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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.

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PART II:

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

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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.

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.

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rules and regulations

Title 7—Agriculture

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

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes expenses of the Washington-Oregon Fresh Prune Marketing Committee, under Marketing Order No. 924, for the 1974–75 fiscal period at $16,275 and prescribes that each handler pay $0.80 per ton of prunes handled as his pro rata share of such expenses. Unexpended assessment income from 1973–74 will be carried over as a committee reserve.

Notice was published in the July 9, 1974, issue of the FEDERAL REGISTER (39 FR 25223) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending March 31, 1975, and carryover of unexpended funds, pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This notice afforded interested persons until July 29, 1974, to submit written data, views, or arguments in connection with said proposals. None were received.

After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 924.214 Expenses, rate of assessment, and carryover of unexpended assessment funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee during the period April 1, 1974, through March 31, 1975, will amount to $16,275.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 924.41, is fixed at $0.80 per ton of fresh prunes.

(c) *Carryover of unexpended funds.* Unexpended assessment funds in excess of expenses incurred during the fiscal year ended March 31, 1974, will be carried over as a reserve in accordance with § 924.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on April 1, 1974, and said rate of assessment will automatically apply to all such prunes beginning with such date.

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

Dated: July 31, 1974.

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

[FR Doc.74-17789 Filed 8-2-74;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER A—ANIMAL WELFARE

PART 2—REGULATIONS

License Fees and Denial of Applications

Statement of considerations. The Act of August 24, 1966 (Pub. L. 89–544) was amended by the Animal Welfare Act of 1970 (Pub. L. 91–579). The regulations and standards to implement such legislative amendments were published as miscellaneous amendments in the FEDERAL REGISTER on December 24, 1971 (36 FR 24917–24927).

Many persons and organizations have expressed objections concerning the license fees established by the Department under the authority of the Laboratory Animal Welfare Act of 1966 as amended by the Animal Welfare Act of 1970 and set forth in § 2.6 of the regulations issued thereunder (9 CFR 2.6). Primarily, objections have been raised in regard to the method of establishing these fees, the amount of fees, and the failure to differentiate between a breeder who raises animals for sale and a dealer who purchases animals for wholesale or retail sale purposes.

Since the inception of the Animal Welfare program in 1967, the Department has issued a license to any applicant when the requirements of §§ 2.1, 2.2, and 2.3 of the regulations have been met and the applicant's premises, facilities, and equipment comply with the standards.

The Department believes that, under the Animal Welfare Act, it is responsible for the humane care and handling of animals including the responsibility to deny an applicant a license when the Secretary finds after opportunity for hearing that the applicant is unfit to be licensed.

In light of the above-mentioned industry comments on annual fees and the need to deny a license under certain circumstances, on April 1, 1974, there was published in the FEDERAL REGISTER (39 FR 11921–11922), a notice with respect to proposed amendments to §§ 2.4, 2.6, 2.7 and the addition of a new § 2.11 to Part 2, Subchapter A, Chapter I, Title 9, Code of Federal Regulations. Such notice gave interested persons until May 17, 1974, to submit written data, views, or arguments concerning the proposed amendments.

Forty written comments submitted by members of the pet industry, organizations representing all facets of the pet industry, and publishers of pet industry publications were received by the Department. The contents of the comments supported the proposal on denial of license and requested a reduction in license fees for Class "A" and Class "B" dealers as proposed.

Department employees have participated in group meetings of members of the pet industry to discuss the proposed amendments. The consensus of people attending the meetings was to favor the proposed rulemaking as published in the FEDERAL REGISTER.

After due consideration of all relevant material, including that submitted in connection with such notice, the proposal is hereby adopted with a minor change in paragraph (b) (2) of § 2.6 for consistency and clarity.

This revision of regulations set forth in Part 2 shall not affect the annual license fees payable to the Department on anniversary dates prior to the effective date of this revision. The effective date of this revision will be thirty days after publication in the FEDERAL REGISTER. For example: if the publication date were July 1, the effective date would be July 31. Annual fees due on anniversary dates falling before the effective date will be subject to the existing regulations in Part 2 now in effect.

Accordingly, Part 2, Title 9, Code of Federal Regulations, is amended in the following respects:

§ 2.4 [Amended]

PARAGRAPH 1. § 2.4 is amended by deleting the word "and" before "2.10" and inserting a comma in lieu thereof and by adding "and 2.11," after "2.10."

PAR. 2. In § 2.6 paragraph (b) (2) is amended by deleting "(3) and (4)" therein and inserting "(4) and (5)" in lieu thereof and redesignating the paragraph as (b) (3); present paragraphs (b) (3), (b) (4), and (b) (5) are redesignated as paragraphs (b) (4), (b) (5), and (b) (6) respectively; and paragraphs (b) (1) and (b) (4) (redesignated as (b) (5)' in this proposal) are amended and a new paragraph (b) (2) is added to read as follows:

§ 2.6 Annual fees; and termination of licenses.

* * * * *

(b) (1) Except as provided in paragraphs (b) (4) and (5), the annual fee for a Class "A" dealer shall be based on 50 percent of the total gross amount, expressed in dollars, derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, by the dealer or applicant during his preceding business year (calendar or fiscal) in the case of a person who operated during such a year.

(2) Except as provided in paragraph (b) (4) and (5), the annual fee for a Class "B" dealer shall be established by calculating the total amount received from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, during his preceding business year (calendar or fiscal) less the amount paid for such animals, by the dealer or applicant. This net difference, exclusive of other costs, shall be the figure used to determine the license fee of such Class "B" dealer or applicant for a Class "B" license.

* * * * *

(5) In the case of an applicant for a license as a dealer or operator of an auction sale who did not operate for at least six months during his preceding business year, the annual fee will be based on the anticipated yearly dollar amount of business, as provided in subparagraphs (b) (1), (2), and (3) of this paragraph, derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale.

* * * * *

PAR. 3. Table 1 of § 2.6(c) is amended to read as follows:

* * * * *

TABLE 1—DEALERS AND OPERATORS OF AN AUCTION SALE

Over	But not over	Fee
$0	$500	$5
500	2,000	15
2,000	10,000	25
10,000	25,000	100
25,000	50,000	200
50,000	100,000	300
100,000		500

* * * * *

PAR. 4. § 2.6(e) is amended to read as follows:

* * * * *

(e) In any situation in which a licensed dealer or operator of an auction sale shall have demonstrated in writing to the satisfaction of the Secretary that he has good reason to believe that his dollar amount of business, upon which the license fee is based, for the forthcoming business year will be less than the previous business year, then his estimated dollar amount of business shall be used for computing the license fee for the forthcoming business year: *Provided, however,* That if such dollar amount, upon which the license fee is based, for that year does in fact exceed the amount estimated, the difference in amount of the fee paid and that which was due based upon such actual dollar business upon which the license fee is based, shall be payable in addition to the required annual fee for the next subsequent year, on the anniversary date of his license as prescribed in this section.

* * * * *

PAR. 5. § 2.7(b) is amended to read:

§ 2.7 Annual report by licensees.

* * * * *

(b) A person licensed as a dealer shall set forth in his annual report the dollar amount of business, upon which the license fee is based, from the sale of animals by the licensee to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, by the licensee during the preceding business year (calendar or fiscal) and such other information as may be required thereon.

* * * * *

PAR. 6. A new § 2.11 is added to read:

§ 2.11 Denial of license.

A license will be issued to any applicant when the requirements of §§ 2.1, 2.2, and 2.3 have been met; however, if the Secretary has reason to believe that the applicant is unfit to engage in the activity for which application has been made by reason of the fact that the applicant has within 2 years prior to filing the application engaged in any activity in violation of any provisions of the Act, the regulations, or standards, which previously has not been the subject of an administrative proceeding under the Act resulting in the imposition of a sanction against the applicant, an administrative proceeding shall be promptly instituted in which the applicant will be afforded an opportunity for a hearing in accordance with the rules of practice under the Act, for the purpose of the applicant showing cause why the application for license should not be denied. In the event it is determined that the application should be denied, the applicant shall not be precluded from again applying for a license after one year from the date of the final order denying the application.

(Secs. 3 and 21, 80 Stat. 351 as amended, 80 Stat. 353; 7 U.S.C. 2133, 2151; 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendments shall become effective September 4, 1974.

It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary.

Done at Washington, D.C. this 31st day of July 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-17788 Filed 8-2-74;8:45 am]

Title 12—Banks and Banking

CHAPTER I—BUREAU OF THE COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 9—FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Miscellaneous Amendments

This amendment differs from the pubthe authority conferred in section 1(j) of Pub. L. 87-722, 76 Stat. 668, 12 U.S.C. 92a. Notice of the proposed rulemaking was published in the FEDERAL REGISTER on April 24, 1974. A number of comments were received following publication and have been given consideration.

This amendmet differs from the published proposed amendment in that it does not include one of the proposals which was published for comment. The amendment of § 9.7 is being given further study. That proposal would have required national banks to establish procedures to ensure that investment decisions of trust departments are not based

upon non-public information, regardless of how that information may be obtained. The proposal was intended to do no more than put into banking regulations the existing prohibitions of the anti-fraud provisions of the federal securities laws. However, it is interrelated to the question of the extent to which the knowledge of a given officer, employee, or director of a bank is imputed to the entire institution. Recent decisions and pending litigation have raised much uncertainty on this point. Because compliance with the requirement to establish policies relating to the use of non-public information will be extremely difficult until such time as more clarity exists as to the imputation question, it was decided not to promulgate this amendment at this time.

The other differences between this amendment and the published proposal reflect comments received. The circumstances under which the Comptroller will designate a report, or a portion thereof, as confidential have been clarified. There must be a prior request by the reporting entity in every case. If the information would identify the holdings of assets of natural persons, trusts or estates, or an investment strategy, the Comptroller may designate it as confidential. However, where the basis for confidential treatment is to protect against disclosure of an investment strategy, such confidential treatment will only be granted on a temporary basis.

In the proposal the market value as of December 31 of all assets other than equity securities held by trust departments would have been reported to this Office by asset category. This would largely have been duplicative of the material presently required of all national bank trust departments in the Trust Department Annual Report (Form CC–7510–03), and unduly burdensome. Accordingly, the additional report required by this regulation will only be required as to equity securities. In a related change, once again as a result of comments received, the report required by this amendment will only apply to banks having equity securities in excess of $75 million in market value. The proposed cutoff was based upon the total market value of all assets held, and would have required a detailed filing by some banks which had a relatively small amount of equity securities, while others which had larger amounts would not have been subject to the amendment. As a result of this change, 197 national banks will be covered by this amendment, as against 224 which would have been covered under the other standard.

The proposal was also modified to exclude the filing of reports by bank affiliates of banks subject to the amendment. As proposed, the affiliated banks of a holding company group would have had to file reports even though below the size of the cutoff, if one of the banks had assets in excess of $100 million. On the other hand, non-bank investment advisory affiliates of national banks will be required to file the reports required by this amendment. In a related modification, the proposed requirement that the report include assets of investment advisory accounts, whether or not the reporting entity had custody of those assets, has been changed to require the inclusion of assets of such accounts only when the reporting entity is informed on a current basis as to transactions in and securities held by the account. This will avoid the difficulties which would result from requiring banks to attempt to obtain this information in cases where their fiduciary responsibility does not warrant it and the customer objects.

Not adopted were suggestions that the report of holdings include holdings of all securities, and that the transactional report requirement be worded so as to include all transactions which are a part of an acquisition or disposition program, within the definition of purchase and sale. As to the first, it was decided that the inclusion of bonds and other non-equity securities in the reporting requirement would impose additional burdens upon the affected banks which would make it more difficult for them to comply within a reasonable period, without compensating advantages to be gained. The information as to holdings of bonds is only remotely related to control and influence of corporations. Insofar as it is relevant to questions of investment patterns involving a conflict of interest, it is already subject to scrutiny by the examiners of this Office, on site, at the time of their regular examinations of the banks.

Much the same reasoning was behind the decision not to adopt more stringent requirements relating to transactions. The principal concern here is that a bank might purposely avoid having to report transactions by dividing them into series, each being below the cutoff of ten thousand shares or $500 thousand. Rather than attempting to preclude this possibility through the adoption of detailed rules which will require exceptions, modifications, and much supervisory oversight, it is our opinion that evasion of the reporting requirements can be readily detected by the examiners of this Office. It is the intention of this Office to make public any such transactions which our examinations disclose have been divided or otherwise manipulated in order to avoid the necessity of making the reports required by this amendment.

This amendment will become effective on October 1, 1974. Delayed effectiveness is deemed necessary in order to allow the affected banks time to prepare for the reporting called for in the amendment. Consequently, the first annual report is due as of December 31, 1974, and the first quarterly report for the last quarter of 1974.

Part 9, Chapter I, Title 12 of the Code of Federal Regulations is amended as follows:

1. In § 9.1 new paragraphs (b) and (g) are added, paragraphs (b) through (e) are redesignated as paragraphs (c) through (f) and paragraphs (f) through (i) are redesignated as paragraphs (h) through (k);

2. Sections 9.101, 9.120, 9.103 and 9.104 are added.

Changes in the text are as follows:

Sec.

* * * * *

9.101 Policy on disclosure of assets.
9.102 Reports to the Comptroller of the Currency.
9.103 Exemptions.
9.104 Information filed with the Comptroller of the Currency.

AUTHORITY: Sec. 1, 76 Stat. 668 (12 U.S.C. 92a); and R.S. 5240, as amended (12 U.S.C. 481).

§ 9.1 Definitions.

* * * * *

(b) "Equity security" means any stock; or similar security convertible, with or without consideration, into such a security; or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the Comptroller of the Currency shall deem to be of similar nature and considers necessary or appropriate to treat as an equity security in the public interest;

* * * * *

(g) "Investment authority" means the responsibility conferred by action of law or a provision of an appropriate governing instrument to make, select or change investments, review investment decisions made by others, or to provide investment advice or counsel to others;

* * * * *

§ 9.101 Policy on disclosure of assets.

In order to facilitate the collection and public dissemination of information concerning the holdings of and transactions in assets held by national banks and their non-bank subsidiaries or affiliates in a fiduciary capacity, and to assist the Comptroller in discharging the responsibilities entrusted to him with regard to the fiduciary activities of national banks, the regulations contained in this part require the submission of reports to the Comptroller of the Currency. The information contained in all reports filed with the Comptroller of the Currency pursuant to this section shall be available for public inspection; except that the Comptroller may upon prior request pursuant to the provisions hereof, designate as confidential any portion of a report which would identify the holdings of assets of any natural person, trust or estate, or any transactional data which would reveal an investment strategy, public knowledge of which might adversely affect the account or accounts for which the strategy was undertaken. In no event will such data be withheld from the public record for a period in excess of that which is reasonable.

§ 9.102 Reports to the Comptroller of the Currency.

Any bank, or non-bank subsidiary or affiliate of any bank subject to the jurisdiction of the Comptroller of the Currency, having total equity securities of $75 million or more reflected in its Trust Department Annual Report (Form CC–7510–03) for the preceding year shall

prepare and file with the Comptroller of the Currency:

(a) A report, prepared as of December 31 or the last preceding date on which the New York Stock Exchange transacted business, indicating the name of the issuer, the title and class, the number of shares and the aggregate fair market value of each equity security held in accounts for which it acts as trustee, executor, administrator or guardian whether or not it has investment authority, and any other accounts over which it has investment authority either alone or with others. This report shall be required with respect to all such accounts whether or not the reporting entity has actual custody of the assets, provided it is informed on a current basis as to transactions in and securities held by such accounts. This report shall also indicate the amount of all such assets described herein for which the reporting entity exercises sole investment authority; those for which it shares investment authority with others; and those for which it exercises no investment authority. In addition, with respect to shares of stock, the report shall indicate the total number of shares of each issue for which the reporting entity possesses the sole authority to exercise the voting rights of such shares. Such report shall be filed with the Comptroller of the Currency no later than March 1 of each year.

(b) A report, prepared as of March 31, June 30, September 30 and December 31, or the last preceding date on which the New York Stock Exchange transacted business, indicating, with respect to any purchase or sale in any equity security having a fair market value of $500 thousand or more, or involving ten thousand shares or more, effected during the calendar quarter for any fiduciary account or accounts over which it has investment authority either alone or with others:

(1) The trade date or settlement date of each transaction, as long as such transactions are reported on the same basis, and whether it involved a purchase or sale.

(2) The name of the issuer, the title and class.

(3) The price at which the asset was bought or sold.

(4) The number of shares of the security traded.

(5) The market in which the transaction was executed.

(6) The name of the brokers or dealers through which the transaction was executed.

For the purposes of this paragraph, the term "purchase or sale" shall include any single transaction or series of transactions which are executed pursuant to a single order or authorization.

(c) Such reports shall be filed with the Comptroller of the Currency no later than 30 calendar days after each of the herein designated quarterly reporting dates.

(d) A copy of the reports required to be made to the Comptroller of the Currency by the provisions of paragraphs (a) and (b) of this section shall be available for public inspection at the Office of the Comptroller of the Currency in Washington, D.C., during regular business hours. In addition, such reports may also be made available to any person at such reasonable charge and under such reasonable limitations as the Comptroller of the Currency may prescribe, consistent with the purposes of this part as expressed at § 9.101.

§ 9.103 Exemptions.

For the purposes of this part:

(a) Any equity security, the aggregate holding of which is ten thousand shares or less, need not be included in the report to the Comptroller of the Currency required to be made by the provisions of § 9.102(a).

