a wholesale food concern to participate in the program.

(h) "Authorized representative" means a person designated by the head of the household to act in his behalf in the purchase and use of coupons, and under certain conditions to act in his behalf in making application for the program. It shall also mean a private nonprofit organization or institution conducting a drug addiction or alcoholic treatment and rehabilitation center which acts on behalf of households defined in paragraph (jj)(3) of this section.

* * * * *

(j) "Boarder" means an individual to whom a household furnishes meals, or lodging and meals, for compensation at a monthly rate at least equal to the value of the monthly coupon allotment for a one-person household.

* * * * *

(m) "Communal dining facility" means senior citizens' centers, apartment buildings occupied primarily by elderly persons, any public or nonprofit private school which prepares meals especially for elderly persons, any public or nonprofit private eating establishment which prepares meals especially for elderly persons during special hours, and any other public or nonprofit private establishment approved by FNS which prepares and serves meals and meets the requirements of § 272.1 of this subchapter. It shall also mean a private establishment which is under contract with an appropriate State or local agency to offer, at concessional prices, meals prepared especially for elderly persons during regular or special hours and which meets the requirements of § 272.1 of this subchapter.

* * * * *

(q) "Drug addiction or alcoholic treatment and rehabilitation program" means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private nonprofit organization or institution which is certified by the State agency or agencies designated by the Governor as responsible for the administration of the State's programs for alcoholics and drug addicts pursuant to Public Law 91–616, "Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1970" and Public Law 92–255, "Drug Abuse Office and Treatment Act of 1972" as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics.

(r) "Elderly person" means a person 60 years of age or older who:

(1) Is not a resident of a boarding house or an institution;

(2) Is living alone or only with spouse, whether or not he has cooking facilities in his home;

(3) If he has no cooking facilities, is eligible for and elects to use coupons issued to him to purchase meals prepared for and delivered to him by a nonprofit meal delivery service authorized by FNS to accept food coupons or elects to use coupons to purchase meals prepared especially for the elderly at communal dining facilities authorized by FNS for such purpose.

(s) "Eligible food" means any food or food product for human consumption except alcoholic beverages and tobacco and also includes seeds and plants for use in gardens to produce food for the personal consumption of the eligible household. It shall also mean meals prepared and delivered by an authorized nonprofit meal delivery service or served by a communal dining facility for the elderly to elderly persons and their spouses and to households eligible under § 271.3(a)(2) or (a)(3) of this subchapter; and meals prepared and served by an authorized drug addiction and alcoholic treatment and rehabitation program to households eligible under § 271.3(a)(4).

* * * * *

(x) "Firm" means, as the context may require, a retail food store or a wholesale food concern or meal service.

* * * * *

(ii) "Hearing official" means a person or persons designated by the Agency or the State agency to act on its behalf in conducting hearings under § 271.1(o) of this subchapter. Such persons shall not have been involved in the action in question. Medically qualified persons who make medical determinations or provide testimony on medical issues in hearing proceedings and the person who prepares the official hearing record may also be considered hearing officials.

(jj) "Household" means a group of persons, excluding roomers, boarders and live-in-attendants necessary for medical, housekeeping or child care reasons, who are not residents of an institution or boarding house, and who are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common: *Provided*, That residents of federally subsidized housing for the elderly, built under either section 202 of the Housing Act of 1959 or section 236 of the National Housing Act, or any narcotics addict or alcoholic meeting the criteria in paragraph (jj)(3) below, shall not be considered residents of an institution or boarding house. It shall also mean (1) a single individual living alone who purchases and prepares food for home consumption, (2) an elderly person as defined in this section and his spouse, or (3) a narcotics addict or alcoholic who resides at a facility or treatment center under the supervision of a private nonprofit organization or institution for the purpose of regular participation in a drug or alcoholic treatment and rehabilitation program: *Provided*, That such person must have access to individual or shared cooking facilities or the program in which he is participating has been authorized by FNS to accept food coupons.

(kk) "Hunting and fishing equipment" means equipment for the purpose of procuring food for the eligible household, including nets, fish lines, fish hooks, fishing rods, dip nets, harpoons, hunting knives, gasoline for outboard motors and snowmobiles, tents, foul weather winter clothing and other equipment necessary for subsistence hunting and fishing in areas of Alaska as specified in § 271.3(a)(5); it does not include firearms, ammunition and other explosives.

(ll) "Meal service" means an organization which prepares and serves meals and meets the requirements of § 272.1 of this subchapter, including nonprofit meal delivery services, communal dining facilities for elderly persons and drug addiction and alcoholic treatment and rehabilitation programs.

* * * * *

(ss) "Retail food store" means an establishment, including a recognized department thereof, or a house-to-house trade route which sells eligible food to households for home consumption.

(tt) "Roomer" means an individual to whom a household furnishes lodging for compensation.

* * * * *

(ww) "State issuing agency" means another agency of the State government or contractual agent of the State agency to which the State agency delegates its administrative responsibilities in connection with the issuance of coupons.

(xx) "Student" means an individual who is attending at least half-time, as defined by the institution, a preschool, kindergarten, grade school, high school, vocational school, technical school, training program, college or university.

(yy) "Training allowance" means payments made on behalf of or received by a household member from the Work Incentive Program, Manpower Development Programs or similar State or local government-sponsored vocational rehabilitation programs.

(zz) "Wholesale food concern" means an establishment which sells eligible food to retail food stores or meal services for resale to households.

4. In § 270.3, paragraph (b) is amended and a new paragraph (c) is added to read as follows:

§ 270.3 Administration.

* * * * *

(b) The State agency shall, except as provided in this subchapter, be responsible for the administration of the program within the State, including, but not limited to, the certification of applicant households; the acceptance, storage, and protection of coupons after their delivery to receiving points within the State; outreach to potentially eligible households; and the issuance of coupons to eligible households and the control and accountability therefor: *Provided*, That the State agency may, subject to State law, and under agreement or contract, delegate its administrative responsibility in connection with the issuance of coupons to a State issuing agency. If such administrative responsibility is delegated as permitted by this section the State issuing agency shall administer the applicable provisions of this subchapter under the direction of the State agency. However, the State agency shall be responsible to the Department for carrying out the delegated responsibilities and for paying any claims arising out of any failure of the State issuing agency to carry out such delegated responsibilities.