(b) The assets of any investment company, as that term is defined in the Investment Company Act of 1940, as amended, which is subject to the regulations of the United States Securities and Exchange Commission, for which the reporting institution provides investment advice or counsel, need not be included in the reports to the Comptroller of the Currency required to be made by § 9.102.

(c) The Comptroller of the Currency may, in his discretion, exempt any reporting entity from the requirements of this part, or any portion thereof upon prior request.

§ 9.104 Information filed with the Comptroller of the Currency.

Any entity required to file reports with the Comptroller of the Currency pursuant to this Regulation may make written request to the Comptroller of the Currency that any information contained in such reports be designated by the Comptroller of the Currency as confidential. The Comptroller of the Currency may, in such cases, make available to the public the information contained in any such report only when in his judgment a disclosure of such information is in the public interest and consistent with the purposes of this part as expressed at § 9.101.

Dated: July 31, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74-17803 Filed 8-2-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-EA-43; Amdt. 39-1912]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation regulations so as to issue an airworthiness directive applicable to Piper PA-30 and PA-39 type airplanes.

There have been reports of cracks in the aft bulkhead assembly in the area of the aft fin attachment brackets. Since this deficiency can exist or develop in airplanes of similar type design, an airworthiness directive is being issued which will require an inspection and repair, where necessary, of the aft bulkhead.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PIPER. Applies to Model PA-30 and Model PA-39 Aircraft Certificated In All Categories Except Aircraft Incorporting Piper Kit Part Number 750 783. Compliance Required as Indicated

To prevent possible hazards in flight associated with cracking of the aft bulkhead assembly, fuselage station 258, accomplish the following:

1. Within the next 50 hours in service from the effective date of this AD unless already accomplished within the past 50 hours in service, and at intervals not to exceed 100 hours in service from the last inspection, inspect in accordance with paragraph 2.

2. Remove the tail cone and visually inspect, with five times power minimum magnification, the aft bulkhead assembly, fuselage station 258, Part Number 22893-00 on Model PA-30 and Model PA-39, Serial Nos. 39-1 through 39-83 or Part Number 22893-06 on Model PA-39, Serial Nos. 39-84 and up, for cracks in the area of the aft fin attachment brackets.

3. If cracks are detected, repair in accordance with Fin Attachment Bracket Installation Kit, Piper Part Number 760 783 or equivalent prior to further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where a repair can be made.

4. Upon incorporation of the Fin Attachment Bracket Installation Kit, Piper Part Number 760 783 or equivalent, compliance with the requirements of this AD may be dispensed with.

5. Equivalent repairs must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

6. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the repetitive inspection interval specified in this AD.

(Piper Service Letter No. 679 refers to this subject.)

This amendment is effective August 9, 1974.

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

Issued in Jamaica, New York, on July 26, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.74-17721 Filed 8-2-74;8:45 am]

[Airspace Docket No. 74–WE–15]

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

Alteration of Control Zone

On June 21, 1974 a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 22274) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Chandler, Arizona control zone.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 10, 1974.

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

Issued in Los Angeles, California, on July 26, 1974.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

In § 71.171 (39 FR 354) the description of the Chandler, Arizona control zone is amended in part as follows: In the text of the control zone description, delete all after "This control zone * * *" and substitute therefor "* * * is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[FR Doc.74–17723 Filed 8–2–74;8:45 am]

[Airspace Docket No. 74–WA–21]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Revocation of Jet Advisory Areas

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to revoke the last two remaining jet advisory areas.

Jet advisory areas were designated primarily to provide civil jet aircraft with radar flight following, radar traffic information and vectoring service to avoid observed traffic, when operating over certain jet route segments from FL 240 through FL 410. This service preceded area positive control. As positive control areas were established, jet advisory areas within the related airspace were revoked. Positive control areas now cover substantially the entire continental United States, and corresponding jet advisory areas have been revoked until now only two small areas remain, one adjacent to Key West, Florida, and one over Santa Catalina Island, Calif. Moreover, in those areas jet advisory service is no longer available and it has been supplanted with another traffic advisory service called "merging target procedures" that is available in all airspace environments without regard to the existence of designated airspace.

Rulemaking action will be commenced in the future to remove from Parts 75 and 91 all reference to jet advisory areas and service.

Since these two jet advisory areas are quite small in size, and no further use will be made of them, their revocation is a minor matter in which the public would have no particular interest, therefore, notice and public procedures thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 10, 1974, as hereinafter set forth.

1. In § 75.200 (39 FR 717) Jet Route No. 53 Jet Advisory Area is revoked.

2. In § 75.300 (39 FR 717) Los Angeles, Calif., Jet Advisory Area is revoked.

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

Issued in Washington, D.C., on July 30, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74–17722 Filed 8–2–74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–863, Amdt. 27]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Reasonable Level of Compensation

By EDR–275, June 17, 1974, the Board proposed amendments to Part 288 of its Economic Regulations (14 CFR Part 288) to increase the existing interim minimum rates applicable to various air transportation services performed for the Department of Defense based upon a review of reported results for calendar year 1973 operations. By ER–867, adopted contemporaneously herewith, the Board has adopted the proposed increases as revised therein. Since existing commercial fuel surcharge provisions applicable to these rates are based upon reported fuel price changes as of June 1, 1974, compared to the average price of fuel consumed in MAC international operations for the year ended September 30, 1973, a change in the base interim rates to include fuel price increases through December 31, 1973, requires a corresponding change in the surcharge computations. The purpose of the amendments herein is to revise the surcharges applicable to the long-range Category B services, the short-range Pacific interisland services, and the "all other" category of short-range services based upon fuel price increases reported as of June 1 compared to the average price during the year ended December 31, 1973. We are also amending the surcharge rate applicable to Category A transportation services consistent with the change in the long-range Category B rate. The revised surcharge rates will be effective June 17, the date the increased rates adopted by ER–867 go into effect, and will become temporary rates on and after July 1, 1974, subject to revision either upward or downward, based upon our review of price changes reported as of July 1.

Appendices A and B[1] set forth the respective fuel costs and rate impact determinations for long-range and short-range Category B MAC operations for the base year ended December 31, 1973, of commercial fuel price changes as of June 1, 1974, consistent with the methodology adopted in ER–862.[2] On the basis of these results, we will amend the provisions of Part 288 to provide: (1) A long-range Category B and Category A commercial fuel surcharge of 11.76 percent; (2) a short-range Pacific interisland surcharge rate of 1.48 percent; and, (3) a surcharge to the "all other" short-range Category B rate of 5.73 percent effective June 17, 1974.

In view of the carriers' need for prompt rate relief, we find good cause exists to make the amendments effective on less than thirty (30) days' notice.

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

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

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(1) * * *:

And provided further, That (i) effective June 17 through June 30, 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 surcharges of 11.76 percent, 1.48 percent and 5.73 percent, respectively; and (ii) on and after July 1, 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 11.76 percent, 1.48 percent and 5.73 percent, respectively, subject to amendment (upward or downward) upon final determination by the Board.[3]

* * * * *

[1] Filed as part of the original document.

[2] June 11, 1974.

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

(d) For Category A transportation:
(1) * * *
(2) * * *

Provided, however, That (i) effective June 17 through June 30, 1974, the total minimum compensation specified in subparagraph (1) and (2) of this paragraph shall be further increased by a surcharge of 11.76 percent; and, (ii) on and after July 1, 1974, the total minimum compensation specified in subparagraphs (1) and (2) of this paragraph shall be further increased by a temporary surcharge of 11.76 percent, subject to amendment (upward or downward) upon final determination by the Board.

* * * * *

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

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-17773 Filed 8-2-74;8:45 am]

[Reg. ER-869, Amdt. 28]

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 31, 1974.

In accordance with established procedures and methodology,[1] the Board has completed its review of reported commercial fuel prices for foreign and overseas MAC air transportation services as of July 1, 1974, and is herein amending the surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established for those services.[2]

Appendices A and B[3] set forth the fuel cost for long-range and short-range Category B MAC operations for the base year ended December 31, 1973, adjusted for commercial fuel price changes as of July 1, 1974, as well as the related rate impact. On the basis of these results, we will amend the provisions to increase: (1) The long-range Category B and all Category A rates by 11.94 percent; (2) the Pacific interisland short-range Category B rates by 2.60 percent; and, (3) the "all other" category of short-range Category B rates by 5.79 percent effective July 1, 1974.[4]

In view of the carriers' need for prompt rate relief, we find good cause exists to make the amendments effective on less than thirty (30) days' notice.

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

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

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *
(1) * * *

And provided further, That (i) effective July 1 through July 31, 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 surcharges of 11.94 percent, 2.60 percent and 5.79 percent, respectively; and, (ii) on and after August 1, 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 11.94 percent, 2.60 percent and 5.79 percent, respectively, subject to amendment (upward or downward) upon final determination by the Board.[5]

* * * * *

(d) For Category A transportation:
(1) * * *
(2) * * *

Provided, however, That (i) effective July 1 through July 31, 1974, the total minimum compensation in subparagraphs (1) and (2) of this paragraph shall be further increased by a surcharge of 11.94 percent; and (ii) on and after August 1, 1974 the total minimum compensation specified in subparagraphs (1) and (2) of this paragraph shall be further increased by a temporary surcharge of 11.94 percent, subject to amendment (upward or downward) upon final determination by the Board.

* * * * *

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

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-17771 Filed 8-2-74;8:45 am]

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[1] ER-860, May 24, 1974 and ER-862, June 11, 1974.

[2] ER-867, July 31, 1974.

[3] Filed as part of the original document.

[4] In view of the small changes in the rate impact of fuel price increases from June 1 to July 1 compared to the base period price levels, i.e., from 11.76 percent to 11.94 percent, it appears that fuel price levels may now be stabilizing. If this trend continues, the Board is considering revising the surcharge procedure to provide for quarterly review on a prospective basis as opposed to the present procedure of monthly retroactive increases.

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

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-56, Amdt. 35]

PART 399—STATEMENTS OF GENERAL POLICY

Military Exemptions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 31, 1974.

By Notice of Proposed Rulemaking EDR-275/PSDR-41, dated June 17, 1974, the Board gave notice that it had under consideration, inter alia, amendments to Part 399 of its Statements of General Policy (14 CFR Part 399), providing an increase of 8.70 percent in the existing interim rates for Category Z individually ticketed military transportation. This rate adjustment was based upon a proposed increase in one-way Category B rates resulting from the Board's review of reported results for the carriers' MAC operations for calendar year 1973. For the reasons set forth in ER-867, issued contemporaneously herewith, the Board has decided to adopt only a 7.58 percent increase in the Category B rates. Accordingly, we will only increase the basic minimum rate for Category Z services by 7.58 percent. By ER-868, also issued contemporaneously herewith, the Board has further found that effective on and after June 17, 1974, the commercial fuel surcharge related to the foregoing Category B rates, based on reported fuel price changes as of June 1, 1974, should be 11.76 percent of the increased interim rates. Therefore, we will also amend the surcharge provision for Category Z services to reflect the 11.76 percent rate. The carriers shall file tariffs reflecting these increased rates for effectiveness August 10, 1974 on not less than one day's notice.

In view of the carriers' need for prompt rate relief, we find good cause exists to make the amendment effective on less than thirty (30) days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 399 of its Statements of General Policy (14 CFR Part 399) effective August 10, 1974, as follows:

Amend § 399.16(b) to read as follows:

§ 399.16 Military exemptions.

* * * * *

(b) The minimum charges considered fair and reasonable for the transportation of Category Z individually ticketed passengers in foreign and overseas air transportation and in air transportation between the 48 contiguous states, on the one hand, and Hawaii and Alaska, on the other hand, effective August 10, 1974, will be 4.133 cents per passenger-mile, plus a fuel surcharge of 11.76 percent, applied to the shortest mileage between commercial air carrier points as set forth in the current IATA Mileage Manual to compute point-to-point passenger fares.

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

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-17772 Filed 8-2-74;8:45 am]

Title 20—Employees' Benefits

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

[Reg. No. 16 further amended]

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

Subpart G—Reporting Requirements

On January 3, 1974, there was published in the FEDERAL REGISTER (39 FR 819) a notice of proposed rulemaking with proposed amendments to Subpart G of Regulations No. 16 setting forth rules and responsibilities for reporting to the Social Security Administration events and circumstances affecting an individual's eligibility for supplemental security income or the amount of such benefits.

Interested parties were given the opportunity to submit, within 30 days, data, views, or arguments with regard to the proposed changes.

The Legal Services for the Elderly Poor objected to the "whole idea of assessing penalties" as well as the penalty amounts. Since the law provides for the imposition of penalties and prescribes the amounts to be imposed (Sec. 1631 (e)(2)), the Social Security Administration is obligated to reflect these provisions. The commenter also misinterpreted the method of treating the failure to report one fact when such failure to report extended over a long period of time. The commenter felt that such failure would result in more than one penalty. The regulations do not state this. Only one penalty could be applied for a failure to report an event regardless of the length of time that has elapsed before a report of the event is made to the Social Security Administration. Finally, the commenter points to the omission of any reference to the "type of notice and hearing that would precede the imposition of such penalties." Information relating to the notice and appeal rights is described in Regulations No. 16, Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review §§ 416.1403 and 416.1404.

(Secs. 1102, 1601-1634, 49 Stat. 647 as amended, 86 Stat. 1465-1478; (42 U.S.C. 1302, 1381-1385))

Effective date. The amendments shall be effective on August 5, 1974.

Dated: June 25, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: July 30, 1974.

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

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding thereto Subpart G to read as follows:

Subpart G—Reporting Requirements

AUTHORITY: Sec. 1102, 1601-1634, 49 Stat. 647, as amended, 86 Stat. 1465-1478; (42 U.S.C. 1302, 1381-1385).

§ 416.701 Report requirements; general.

This subpart relates to the reporting requirements necessary to effectively administer the Supplemental Security Income for The Aged, Blind, and Disabled program. Discussed in this subpart are the events that must be reported to the Social Security Administration, who is responsible for reporting such events, the time frame for which reports are to be made, what form the reports may take, and the rules regarding penalty deductions for failure to report timely.

§ 416.703 Reports required; facts and events required to be reported.

The following events or facts must be reported to the Social Security Administration with respect to the individuals indicated in the following paragraphs.

(a) *Change in address.* Any change in the mailing address to which letters and checks are sent or the address at which the recipient is physically located must be reported.

(b) *Change in living arrangements.* Where at least one individual is eligible for benefits in a household, any change in composition of that household must be reported.

(c) *Change in income.* An increase or decrease in the income of an eligible individual or his eligible spouse, the ineligible spouse living with the eligible individual, the parent or spouse of such parent living with an eligible individual who is a child (as defined in § 416.1050), an ineligible child living in the same household as an eligible individual as described in § 416.1185 (a) and (b), or an essential person must be reported, except that an increase in title II benefits for the eligible individual or eligible spouse need not be reported. (See Subpart K of this Part and § 416.1323.)

(d) *Change in resources.* The receipt or disposition of any resources of an eligible individual or his eligible spouse, the ineligible spouse living with the eligible individual, the parent or spouse of such parent living with an eligible individual who is a child (as defined in § 416.1050), or an essential person must be reported. (See Subpart L of this Part and § 416.1324.)

(e) *Eligibility for other benefits.* The eligibility for benefits other than title XVI benefits or facts relating thereto in regard to an eligible individual or eligible spouse must be reported. (See § 416.1330.)

(f) *Death.* The death of an eligible individual or eligible spouse, ineligible spouse living with the eligible individual, the parent or spouse of such parent living with an eligible individual who is a child (as defined in § 416.1050), an essential person, ineligible child whose inclusion in the household affects the benefit amount of the eligible individual, or the representative payee of an eligible individual or eligible spouse must be reported.

(g) *Change in marital status.* The recipient's marriage, divorce, or the annulment of his marriage must be reported. If the recipient is a child as defined in § 416.1050, the marriage, divorce, or annulment of the marriage of such child's parent must be reported. The marriage of any ineligible child living in the same household as the eligible child must be reported.

(h) *Cessation of blindness or disability.* Any improvement in the condition of any individual eligible to title XVI benefits by reason of disability or blindness must be reported. (See § 416.931.)

(i) *Refusal to accept vocational rehabilitation services.* The refusal of any recipient, who has been referred for vocational rehabilitation services by the Social Security Administration, to accept such devices must be reported.

(j) *Departure from the United States.* The departure of any recipient from the United States (as defined in § 416.120(c)(10)) must be reported.

(k) *Admission to or discharge from a public institution.* A recipient's admission to or discharge from a public institution as defined in § 416.231(b)(2) must be reported.

(l) *Admission to or discharge from a hospital, skilled nursing facility, or intermediate care facility.* A recipient's admission to or discharge from a hospital, skilled nursing facility, or intermediate care facility must be reported.

(m) *Change in school attendance.* Any recipient's change in school attendance must be reported if such recipient is under the age of 22. The change in school attendance of any ineligible child living in the same household as the eligible child must be reported.

(n) *Loss of status as a resident of the United States.* The loss of a recipient's status as a resident of the United States (as defined in § 416.120(c)(10)) must be reported.

(o) *Refusal to accept or discontinuance of treatment for drug addiction or alcoholism.* The refusal to accept or the discontinuance of treatment for drug addiction or alcoholism at an approved

facility or institution by a recipient who has been medically determined to be a drug addict or an alcoholic must be reported.

§ 416.705 Reports required; responsibility for reporting.

An eligible individual, an eligible spouse, or the representative payee of such individual or spouse are responsible for reporting events described in § 416.703. In addition, any applicant (as defined in § 416.301(b)) is responsible for reporting such events where there has not been rendered a final determination upon such applicant's application. An eligible individual or eligible spouse who is incompetent will not be held responsible for reporting the events described in § 410.703.

§ 416.707 Reports required; due date of reports.

The occurrence of any event identified in § 416.703 should be reported as soon as the event occurs. Failure to report such event within the 30-day period after the quarter in which such event occurs may cause the application of a penalty deduction. (See § 416.711.)

§ 416.709 Reports required; content and form.

A report of an event identified in § 416.703 must be made to the Social Security Administration. The report should identify the person making the report, the person (or persons) about whom the report is made, and the event which has occurred. The report may be made in any manner desired (including but not limited to the use of a form prescribed by the Social Security Administration or the reporting of an event via telephone).

§ 416.711 Penalty for failure to report timely; general.

A penalty deduction is imposed against a recipient and withheld from his benefits (in addition to any other required reduction, suspension, or termination) when:

(a) Such recipient fails to make a timely report of any event identified in § 416.703; and

(b) A reduction, suspension, or termination for a reason other than death (except the death of an essential person) is required; and

(c) A benefit for the "penalty period" (see § 416.714) was received and accepted; and

(d) Good cause for relief from the penalty is not applicable. (See § 416.715.)

§ 416.713 Penalty for failure to report timely; penalty amount.

Where a recipient fails within the time period specified in § 416.707 to comply with the reporting requirements, and a penalty is required (see § 416.711), any benefits which may subsequently become payable to such individual under title XVI will be reduced in the amount of:

(a) $25 in the case of the first such failure or delay;

(b) $50 in the case of the second such failure or delay; and

(c) $100 in the case of the third or subsequent such failure or delay.

(d) See § 416.714(d).

§ 416.714 Penalty for failure to report timely; penalty periods.

(a) *First failure to report.* The first penalty period starts with the day the application for title XVI benefits is filed and ends with the date on which the Social Security Administration first becomes aware that an event described in § 416.703 occurred but was not discovered by the Social Security Administration in the time specified in § 416.707. Any report that is overdue in that period is included in the first penalty period. If the requirements regarding when a penalty deduction is to be allowed (see § 416.711) are not met (e.g., "good cause" is found), the first penalty period will continue until such time as an event which requires the imposition of a penalty (as described in § 416.703) comes to the attention of the Social Security Administration more than 30 days after the quarter in which such event occurred. Any report that is found to be overdue within the first penalty period is counted in the first penalty period regardless of when the event described in § 416.703 is discovered by the Social Security Administration.

Example. The recipient filed application for benefits under title XVI in February. In May he left the United States for a visit with relatives. He returned to the United States in September and reported his absence on November 5. A penalty may be applicable because he did not report the event (i.e., ineligibility for payments beginning with June due to absence from the United States) before July 31. The first penalty period covers all reports which were overdue for the period of February 1 though November 5. If good cause is found for the recipient's failure to report all events timely, a penalty would not apply and a new "first penalty period" would still begin with February 1 but extend to the point at which an overdue report was made or a failure to report timely was discovered. If subsequently, on December 6, it was found that the recipient had failed to report income received in the February 1–November 5 period and good cause did not exist with respect thereto, the first penalty period would end on December 6.

(b) *Second failure to report.* The second penalty period begins at the close of the first penalty period and ends with the date on which the Social Security Administration first becomes aware that an event described in § 416.703 has occurred (subsequent to the close of the first penalty period) but which was not reported in the time specified in § 416.707. If the requirements regarding when a penalty deduction is to be imposed (see § 416.711) are not met (e.g., good cause is found), the second penalty period will continue until such time as an event which requires the imposition of a penalty (as described in § 416.703) comes to the attention of the Social Security Administration more than 30 days after the quarter in which such event occurred. Any report found to be overdue within the second penalty period is counted in the second penalty period, regardless of when the occurrence of the event described in § 416.703 is discovered by the Social Security Administration.

Example. The first penalty period closed June 30, 1974. On December 31, 1974, the recipient reported that his brother left him a $2000 inheritance on July 3, 1974. Since the reporting of this event occurred more than 30 days after the end of the quarter in which the event occurred, the second penalty deduction becomes applicable. (Good cause was no found for the recipient's late report of this event.) The second penalty period ends on December 31, 1974, the date the Social Security Administration first became aware of the inheritance. Two years later, the Social Security Administration first learns of the recipient's failure to report his departure from the United States, such departure occurring on August 3, 1974. Since the event occurred during the second penalty period, no further penalty deductions will be imposed.

(c) *Third or subsequent failure to report.* The beginning and ending dates of the third penalty period and of subsequent penalty periods are determined in the manner set forth in paragraph (b) of this section.

(d) Regardless of how many reportable events occur in one penalty period, no more than one penalty can be imposed with respect to any one penalty period.

§ 416.715 Good cause for failure to report timely.

Good cause for failure to report timely exists if, as determined by the Social Security Administration, the recipient was "without fault" as defined in § 416.552 or if the delay was not willful. "Without fault" is the same condition which relates to the situation of the individual seeking relief from adjustment or recovery of an overpayment (§ 416.552). If the overpaid individual is found to be "without fault" for the purpose of waiving recovery of an overpayment, good cause also exists for relief of a penalty.

[FR Doc.74-17739 Filed 8-2-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Mafenide Acetate-Nitrofurazone

The Commissioner of Food and Drugs has evaluated a new animal drug application (93-985V) filed by Winthrop Laboratories, Division of Sterling Drug, Inc., New York, N.Y. 10016, proposing safe and effective use of mafenide acetate and nitrofurazone topical powder in the prophylactic and therapeutic treatment of wound infections and pyogenic dermatitis in dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21, Code of Federal

Regulations is amended to read as follows:

1. In Part 135 by adding to § 135.501(c) an additional sponsor as follows:

§ 135.501 **Names, addresses, and code numbers of sponsors of approved applications.**

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * * * *	
114 --------	Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Ave., New York, NY 10016.

2. In Part 135a by adding a new section to read as follows:

§ 135a.57 **Mafenide acetate and nitrofurazone aerosol powder, veterinary.**

(a) *Specifications.* The product is in an aerosol preparation which contains 6.61 percent of mafenide acetate and 0.12 percent of nitrofurazone as active ingredients.

(b) *Approvals.* To Code No. 114 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is intended for topical application to dogs for the prophylactic and therapeutic treatment of wound infections and pyogenic dermatitis caused by a variety of gram-positive and gram-negative bacteria including *Staphylococcus sp., Streptococcus sp., Proteus sp., Pseudomonas sp., Escherichia coli* and *Aerobacter aerogenes,* and virulent strains of *Pseudomonas aeruginosa.*

(2) After cleansing the area to be treated, apply a light coat of the drug. Use once or twice daily, usually for up to 5 days.

(3) Avoid application to eyes.

(4) Occasional transitory local reactions (irritation) may occur.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective on August 5, 1974.

(Sec. 512(i), 82 Stat. 347; (21 U.S.C. 360b(i))

Dated: July 29, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-17738 Filed 8-2-74;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Ticarbodine Capsules

The Commissioner of Food and Drugs has evaluated new animal drug application (96-678V) filed by Elanco Products Co., Indianapolis, IN 46206, proposing safe and effective use of ticarbodine capsules as an anthelmintic for the treatment of dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section as follows:

§ 135c.132 **Ticarbodine capsules, veterinary.**

(a) *Specifications.* Each capsule contains 90, 225, 450, or 900 milligrams of ticarbodine.

(b) *Sponsor.* Code No. 014 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in dogs for removal of roundworms (*Toxocara canis*), hookworms (*Ancylostoma caninum and Uncinaria stenocephala*), and tapeworms (*Dipylidium caninum and Taenia pisiformis*).

(2) Dosage is administered orally as a single dose at 45 milligrams per lb. of body weight. Dosage may be repeated at 21-day intervals.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective on August 5, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 29, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-17737 Filed 8-2-74;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-281]

PART 42—RELOCATION PAYMENTS AND ASSISTANCE AND REAL PROPERTY ACQUISITION UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Subpart F—Grievance Procedures Relating to Claims and Payments

PURPOSE OF REGULATIONS AND HUD REVIEW OF CLAIMS; CORRECTIONS

The purpose of the following amendments is to correct several errors in the clarifying corrections to §§ 42.220 and 42.250(c) appearing at 38 FR 25172, effective September 12, 1973.

Since these changes are minor in nature and no substantive changes are effected, notice and public procedure thereon are unnecessary.

These amendments supersede those appearing at 38 FR 25172, and are effective September 12, 1973, as hereinafter set forth:

§ 42.220 [Amended]

A. Section 42.220 is amended by changing "this part" in the first sentence to read "Subpart B and §§ 42.140 and 42.145 of Subpart D" and by changing "this part" in the second sentence to read "this Subpart."

B. Section 42.250(c) is revised to read as follows:

§ 42.250 **HUD review.**

* * * * *

(c) *Determination on review by HUD.* The written determination by HUD shall be delivered to the State agency and to the claimant and shall include but need not be limited to:

(1) The Area Director's decision on reconsideration of the claim;

(2) Findings of fact and conclusions of law, including any pertinent explanation or rationale;

(3) If the claimant is determined to have been aggrieved as to eligibility for, or the amount of, a payment under the regulations in Subpart B or under § 42.140 or § 42.145 of Subpart D, a direction to the State agency to take immediate steps to make payment to the aggrieved person in accordance with the HUD determination;

(4) A statement of claimant's right to seek judicial review.

* * * * *

(42 U.S.C. 4601; 7(d) Department of HUD Act, U.S.C. 3535(d))

Effective date. These amendments are effective on September 12, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.74-17746 Filed 8-2-74;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-316]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Illinois	Cook	River Forest, village of	July 29, 1974, Emergency	Feb. 1, 1974		
Do.	Macon	Decatur, city of	do.	May 24, 1974		
Iowa	Story	Cambridge, city of	do.			
Minnesota	Hennepin	Brooklyn Center, city of	do.	Nov. 9, 1973		
New Jersey	Atlantic	Northfield, city of	do.	June 28, 1974		
Pennsylvania	Beaver	Hopewell, township of	do.	Mar. 8, 1974		
Do.	Luzerne	Dupont, borough of	do.			
Do.	Washington	Donora, borough of	do.	Jan. 23, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 22, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-17650 Filed 8-2-74;8:45 am]

[Docket No. FI-317]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	Greene	Eutaw, city of	July 23, 1974, Emergency			
Colorado	Weld	Fort Lupton, city of	do.			
Illinois	Carroll	Mt. Carroll, city of	do.			
Do.	McHenry	Harvard, city of	do.			
Do.	Union	Mill Creek, village of	do.			
Kentucky	Bourbon	Paris, city of	do.			
Michigan	Saginaw	Carrollton, township of	do.			
Do.	Livingston	Hamburg, township of	do.			
Minnesota	Meeker	Kingston, city of	do.			
Missouri	Franklin	Union, city of	do.			
Nebraska	Morrill	Bridgeport, city of	do.			
New York	Wayne	Huron, town of	do.			
North Carolina	Rowan	Salisbury, city of	do.			
Pennsylvania	Lawrence	Scott, township of	do.			
Do.	McKean	Foster, township of	do.			
Wisconsin	Vernon	Hillsboro, city of	do.			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 16, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-17651 Filed 8-2-74;8:45 am]

[Docket No. FI-318]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arkansas	Chicot	Unincorporated areas	July 24, 1974. Emergency			
California	San Diego	La Mesa, city of	do			
Illinois	Henderson	Lomax, village of	do	Mar. 1, 1974		
Kentucky	Logan	Russellville, city of	do	May 17, 1974		
Minnesota	Marshall	Newfolden, city of	do	July 19, 1974		
Nebraska	Adams	Hastings, city of	do	May 10, 1974		
New Jersey	Monmouth	South Belmar, borough of	do	Feb. 22, 1974		
Pennsylvania	Allegheny	Pen Hills, township of	do			
Do	Montgomery	Souderton, borough of	do			
Virginia	Augusta	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 17, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-17652 Filed 8-2-74;8:45 am]

[Docket No. FI-319]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	Lamar	Vernon, city of	July 25, 1974. Emergency	May 3, 1974		
California	Santa Clara	Campbell, city of	do	May 31, 1974		
Colorado	Weld	Evans, city of	do	Apr. 5, 1974		
Connecticut	Hartford	South Windsor, town of	do			
Illinois	Cook and Will	Tinley Park, village of	do	May 10, 1974		
Do	Grundy	Morris, city of	do	Apr. 12, 1974		
Iowa	Polk	West Des Moines, city of	do	June 28, 1974		
Do	Story	Ames, city of	do			
Missouri	Platte	Tracy, city of	do			
Nebraska	Knox	Niobrara, village of	do			
Do	York	York, city of	do	May 24, 1974		
New Hampshire	Rockingham	Hampton, town of	do	July 19, 1974		
New Mexico	Valencia	Grants, city of	do			
New York	Albany	Menands, village of	do	Feb. 1, 1974		
Do	Montgomery	Fort Plain, village of	do	Apr. 12, 1974		
Do	Onondaga	Marcellus, village of	do			
Do	do	Onondaga, town of	do			
Do	Wyoming	Warsaw, village of	do	May 17, 1974		
Do	Yates	Starkey, town of	do	June 7, 1974		
Oregon	Baker	Baker, city of	do	Feb. 1, 1974		
Pennsylvania	Allegheny	Oakmont, borough of	July 25, 1974. Emergency	Mar. 8, 1974		
Do	Lackawanna	Old Forge, borough of	do	June 28, 1974		
Do	Montgomery	Douglass, township of	do			
South Dakota	Lawrence	Whitewood, city of	do			
Tennessee	Putnam	Cookeville, city of	do	May 24, 1974		
Utah	Utah	Springville, city of	do	Feb. 1, 1974		
Vermont	Windsor	Weston, town of	do			
Washington	Clark	Washougal, city of	do	Mar. 15, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 18, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-17653 Filed 8-2-74;8:45 am]

[Docket No. FI-320]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	Jackson	Hollywood, town of	July 26, 1974, Emergency	Mar. 8, 1974		
Arkansas	Lincoln	Gould, city of	do	May 3, 1974		
Do	Washington	Fayetteville, city of	do	Dec. 28, 1973		
Idaho	Nez Perce	Lewiston, city of	do			
Minnesota	Lyon	Balaton, city of	do			
Mississippi	Quitman	Falcon, town of	do			
Do	Alcorn	Corinth, city of	do	Jan. 23, 1974		
New Jersey	Somerset	Bedminster, township of	do			
New Mexico	Lincoln	Ruidoso, village of	do	June 7, 1974		
New York	Montgomery	Canajoharie, village of	do			
Do	Saratoga	Waterford, town of	do	Mar. 29, 1974		
Pennsylvania	Lehigh	North Whitehall, township of	do			
South Dakota	Pennington	Keystone, town of	do			
Tennessee	Nashville and Davidson.	Metropolitan Government of.	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued July 19, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-17654 Filed 8-2-74;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 573-74]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart X—Authorizations With Respect to Personnel and Certain Administrative Matters

CERTIFICATION OF OBLIGATIONS

Under 31 U.S.C. 200(b), each agency head must report the amount of each appropriation remaining obligated but unexpended at the end of each fiscal year. Paragraph (c) of section 200 provides that the reports be supported by certifications of officials designated by the agency head. This order changes the official in the Bureau of Prisons authorized to certify obligations, in order to reflect a recent reorganization of the Bureau of Prisons.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, and section 1311(c) of the Supplemental Appropriation Act, 1955 (68 Stat. 831; 31 U.S.C. 200(c)), § 0.147 of Subpart X of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by deleting "for the Bureau of Prisons, the Assistant Director, Administrative Services" and substituting the following: "for the Bureau of Prisons, the Assistant Director for Planning and Development."

Dated: July 26, 1974.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.74-17743 Filed 8-2-74;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Utah Plan; Completion of Developmental Step

1. *Background.* Part 1953, Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act) by which the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's Order 12-71) will review changes in a State plan which has been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 1178) of the approval of the Utah plan and the adoption of Subpart E to Part 1952 containing this decision.

Section 1952.110(a) of Subpart E contains a description of the State's proposed enabling legislation to be enacted in the 1973 legislative session. By letter dated May 14, 1974, from Martell Ellis, Administrator of Utah Occupational Safety and Health Administration to Curtis Foster, Assistant Regional Director, Region VIII, Occupational Safety and Health Administration, the State has submitted, as part of its plan, copies of House Bill No. 103, Title 25, Chapter 1 of Utah State Code, which was signed by the Governor on March 5, 1973, and became effective July 1, 1973. This legislation was submitted to the State Legislature in accordance with the requirement of § 1952.113(a) of the State's developmental schedule.

In the approval notice, it stated that the Utah plan provides for a Safety and Health Commission similar to the Federal except that its members are chosen from the Utah Industrial Commission, the agency designated to administer and enforce the Act. This composition of the Utah Commission was acceptable on the assumption that once in operation, it will comply with basic procedural safeguards for fairness such as separation of functions at staff level. Nevertheless, Utah's enacted legislation creates an independent three-member Safety and Health Review Commission with one representative from industry, one from labor, and one from the public. Members of the Commission are appointed by the Governor by and with the consent of the Senate. The provision of Utah's enacted legislation relating to its review commission is very similar to the Federal.

2. *Decision.* Since the legislation, as passed, does not differ in any substantive way from the proposed legislation originally approved, it is determined that the legislation passed by the Utah Legislature should be approved as the completion of a developmental step.