(c) Except as provided in Part 274 of this subchapter, only employees of the State agency meeting the requirements of § 271.1(g) may perform the interviews required in § 271.4(a)(2)(ii) of applicants for food stamp eligibility. Volunteers and other non-State agency employees may not be used to interview or certify food stamp applicants for eligibility for program benefits, although such persons may be used in related activities such as outreach, or assisting applicants in completing the application and securing the needed verification. Individuals and organizations, or the facilities thereof, who are parties to a strike or lockout may not be used in the certification process except as a source of verification for information supplied by the applicant. Only authorized employees of the State agency or a State issuing agency shall be permitted access to food coupons, ATP cards or other issuance documents.

* * * * *

5. Section 270.4 is amended by deleting the last sentence of paragraph (c) and adding a new paragraph (d). As amended, § 270.4 (c) and (d) read as follows:

§ 270.4 Coupons as obligations of the United States, crimes and offenses.

* * * * *

(c) All individuals, partnerships, corporations, or other legal entities including State agencies and their delegatees (referred to in this paragraph as "persons") having custody, care and control of coupons and ATP cards shall at all times, in receiving, storing, transmitting, or otherwise handling coupons and ATP cards, take all precautions necessary to avoid acceptance, transfer, negotiation, or use of spurious, altered, or counterfeit coupons and ATP cards and to avoid any unauthorized transfer, negotiation, or use of coupons and ATP cards. Such persons shall also safeguard coupons and ATP cards from theft, embezzlement, loss, damage, or destruction.

(d) Any false statement knowingly made by any person in any application or certification required by this subchapter, by the Plan of Operation of any State agency, or by the instructions of FNS, any willful failure by any person to report changes in income and household circumstances which affect participation as required by § 271.3(a)(1)(iii), or any fraudulent issuance, acquisition, transfer, use, or alteration by any person of Form FNS-286, Certification of Household Transfer, may subject such person to criminal prosecution under any applicable provision of Federal law or to civil liability under the provisions of 31 U.S.C. 231 or either, or both, as well as to any legal sanctions as may be maintained under State law.

* * * * *

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

6. In § 271.1, paragraphs (e), (m), (n) and (o) are amended, paragraph (p) is deleted and paragraphs (q) through (t), are relettered. Newly designated paragraph (r) is amended. The amended paragraphs read as follows:

§ 271.1 General terms and conditions for State agencies.

* * * * *

(e) *Residency and citizenship.* No durational residency requirement shall be imposed as a condition of eligibility by any State or project area. However, each State agency shall prohibit participation in the program by any person who is not either (1) a citizen or (2) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of Section 203(a)(7) or Section 212(d)(5) of the Immigration and Nationality Act).

* * * * *

(m) *Retention of records.* (1) Each State agency shall provide that all program records be retained in an orderly fashion for audit review purposes for a period of three years from the month of origin of each such record. Information from executed ATPs may be retained in any one of the following three methods:

(i) The ATPs may be retained in serial or case number order by transaction month for a period of three years following the month of origin.

(ii) The ATPs may be destroyed after a period of one year provided the reconciliation required by § 271.6(f) has been completed, and provided a listing containing the case name, number, and address; ATP serial number; purchase requirement paid and total value of coupons issued by ATP transaction month is available for review and audit by USDA for three years following the month of origin of the ATPs so listed.

(iii) The ATPs may be destroyed after having been microfilmed front and back in ATP or case number order by transaction month provided the reconciliation required by § 271.6(f) has been completed and provided the microfilm is available for review and audit by USDA for a period of three years following the month of origin.

(2) Where ADP systems are used to prepare and reconcile ATPs, all pertinent records related to the preparation and reconciliation of ATPs shall be retained and made available for review and audit by USDA for a period of three years from the month of origin of such records. No ATPs or other program records shall be destroyed when the State agency has been instructed in writing by FNS or the Department to retain the documents.

(n) *Notice of adverse action.* (1) Prior to any action to reduce or terminate a household's program benefits within the certification period, the State agency shall, except as otherwise provided in the following subparagraph (2), provide such household 10 days' advance notice before such action is taken. The notice shall explain the reasons for the proposed action, the household's right to request a hearing and the circumstances under which participation is continued if a hearing is requested.

(2) Individual notices of adverse action are not required when:

(i) Mass changes in benefits are required for certain classes of recipients because of changes required by Federal or State law or Federal Regulation affecting the basis of issuance tables, income standards, or other eligibility criteria. Such changes include, but are not limited to, changes in maximum income limitations and basis of issuance tables prescribed in the general notice published in the FEDERAL REGISTER pursuant to § 271.5, and changes in social security payments or public assistance grants;

(ii) The State agency receives a written statement from the head of the household or his authorized representative that food stamp assistance is no longer desired or that supplies information that requires reduction or termination of benefits and the recipient acknowledges in writing that he knows the required action will be taken;

(iii) The State agency receives notification of the death of the head of a single person household;

(iv) The State agency receives notification that the household has moved from the project area; or

(v) The action is taken as a result of the normal expiration of the certification period as provided in § 271.4(a)(3).

(3) When the advance notice requirement is not required under the conditions specified in subparagraph (2)(i) above, the State agency shall publicize the possibility of a change in benefits through the various news media or through a general notice mailed out with ATP cards and with notices placed in food stamp and welfare offices.

(4)(i) If a household requests a hearing during the advance notice period, its participation in the program shall be continued on the basis authorized immediately prior to the notice of adverse action. If a hearing request is not made within the advance notice period, benefits will be reduced or terminated as proposed, except that, if the household establishes that its failure to make such request within such period is for good cause, the State agency may provide for reinstatement of benefits on the prior basis. When benefits are reduced or terminated without advance notice as provided in subparagraph (2)(i) above, participation on the prior basis shall be reinstated if the issue being appealed is that food stamp eligibility or benefits were improperly computed.

(ii) Once continued or reinstated, benefits shall not be reduced or terminated prior to a hearing decision unless:

(a) A determination is made at the hearing that the sole issue is one of Federal law, Regulation or policy and not a matter of fact or judgment relating to an individual case; or

(b) A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action.

(iii) The State agency shall promptly inform the claimant in writing if benefits are reduced or terminated pending the hearing decision.

(o) *Fair hearing.* Each Agency shall provide any household aggrieved by any action of the State agency or State issuing agency in its administration of the program which affects the participation of the household in the program with a fair hearing before the Agency or with an evidentiary hearing at the local level with a right to appeal to an Agency hearing. When the Agency adopts a system of evidentiary hearings with an appeal to an Agency hearing, it may, in some project areas, permit local evidentiary hearings, and in others, provide for a single hearing before the Agency. Prompt, definitive and final administrative action must be taken by the State agency within 60 days of any request for a hearing.

(1) Each household shall be informed in writing (and, if practical, orally) at the time of application of its right to a hearing, the method by which a hearing may be requested and that its case may be presented by a household member or an authorized representative, such as legal counsel, a relative, friend or other spokesman. Hearing procedures shall be published by the Agency and made available to any interested party.

(2) A household must be provided a reasonable period of time in which to request a hearing. This request may be made by any clear expression (oral or written) by the household (or person acting for it, such as a legal representative, relative or friend) to the effect that an opportunity to present the case to a higher authority is desired. The freedom to make such a request must not be limited or interfered with in any way. State agency emphasis must be on helping the client submit and process the request, and prepare the case, if needed. Information and referral services shall be provided to help claimants make use of any legal services available in the community that can provide legal representation at the hearing. Upon request, the State agency shall make available without charge the specific materials necessary for a household or its representative to determine whether a hearing should be requested or to prepare for a hearing.

(3) The State agency shall not deny or dismiss a request for a hearing unless:

(i) The request has been withdrawn in writing; or

(ii) The request is abandoned, that is, the claimant or his authorized representative fails, without good cause, to appear at the scheduled hearing.

(4) Continuation of benefits pending a hearing decision is treated in § 271.1(n)(4).

(5) The time, date, and place of the hearing shall be convenient to the household and adequate advance written notice thereof shall be provided. The hearing shall be conducted by a hearing official or officials as defined in § 270.2(ii) of this subchapter. When the hearing involves medical issues, a medical assessment other than that of the person(s) involved in making the original decision will be obtained from a source mutually satisfactory to the claimant and the State agency and made a part of the record if the hearing official(s) consider(s) it necessary. The household or its representative must be given adequate opportunity to:

(i) Examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing;

(ii) Present the case itself or have it presented by a legal counsel or other person;

(iii) Bring witnesses;

(iv) Advance arguments without undue interference;

(v) Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses; and

(vi) Submit evidence to establish all pertinent facts and circumstances in the case.

(6) State agencies may respond to a series of individual requests for hearings by conducting a single group hearing. State agencies may consolidate only cases in which the sole issue is one of Federal law, regulation or policy. In all group hearings the policies governing hearings must be followed. Each individual claimant shall be permitted to present his own case or be represented by his authorized representative.

(7) The hearing authority shall render a final administrative decision in the name of the Agency on all issues that have been the subject of the hearing. Such decision shall be binding on the State agency. Decisions of the hearing authority shall not run counter to Federal law, Regulations or policy and shall be based exclusively on evidence and other material introduced at the hearing. The verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the recommendations of the hearing official(s) shall constitute the exclusive record for decision by the hearing authority. This record shall be available to the claimant at a place accessible to him or his representative at any reasonable time.

(8) A decision by the hearing authority rendered in the name of the Agency shall:

(i) In the event of an evidentiary hearing, consist of a memorandum decision summarizing the facts and identifying the regulations supporting the decision;

(ii) In the event of an Agency hearing, specify the reasons for the decision and identify the supporting evidence and regulations.

(9) The claimant shall be notified of the decision in writing and the appeal rights available to him. (i) After an adverse Agency hearing decision, the claimant shall be notified of his right to pursue judicial review of his claim.

(ii) After an adverse evidentiary hearing decision, the claimant shall be advised of his right to appeal to a hearing before the Agency and of his right to request a de novo hearing. Unless a de novo hearing is specifically requested by the appellant, the Agency hearing may consist of a review of the evidentiary hearing record by an Agency hearing official to determine if the decision of the hearing authority was supported by substantial evidence in the record. The claimant must appeal the decision of the evidentiary hearing within 15 days of the mailing date of the hearing decision notice. The State agency must take prompt, definitive and final administrative action within 60 days of such request. Benefits shall not be continued after an adverse decision to the claimant at an evidentiary hearing.

(10) All State agency hearing decisions shall be accessible to the public, subject to the disclosure safeguards provided for in § 271.1(e).

(11) The State agency is responsible for assuring that all hearing decisions are promptly implemented. When the hearing authority rules that a household has been improperly denied program benefits or has been overcharged for its coupon allotment, credit for such lost benefits or refund of the overcharge shall be promptly provided if appropriate.

* * * * *

(r) *Implementation.* Each State agency shall (1) put into effect for all households the coupon allotments, purchase requirements and household income eligibility standards contained in revised FSP notices which are issued pursuant to a part of this subchapter on the effective date prescribed in each such notice.

(2) With respect to any amendment to this subchapter (other than provided in the paragraph (r)(1) of this section) which relates directly to the certification of households by the State agency, put such amendment into effect for all households newly applying or being certified subsequent to their first application not later than 60 days after the effective date of such amendment, and for all other households not later than 120 days after such date, unless otherwise provided in such amendment.

(3) With respect to any other amendment to this subchapter, implementation shall be effected as prescribed in each such amendment.

(4) Except for paragraph (r)(1) of this section, the time limitations may be extended by FNS upon written request and justification by a State agency.

7. Section 271.3 is amended to revise paragraphs (a)(1), (a)(2) and add new paragraphs (a)(3), (a)(4) and (a)(5). Paragraphs (c)(1) and (c)(1)(i) are combined and amended. In paragraph (c)(1), subdivision (i)(e) is deleted and all subdivisions subsequent to (i)(d) are relettered as subdivisions (i)(e) through (i)(l), and a new subdivision is added and designated (i)(m). In paragraph (c)(1), subdivisions (ii) and (ii)(c) are amended, subdivision (ii)(f) is deleted, and all subdivisions subsequent to (ii)(e) are relettered as subdivisions (ii)(f) through (ii)(g); and a new subdivision (ii)(h) is added. In paragraph (c)(1), subdivision (iii) is amended, new subdivision (iii)(a) is added and all subsequent subdivisions are relettered as subdivisions (iii)(b) through (iii)(h) and newly designated subdivisions (iii)(d), (f) and (h) are amended. In paragraph (c)(2), subdivisions (i) and (ii) are amended. Paragraph (c)(3) is amended. In paragraph (c)(4), subdivisions (i), (ii), (iii)(a) and (iii)(b) are amended; subdivision (iii)(c) is deleted; subdivision (iii)(d) is relettered (iii)(c); new subdivisions (iii)(d), (e) and (f) are added. Paragraph (d) is deleted and paragraph (e) is amended and relettered (d). In paragraph (d)(1), subdivision (ii) is amended and a new subdivision (v) is added. In paragraph (d)(2), subdivisions (i) and (ii) are amended and a new subdivision (iii) is added. Paragraphs (d)(4) and (d)(5) are amended, a new paragraph (d)(6) is added and all subsequent subparagraphs are renumbered as paragraphs (d)(7) through (d)(8). The amended provisions of § 271.3 read as follows:

§ 271.3 Household eligibility.