3. *Location of supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may

be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street, NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 15010, Post Office Box 3586, 1961 Stout Street, Denver, Colorado 80202; and the Utah Industrial Commission, Occupational Safety and Health Division, 350 East Fifth South, Salt Lake City, Utah 84114.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that good cause exists for not publishing Utah's enacted legislation because the provision dealing with the State's review commission is substantially identical to the legislation as originally approved and further public comment is unnecessary.

This decision is effective August 2, 1974.

(Sec. 18 Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 30th day of July 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-17775 Filed 8-2-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[235-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval and Disapproval of Plan Revisions for Illinois, Indiana, Michigan, and Wisconsin

On May 31, 1972 (37 FR 10842), the Administrator promulgated certain portions of the implementation plans for the States of Illinois, Indiana, Michigan, and Wisconsin for attainment and maintenance of national ambient air quality standards in accordance with § 110 of the Clean Air Act, and 40 CFR Part 51.

On February 19, 1974 (39 FR 6126), the Administrator proposed individual source compliance schedules submitted by these states as revisions to the respective plans pursuant to 40 CFR § 51.6. The approvals and disapprovals made at this time affect only a portion of the compliance schedules proposed; the remaining schedules have been republished (39 FR 12769, April 8, 1974) and have been given an extended public comment period because of errors in final compliance dates and regulation citations in the original proposal. Final rulemaking on the compliance schedules contained in this later publication and Minnesota Compliance schedules will be made as soon as possible.

Individual compliance schedules whether approved or disapproved are incorporated into the Federal regulations by reference only. The approved schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules, and have been determined to be consistent with the approved control strategies of the States involved. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the Federally approved State implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date". Where required, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. These schedules are available for public inspection as specified in the February 19, 1974, FEDERAL REGISTER.

Disapproval of several schedules is promulgated because of failure to comply with substantive requirements relating to compliance schedules in 40 CFR 51.15. Many of these schedules are unenforceable by the State and are therefore not in accordance with § 51.15(c). Others do not contain a sufficient number of increments of progress to permit close supervision for timely compliance or do not contain a final compliance date as required by § 51.15(a). The air pollution sources on disapproved schedules remain subject either to Federally promulgated compliance schedules (37 FR 23089, October 28, 1972, 38 FR 22736, August 23, 1973 as amended) or to the immediately-effective compliance dates as applicable in the Federally approved State implementation plans.

The regulations promulgated below do not affect the ability of States to develop new schedules or to correct deficiencies in schedules which are being disapproved at this time. In fact the States are encouraged to do so. If a State corrects deficiencies in a disapproved schedule and re-submits such schedule to EPA, that schedule will be re-proposed for approval by the Administrator.

Written comments submitted to the Regional Administrator prior to March 21, 1974 were considered in the evaluation of the schedules. An evaluation report setting forth the Environmental Protection Agency's position on each schedule, whether approved or disapproved, is available for public inspection at the Region V Office of the Environmental Protection Agency, One North Wacker Drive, Chicago, Illinois.

In addition, the Administrator is today approving an Illinois regulation respecting a solid fuel limitation necessary for the attainment and maintenance of particulate matter and sulfur dioxide standards in the Chicago Major Metropolitan Area. The initial disapproval of Rule 203(g)(i)(A) and (C) on May 31, 1972, stemmed from the inability of the State to enforce the limitation against residential and commercial solid fuel users. The supplemental information submitted by the State indicates that the impediment to enforcement has been removed, thus correcting the original deficiency. No public comments have been received on EPA proposal to include this regulation in the plan. Accordingly, the original disapproval notice is revoked.

These regulations are effective August 5, 1974. The Administrator finds good cause for making these regulations immediately effective because the compliance schedules are already effective in the State and Federal approval imposes no additional requirements on the affected sources.

(Section 110(a) of the Clean Air Act, as amended; 42 U.S.C. 1857c-5(a)).

Dated: July 24, 1974.

JOHN QUARLES,
Acting Administrator.

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

Subpart O—Illinois

1. In § 52.720 paragraphs (c)(3) and (d) are added as follows:

§ 52.720 Identification of plan.

* * * * *

(c) Supplemental information was submitted on: * * *

(3) October 22, 1973 by Governor Walker.

(d) Revisions to the plan were submitted on:

(1) March 13, 1973; April 3, 1973; May 3, 1973; June 15, 1973 and August 7, 1973.

§ 52.726 [Revoked]

2. Section 52.726 is revoked and reserved.

3. In § 52.730, paragraphs (c) and (d) are added as follows:

§ 52.730 Compliance schedules.

* * * * *

(c) The compliance schedules for the source identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

ILLINOIS

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
		BOONE COUNTY		
Green Giant Co	Belvidere	204(c)	May 16, 1973	May 30, 1975
		CHAMPAIGN COUNTY		
Illinois Central Gulf Railroad	Champaign	204(c)	Apr. 20, 1973	Feb. 15, 1975
		COLES COUNTY		
Celotex Corp. (boilers 2,5)	Charleston	204(c)	Mar. 1, 1973	May 30, 1975
		COOK COUNTY		
Allied Chemical Corp	Chicago	204(c)	May 29, 1973	May 30, 1975
Atlas Match Plated Co., Inc	do	204(c)	Mar. 14, 1973	May 1975
Belden Corp	do	205(f)	Aug. 3, 1973	Apr. 15, 1974
Benjamin Harris & Co	Chicago Hts	203(d)(7)	Aug. 30, 1973	Feb. 1, 1974
Darling & Co (46 Street boiler)	Chicago	204(c)	Mar. 30, 1973	May 30, 1975
Dover Industrial Chrome, Inc	do	204(c)	July 24, 1973	Do.
General Electric	Cicero	204(c)	Apr. 13, 1973	Do.
General Electric	Chicago Hts	203(b)	July 14, 1973	Feb. 1, 1974
Great Lakes Carbon Corp	Chicago	203(b)	May 24, 1973	May 24, 1974
H. Kohnstam Co	Bedford Pk	204(c)	Oct. 2, 1972	May 1975
Illinois Central Gulf Railroad	Chicago	204(c)	Mar. 22, 1973	Feb. 15, 1975
Material Service Corp	Calumet Pk	204(e)	July 17, 1973	May 30, 1975
Minnesota Grain Perling	Chicago	203(b)	May 24, 1975	May 24, 1974
Owens-Illinois, Inc	do	204(e)	Feb. 22, 1973	May 30, 1975
Do	Chicago Hts	203(a)	July 19, 1974	May 1975
Penick & Ford, Inc	Chicago	204(c)	May 8, 1973	May 30, 1975
Pepsi-Cola General Bottlers, Inc	Chicago, 1745 N. Kolmar Ave.	204(c)	Mar. 29, 1973	Do.
Do	Chicago 640 E. 51st St	204(e)	do	Do.
R. R. Donnelley & Sons Co	Chicago	205(f)	June 20, 1973	July 30, 1974
Schneider Building Corp.:				
(a) Oil heater building 1 and 2	Cicero	204(c)	Apr. 12, 1973	May 30, 1975
(b) Oil heater building 3	do	204(c)	May 14, 1973	Do.
		CARROLL COUNTY		
Rein, Schults, & Dahl Inc	Mt. Carroll	204(c)	Apr. 26, 1973	May 1975
		DEWITT COUNTY		
Illinois Central Gulf Railroad	Clinton	204(c)	Apr. 1, 1973	Feb. 15, 1974
		GRUNDY COUNTY		
General Electric	Morris	207(c)(2)	Mar. 8, 1973	Mar. 8, 1974
		HENRY COUNTY		
Hyster Co	Kewanee	204(c)	Sept. 25, 1973	May 30, 1975
		JO DAVIES COUNTY		
Krafteo Corp., Kraft Foods Division	Galena	204(c)	Apr. 19, 1973	May 30, 1975
		KANE COUNTY		
DuKane Corp	St. Charles	205(f)	June 7, 1973	Apr. 1, 1975
		KNOX COUNTY		
Alton Box Board Co	Galesburg	204(c)	Feb. 27, 1973	May 30, 1975
		LAKE COUNTY		
Abbott Labs (boilers No. 4, 5, 6, 8)	N. Chicago	204(c)	June 4, 1973, June 5, 1973	May 30, 1975
Fansteel, Inc	Waukegan	204(c)	Nov. 15, 1973	Aug. 1, 1975
Mt. St. Joseph	Lake Zurich	204(c)	June 20, 1973	May 30, 1975
		LA SALLE COUNTY		
American Nickeloid Co	Peru	204(c)	May 22, 1973	May 30, 1975
Carus Corp	LaSalle	204(c)(2)	Apr. 9, 1973	Do.
Del Monte Corp	Mendota	204(c)	May 15, 1973	June 1, 1974
E. I. du Pont de Nemours & Co., Inc	Seneca	207(a)(2)	Apr. 3, 1973	Oct. 1, 1974
Nabisco, Inc	Marseilles	204(c)	May 24, 1973	May 30, 1975
		LAWRENCE COUNTY		
Texaco Inc. (vacuum pipe still)	Lawrenceville	204(c)	Oct. 17, 1973	June 1974
		MADISON COUNTY		
Edwardsville Creamery Co	Edwardsville	204(c)	June 15, 1973	May 29, 1975
Illinois Central Gulf Railroad	Venice	204(c)	July 5, 1973	Feb. 15, 1975
Olin Corp (powerplant)	East Alton	204(c)	May 9, 1973	May 30, 1975

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
Reilly Tar & Chemical Corp. (boilers)	Granite City	204(c)	Mar. 8, 1973	May 30, 1975
	MARSHALL COUNTY			
B. F. Goodrich Chemical Co	Henry	204(c)	Apr. 17, 1973	May 30, 1975
	PEORIA COUNTY			
Atlantic Richfield Co	Chillicothe	205(f)	June 6, 1973	Jan. 31, 1974
Bemis Co., Inc	Peoria	204(c)	May 4, 1973	Mar. 1975
Hiram Walker & Sons, Inc	do	204(c)	Mar. 5, 1973	June 1, 1975
	PUTNAM COUNTY			
Illinois Power Co	Hennepin	204(g)(b)	July 31, 1973	June 30, 1974
	SALINE COUNTY			
U.S. Department of Agriculture	Harrisburg	502	Mar. 14, 1973	Feb. 14, 1974
	SANGAMON COUNTY			
Allis Chalmers	Springfield	204(c)	May 16, 1973	May 30, 1975
	ST. CLAIR COUNTY			
Alton Box Board Co	Godfrey	204(c)	July 19, 1973	May 30, 1975
Carling Brewing Co	Belville	204(c)	May 7, 1973	Do.
East St. Louis & Interurban Water Co	E. St. Louis	204(c)	Apr. 18, 1973	Do.
Model Progress Laundry Inc	do	204(c)	May 1, 1973	Do.
Monsanto Co	Sauget	204(c)	Oct. 19, 1973	Do.
	VERMILLION COUNTY			
American Can Co	Hoppeston	204(f)(2)(d)	May 25, 1973	May 30, 1975
Danville Asphalt	Fifthian	204(c)	Mar. 16, 1973	Do.
	WABASH COUNTY			
Mt. Carmel Public Utility Co	Mt. Carmel	203(b)	Oct. 31, 1972	June 30, 1974
	WILL COUNTY			
Caterpillar Tractor Co	Joliet			
(a) Boilers 2, 3		203(b), 204(c)	May 8, 1973	Nov. 1, 1974
(b) Boiler 4		203(b), 204(c)	do	May 30, 1975
Texaco Inc	Lockport			
(a) Steam generator		204(f)	Jan. 29, 1973	May 1, 1974
(b) Delayed cooking unit		204(f)	Jan. 31, 1973	May 30, 1975
(c) Catalytic cracking unit		204(f)	May 1, 1973	Do.
The Celotex Corp	Wilmington	204(a)	May 8, 1973	Mar. 31, 1974
	WILLIAMSON COUNTY			
Olin Corp	Marion	204(c)	May 8, 1973	May 30, 1975
	WINNEBAGO COUNTY			
J. L. Clark Manufacturing Co	Rockford	205(f)	Apr. 30, 1973	May 30, 1975
Nickel Brothers Tree Service	S. Beloit	502	Apr. 17, 1973	Mar. 28, 1974

(d) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date schedule adopted
	CHRISTIAN COUNTY		
Allied Mills, Inc	Taylorville	204(c)	Feb. 28, 1973
	COOK COUNTY		
Harco Aluminum Inc	Chicago	204(c)	Dec. 9, 1973
J. L. Clark Manufacturing Co	Downers Grove	205(f)	May 4, 1973
Johnson & Johnson	Bedford Park	205(f)	Jun. 20, 1973
Lloyd J. Harris Pie, Co. Inc	Chicago	204(c)	Feb. 27, 1973
Union Oil Co. of California	Chicago	204(c)	Jun. 19, 1973,
(a) No. 10 boiler			Dec. 13, 1973
(b) 11BIA crude heater			
W. H. Hutchingson & Son, Inc	Chicago	205(f)	Aug. 12, 1973
Western Rust Proof Co	Chicago	204(c)	Oct. 10, 1973
Wheeler Uniform Service Inc	Chicago	204(c)	May 22, 1973
Wm. Yuenger Manufacturing Co	Chicago	204(c)	Aug. 16, 1973
World's Finest Chocolate Inc	Chicago	204(c)	May 30, 1973
	JACKSON COUNTY		
Tuck Industries, Inc	Carbondale	204(c)	Jun. 20, 1973
	KANE COUNTY		
All Steel Equipment Corp	Montgomery	204(f)	July 24, 1973
Consolidated Food Inc	Aurora	205(f)	May 9, 1973
	LAKE COUNTY		
Morton Manufacturing Co	Libertyville	205(f)	Aug. 27, 1973

Source	Location	Regulations involved	Date schedule adopted
	LA SALLE COUNTY		
Allied Mills Inc.	Mendota	204(c)	May 28, 1973
	MADISON COUNTY		
Clark Oil & Refining Corp.	Hartford	204(f)	Feb. 22, 1973
Granite City Steel Co.	Granite City	203(d)(6)	Apr. 25, 1972 as amended
(a) Coke oven pushing operations			May 21, 1973
(b) Charging operations			May 1, 1973
Illinois Power Company (Wood River Boiler No. 5)	E. Alton	204(c)	May 2, 1973
Owens-Illinois Inc.	Madison	204(c)	Mar. 30, 1973
Owen-Illinois Inc. (No. 2 Powerhouse)	Alton	204(c)	Nov. 27, 1972
Shell Oil Co. (Cat. Cracker Units Nos. 1, 2)	Roxana	203(b)	
	RANDOLF COUNTY		
Chester Dairy Co.	Chester	204(c)	Aug. 6, 1973
	ST. CLAIR COUNTY		
Lock Stove Co.	East St. Louis	205(b)	June 11, 1973
	TAZEWELL COUNTY		
Quaker Oats Co.	Pekin	204(c)	May 24, 1973
	VERMILLION COUNTY		
Lauhoff Grain Co.	Danville	204(c)	Mar. 31, 1973

Subpart P—Indiana

4. In § 52.770, paragraph (d) is added as follows:

§ 52.770 Identification of plan.

* * * * *

(d) Revisions to the plan were submitted on:
(1) November 2, 1973 by Governor Bowen.

5. In § 52.778, paragraphs (c) and (d) are added as follows:

§ 52.778 Compliance schedules.

* * * * *

(c) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

INDIANA

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
	LAKE COUNTY			
American Maize Products Co.	Roby	APC 5	Jan. 18, 1973	Apr. 1, 1974
Jones & Laughlin Steel Corp.	Hammond	APC 4R, APC 13.	Mar. 12, 1973	Mar. 31, 1974

(d) The compliance schedule for the source identified below is disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date schedule adopted
	LAKE COUNTY		
Commonwealth Edison Co. of Indiana, Inc. (State Line Station).	Hammond	APC 13	Jan. 18, 1973

Subpart X—Michigan

6. Section 52.1170 is amended by adding a new paragraph (d) as follows:

§ 52.1170 Identification of plan.

* * * * *

(d) Revisions to the plan were submitted on:
(1) May 4, 1973, September 19, 1973, October 23, 1973, December 13, 1973.

7. In § 52.1175, paragraphs (d) and (e) are added as follows:

§ 52.1175 Compliance schedules.

* * * * *

(d) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
		ALPENA COUNTY		
National Gypsum Co. (Huron Cement Division Plant).	Alpena	336.44	Sept. 25, 1973	[3]Apr. 1, 1973
		BARAGA COUNTY		
Upper Peninsula Power Co	L'Anse	336.44, .46	July 25, 1973	[3]Aug. 1, 1975
		CHARLEVOIX COUNTY		
East Jordon Iron Works, Inc	East Jordon	336.44	Sept. 25, 1973	Oct. 1, 1974
Medusa Cement Co	Charlevoix	336.44, .46	Aug. 14, 1973	Feb. 28, 1974
		HURON COUNTY		
Hercules, Inc	Harbor Beach	336.49	Mar. 16, 1973	[1] July 1, 1975 [2] July 1, 1978
		IONIA COUNTY		
Extruded Metals	Belding	336.44, .46	Mar. 30, 1973	May 31, 1974
		MARQUETTE COUNTY		
The Cleveland Cliffs Iron Co. (Pelletizing Unit).	Humbolt	336.44, .46	Mar. 14, 1973	[3] Dec. 1, 1976
The Cleveland Cliffs Iron Co. (Pelletizing Units Nos. 1, 2).	Republic	336.44, .46	do	Feb. 1, 1975
		MIDLAND COUNTY		
Dow Chemical	Midland	336.44, .46	Dec. 3, 1973	Apr. 1, 1975
		MUSKEGON COUNTY		
Tech-Cast, Inc	Montague	336.44	Mar. 14, 1973	Dec. 31, 1974
		OAKLAND COUNTY		
Fisher Body Division (GMC) (Pontiac)	Pontiac	336.49	May 21, 1973	[1] July 1, 1975 [2] July 1, 1978
Truck & Coach Division (GMC) (No. 3 GMC).	do	336.49	do	[1] July 1, 1975 [2] July 1, 1978
		OTSEGO COUNTY		
U.S. Plywood, Division of Champion Papers.	Gaylord	336.44, .46	June 16, 1973	Dec. 13, 1974
		ST. CLAIR COUNTY		
The Detroit Edison Co	Marysville	336.49	Mar. 14, 1973	[1] July 1, 1975 [2] July 1, 1978

[1] For the attainment of the primary standard.
[2] For the attainment of the secondary standard.
[3] For the maintenance of the secondary standard.