(a) *Household.* (1) Eligibility for and participation in the program shall be on a household basis.

(i) Eligibility shall be denied or terminated if the applicant household refuses to cooperate in providing information necessary for making a determination of eligibility or ineligibility. Applicants must assure that all statements made on the application are correct and complete.

(ii) If a participating food stamp household refuses to cooperate in providing the information necessary to complete a quality control review, the household may be subject to denial of further and/or future food stamp benefits. However, after such action and subsequent termination or denial, a household may reapply and be certified for participation in the Food Stamp Program: *Provided,* That the household cooperates fully and completely in supplying to the certifying officer full verification of all information prior to such certification.

(iii) Households shall report or cause to be reported to the State agency any of the following changes which occur during the certification period within 10 days of the date when such changes become known to the household: (a) Changes in gross monthly income in excess of $25; (b) changes in total monthly deductible expenses in excess of $25; and (c) changes in any other household circumstances which are required to be reported by the application form.

The State agency shall take necessary action on all changes within 10 days from the date they are reported (1) to insure the issuance of a notice of adverse action, where appropriate, and that these changes will be reflected in the first issuance period after the expiration of the advance notice period; or, (2) for all other changes affecting the household's eligibility or basis of issuance, to insure the change is reflected by no later than the first issuance period after the 10th day from the date the change was reported.

(2) Eligible household members 60 years of age or older who are housebound, feeble, physically handicapped or otherwise disabled to the extent that they are unable to adequately prepare all their meals, an elderly person as defined in § 270.2(r) of this subchapter, who is housebound, feeble, physically handicapped or otherwise disabled to the extent that he cannot adequately prepare all of his meals and the spouse of such an elderly person may use all or any part of the coupons issued to them to purchase meals prepared for and delivered to them by a nonprofit meal delivery service authorized by FNS.

(3) Eligible household members 60 years of age or older, or elderly persons as defined in § 270.2(r) of this subchapter and the spouse of such an elderly person

may use all or any part of the coupons issued to them to purchase meals prepared especially for them at communal dining facilities authorized by FNS for such purpose.

(4) Members of eligible households who are narcotics addicts or alcoholics and who regularly participate in a drug or alcoholic treatment and rehabilitation program on a nonresident basis may use all or any part of the coupons issued to them to purchase food prepared for or served to them during the course of such program by a private nonprofit organization or institution authorized by FNS. Narcotics addicts or alcoholics who regularly participate in a drug or alcoholic treatment program on a resident basis shall be certified for program participation through the use of an authorized representative which shall be the private nonprofit organization or institution that is administering such treatment and rehabilitation program. Such organization or institution shall apply on behalf of such addict or alcoholic and receive and spend the coupon allotment for meals prepared by or served to such addict or alcoholic. Such organization or institution shall notify the State agency as provided in § 271.3(a)(1)(iii) of changes in income and household circumstances and when such addict or alcoholic leaves the treatment and rehabilitation center. Such organization or institution shall be responsible for any misrepresentation or fraud committed in the certification of center residents and shall assume total liability for food coupons held on behalf of resident recipients.

(5) Eligible households in Alaska residing in areas determined by FNS as areas where access to retail food stores is difficult and who rely substantially on hunting and fishing for subsistence may use all or any part of the coupons issued to them to purchase hunting and fishing equipment, excluding firearms, ammunition and other explosives.

* * * * *

(c) Income and resource eligibility standards of other households. * * *

(1) *Definition of income.* (i) Monthly income means all income which is received or anticipated to be received during the month. To compute maximum monthly income for purposes of determining eligibility, income shall mean any of the following but is not limited to:

* * * * *

(m) The actual value of housing received from an employer by members of a household as income in kind, in lieu of or supplemental to household income, not to exceed $25 per month. No value is to be assigned to housing received as payment in kind which has been condemned or declared substandard under Federal, State, or local housing codes.

(ii) The following shall not be considered income to the household (this list is inclusive and no other exclusions from income shall be allowed):

* * * * *

(c) Any gain or benefit which is not in money (except as provided in paragraph (c)(1)(i)(m) of this section).

* * * * *

(h) Payments received under the WIC (Women, Infants, and Children) Program.

(iii) Deductions for the following household expenses shall be made (this list is inclusive and no other deductions from income shall be allowed):

(a) Ten percentum of income from compensation for services performed as an employee or training allowance not to exceed $30 per household per month. This deduction shall be made before the following deductions.

* * * * *

(d) The payments necessary for the care of a child or other persons when necessary for a household member to accept or continue employment, or training or education which is preparatory for employment.

* * * * *

(f) Tuition and mandatory fees assessed by educational institutions (no deductions shall be made for any other education expenses such as, but not limited to, the expense of books, school supplies, meals at school, and transportation).

* * * * *

(h) Shelter costs in excess of 30 percentum of the household's income after the above deductions. The State agency may develop, subject to FNS approval, standard utility allowances for use in calculating shelter costs: *Provided,* That the State agency must use actual utility costs if the household so requests and can verify such costs; and *Provided further,* That the State agrees to make annual reviews and adjust the standard, as necessary, to reflect deviations revealed by quality control, State agency surveys of utility company rates, or any other methods developed by the State and approved by FNS.

(2) *Handling of income.* (i) To determine the eligibility and basis of issuance of households, income and deductions may be averaged over the appropriate certification period.

(ii) To determine the basis of issuance for households whose primary source of income is from self-employment (including self-employed farmers), or regular farm employment with the same employer, income may be averaged evenly or prorated unevenly over the certification period not to exceed one year.

* * * * *

(3) *Income standards.* Uniform national income standards of eligibility for participation of nonassistance households in the program shall be the higher of: (i) The income poverty guidelines issued by the Secretary of Agriculture based on the statistics on poverty levels reported by the Census Bureau's Current Population Reports; or (ii) the level at which the total coupon allotment equals 30 percent of income. These income standards for each nonassistance household size will be prescribed in General Notices published in the FEDERAL REGISTER.