(c) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date schedule adopted
	BAY COUNTY		
Consumer Power (Karn Plant)	Essexville	336.44	Sept. 18, 1973
	OTTAWA COUNTY		
Consumer Power Co. (Campbell Plant Units 1, 2)	West Olive	336.44	Sept. 18, 1973

Subpart YY—Wisconsin

9. Section 52.2570 is amended by adding a new paragraph (d) as follows:

§ 52.2570 Identification of plan.

* * * * * *

(d) Revisions to the plan were submitted on:
(1) June 26, 1973.

11. In § 52.2578, paragraph (d) and (e) are added as follows:

* * * * * *

(d) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
	BROWN COUNTY			
Wisconsin Public Service Corp	Green Bay	NR154.11(5)(c)	May 11, 1973	May 1, 1975
	GRANT COUNTY			
Wisconsin Power & Light Co., Nelson Dewey Plant.	Cassville	NR154.11(5)(b)	June 8, 1973	June 1, 1974
	OUTAGAMIE COUNTY			
Kimberly-Clark Corp	Kimberly	NR154.11(5)(c)	May 15, 1973	Oct. 1, 1974
Thilmany Pulp and Paper Co	Kaukauna	NR154.11(5)(c)	May 11, 1973	May 1, 1975
	SHEBOYGAN COUNTY			
Kohler Co	Kohler	NR154.11(4)(b)	May 11, 1973	Feb. 1, 1975

(e) The compliance schedule for the source identified below is disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date schedule adopted
	MARATHON COUNTY		
Mosinee Paper Co	Mosinee	NR154.11(4), (5)	May 19, 1973

[FR Doc.74-17510 Filed 8-2-74;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[Docket No. 71-74]

PART 546—QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

Stay of Effective Date

Upon request of interested parties and good cause appearing the effective date of the Commission's order in this proceeding published July 8, 1974 (39 FR 24903) is hereby stayed pending disposition of petitions for reconsideration filed in this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.74-17782 Filed 8-2-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19356; FCC 74-113]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Report and Order on Equipment Authorization of RF Devices

Correction

In FR Doc. 74-3560 appearing at page 5912 in the issue of Friday, February 15, 1974, make the following correction. On page 5927-5929, in § 2.1065(a), second line of the third column, insert a period after "spaces," delete "in any assigned" and insert "The total of". As corrected, the section reads as follows:

§ 2.1065 Identification and changes in equipment information filed for application reference.

(a) Each type of equipment, for which information is filed for application reference purposes, shall be identified by a type number assigned by the manufacturer of the equipment. The type number shall consist of a series of Arabic numerals or capital letters or a combination thereof, and may include punctuation marks and spaces. The total of Arabic numerals, capital letters, punctuation marks and spaces in any assigned type number shall not exceed 17. The type number shall be shown on an identification plate or label affixed in a conspicuous place to such equipment.

(b) If the assignment of a different type number is required as a result of equipment modification, a new identification plate or label bearing the new type number shall be affixed to the modified equipment.

[Docket No. 19798; FCC 74-803; 18409]

PART 95—CITIZENS RADIO SERVICE

Antenna Height Restrictions on Class C or D Stations

Report and order. In the matter of amendment of § 95.37(c) concerning the antenna height restrictions on Class C or D stations in the Citizens Radio Service, Docket No. 19798, RM-800, RM-953, RM-1688, RM-1714, RM-2126, RM-2147.

1. The Commission has under consideration the notice of proposed rulemaking issued in the above captioned matter. This notice, which was published in the FEDERAL REGISTER on August 15, 1973, 38 FR 22046, requested that interested parties file comments and reply comments by Ocotber 15, 1973, and October 26, 1973, respectively.

2. In our notice we proposed to permit the use of antennas and supporting structures as high as sixty feet by Class C and D Citizens Radio Service stations. We also proposed to limit the use of high gain directional antennas.

3. Numerous comments were received by the Commission in this matter. While we will not summarize any of these comments in this document, they have all been read and considered by the Commission. The vast majority of the comments supported our proposed rule on permissible antenna heights. As to the proposal to limit antenna gain and the use of directional antennas, there was strong opposition.

4. We have decided to adopt as proposed the rule on antenna heights. While we are aware that several of the petitions for rulemaking requested higher heights and that some of the comments also make such a request, we believe that the sixty foot maximum will adequately meet the intended purpose, i.e. the establishment and maintenance of relatively short range radiocommunications.

5. In our notice of proposed rulemaking, we noted the increased height limitations may tend to decrease television interference problems, since it would allow for greater distances between Class D station antennas and a nearby television receiving antenna. Comments were received taking exception to this generalization, claiming the actual distance between two antennas resulting from the 40-foot increase would be too small to effect any significant reduction in interfering signal levels. There are many factors including the height of each of the antennas, their separation, etc., which influences each particular installation, making it impossible to arrive at a general conclusion as to whether interference may or may not, be reduced. However, we agree it would probably not be significant in either case.

6. The Commission, however, continues to maintain concern that the slope pattern in this rule will prove to be difficult for licensees to understand and apply properly. The only viable alternate to a slope pattern is to prohibit antennas that are more than 20 feet high within several miles of an airport. This, we believe, would tend to work an unnecessary hardship on a great number of licensees. We do, however, urge persons manufacturing and selling Class D antennas and supporting structures to assist licensees in properly locating and installing antenna structures so that serious problems with excessively high antennas near airports will not develop.

7. As to the proposal on antenna gain and directional antennas, we are not persuaded by the comments that directive antennas are needed above 20 feet. Although there were comments which suggested that directional antennas may be of benefit under certain limited circumstances, these benefits are considered to be greatly outweighed by the capability of such antennas to increase the potential for interference. Our decision is based in part on a computer study conducted by the Department of Commerce's Office of Telecommunications which evaluated the effects of omnidirectional and directional antennas at Class D stations for heights ranging up to 60 feet above ground.[1] The study indicates that a directive antenna of simple design at a height of 60 feet can achieve an effective radiated power (ERP) gain of approximately 6 dB over a monopole an-

[1] Leslie A. Berry, "Citizens Band Class D Antenna Height Considerations," Office of Telecommunications Technical Memorandum OTM74-169.

tenna at the 60-foot height. This 6 dB increase in ERP with the directional antenna would significantly increase the possibility of skip interference. Therefore, the Commission finds that omnidirectional antennas at heights of 60 feet above ground will provide sufficient local area coverage for Class D stations. The Commission believes that directional antennas at 60 feet above ground would unjustifiably increase the possibility of interference to both domestic and international operations. Therefore, the Commission is adopting rules to allow omnidirectional antennas up to 60 feet above ground while maintaining the present 20-foot restriction on directional antennas.

8. Authority for the rule changes adopted herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. *Accordingly, it is ordered,* Effective September 6, 1974 that Part 95 of the Commission's rules is amended as set forth below.

10. *It is further ordered,* That RM-800, 953, 1688, 1714, 2126, and 2147 are denied to the extent that they are inconsistent with the rules adopted in this Report and Order and that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 23, 1974.

Released: July 31, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 95 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 95.3 is amended to add the following definition in alphabetical sequence:

§ 95.3 Definitions.

* * * * *

Omnidirectional antenna. An antenna designed so the maximum radiation in any horizontal direction is within 3 dB of the minimum radiation in any horizontal direction.

* * * * *

2. Section 95.37(c) is amended to read as follows:

§ 95.37 Limitations on antenna structures.

* * * * *

(c) A Class C or Class D station operated at a fixed location shall employ a transmitting antenna which complies with at least one of the following:

(1) The antenna and its supporting structure does not exceed 20 feet in height above ground level; or

(2) The antenna and its supporting structure does not exceed by more than 20 feet the height of any natural formation, tree or man-made structure on which it is mounted; or

NOTE: A man-made structure is any construction other than a tower, mast, or pole.

(3) The antenna is mounted on the transmitting antenna structure of another authorized radio station and does not exceed the height of the antenna supporting structure of the other station; or

(4) The antenna is mounted on and does not exceed the height of the antenna structure otherwise used solely for receiving purposes, which structure itself complies with subparagraph (1) or (2) of this paragraph.

(5) The antenna is omnidirectional and the highest point of the antenna or its supporting structure does not exceed 60 feet above ground level and the highest point also does not exceed one foot in height above the established airport elevation for each 100 feet or horizontal distance from the nearest point of the nearest airport runway.

NOTE: A work sheet will be made available upon request to assist in determining the maximum permissible height of an antenna structure.

* * * * *

[FR Doc.74-17656 Filed 8-2-74;8:45 am]

Title 49—Transportation

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

[Docket No. 74-10; Notice 5]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Heavy Hauler Trailers Under the Air Brake Standard

This notice amends Standard No. 121, *Air brake systems,* 49 CFR 571.121, to delay the effective date for a category of specialized trailers whose configuration makes compliance with the standard particularly difficult until September 1, 1976. A new definition is added to the standard to define the specialized "heavy hauler trailer" category.

The definition and effective date were proposed in a notice published May 17, 1974 (39 FR 17563). The proposed definition read:

"Heavy hauler trailer" means a trailer with one or more of the following characteristics:

(1) Its brake lines are designed to adapt to separation or extension of the vehicle frame; or

(2) Its body consists of a platform whose primary cargo-carrying surface is not more than 40 inches above the ground in an unloaded condition.

None of the comments directly addressed to specialized trailers objected to the 1976 date.

Wagner Electric suggested that the definition could be misconstrued to include trailers with bodies that consist of a cargo-carrying surface and sides and a header. It does appear that the definition can be more specifically stated, permitting only a header for safety purposes, and sides of a temporary nature. The definition has been modified accordingly.

Some comments recommended broadening the reach of the definition to higher trailers. Nabors suggested a specific exemption for pole trailers. Kornylak requested exemption of its Stradolift vehicle, and Bankhead requested exemption of auto-hauling trailers.

The suggestions to expand the definition to specific trailer types would broaden the exemption beyond what is necessary to implement the standard. The definition presently reflects the necessary design characteristics of specialized trailers which, as a whole, require more development before they can comply with the standard. Hauling automobiles, for example, does not require 15-inch wheels. A pole trailer which is not extendable does not require longer brake actuation and release times than the standard highway van.

Other comments recommended raising the 40-inch bed limit to accommodate more vehicles. The NHTSA has concluded that trailers with beds higher than 40 inches (including trailers whose beds are below 40 inches over the wheels but higher than 40 inches over the fifth wheel) can accommodate the new larger brake packages available at this time.

In consideration of the foregoing, Standard No. 121 (49 CFR § 571.121) is amended by a modification of the paragraph on the applicability of the standard and by the addition of a new definition, as follows:

1. S3 is revised and a new definition is added to S4 as follows.

§ 571.121 [Amended]

* * * * *

S3. *Application.* This standard applies to trucks, buses, and trailers equipped with air brake systems. However, it does not apply to a fire fighting vehicle manufactured before September 1, 1975, or a heavy hauler trailer manufactured before September 1, 1976, or to any vehicle manufactured before September 1, 1976, that has an overall width of 108 inches or more or that has a gross axle weight rating for any axle of 24,000 pounds or more.

S4. * * *

"Heavy hauler trailer" means a trailer with one or more of the following characteristics:

(1) Its brake lines are designed to adapt to separation or extension of the vehicle frame; or

(2) Its body consists only of a platform whose primary cargo-carrying surface is not more than 40 inches above the ground in an unloaded condition, except that it may include sides that are designed to be easily removable and a permanent "front-end structure" as that term is used in § 393.106 of this title.

Effective date: January 1, 1975. It is found that this amendment causes no additional burden to manufacturers and, because the general effective date of the standard for all trailers is January 1, 1975, this delay of effective date for certain trailers must be effective sooner than 180 days of issuance and no later than January 1, 1975.

(Secs. 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 30, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-17751 Filed 8-2-74;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the State of Washington Potato Committee to spend not more than $13,635 for its operations during the fiscal period ending June 30, 1975, and to collect one-tenth cent per hundredweight on assessable potatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 113 and Order No. 946, both as amended, regulating the handling of Irish potatoes grown in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in duplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 22, 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)).

The proposals are as follows:

§ 946.227 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1975, by the State of Washington Potato Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $13,635.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-tenth cent ($0.001) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period, except potatoes for canning, freezing, and "other processing" as defined in the act shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: July 31, 1974.

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

[FR Doc.74–17791 Filed 8–2–74;8:45 am]

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Proposed Amendments

Consideration is being given to amending the administrative rules (7 CFR 947.100–.160) under which the Oregon-California Potato Committee operates, in order to simplify them and to make the committee a more effective organization. In § 947.134 Establishment of list of manufacturers of potato products, under paragraph (b) it is proposed that subparagraph (4) be renumbered as subparagraph (5), a new subparagraph (4) be inserted; and paragraph (d) be revised.

The proposal was recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County. This program is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, no later than August 23, 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)).

The proposal is as follows:

In § 947.134 paragraph (b), subparagraph (4) is renumbered subparagraph (5) and a new subparagraph (4) is inserted, and paragraph (d) is revised as follows:

§ 947.134 Establishment of list of manufacturers of potato products.

* * * * *

(b) * * *

(4) Certification to the Secretary that potatoes received for processing will not be diverted to the fresh market.

* * * * *

(d) The committee may remove from the list of manufacturers of potato products the name of any person who fails to comply with the safeguard requirements of this part.

* * * * *

Dated: July 31, 1974.

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

[FR Doc.74–17790 Filed 8–2–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Waiver of Overpayments and Student Reentitlement Situations

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendment to the regulations set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment provides in substance that where an individual incurs an overpayment because one or more beneficiaries on the same social security record were properly terminated and subsequently reentitled pursuant to a new provision of law (as where students were reentitled by the enactment of section 109(a) of Pub. L. 92–603 on October 30, 1972), such individual will be considered to be "without fault" for purposes of waiver.

Consideration will be given to any data, views, or arguments pertaining to the proposed amendments, which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on

or before September 4, 1974. The regulation will be effective upon final publication in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendment is to be issued under the authority of sections 205, 209, 210, 229, and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 49 Stat. 625, as amended, 64 Stat. 502, as amended, 81 Stat. 833, as amended, 49 Stat. 647, as amended; 42 U.S.C. 405, 409, 410, 429, and 1302.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance)

Dated: July 8, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: July 30, 1974.

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

Subpart F, Regulations No. 4, of the Social Security Administration, as amended (20 CFR Part 404), is further amended as set forth below.

Section 404.510a is amended to read as follows:

§ 404.510a When an individual is "without fault" in an entitlement overpayment.

A benefit payment under title II or title XVIII of the Act to or on behalf of an individual who fails to meet one or more requirements for entitlement to such payment or a benefit payment exceeding the amount to which he is entitled, constitutes an entitlement overpayment. Where an individual or other person on behalf of an individual accepts such overpayment because of reliance on erroneous information from an official source within the Social Security Administration (or other governmental agency which the individual had reasonable cause to believe was connected with the administration of benefits under title II or title XVIII of the Act) with respect to the interpretation of a pertinent provision of the Social Security Act or regulations pertaining thereto, or where an individual or other person on behalf of an individual is overpaid as a result of the adjustment upward (under the family maximum provision in section 203 of the Act) of the benefits of such individual at the time of the proper termination of one or more beneficiaries on the same social security record and the subsequent reduction of the benefits of such individual caused by the reentitlement of the terminated beneficiary(ies) pursuant to a change in a provision of the law, such individual, in accepting such overpayment, will be deemed to be "without fault." For purposes of this section "governmental agency" includes intermediaries and carriers under contract pursuant to sections 1816 and 1842 of the Act.

[FR Doc.7-17740 Filed 8-2-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-EA-55]

VOR FEDERAL AIRWAYS

Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter segments of V-123 and V-433, southwest of the Swan Point, Md., intersection.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before September 4, 1974 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The proposed amendment would realign V-123 and V-433 southwest of the Swan Point, Md., intersection from the intersection of Washington, D.C. 065°T (073°M) and Baltimore, Md., 197°T (205°M) radials via the Washington, D.C. 065°T(073°M) radial to Swan Point, Md., intersection. Aircraft departing Washington National Airport for Metropolitan New York airports are presently cleared via radar vectors to an intersection proposed to be named Mitch (Washington 065°T(073°M) and Baltimore, Md., 197°T (205°M) radials), thence via the Washington 065°T(073°M) radial to Swan Point Intersection (Washington 065°T (073°M) and Baltimore 094°T(102°M) radials), thence via appropriate airways to the destination airport. In order to retain these departure procedures and at the same time reduce pilot/controller verbiage, it is proposed to realign V-123 and V-433 (preferential airways for LaGuardia, N.Y., and Newark, N.J., airports) from the proposed Mitch Intersection to Swan Point Intersection. V-123 and V-433 are not used in their current alignment from the intersection of Baltimore 223°T(231°M) and Kenton, Del., 262°T(271°M) radials to Swan Point Intersection.