(4) *Resource definition and standards*—(i) *Maximum allowable resources.* The maximum allowable resources—including both liquid and nonliquid assets—of all members of the household shall not exceed $1,500 for the household, except that, for households of two or more persons with a member or members age 60 or over, such resources shall not exceed $3,000.

(ii) *Included in resources.* In determining the resource of a household, the following shall be included and identified in sufficient detail to permit vertification:

* * * * *

(iii) *Exclusions from resources.* In determining the resources of a household, the following shall be excluded. This list is inclusive and no other exclusions from resources shall be allowed:

(a) The home and lot normal to the community, one licensed vehicle, household goods, cash value of life insurance policies and pension funds, and personal effects.

(b) Income-producing property which is producing income consistent with its fair market value, or other property such as another vehicle needed for purposes of employment, the tools of a tradesman or the machinery of a farmer, deemed essential to the employment of a household member.

* * * * *

(d) Resources whose cash value is not accessible to the household, such as, but not limited to, irrevocable trust funds and property in probate;

(e) Payments under Title II of the Uniform Relocation Assistance and Real Properties Acquisition Act of 1970:

(f) Payments under the WIC (Women Infants, and Children) Program.

* * * * *

(d) *Work registration requirement.* At the time of application and at least once every six months thereafter, each ablebodied person between the ages of 18 and 65, who is a member of a household, including a person who is not working because of a strike or lockout at his place of employment (except mothers or other members of the household who have responsibility for the care of dependent children under 18 years of age or of incapacitated adults; students enrolled at least half-time in any school or training program recognized by any Federal, State, or local governmental agency; or persons working at least 30 hours per week), shall register for employment by executing the registration form which shall be provided by the State agency, and which the State agency shall forward to the State or Federal employment office having jurisdiction over the area where the registrant resides: *Provided,*

That any narcotics addict or alcoholic who regularly participates as a resident or nonresident in a drug or alcoholic treatment and rehabilitation program shall not be considered "abue-bodied" for the purpose of this section. For the purposes of subparagraphs (3)(iv) and (5) this paragraph (d), the term "strike" shall not include a strike which has pursuant to a court decision currently in force been determined to be unlawful.

(1) Such member who is required to register shall also:

* * * * *

(ii) Respond to a request from the State or Federal employment office requiring supplemental information regarding employment status or availability for work;

* * * * *

(v) Continue suitable employment to which he was referred by such office. Such household member shall continue such suitable employment until the employment is no longer considered suitable, or until the household member becomes exempt from the work requirement, as provided in this paragraph, or he is terminated from employment due to circumstances beyond his control.

(2) * * *

(i) For 1 year from the date of his refusal without good cause to comply with such requirements; or

(ii) Until such household member complies as follows, whichever is earlier:

(a) Refusal to register—registration by the household member.

(b) Refusal to report for an interview to the State or Federal employment office where he is registered—reporting for the required interview.

(c) Refusal to respond to a request from the State or Federal employment office requiring supplemental information regarding employment status or availability for work—response to the employment office correspondence.

(d) Refusal to report to an employer to whom he has been referred by such office—reporting to such employer or another employer to whom he is referred.

(e) Refusal to accept a bona fide offer of suitable employment to which he was referred by such office—acceptance of such employment or of other employment of at least 30 hours per week.

(f) Refusal to continue suitable employment to which he has been referred by such office—returning to such employment or acceptance of other employment of at least 30 hours per week.

(iii) In determining whether good cause existed for failure to comply, the State agency shall consider all facts and circumstances, including information submitted by the State or Federal employment office, the employer, and the registrant or recipient himself.

* * * * *

(4) Any employment offered a particular registrant shall be considered suitable unless he can demonstrate that:

(i) The degree of risk to his health and safety is unreasonable;

(ii) He is physically or mentally unfit to perform the employment, as established by documentary medical evidence or reliable information from other sources;

(iii) For a period of 30 days after registration only, the employment offered is not in his major field of experience.

(iv) The distance of the employment from his residence is unreasonable. Determinations in this connection shall be based upon estimates of the time required for going to and from work by means of transportation that is available or expected to be used, and whether or not it would be reasonable for the registrant to expend the time and cost involved for the expected remuneration from the work. In no event shall commuting time per day represent more than 25 percent of the registrant's total work time.

(5) No household shall be denied participation in the program solely on the grounds that a member of the household is not working because of a strike or a lockout at his place of employment.

(6) Registration for participation in the Work Incentive Program (WIN) by members of a household who are required to register for work as stipulated above shall be regarded by FNS as having fulfilled the requirements of this section.

* * * * *

8. In § 271.4, paragraphs (a)(2)(ii), the first sentence of (a)(2)(iii), the last sentence of (a)(3), (a)(4), (a)(4)(iii), (a)(6) and (a)(7) are amended to read as follows:

§ 271.4 Certification of households.

(a) *Household certification* * * *

(2) *Certification of other households* * * *

(ii) An interview at initial certification and any subsequent certification with the applicant or his authorized representative in a personal contact in the office, in a home visit, or by a telephone call (the interview requirement will be continued until quality control demonstrates to FNS the effectiveness of the forms and certification system); and,

(iii) Verification of income upon initial certification and, if the amount of household income has changed substantially or if the source of the income has changed, upon any subsequent certification. * * *

(3) *Application processing.* * * * Any subsequent certification, or notification to recipient households of any intention to deny further participation in the program at the end of the certification period, must be completed prior to the expiration of such period.

(4) *Certification periods.* The State agency shall establish limited periods of eligibility as indicated below. At the expiration of each such period entitlement to food stamp benefits shall be established only upon a subsequent certification based upon a newly completed application, an interview, and such verification as required in § 271.4(a)(2)(iii).

* * * * *

(iii) Other households shall be assigned certification periods based on predictability of income and stability of household circumstances. Households shall be certified for 3 months except as follows:

(a) Households may be certified for less than 3 months when there is a possibility of frequent changes in income and household status, for example, day laborers and migrant workers during the work season.

(b) Households may be certified for up to 6 months if there is little likelihood of changes in income and household status.

(c) Households consisting of unemployable persons with very stable income may be certified for up to 12 months, provided other household circumstances are expected to remain stable, for example, social security recipients, and persons who receive pensions or disability payments.