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

Issued in Washington, D.C., on July 30, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-17724 Filed 8-2-74;8:45 am]

Federal Railroad Administration

[49 CFR Part 230]

[Docket FRA-Pet. No. 66, Notice 1]

30-DAY LOCOMOTIVE INSPECTIONS

Petition for Waiver

Notice is hereby given that the Federal Railroad Administration (FRA) is considering a petition filed by the Port Authority Trans-Hudson Corporation, (PATH) requesting waiver of the 30-day inspection requirement prescribed in § 230.451 of the FRA Locomotive Inspection Rules (49 CFR 230.451). PATH proposes to make these inspections at 45-day intervals for a period of six or nine months on an experimental basis. Depending upon the facts developed during this period, the temporary waiver would be subsequently extended, made a permanent waiver, or expire with a return to the prescribed 30-day inspection interval.

In its petition, PATH states that although it operates an interstate rail transportation system 13.9 miles in length linking the states of New York and New Jersey, it is essentially a rapid transit system similar to systems operated in many metropolitan areas throughout the country which are not subject to the FRA Locomotive Inspection Rules. PATH asserts that the 30-day inspection requirement is not appropriate for its operation and that the granting of the petition will not adversely affect safety.

The PATH is a closed system which operates approximately 300 multiple unit (MU) cars for short distances between terminals with high platforms. Quick turn arounds are required. The longest scheduled run is of 19 minutes duration over a distance of nine miles; the shortest run is of 9 minutes duration over a distance of three miles. There is no interchange of car equipment between PATH and any other rapid transit system or railroad. Approximately 145,000 passengers are carried daily Monday through Friday in more than 1,100 train movements. About 340 train movements are scheduled on each weekend day. PATH contends that its system of daily inspections performed by qualified car inspectors combined with crew reports, provide information necessary for detection and correction of malfunctions and defects on a timely basis, thus eliminating the need for 30-day inspections.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should identify the Docket Number and Notice Number (FRA-Pet.

No. 66, Notice 1) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before September 3, 1974 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sections 2, 5, 36 Stat. 913, 914 (45 U.S.C. 23, 28. section 6(e) and (f), 80 Stat. 939, 940 (49 U.S.C. 1655))

Issued in Washington, D.C., on July 30, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74-17741 Filed 8-2-74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Design Criteria for Protection of Fuel Reprocessing Plants and Licensed Material Therein

Correction

In FR Doc. 74-16503 appearing at page 26296 in the issue of Thursday, July 18, 1974, on page 26296, the third paragraph should read as follows:

The Commission is now proposing to add another Appendix to 10 CFR Part 50 that would specify design criteria germane to fuel reprocessing plant and material protection. Amendments to §§ 50.34 and 50.35 would provide specifically for the submission of information pertaining to, and AEC approval of fuel reprocessing plant design features for the protection of the plant and the licensed material before the issuance of a construction permit.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 238-3]

COMPLIANCE SCHEDULES FOR FLORIDA

Approval and Promulgation of Implementation Plans

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), the Administrator approved the major part of Florida's State Implementation Plan. The compliance schedule requirements for the Florida plan, however, were not fully satisfied until September 7, 1973; on this date the Administrator promulgated categorical compliance schedules which ensured that all air pollution sources were subject to appropriate schedules. Since this promulgation the State of Florida has submitted numerous individual schedules, which upon EPA approval have superseded EPA's categorical schedule for the sources involved. Several of these individual compliance schedules were approved in the September 19, 1973 FEDERAL REGISTER (38 FR 26324). Others were proposed for approval on February 15, 1974 (39 FR 5791). This publication proposes that additional compliance schedules be approved. Each establishes a date by which an individual air pollution source must attain compliance with an emission limitation of the State Implementation Plan. This date is indicated in the succeeding table under the heading "Final Compliance Date". In many cases the schedule includes incremental steps toward compliance, with interim dates for;

Air Programs Office
Environmental Protection Agency
Region IV
1421 Peachtree Street, NE
Atlanta, Georgia 30309

Department of Pollution Control
2562 Executive Center Circle East
Montgomery Building
Tallahassee, Florida 32301

Each compliance schedule was adopted by the Board of the Florida Department of Pollution Control and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. Each also satisfies the substantive requirements of 40 CFR Part 51 pertaining to compliance schedules, and has been determined to be consistent with the approved control strategies for the State of Florida.

An evaluation of the Florida compliance schedule submittal is available for public inspection at the Atlanta location listed above.

All interested parties are encouraged to submit written comments on the proposed compliance schedules. These comments will be weighed carefully by EPA before the agency decides to approve or disapprove these changes in the Florida plan. The Administrator's decision, however, will be based primarily on his determination as to whether these schedules meet the requirements of section 110(a) of the Clean Air Act and of the Agency's implementing regulations published in 40 CFR Part 51. Comments will be accepted on or before September 4, 1974. These should be addressed to the Acting Director, Air Programs Office, Environmental Protection Agency, Region IV, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309, Attention: Mr. Thomas A. Strickland.

(Section 110(a) of the Clean Air Act as amended (42 U.S.C. 1857c-5(a))).

Dated: July 25, 1974.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 52 of Chapter 1, Title 40 Code of Federal Regulations as follows:

Subpart K—Florida

1. Section 52.524 is amended by adding new lines to the table in paragraph (c) as follows:

§ 52.524 **Compliance schedules.**

* * * * *

(c) * * *

Air Quality Control Region No. 049

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
		DUVAL COUNTY			
Automotive Disposal Corp. A016-353	Jacksonville	17-2.04(2)	Nov. 20, 1973	Immediately	Mar. 6, 1974
C. I. Capps Co. A016-2148	do	17-2.04(2)	do	do	June 6, 1974
Colonial Stores Inc.:					
5451 Norwood Ave. S016-2064	do	17-2.04(6)(a)	do	do	Mar. 15, 1974
6310 103rd St. S016-2063	do	17-2.04(6)(a)	do	do	Do.
6538 Fort Carolina Rd. S016-2062	do	17-2.04(6)(a)	do	do	Do.
934 Dunn Ave. S016-2061	do	17-2.04(6)(a)	do	do	Do.
Arlington Expressway S016-2060	do	17-2.04(6)(a)	do	do	Do.
W. T. Grant Store S016-2065	do	17-2.04(6)(a)	do	do	Do.
Martin Coffee Co. A016-2145	do	17-2.04(2)	do	do	June 6, 1974
Memorial Hospital of Jacksonville. S016-2066	do	17-2.04(6)(a)	do	do	Mar. 15, 1974
Simplex Inc.:					
Incinerator No. 1 SO16-490	do	17-2.04(6)(a)	do	do	Do.
Incinerator No. 2 SO16-2067	do	17-2.04(6)(a)	do	do	Do.
Southern Wood Piedmont:					
Incinerator No. 1 SO16-2069	Baldwin	17-2.04(6)(a)	do	do	Do.
Incinerator No. 2 SO16-2070	do	17-2.04(6)(a)	do	do	Do.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Winn Dixie Stores, Inc.:					
Store No. 33 SO16-134	Blanding Blvd., Jacksonville.	17-2.04(6)(a)	do	do	Do.
Store No. 5 SO16-2072	Beach Blvd., Jacksonville.	17-2.04(6)(a)	do	do	Dec. 1, 1973
Store No. 102 SO16-2073	Normandy Blvd	17-2.04(6)(a)	do	do	Mar. 15, 1974
Store No. 61 SO16-2074	Augustine Rd., Jacksonville.	17-2.04(6)(a)	do	do	Dec. 15, 1973
Store No. 93 SO16-2075	University Blvd., Jacksonville.	17-2.04(6)(a)	do	do	Dec. 1, 1973
Store No. 18 SO16-2071	Atlantic Blvd	17-2.04(6)(a)	do	do	Do.
	PUTNAM COUNTY				
L & W Wood Products Co. SO54-2076	Crescent City	17-2.04(6)(a)	Nov. 20, 1973	Immediately	Sept. 19, 1974
Air Quality Control Region No. 5					
	SANTA ROSA COUNTY				
Air Products & Chemical Co. Ammonium Nitrate Prill Plant AO57-2004.	Pace	17-2.04(2)	Nov 20, 1973	Immediately	July 1, 1975

[FR Doc.74-17618 Filed 8-2-74;8:45 am]

[40 CFR Part 120]

[FRL 245-5]

ALABAMA; NAVIGABLE WATERS

Proposed Water Quality Standards; Extension of Hearing Date

On July 17, 1974, the Environmental Protection Agency proposed regulations for amending 40 CFR Part 120 to set forth standards of water quality for the navigable waters of the State of Alabama (39 FR 26168), pursuant to section 303 (b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1313(b), 86 Stat. 816 et seq., Pub. L. 92-500). The notice included announcement of a public hearing on the proposal, to be held in Birmingham, Alabama on August 15, 1974. The purpose of this notice is to extend the date of that hearing from August 15, 1974 to August 28, 1974. The rescheduled hearing is to begin at 10 a.m. in the same place as originally scheduled, the Birmingham-Jefferson Civic Center, Room South A, Number One Civic Center Plaza, Birmingham, Alabama. The closing date for consideration of material, originally set for August 22, 1974, is also extended for 13 days, to September 4, 1974.

Dated: July 29, 1974.

ALAN KIRK,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.74-17716 Filed 8-2-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 95]

[Docket No. 20118; FCC 74-805]

CLASS D CITIZENS RADIO SERVICE

Prohibition of Marketing of External Radio Frequency Power Amplifiers

In the matter of amendment of Parts 2 and 95 of the Commission's rules to prohibit external radio frequency power amplifiers at Class D Citizens Radio Service stations and to prohibit marketing of external radio frequency power amplifiers capable of operation in the band 26.96-27.26 MHz, Docket No. 20118.

1. Notice is hereby given of proposed rulemaking.

2. The Citizens Radio Service was established to provide the average citizen with a low-cost, short-distance communications service for use in connection with either his business or personal activities. Consistent with the short distance concept and in order to provide for the maximum number of users on the limited number of frequencies available, permissible power is kept at a low level. In the case of Class D stations, using single sideband transmitters and other transmitters employing a reduced carrier, a suppressed carrier or a controlled carrier, the power limitation is 12 watts peak envelope power and in all other transmitters the power limitation is 4 watts carrier output power.

3. The intended use of Class D stations in the Citizens Radio Service as a low-cost, short-distance radiocommunications facility for the business or personal activities of the licensee has been seriously hampered because of the rapid increase and widespread use of power amplifiers. Power amplifiers boost the power of Class D stations beyond the permissible four/twelve watt output limit. Thus, the use of raido frequency (RF) power amplifiers is clearly violative of the rules governing the Citizens Radio Service.

4. Enforcement procedure under the present rules has proven to be ineffective in the elimination of the extensive use of RF power amplifiers in the Citizens Radio Service. Use of many thousands of these RF power amplifiers has interfered with the legitimate operations of other users including owners of radio audio and television receivers. Accordingly, the Commission, pursuant to its authority under § 302 of the Communications Act (Public Law 90-379, approved July 5, 1968), is proposing an amendment to Parts 2 and 95 of the Rules to establish new methods for ending this abuse of the Rules. The proposed rules, which will enable the Commission to proceed against manufacturers and other suppliers of these RF power amplifiers and which will facilitate the imposition of sanctions against individuals who use such devices, are set forth in detail in the attached Appendix A. We are defining radio frequency power amplifiers as devices which are capable of amplifying an RF signal, are not an integral part of the transmitter as manufactured and are capable of use in conjunction with a radio transmitter to amplify the RF output signal of said transmitter. The substance of the proposed amendments is to (1) prohibit the sale, lease, or offer for sale or lease, importing or shipping of RF power amplifiers capable of operation in the frequency band 20.0 MHz-40.0 MHz and to (2) prohibit the use of RF power amplifiers by Class D stations in the Citizens Radio Service. In the marketing rules an exception is made for multi-band equipment designed and marketed for use in the Amateur Radio Service. Also, because of the hardship that may be placed on the amateur licensee who desires to construct, on occasion, a single-band power amplifier for his personal use an additional exemption is being made for the sale, etc. of single-band RF power amplifiers which are manufactured on a single unit basis. This will allow the amateur licensee to continue "home construction" of power amplifiers that operate on a single-band other than the 27 MHz band and to permit an occasional sale of such amplifier to another interested amateur. Use of RF power amplifiers at a Class D station will be presumed where there is extrinsic evidence of an over-powered operation, unless the operator of such equipment is appropriately licensed in a radio service permitting higher levels of power.

5. The proposed marketing rules, if adopted, will require the termination of the sale and distribution of a number of types of external radio frequency power amplifiers, some of which are type accepted by the Commission for use in certain radio services other than the Citizens Radio Service. Those units sold to licensees other than those in the Citizens Radio Service prior to six months after the effective date of the final rules would not be affected by these amendments. However, under the new proposed § 95.44, the use of any external RF power amplifier would not be permitted at any Class D station unless the operator of such equipment holds a license in another radio service permitting higher levels of power. It is noted that the Commission will presume the use of such equipment where there is extrinsic evidence of an over-powered operation.[1] This is in ac-

[1] Since RF power amplifiers cannot legally be used in the Citizens Radio Service the Commission's future versions of its application form, FCC Form 505, and instruction sheet will be amended to include a certification and caveat that applicant's eligibility to hold a license in the Citizens Radio Service is predicated on applicant not possessing an RF power amplifier unless he is otherwise licensed in a radio service in which such power amplifier may be used.

cordance with established case law which provides that a presumption may be upheld where it is shown that there is a material connection between the facts (over-powered operation) and the statutory inference (use of such equipment). Barnes v. United States, 412 U.S. 837 (1973); Turner v. United States, 396 US 398 (1970); United States v. Romano, 382 US 136 (1965); Tot v. United States, 319 US 463 (1943): Amplifiers which are type accepted and the sale and distribution of which would be terminated by these amendments are listed by manufacturer and type number in the attached Appendix B. Appropriate notation will be made to entries for these types in the Commission's Radio Equipment List. In the event additional amplifiers are type accepted prior to the effective date of the final Rules, these also will be added to the list attached. No applications for type acceptance of such amplifiers would be accepted after the effective date of the Order making the amendments final. Also, we find that most single band RF power amplifiers which are type accepted for use at other than Class D Citizens radio station, nevertheless have been designed and marketed primarily for use at Class D stations. Therefore, we propose to discontinue our present practice of type acceptance of such amplifiers.

6. The proposed amendments are issued pursuant to the authority contained in sections 4(i), 303(c), and (f) and 302 of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before September 30, 1974, and reply comments on or before October 14, 1974. Interested persons having information and suggestions in these areas are urged to submit them to us for consideration. In particular, the Commission would be appreciative in learning of radio, audio and television interference which such persons may have encountered as a result of known illegal RF power amplifiers. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference at its Headquarters in Washington, D.C.

Adopted: July 23, 1974.

Released: July 31, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Amendment of Part 2 of the Commission's rules is proposed as follows:

1. Section 2.815 is added new to read as follows:

§ 2.815 Marketing limitation for external radio frequency power amplifiers.

(a) External radio frequency power amplifiers: As used in this Part, an external radio frequency power amplifier is any device which, (1) is capable of amplification of a radio frequency signal and, (2) is not an integral part of a radio transmitter as manufactured and, (3) is capable of use in conjunction with a radio transmitter to amplify the radio frequency output signal of said transmitter.

(b) After _____ no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease) or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any external radio frequency power amplifier capable of use with a transmitter operated on any frequency in the band 26.96–27.26 MHz, with the amplifier capable of producing the rated power output with a radio frequency power input to the amplifier of no greater than 20 watts carrier power or 80 watts peak envelope power. Any external radio frequency power amplifier capable of operation on any frequency or frequencies between 20.0 MHz and 40.0 MHz will be considered to have power amplification capability for use with a transmitter operated on any frequency in the band 26.96–27.26 MHz.

(c) This proscription shall not apply in the case of any external radio frequency power amplifier capable of use with a transmitter in the amateur frequency bands 21.00–21.45 MHz or 28.0–29.7 MHz if the amplifier is an integral part of a unit or device having incorporation therein of power amplification capability in the bands 7000–7300 kHz and 14,000–14,350 kHz and requires greater than 20 watts carrier power or 80 watts peak envelope power to the RF input of the amplifier to produce the rated power output.

(d) This proscription shall not apply in the case of any single-band external radio frequency power amplifier fabricated in not more than one unit of the same model by any licensed amateur radio operator for his own personal use at his licensed amateur radio station.

PART 95—CITIZENS RADIO SERVICE

Amendment of Part 95 of the Commission's rules is proposed as follows:

1. In § 95.3(c) the definition "External radio frequency power amplifiers" is added to read as follows:

§ 95.3 Definitions.

(c) • • •

External radio frequency power amplifiers. As used in this part, an external radio frequency power amplifier is any device which, (1) is capable of amplification of a radio frequency signal and, (2) is not an integral part of a radio transmitter as manufactured and, (3) is capable of use in conjunction with a radio transmitter to amplify the radio frequency output signal of said transmitter.

• • • • • •

2. Section 95.44 is added new to read as follows:

§ 95.44 External radio frequency power amplifiers prohibited.

No external radio frequency power amplifier shall be used or attached, by connection, coupling attachment or in any other way at any Class D station.

NOTE: A radio frequency power amplifier at a Class D station will be presumed to have been used where it is in the operator's possession or on his premises and there is extrinsic evidence of any operation of such Class D stations in excess of the power limitations provided under this rule part unless the operator of such equipment holds a station license in another radio service, under which license the use of the said amplifier at its maximum rated output power is permitted.

APPENDIX A

EXTERNAL RADIO FREQUENCY POWER AMPLIFIERS, FOR WHICH MARKETING (AS DESCRIBED IN SECTION 2.815 OF THE COMMISSION'S RULES AND REGULATIONS) IS PROHIBITED AFTER

By Manufacturer and type number:

Aeronautical Electronics, Inc., or Aerotron, Inc.: 7N100/MA, 7N60/MA, 7N85/MA.
Allison Electronics: 650–RB.
Bogen Communications Division of Lear Siegler: AX–30.
Communications Engineering Company: CE–313.
Communications Industries, Inc.: CE–313.
Courier Communications, Inc.: BL–100, ML–100.
Dumont, Allen B. Laboratories or Dumont Division of Fairchild Camera and Instrument Corp., or Dumont Division of Gonset: 5850–B.
Dynamic Communications, Inc.: 4960.
E. F. Johnson Company: 242–0157, 242–0159, 242–0181, 242–0181–301, 242–0182–302, 242–0182–303, 242–157–201/299, 242–159–201/299, 242–0181–302, 242–0181–303, 242–0181–304, 242–0181–305, 242–0182, 242–0182–301, 242–0182–304, 242–0182–305.
Executone, Inc.: BR–21.
Federal Telephone and Radio Corp.: 148–A, 149–A.
General Electric Co.: EF–4–A, EF–4–B, KT–62–A, KT–63–A.
Hy Gain Electronics: 480, 481, 482, 483, 484, 485, 486, 487, 488, 600.
Kriss, Inc.: 300M.
Motorola, Inc.: P–8233, SP1050511, SP20550, SP943501, TU298.

Multitone Electronics, Ltd.: TA14/1, AT8/1.
Pathcom, Inc.: PX 100.
Polytronics Laboratories, Inc.: PB-100-1, PB-90-1.
Sonar Radio Corp.: BR-21, BR-2906, BR-2911, BR-2912.

[FR Doc.74-17658 Filed 8-2-74;8:45 am]

[47 CFR Parts 2, 91, 93, 95]

[Docket No. 20120, FCC 74-804]

CITIZENS RADIO SERVICE

Proposed Revision of Operating Rules for Class D Stations

In the matter of revision of operating rules for Class D stations in the Citizens Radio Service, Docket No. 20120, RM-1508, 1592, 1733, 1751, 1905, 1991, 2053, 2084, 2132, 2300, 2317, 2318, 1841.[1]

1. Notice of proposed rulemaking in the above captioned matter is hereby given.

2. The following petitions, which are briefly summarized, will be considered in this proceeding:

RM-1508 Eliminate the restrictions placed on the use of Class D stations by § 95.41(d)(1). Filed by Michigan CB Council, September 8, 1969.

RM-1592 Prohibit use of any ten code, amend § 95.97; require a station log; amend § 95.85. Filed by Robert J. C. Murray, March 30, 1970.

RM-1733 Amend § 95.41(d)(3) to allow associations in certain instances to operate on Channel 9; amend § 95.85 to make it conform to § 95.41(d)(3) as amended. Filed by the Pennsylvania League of Emergency Associations, January 6, 1971.

RM-1751 Amend § 95.41(d) to allow inter station operation on all channels; amend § 95.91 to eliminate five minute restriction. Filed by Trenton ALERT, Inc., February 18, 1971.

RM-1905 Amend § 95.41(d)(3), to allow the use of an emergency locator beacon on a Class D station. Filed by Aero Electronics Development Company, Inc., November 29, 1971.

RM-1991 Amend § 95.83(a)(1). Filed by the United States Citizens Radio Council, Inc., June 9, 1972.

RM-2053 Create a hobby class; amend §§ 95.37, 95.41, 95.83, 95.91; permit Class D licensees to use frequencies immediately above 27.230 MHz for business purposes only. Filed by Hercules Radio and Recording Studio, September 8, 1972.

RM-2084 Allocate channels 16, 17, 18 for single sideband emissions only between units of different stations. Filed by the United States Citizens Radio Council, Inc., November 13, 1972.

RM-2132 Amend § 95.41 to permit the use of Channel 9 as a calling channel. Filed by the Illinois State Citizens Band Radio Association, Inc., February 1, 1973.

RM-2300 Allocate Channel 15 for moving vehicles. Filed by Highway Assistance Modulators, December 17, 1973.

RM-2317 Amend §§ 95.41(d) and 95.95. Filed by the United States Radio Council, Inc., February 12, 1974.

RM-2318 Allocate additional channels for the use of Class D stations. Filed by the United States Citizens Radio Council, Inc., February 12, 1974.

[1] RM-1841. Filed by the United CB'ers of America on July 1, 1971. To the extent subject matter of this petition is not considered in Docket No. 19759, it will be considered in this proceeding.

3. It is the Commission's purpose in this proceeding to carefully examine and evaluate all of the rules contained in Part 95 as they pertain to operating requirements for Class D stations. Our view is to eliminate unnecessary rules, to simplify others, and to reinforce and improve the basic structure of the service so that it will meet the intended purpose of a two-way radio communication service for individual United States Citizens. We expect that our proposed rule amendments will enhance the potential of the Citizens Radio Service to provide adequate and efficient radio communications provided licensees comply, on a voluntary basis, with our rules. Some of the criteria we are applying in this reexamination are as follows: The communications requirements of present and future Class D licensees, the frequency spectrum available to meet present and future needs, the Commission's ability to regulate the Citizens Radio Service in the public interest, the Commission's ability to adequately enforce its regulations, and the ability of licensees and others involved with the Citizens Radio Service to use the Service in a mature, responsible manner. These criteria are not meant to be all inclusive and other considerations may be added by the Commission after reviewing both the comments received in response hereto and other material.

4. We are proposing the following major rule amendments. First, we will allocate additional frequencies to Class D stations. Second, we propose the establishment of a calling channel. Third, we intend to encourage the use of single sideband emissions by setting aside exclusive channels. Fourth, the prohibited communications section will be revised primarily to simplify it's language; a new section will be added to delineate what communications are permitted as opposed to the present rules which have stated only what is not allowed. Fifth, we propose to simplify the identification procedure. Sixth, we are proposing rules on acceptance of antennas and amending the technical rules relating thereto.

Expansion of Frequency and Channels

5. The proposed rules herein will approximately double the band space available to Class D stations. Specifically, we propose to allocate the band 27.230 MHz to 27.540 MHz to Class D use which should alleviate congestion in the present Class D band. The present frequencies between 26.960 MHz and 27.230 MHz be expanded to 27.310 MHz and channelled with 10 kHz spacing. The frequencies between 27.310 MHz and 27.505 will be channelled at 5 kHz and their use will be restricted to single sideband suppressed carrier emission only. A total of 70 channels will then be immediately available for use by Class D stations.

6. Five years following the adoption of final rules in this proceeding, we propose to require all Class D transmitters to operate with only single sideband emissions, see paragraph 18 below, and thus we will split the channels between 26.960 and 27.310 to 5 kHz. That action will then make an additional 30 channels available to Class D stations.

7. Our present proposal will maintain the dichotomy of the intra-inter station channels but with an expanded number of inter station channels. Upon adoption of final rules there will be 30 channels available for inter station use. While all Class D channels may be used for intra station communications 40 channels, channels 60 through 99, will be limited to such use only.

8. The Commission takes specific notice of the criticism by Class D licensees both formally expressed in petitions for rule making and informally by numerous letters of this inter-intra station concept and we request specific comments as to whether the concept, as specified above, should be continued or how it should be modified. Comments should take into account the long standing reason that the intra-inter channel concept is designed to protect communications between units of the same station.

9. Stations now licensed (in services other than Citizens) for the use of frequencies between 27.230 MHz and 27.540 MHz will be permitted to continue their operations under the terms and conditions of their license for the balance of their license term. Under our proposal they will not be required to modify their equipment or their operations during their license term. They will not, however, be afforded protection from any licensed Class D station properly operating between 27.230 MHz and 27.540 MHz. Present licenses for these frequencies will be renewed or modified in accordance with § 95.42 (b) and (c) as proposed herein.

10. In regard to the immediately foregoing provisions, we request comments from affected parties on the following:

1. Will these provisions provide reasonable protection to stations licensed pursuant to Parts 89, 91, 93?

2. Will there be significant mutual interference between licensees operating under Parts 89, 91, 93 and Class D licensees?

3. Is there a valid need for renewal provisions?

4. What other specific plans could be implemented for phasing out Part 89, 91, 93 licensees from this band?

Antennas

11. The rules proposed herein will also amend § 95.37(c) so as to make the restrictions on antenna heights applicable to both transmitting as well as receiving antennas. In the past, a number of licensees have erected antennas which exceed our height limitations and then claim those antennas were only used for receiving purposes. Such a practice, in our view, in almost every instance is clearly a fraudulent one on the part of the licensee. However, with the increased height permitted by our action in Docket 19798, this problem may become severely aggravated if licensees continue to erect two antennas, one being considerably higher than permitted. The antenna height limitations are set to assure that antennas will not constitute hazards to

aircraft. As the permissible antenna height is increased to sixty feet, observance of our rules becomes critical. Accordingly, we find that it is in the public interest to include receiving antennas in the parameters of our Class D station antenna rule.

12. We are also proposing to amend our equipment authorization rules in Subpart J of Part 2, our marketing rules in Subpart I of Part 2, and Part 95 (as those rules concern Class D stations in the Citizens Radio Service), to provide a procedure by which the Commission may issue approval of antennas used at Class D stations. The proposed Part 95 amendments are shown below. Part 2 will be amended to provide for a procedure termed antenna acceptance, at such time as the Part 95 requirements are adopted. Antenna acceptance would be required before any antenna could be used at a Class D station. Continued use of antennas now installed at Class D stations would be permitted.

13. We intend to require the filing of vertical and horizontal radiation patterns by the antenna manufacturer to assist us in determining whether the antenna meets the omnidirectional directivity requirements established in Docket Number 19798. We also intend to establish technical parameters for directional antennas used at Class D stations and we are considering placing specific limits on power-handling capability. Specific comments concerning methods of implementing such a requirement and its feasibility are invited. We also invite comments as to what additional technical parameters, if any, should be adopted. Part 95 of our rules will be amended to set forth specific technical requirements that antennas to be used at Class D stations must meet. The data required will include showings on horizontal and vertical radiation patterns and maximum and minimum limits for directivity.

14. Our regulation of antennas is directed to efficient spectrum management. Such management includes recognition of the parameters affecting co-channel interference. By specifying such technical parameters for antennas we believe that in a very direct way we will improve the effectiveness, usefulness and efficiency of the Class D Citizens Radio Service. Additionally, we believe that these rules will bring some degree or assurance to the licensee that the antenna he purchases will meet certain minimum technical requirements.

15. The procedure being proposed is different from any of the present equipment authorized procedures of the Commission. However, the antenna acceptance procedure will be similar to the present transmitter type acceptance procedure inasmuch as the antenna manufacturer will be required to submit measurement data for evaluation by the Commission. If the data show that pertinent technical requirements are met, antenna acceptance would be granted. Although the antenna acceptance is being initiated for antennas used at Class D stations in the Citizens Radio Service; we intend this to be the initial step in the start of a program for acceptance of antennas used in other radio services.

16. The manufacturers of antennas to be marketed for use at Class D stations will be required to apply for and receive antenna acceptance before such antennas may be marketed. Antennas on the market at the time final rules are adopted will be allowed one year in which to meet the technical requirements adopted and to obtain the required acceptance.

Calling Channel

17. Channel 11, 27.085 MHz, under our proposed rules will be set aside for exclusive use as a calling channel. The use of that channel will be limited to establishing communications. Once contact with the unit being called is established, substantive communications will be required to take place on an appropriate working channel. Our basic objective in establishing a calling channel is to provide the means by which licensees can themselves establish an efficient and orderly operating and calling procedure. At this time we are only proposing the allocation of one channel for calling purposes. We believe that a one channel national calling system, as opposed to a several channel regional calling system, will be easier to administer and will prove to be more efficient from the licensees point of view. We are, however, prepared to reevaluate our position should the comments indicate that additional calling channels are needed or that some channel other than Channel 11 would be better suited for calling purposes.

Single Side Band Emissions

18. The Commission believes that the use of single side band (SSB) emissions will greatly increase the efficiency and usefulness of Class D stations. Interference levels are significantly reduced by the use of SSB emissions as compared to double side band. More importantly, since a single side band emission uses approximately one-half of the frequency space a double side band emission does the number of useable channels doubles. To encourage the use of SSB, we intend to reserve Channels 60 through 99, 27.310 MHz to 27.505 MHz, for SSB suppressed carrier use only. Double side band emissions will be allowed to continue on Channels 1–30 for a period of five years from the date final rules are adopted. After that date the use of double side band emissions by Class D stations must cease. We request specific comments on the viability and feasibility of this proposal as well as the economic impact, if any, upon present and future licensees.

Permissible Communications

19. The Commission is well aware of the rule making petitions as well as the sentiment of some users of Class D stations, licensed and unlicensed, to change the present limits of permissible communications. Several of the rule making petitions herein under consideration request that hobby type communications be legitimized. We are of the opinion that § 95.83(a) is difficult for some licensees to understand and apply in actual day to day operations. The rule should be revised and simplified, but the basic concept of the Citizens Radio Service should not be changed. The Service was intended to provide U.S. citizens, with two-way radio facilities to coordinate and facilitate their personal or business affairs. The Service was not intended for those people who wish to operate a radio transmitter simply for the purpose of operating a radio, nor was it intended for the person who wishes simply to pass the time of day. We do not intend to legitimize those activities. We do, however, intend to delete several subsections of § 95.83(a) dealing with hobby type activities and to add a new § 95.81 which will read, in part, that all communications must relate to the activities of the licensee. Under the provisions of this rule any communication related to the furtherance of a legitimate activity will be permitted. The only restrictions associated with this rule is that the activity itself must not relate to the use of radio and the activity must not be specifically prohibited in § 95.83 (a), e.g., the playing of music. In connection with the foregoing we also propose to delete at the earliest opportunity that item on the application form (FCC Form 505) which requires the applicant to certify that he will not use his station for idle conversation or chit-chat.

20. Under our proposed rules a maximum limitation on the duration of transmission will be continued. Interstation operations will be restricted to a maximum of five continuous minutes; intrastation transmissions will be limited to the minimum practicable transmission time. Exceptions for emergency communications will be continued. We are, however, shortening the silent period, which is now five minutes to one minute. It is the Commission's view that some time limitations are needed in order to prevent stations from needlessly transmitting for unnecessarily long periods of time. Particularly in view of the fact that the content of the communication will not, under the proposed rules, be as restrictive as in the past. We believe that licensees will find this rule provision beneficial to their efficient operations.

21. Our proposed rules will delete § 95.83(a)(14) pertaining to the relaying of messages by licensees. We are aware of the view that this section has prohibited the relaying of, on infrequent occasions, some communications, e.g., communications intended to be between two units of the same station but which because of atmospheric conditions cannot be completed without a third party relaying the message, and has limited the efficiency and usefulness of the Class D service. On the other hand, we are particularly concerned that by removing this prohibition entirely, we may encourage unnecessary and perhaps wholesale relaying of messages, which is not our intention. Comments from knowledgeable parties are requested as to whether this provision should be deleted in its entirety or whether and how it should be modified.

22. Comments are also solicited as to whether it is advisable to reduce the present age requirement for licensing from 18 years of age to 16 years.

STATION IDENTIFICATION

23. Station identification is being radically simplified. Under our proposals, a transmitting station will be required to identify his transmissions by simply stating his own call sign at the beginning and end of the transmission. We will no longer require a transmitting station to give both his own call and the call sign of the station with which communications are being conducted. In simplifying this rule it is our intention to make it easy for the licensee to identify his transmissions with his call sign. The simplification of this rule does, however, create some potential enforcement difficulties if licenses do not voluntarily comply with it by identifying each and every transmission. Should full cooperation not result from this rule change, licensees may reasonably expect the Commission to reimpose the present rule. Stringent enforcement of this rule can be expected.

24. The specific rule changes proposed herein are set forth below. Authority for these proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

25. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before January 30, 1975, and reply comments on or before February 15, 1975. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other relevant information before it, in addition to specific comments invited by this notice. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: July 23, 1974.

Released: July 31, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

Chapter I, Parts 2, 89, 91, 93, and 95 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS, GENERAL RULES AND REGULATIONS

1. Part 2, § 2.106 is amended as follows:

§ 2.106 Table of frequency allocations.

United States		Federal Communications Commission				
Band (MHz)	Allocation	Band (MHz)	Service	Class of Station	Frequency (MHz)	Nature of services of station
5	6	7	8	9	10	11
*		*	*	*		*
26.95–27.54	NG. (USI) (225)	26.95–26.96	FIXED	Fixed	26.955	INTERNATIONAL FIXED PUBLIC CITIZENS Industrial, scientific and medical equipment.
		26.96–27.54	LAND MOBILE	Land Mobile	27.12	

PART 89—PUBLIC SAFETY RADIO SERVICES

§ 89.101 [Amended]

2. Part 89 is amended to delete § 89.101 (d) and to mark that section as reserved.

PART 91—INDUSTRIAL RADIO SERVICES

§§ 91.254, 91.304, 91.354, 91.404, 91.454, 91.504, 91.554, 91.730 and 91.754 [Amended]

3. In Part 91, §§ 91.254, 91.304, 91.354, 91.404, 91.454, 91.504, 91.554, 91.730 and 91.754 are amended to delete the following frequencies:

27.235 MHz	27.265 MHz
27.245 MHz	27.275 MHz

4. In Part 91, § 91.504 is amended to delete the following frequencies:

27.290 MHz	27.350 MHz
27.310 MHz	27.370 MHz
27.330 MHz	

5. In Part 91, § 91.554 is amended to delete the following frequencies:

27.390 MHz	27.470 MHz
27.410 MHz	27.490 MHz
27.430 MHz	27.510 MHz
27.450 MHz	27.530 MHz

PART 93—LAND TRANSPORTATION RADIO SERVICES

§§ 93.254, 93.356, 93.404, and 93.504 [Amended]

6. In Part 93, §§ 93.254, 93.356, 93.404, and 93.504 are amended to delete the following frequencies:

27.235 MHz	27.265 MHz
27.245 MHz	27.275 MHz

PART 95—CITIZENS RADIO SERVICE

7. In § 95.3(b) the definition "Class D" Station is amended to read as follows:

§ 95.3 Definitions.