(d) Households whose primary source of income is from self-employment (including self-employed farmers) or regular farm employment with the same employer may be certified for up to 12 months, provided income can be readily predicted and household circumstances are not likely to change. This determination is made in light of the ability of the worker who is regularly employed by the same employer (as opposed to the worker who has a number of employers during a period of time) to control the amount of money available to the household jointly with the employer through prior arrangement, sometimes known as "furnish."

* * * * *

(6) *Certification continuation.* (i) The State agency shall provide for continuing the certification of any household for 60 days after the date the household moves from one project area to another: *Provided,* That (a) the household membership does not change; (b) the household continues to meet the definition of a household as provided in § 270.2(jj) of this subchapter; and (c) the household was not certified under disaster eligibility standards as provided in Part 274 of this subchapter.

(ii) The project area from which the household is moving shall prepare the documents necessary to transfer certification. If the household has received its full coupon allotment for the month in which the move takes place, the project area shall authorize the full coupon allotment for the two months subsequent to the move. If the household has received only a portion of its full coupon allotment, as evidenced by surrender of any unused issuance authorization documents, the project area shall authorize a coupon allotment for the balance of the allotment due the household in addition to the full coupon allotment for the two subsequent months.

(iii) The project area to which the household moves shall accept the transfer document and promptly issue coupons based on the information provided thereon. The household may request certifica-

tion at any time during the 60-day period. Upon expiration of the 60-day period, the household shall be certified in accordance with the usual procedures prescribed in this part.

(iv) The State agency shall provide for the secure storage of Form FNS–286, Certification of Household Transfer, and shall maintain controls to prevent or detect unauthorized issuance, acquisition, acceptance, use, transfer or alteration of this form. State agencies shall report the number of Forms FNS–286 issued and redeemed as prescribed by FNS.

(7) *Identification card.* The State agency shall provide for issuance of an identification card to each household certified as eligible to participate in the program. Identification cards indicating special eligibility shall be issued to the following groups:

(i) Household and elderly persons and their spouses eligible for and desiring to use coupons to purchase meals from a nonprofit meal delivery service; and

(ii) Households residing in remote sections of Alaska that have been determined by FNS as areas in which food coupons may be used to purchase hunting and fishing equipment (except firearms, ammunition and other explosives).

* * * * *

9. In § 271.6, paragraphs (d), (d)(2), (d)(4), (f) and (h) are amended to read as follows:

§ 271.6 Methods of distributing, issuing, and accounting for coupons and receipts.

* * * * *

(d) The State agency or the State issuing agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required from eligible households for the purchase requirement. The coupon allotment to be issued to any household, shall be in the amount determined in accordance with § 271.5.

* * * * *

(2) The State agency shall permit as soon as possible but no later than July 1, 1975, any household participating in the program, if it so elects, to have the cost of its full monthly coupon allotment deducted from any grant or payment such household may be entitled to receive under Title IV of the Social Security Act, and have its full monthly coupon allotment distributed to it.

* * * * *

(4) The State agency shall insure that eligible households are offered the frequency of coupon issuance that is best geared to the frequency of their receipt of income: *Provided,* That at a minimum, all project areas shall make provision for a monthly and semimonthly schedule of issuance: and *Provided further,* That, the State agency shall insure that each eligible household is offered the option at the time of certification of choosing to receive coupons on a semimonthly basis.

* * * * *

(f) The State agency shall arrange for the reconciliation of coupon inventories, coupon issuances, sums collected from eligible households, vouchers, warrants accepted from public or private agencies, and other receipts. All such receipts shall be safeguarded at all times and promptly deposited. In any issuance system utilizing ATP cards, coupon issuances shall further be reconciled to the master file of certified eligible households.

* * * * *

(h) Every official or employee, except officials and employees of the U.S. Postal Service, who is responsible for receiving and issuing coupons or accepting cash or other receipts from eligible households shall be covered by an appropriate form of surety bond in favor of the State agency or the State issuing agency. The amount of such surety bonding shall be adequate to protect the financial interests of the State agency in case of loss.

10. In § 271.7, paragraphs (a), (c) and (e) are amended to read as follows:

§ 271.7 Financial liabilities of the State agency.

(a) If FNS determines that there has been gross negligence or fraud on the part of the State agency in the initial certification of households, any subsequent certification of households, or the issuance of coupons, the State shall, on demand by FNS, pay to FNS a sum equal to the amount of any free coupons issued as a result of such negligence or fraud. Gross negligence shall include those State agency actions in connection with certification and coupon issuance which are in substantial noncompliance with the provisions of this subchapter and which result in a loss of Federal funds. It shall also include those State agency actions with respect to certification and coupon issuance which would not be considered grossly negligent in themselves, but which, after previous admonition by FNS and the lapse of a reasonable period of time to take corrective measures, continue to result in substantial losses of Federal funds.

* * * * *

(c) The State agency shall be liable to FNS for any overissuance of coupons or undercollections of cash as a result of mathematical or changemaking errors by personnel of any issuing office. The State agency shall also be liable to FNS for the bonus value of all coupons purchased through the use of documents which are stolen or embezzled from or lost by the State agency.

* * * * *

(e) If excess free coupons are issued because of a certification error by the State agency or a misunderstanding of program provisions by a participating household, the State agency shall take appropriate corrective action to prevent any further issuance of excess free coupons to such household and, on behalf of FNS, make demand upon such household for repayment of the value of the free coupons issued to the household as a result of such certification error or misunderstanding of program provisions. The State agency may decline collection action to recover the value of the excess free coupons from the recipient household in any case in which such value is less than $400 under the following conditions: * * *

11. In § 271.9, paragraphs (a), (b) and (c) are amended to read as follows:

§ 271.9 Use or redemption of coupons by eligible households.

(a) The head of the eligible household or his authorized representative shall sign each book of coupons provided to the head of the household or his authorized representative. The coupons may be used only by the head of the household or other persons selected by him to purchase eligible food for the household, except that eligible households residing in certain designated areas of the State of Alaska may purchase with their food coupons hunting and fishing equipment. Coupons may not be used to pay for deposits on bottles or other returnable food containers. Uncancelled and unendorsed coupons of 50-cent denomination returned as change by authorized retail food stores or meal services may be presented as payment for eligible food purchased in or delivered by an authorized retail food store or prepared and served by a meal service. All other coupons which have been detached from the coupon book prior to the time of purchase or delivery of eligible food may be presented as payment for eligible food purchased in or delivered by an authorized retail food store or meal service, only if the coupons are accompanied by the coupon books which bear the same serial numbers as the detached coupons. It is the right of the head of the household or his authorized representative to detach the coupons from the book.

(b) Upon request, the head of the eligible household or his selected representative shall present the identification card of the head of the household to the retail food store or meal service when exchanging food coupons for eligible food.

(c) Coupons shall not be used to pay for any eligible food purchased prior to the time at which the coupons are presented to authorized retail food stores or meal services.

* * * * *

PART 272—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS, MEAL SERVICES, AND BANKS

12. The section titles of this Part are amended to delete the words "nonprofit" and "delivery" from the phrase "nonprofit meal delivery services" and read as follows:

Secs.

13. In § 272.1, paragraph (c) is amended, a new paragraph (d) is added, paragraphs (d) through (g) are relettered (e) through (h), and newly designated paragraph (f) is amended. The new and amended paragraphs of § 272.1 read as follows:

§ 272.1 Approval of retail food stores, wholesale food concerns and meal services.

* * * * *

(c) A nonprofit meal delivery service or communal dining facility desiring to prepare and serve meals to households eligible under § 271.3(a) (2) and (3) of this subchapter, in addition to meeting the requirements of paragraphs (a) and (b) of this section, must establish that:

(1) It is not receiving federally donated foods from the Department for use in the preparation of meals to be exchanged for food coupons; and

(2) It is recognized as a tax exempt organization by the Internal Revenue Service; or

(3) It is a private establishment with which a State or local agency has contracted for meals prepared especially for elderly persons and sold at concessional prices during regular or special hours: *Provided*, That approval to participate shall be automatically withdrawn at the time of expiration or cancellation of the contract with the State or local agency.

(d) Drug addiction or alcoholic treatment and rehabilitation programs desiring to prepare and serve meals to households eligible under § 271.3(a) (4) of this subchapter must, in addition to meeting requirements of paragraphs (a), (b), (c) (1) and (2) of this section, be certified by the State agency or agencies designated by the Governor as responsible for the State's programs for alcoholics and drug addicts pursuant to Public Law 91–616, "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970" and Public Law 92–255, "Drug Abuse Office and Treatment Act of 1972," as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics: *Provided*, That approval to participate shall be automatically withdrawn at any time that a program loses its certification from the State agency or agencies.

* * * * *

(f) FNS shall deny the application of any firm if it determines that such firm's participation will not effectuate the purposes of the program. FNS will not consider the participation of a retail food store as effectuating the purposes of the program unless its food sales include staple foods for home preparation which are most needed in the diets of eligible households. If FNS determines that a firm does not qualify for participation in the program, a notice to that effect shall be issued to the firm. Such notice shall be delivered by certified mail or personal service. If such firm is aggrieved by such action, it may seek administrative review of such action as provided in § 272.8.

* * * * *

14. In § 272.2, paragraphs (c), (e), (f), (g), (h), (i) and (j) are amended by deleting the words "nonprofit" and "delivery" from the phrase "nonprofit meal delivery service(s)", and paragraph (j) is amended by deleting the word "delivered" from the phrase "delivered meal(s)"; paragraphs (b) and (d) are amended and a new paragraph (k) is added. Amended paragraphs (b), (d) and new paragraph (k) read as follows:

§ 272.2 Participation of retail food stores, and meal services.

* * * * *

(b) Coupons shall be accepted by an authorized retail food store or meal service only in exchange for eligible food as defined in § 270.2(s) of this subchapter, except that authorized food stores in Alaska may accept food coupons for hunting and fishing equipment from eligible households participating in accordance with § 271.3(a) (5). An authorized food retailer or meal service shall not accept coupons in payment for deposit on bottles or other returnable food containers.

* * * * *

(d) No retail food store or meal service authorized to receive coupons shall accept coupons marked "paid," "cancelled," or "specimen," coupons marked with the name or authorization number of any other firm, coupons bearing the name of any bank, or coupons of other than 50-cent denomination which have been detached from the coupon books prior to the time of purchase or delivery of eligible food unless the detached coupons are accompanied by the coupon books which bear the same serial numbers that appear on the detached coupons. It is the right of the head of the household or his selected representative to detach the coupons from the book.

* * * * *

(k) Authorized Alaskan retailers shall request food coupon customers wanting to purchase hunting and fishing equipment with food coupons to show their identification cards in order to determine that they live in an area designated by FNS as one in which persons are dependent upon hunting and fishing for subsistence.

* * * * *

15. In § 272.3, paragraph (a) is amended to add the words "or specimen" at the end of the first sentence and paragraphs (a) and (b) (1) are amended by deleting the words "nonprofit" and "delivery" from the phrase "nonprofit meal delivery service('s)".

16. In § 272.4, paragraphs (a), (b) and (c) are amended by deleting the words "nonprofit" and "delivery" from the phrase "nonprofit meal delivery service(s)".

17. In § 272.5, the first and fifth sentences of paragraph (a) are amended; the first sentence of paragraph (b) is amended; in paragraph (c) (1), subdivisions (i) and (ii) are amended and a new subdivision (iii) is added; and in paragraph (c) (3), subdivision (i) is amended. The amended provisions of § 272.5 read as follows:

§ 272.5 Participation of banks.

(a) Banks may accept coupons for redemption from authorized retail food stores, authorized meal services and authorized wholesale food concerns in accordance with the provisions of this part and the instructions of the Federal Reserve Bank. * * * The redemption certificates shall be held by the receiving bank until final credit has been given by the Federal Reserve Bank after which the wholesale food concerns' redemption certificates shall be forwarded to the FNS Field Office and the retail food stores' and meal services' redemption certificates to:

Food Stamp Control Unit, ASCS Commodity Office, U.S. Department of Agriculture, 3930 West 65th Street, Minneapolis, MN 55435.

* * * * *

(b) Federal Reserve Banks, acting as fiscal agents of the United States, are authorized to receive cancelled coupons for collection as cash items from armed forces installations, member banks of the Federal Reserve System, * * *

(c) (1) FNS shall be liable for losses of shipments of cancelled coupons while in transit to Federal Reserve or correspondent banks: *Provided*, That: (i) Coupons shall not be deemed to be in transit while in the custody and care of either the transmitting bank, or the Federal Reserve, or of the correspondent bank, or of their employees.

(ii) The bank is unable to recover the loss from the carrier: *and Provided further*, That, in the event of a partial loss, there is evidence of the package having been tampered with or damaged in transit. The Federal Reserve and correspondent bank shall record the condition of packages which on receipt appear to have been tampered with or damaged in transit.

(iii) A statement is obtained from the Federal Reserve or correspondent bank that the shipment or part of the shipment was not received. In the event of a partial loss, this statement shall specify the condition of the package upon receipt and state whether it appeared to have been tampered with or damaged in transit.

(3) * * *

(i) A copy of the notification of loss to the Post Office or other carrier;

* * * * *

18. In § 272.6, paragraph (a) is amended by deleting the words "nonprofit" and "delivery" from the phrase "nonprofit meal delivery service".

19. In § 272.7, paragraph (a) is amended by deleting the words "nonprofit" and "delivery" from the phrase "nonprofit meal delivery service".

20. In § 272.8, paragraph (a) is amended by deleting the words "nonprofit" and "delivery" from the phrase "nonprofit meal delivery service".

* * * * *

PART 273—ADMINISTRATIVE AND JUDICIAL REVIEW—FOOD RETAILERS, FOOD WHOLESALERS AND MEAL SERVICES

Subpart A—Administrative Review—General

21. Section 273.1 is amended by deleting the words "nonprofit" and "delivery" from the phrase "nonprofit meal delivery services".

PART 274—EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF DISASTERS

Subpart A—Major Disasters Declared by the President

22. Subpart A is amended to read as follows:

AUTHORITY: The provisions of this Subpart A issued under the Disaster Relief Act of 1974 (Public Law 93-288, 88 Stat. 143).

23. In § 274.1, the first and second sentences are amended to read as follows:

§ 274.1 General purpose and scope.

Section 409 of the Disaster Relief Act of 1974 authorizes the President to distribute through the Secretary of Agriculture emergency food coupon allotments to low-income households who are unable to purchase adequate amounts of nutritious food as a result of a major disaster. This Subpart A implements section 409 of the Disaster Relief Act of 1974 in project areas where the program is in operation. * * *

24. In § 274.2, paragraphs (a) and (b) are amended to read as follows:

§ 274.2 Administration.

(a) By Executive Order, the authority provided the President under section 409 of the Disaster Relief Act of 1974 has been delegated to the Secretary of Agriculture.

(b) Within the Department, such authority is delegated to FNS, which shall act in behalf of the Department in the administration of section 409 of the Disaster Relief Act of 1974.

* * * * *

25. In § 274.3, paragraph (a) is amended to read as follows:

§ 274.3 Definitions.

For the purpose of this subpart the term:

(a) "Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion or other catastrophe which is determined to be a "major disaster" by the President pursuant to the Disaster Relief Act of 1974.

* * * * *

26. § 274.4 is amended by adding a new sentence at the end of the section, to read as follows:

§ 274.4 Determination of the need for emergency food assistance.

* * * Further, the area authorized by FNS for emergency food coupon issuance may or may not have boundaries congruent with that area designated as a major disaster by the President.

* * * * *

Subpart B—Other Disasters Declared by FNS

27. § 274.8 is amended to read as follows:

§ 274.8 General purpose and scope.

The Food Stamp Act provides that the Secretary may establish temporary emergency standards of eligibility for the duration of the emergency without regard to income and other financial resources, for households that are victims of a mechanical disaster which disrupts the distribution of coupons, and for households that are victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that such commercial channels have again become available to meet the temporary food needs of such households. This subpart implements these temporary emergency provisions of the Food Stamp Act in project areas where the program is in operation. In areas where the program is not in operation, emergency food assistance need in a disaster will be met as provided in regulations governing the distribution of federally donated foods.

* * * * *

28. Section 274.10 is amended to read as follows:

§ 274.10 Definitions.

(a) "Mechanical disaster" means the cessation for not less than 15 consecutive calendar days of the operation of all equipment available to the State agency for the production of ATP cards, by reason of causes beyond the control of the State agency: *Provided,* That such causes shall not include strikes, lockouts, or work stoppages, or any failure on the part of assigned personnel to operate said equipment.

(b) "Disrupts the distribution of coupons" means that by reason of a mechanical disaster the State agency is unable to produce ATP cards or equivalent authorization-to-purchase documents necessary for the normal issuance of coupons to households.

(c) "Temporary emergency" means an emergency caused by a mechanical disaster or any other disaster resulting from either natural or human causes, other than a major disaster declared by the President under the Disaster Relief Act of 1974, which is determined by FNS to have disrupted the distribution of coupons or to have disrupted commercial channels of food distribution.

(d) "Temporary standards of eligibility" means standards of eligibility for victims of a disaster for temporary food assistance as provided in this subpart.

(e) "Victims of a disaster" means households which as a result of a temporary emergency are in need of temporary food assistance due to a reduction in or inaccessibility of income or resources, or due to the disruption of the distribution of coupons by reason of a mechanical disaster: *Provided,* That in the case of a mechanical disaster the term includes only households already certified as eligible to participate in the program as of the month in which such disaster occurred.

(f) "Commercial channels of food distribution" means firms as defined in this subchapter.

29. § 274.11 is amended to read as follows:

§ 274.11 Determination of the need for temporary emergency food stamp assistance.

FNS shall determine the need for temporary food assistance for households which are victims of mechanical and other disasters, including the fact of the existence of a temporary emergency, the disruption of the distribution of coupons, and the disruption of commercial channels of food distribution, and of the fact that commercial channels of food distribution have again become available to meet the temporary food needs of such households.

30. In § 274.12, paragraph (a) is amended to read as follows:

§ 274.12 Certification of households and issuance of coupons.

(a) The eligibility of each applicant for temporary emergency food stamp assistance under this subpart shall be determined by the State agency under the temporary standards of eligibility. An applicant household shall be determined eligible for temporary emergency participation if such household establishes to the satisfaction of the State agency that it is in need of food assistance because of a temporary reduction of or inaccessibility of income or resources or because of the disruption of coupon distribution without regard to eligibility standards for households under Part 271 of this subchapter, resulting from a temporary emergency, as determined by FNS, and after a determination by FNS that commercial channels of food distribution are available to meet the temporary food needs of such households.

* * * * *

(78 Stat. 703, as amended (7 U.S.C. 2011-2025))

NOTE: The recordkeeping and/or reporting requirements herein specified have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: This revision shall become effective July 15, 1974. New provisions of the regulations directly related

to the certification of households by the State agency shall be put into effect for all new applications and any subsequent applications not later than the first of the month following 90 days after date of publication; and for all other households not later than 120 days thereafter.

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

RICHARD L. FELTNER,
Assistant Secretary.

JULY 10, 1974.

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