(b) * * *

Class D station. A station in the Citizens Radio Service licensed to be operated for radiotelephony only, on an authorized frequency in the 26.96–27.54 MHz band.

* * * * *

8. Section 95.37(c) and (c)(3) are amended to read as follows:

§ 95.37 Limitations on antenna structures.

* * * * *

(c) All antennas employed at or in any manner associated with a Class C or Class D station operated at a fixed location comply with at least one of the following:

* * * * *

(3) The antenna is mounted in the transmitting antenna structure of another authorized radio station and exceeds neither 60 feet above ground level nor the height of the antenna supporting structure of the other station; or

* * * * *

9. Section 95.41(d) (1) & (2) are amended, and par (d)(4) added to read as follows:

§ 95.41 Frequencies available.

* * * * *

(d) The frequencies, which are commonly designated as channels, listed in the following tables are available for use by Class D stations employing radiotelephony only, on a shared basis with other stations in the Citizens Radio Service, and subject to no protection from interference due to the operation of industrial, scientific, or medical devices within the 26.96–27.28 MHz band.

(1) The following frequencies may be used for communications between units of the same or different stations with either a single sideband or double sideband amplitude modulated emission (see §295.47(a)):

MHz	Channel	MHz	Channel
26.965	1	27.165	17
26.975	2	27.175	18
26.985	3	27.185	19
27.005	4	27.205	20
27.015	5	27.215	21
27.025	6	27.225	22
27.035	7	27.255	23
27.055	8	27.235	24
27.075	10	27.245	25
27.105	12	27.265	26
27.115	13	27.275	27
27.125	14	27.285	28
27.135	15	27.295	29
27.155	16	27.305	30

(2) The following frequencies may only be used for communications between units of the same station with only A3J emission:

MHz	Channel	MHz	Channel
27.310	60	27.380	74
27.315	61	27.385	75
27.320	62	27.390	76
27.325	63	27.395	77
27.330	64	27.400	78
27.335	65	27.405	79
27.340	66	27.410	80
27.345	67	27.415	81
27.350	68	27.420	82
27.355	69	27.425	83
27.360	70	27.430	84
27.365	71	27.435	85
27.370	72	27.440	86
27.375	73	27.445	87

MHz	Channel	MHz	Channel
27.450	88	27.480	94
27.455	89	27.485	95
27.460	90	27.490	96
27.465	91	27.495	97
27.470	92	27.500	98
27.475	93	27.505	99

* * * * *

(4) The frequency 27.085 MHz (Channel 11) shall be used only as a calling channel for the sole purpose of establishing communications and moving to another frequency (channel) to conduct communications.

10. A new § 95.42 is added to read as follows:

§ 95.42 Special provisions.

(a) Any license granted under provisions of this chapter prior to (the adoption date of final rules), which authorized the use of a frequency between 27.230 and 27.540 MHz, shall remain valid for the balance of the license term pursuant to the applicable rules, provisions and requirements in effect on (the adoption date of final rules) and as stated in the license conditions of grant.

(b) Licenses granted prior to (adoption date of final rules) for frequencies between 27.230 and 27.540 MHz will not be renewed or modified except as provided in paragraph (c) of this section.

(c) Stations that have been licensed for a frequency between 27.230 and 27.540 MHz in a service other than the Citizens Radio Service, may be authorized upon application for renewal or modification to use the frequency 27.525 MHz under the same terms and conditions as their previous authorization but such renewal/modification shall be as a Class D station in the Citizens Radio Service. No licenses will be granted under this subsection after (five years following the adoption of final rules).

11. Section 95.45(a) is amended and paragraph (d) added to read as follows:

§ 95.45 Frequency tolerance.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, the carrier frequency of a transmitter in this service shall be maintained within the following percentage of the authorized frequency:

Class of station	Class of emission	Emission designator	Authorized bandwidth (kilohertz)
A	F2	16F2	20
	F3	16F3	20
C	A2	6A2	8
	A9	6A9	8
D	A3	6A3	8
	A3H	3A3H	4
	A3J	3A3J	4

* * * * *

(d) Transmitters used at Class D stations operating on authorized frequencies between 26.96 MHz and 27.225 MHz and the frequency of 27.255 MHz, are permitted a frequency tolerance of 0.005 percent until (5 years after final rules).

12. Section 95.47(d) is amended to read as follows:

§ 95.47 Types of emission.

* * * * *

(d) Class D stations in this service are authorized to use emissions which comply with the following:

(1) Except as provided in § 95.55 (c)(6), Class D stations using frequencies between 26.96 MHz and 27.310 MHz are authorized to use any form of amplitude voice modulation, either single or double sideband, until (5 years after adoption of final rules). After (5 years after adoption of final rules) only A3J sideband emissions will be permitted except on 27.065 MHz (Channel 9) and 27.085 MHz (Channel 11) where only A3H emission is permitted.

(2) Class D stations using frequencies between 27.310 MHz and 27.510 MHz are authorized to use only suppressed carrier single sideband amplitude modulation.

(3) Tone signals or signalling devices may be used only to actuate receiver circuits, such as tone operated squelch or selective calling circuits, the primary function of which is to establish or maintain voice communications. The use of any signal solely to attract attention or for the control of remote objects or devices is prohibited.

* * * * *

13. Section 95.49(c) is amended to read as follows:

§ 95.49 Emission limitations.

* * * * *

(c) The emissions normally available for assignment in the Citizens Radio Service and the corresponding emission designators and authorized bandwidths are as follows:

Class of station	Frequency tolerance	
	Fixed and base	Mobile
A	0.00025	0.0005
C		0.005
D		0.002

14. A new § 95.52 is added as follows:

§ 95.52 Antenna requirements.

Antennas used at Class D stations under this part must be designed to comply with the following technical requirements:

(a) *Omnidirectional antennas.* (1) The maximum radiation in any horizontal direction shall be within 3 dB of the minimum radiation in any horizontal direction.

(b) *Directional antennas.* (1) The maximum radiation in the horizontal direction shall not exceed the radiation at a point displaced 180° in an azimuth from the point of maximum radiation by more than 30 dB.

(2) The maximum radiation referenced to the radiation from a half-wave dipole shall not exceed 8 dB.

(c) All antennas shall be designed so as to limit their power handling capabilities to values no greater than 10 dB above the values permitted in this part.

15. A new § 95.54 is added as follows:

§ 95.54 Acceptability of antennas for use at Class D stations.

Antennas acceptable for use at Class D stations under this part are included in the Commission's Antenna Acceptance List. Copies of this list are available for public reference at the Commission's Washington, D.C. offices and field offices. The requirements for antennas which may be used or marketed for use at Class D stations in this service are set forth in the following paragraphs.

(a) All antennas installed after (one year after effective date of the final rules) must be accepted by the Commission and comply with the technical requirements in § 95.52.

(b) All antennas marketed pursuant to § 2.803 of this chapter after (one year after effective date of the final rules) must be accepted by the Commission and comply with the technical requirements in § 95.52.

(c) Antennas installed before (one year after effective date of the final rules) may continue to be used indefinitely, provided they are used at the same location and by the same licensee of the station, as specified in any license issued before (one year after final rules) and any renewal thereof. Any change of licensee or station location will require use of an antenna complying with paragraph (a) of this section.

16. Section 95.55(c)(5) and (6) are added to read as follows:

§ 95.55 Acceptability of transmitters for licensing.

(c) * * *

(5) All transmitters type accepted (one year after final rules) shall be capable of only single sideband emissions as specified in this part.

(6) All transmitters first licensed or marketed as specified in § 2.803 of this chapter after (5 years after final rules) shall be capable of only single sideband emission as specified in this part.

* * * * *

17. A new § 95.56 is added as follows:

§ 95.56 Procedure for antenna acceptance.

(a) Any manufacturer of an antenna built for use at Class D stations in this service may request acceptance for such antenna in accordance with the antenna acceptance requirements of this part, following the antenna acceptance procedure set forth in Part 2 of this chapter.

(b) Acceptance for an individual antenna may also be requested by an applicant for a Class D station authorization by following the antenna acceptance procedure set forth in Part 2 of this chapter. Such antennas, if accepted, will not normally be included on the Commission's Antenna Acceptance List, but will be individually enumerated on the station authorization.

18. Section 95.58(c) (2) and (4) are amended, paragraphs (6), (7), and (8) added; and paragraphs (d) (6) and (7) amended to read as follows:

§ 95.58 Additional requirements for type acceptance.

* * * * *

(c) * * *

(2) The frequency selector shall be limited to a detent type tuning device.

* * * * *

(4) Single sideband transmitters operating on frequencies between 26.96 MHz and 27.225 MHz and on the frequency 27.255 MHz shall be capable of operating on the upper sideband. On the frequencies between 26.96 MHz and 27.225 MHz and on 27.255 MHz capability on the lower sideband is permissible until (one year after final rules). Single sideband transmitters operating on the frequencies between 27.235 MHz and 27.510 MHz, shall be capable of operating only on the upper sideband with only the capability of A3J emission. For A3J emission the carrier must be attenuated at least 40 dB below the peak envelope power of the transmitter.

* * * * *

(6) After (one year after adoption of final rules) all emissions on 27.065 MHz (Channel 9) and 27.085 MHz (Channel 11) shall be limited to A3H with the carrier emitted at a level 3 to 6 dB below peak envelope power of the transmitter.

(7) After (one year adoption of final rules) all transmitters equipped for operation on four or more shall be equipped to operate on 27.065 MHz (Channel 9) and 27.085 MHz (Channel 11).

(8) After (one year after adoption of final rules) all transmitters shall be capable of automatically providing the emission mode required on the channel to which it is tuned.

(d) * * *

(6) Upper-lower sideband selector; for single sideband transmitters only. This control is not permitted after (one year after final rules).

(7) Selector for choice of carrier level; for single sideband transmitters only. May be combined with sideband selector. This control is not permitted after (one year after final rules).

* * * * *

19. A new § 95.81 is added to read as follows:

§ 95.81 Permissible communications.

Stations licensed in the Citizens Radio Service are authorized to transmit, primarily between units of the same station, the following types of communications:

(a) Communications to facilitate the personal or business activities of the licensee.

(b) Communication relating to:

(1) the immediate safety of life or the immediate protection of property in accordance with § 95.85.

(2) the rendering of assistance to a motorist or mariner.

(3) civil defense activities in accordance with § 95.121.

(4) other activities only as specifically authorized pursuant to § 95.87.

Communications with stations authorized in other radio services except as prohibited in § 95.83(a)(3).

20. Section 95.83(a) (1) through (12) is amended to read as follows:

§ 95.83 Prohibited communications.

(a) A citizens radio station shall not be used:

(1) For any purpose, or in connection with any activity, which is contrary to Federal, State, or local law.

(2) For the transmission of communications containing obscene, indecent, or profane words, language, or meaning.

(3) To communicate with an Amateur Radio Service station, an unlicensed station, or foreign stations (other than as provided in Subpart E of this part) except for communications pursuant to §§ 95.85(b) and 95.121.

(4) For any communication not directed to specific stations or persons, except, for (i) Emergency and civil defense communications as provided in §§ 95.85 (b) and 95.121, respectively, (ii) test transmissions pursuant to § 95.93 and (iii) communications from a mobile unit to other units or stations for the sole purpose of requesting routing directions, assistance to disabled vehicles or vessels, information concerning the availability of food or lodging or any other assistance necessary to a licensee in transit.

(5) To convey program material for retransmission, live or delayed, on a broadcast facility.

NOTE: A Class A or Class D station may be used in connection with administrative, engineering, or maintenance activities of a broadcasting station; a Class A or Class C station may be used for control functions by radio which do not involve the transmission of program material; and a Class A or Class D station may be used in the gathering of news items or preparation of programs: Provided, that the actual or recorded transmissions of the Citizens radio station are not broadcast at any time in whole or in part.

(6) To intentionally interfere with the communications of another station.

(7) For the direct transmission of any material to the public address systems or similar means.

(8) For the transmission of music, whistling, sound effects, or any material for amusement or entertainment purposes, or solely to attract attention.

(9) To transmit the word "MAYDAY" or other international distress signals, except when a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(10) For advertising or soliciting the sale of any goods or services.

(11) For transmitting messages in other than plain language. Abbreviations including nationally or internationally recognized operating signals, may be used only if a list of all such abbreviations and their meaning is kept in the station records and made available to any Commission representative on demand.

(12) To carry communications for hire, whether the remuneration or benefit received is direct or indirect.

* * * * *

21. Section 95.85(b) (1) and (2) is amended to read as follows:

§ 95.85 Emergency and assistance to motorist use.

* * * * *

(b) * * *

(1) When use for transmission of emergency communications certain provisions in this part concerning use of frequencies (§ 95.41(d)); prohibited uses (§ 95.83(a) (3) and (4)); operation by or on behalf of persons other than the licensee (§ 95.87); and duration of transmissions (§ 95.91 (a) and (b)) shall not apply.

(2) When used for transmission of communications necessary to render assistance to a motorist, the provisions of this Part concerning directing communications to specific persons or stations (§ 95.83(a)(4)) and duration of transmissions (§ 95.91(b)) shall not apply.

* * * * *

22. Section 95.91 is amended to add new paragraphs (b) and (c) and to redesignate the present paragraphs (c) and (d), as (e) and (f), respectively.

§ 95.91 Duration of transmissions.

(a) * * *

(b) All communications between Class D stations shall be restricted to not longer than five (5) continuous minutes. At the conclusion of this 5 minute period, or the exchange of less than 5 minutes, the participating stations shall remain silent for at least one minute.

(c) All communications between units of the same Class D station shall be restricted to the minimum practicable transmission.

* * * * *

23. Section 95.95(c) is amended to read as follows:

§ 95.95 Station identification.

* * * * *

(c) Except as provided in paragraph (d) of this section, all transmissions from each unit of a citizens radio station shall be identified by the transmission of its assigned call sign at the beginning and end of each transmission or series of transmissions. Where communications of more than ten (10) minutes are permitted, the call sign must be transmitted once during each ten (10) period.

* * * * *

24. Section 95.101 is amended by adding a new paragraph (c) to read as follows:

§ 95.101 Posting station license and transmitter identification cards or plates.

* * * * *

(c) When a Class D transmitter is installed in a motor vehicle, in addition to the provisions in paragraph (b) above, an executed Transmitter Identification Card (FCC Form 452-C) or a plate of metal or other durable substance, legibly indicating the station call sign shall be affixed to the vehicle so as to be clearly visible from outside the vehicle.

25. Section 95.119(d) is amended to read as follows:

§ 95.119 Control points, dispatch points, and remote control.

* * * * *

(d) Operation of any Class C or Class D station by remote control is prohibited except remote control by wire upon specific authorization by the Commission when satisfactory need is shown.

[FR Doc.74-17659 Filed 8-2-74;8:45 am]

[47 CFR Part 15]

[Docket No. 20119; FCC 74-806]

LOW POWER COMMUNICATION DEVICES

Proposed Deletion and Addition of Frequencies

In the matter of amendment of rules Part 15 Subpart E—Low Power Communication Devices—to delete the frequency band 26.97–27.27 MHz, to add the frequency band 49.9–50.0 MHz and to promulgate technical specifications, Docket No. 20119.

1. Notice is hereby given of proposed rulemaking in the above entitled matter.

2. The Communications Act of 1934, as amended, provides for the control by the Federal Government of all the channels of interstate and foreign radio communication. To maintain this control, the Commission has established various classes of service under which radio transmission equipment may be operated in accordance with Commission regulations and under the terms of a specific license granted by the Commission. In addition, the Commission has promulgated regulations in Part 15 of its rules which set out the conditions under which a miniature transmitter—a low power communication device—may be operated without an individual license.

3. One of the licensed services established by the Commission is the Citizens Radio Service—Part 95. Class D stations in this service are authorized to operate in the band 26.96–27.23 MHz. Low power communication devices under Part 15 are authorized to operate in the band 26.97–27.27 MHz—essentially the same band as that used by the Class D Citizens Radio Stations. Devices commonly used in this band, which is available for use under both Part 15 and Part 95, include radio toys, equipment for short distance communications and control or telemetry equipment. This shared use of the same frequencies has resulted in the following problems:

(a) Confusion as to which devices require licenses. Both the users and the manufacturers of the devices experience this difficulty.

(b) Enforcement problems for the Commission. The use of the same band of frequencies for both Part 15 and Part 95 operations makes it extremely difficult to identify and differentiate between permitted and prohibited operations.

(c) Interference to licensed services. In many cases, Part 15 devices have been found to be the source of interference to licensed operations under Part 95.

The Commission has previously considered amending this frequency allocation in a notice of proposed rulemaking in Docket Number 17364, FCC 67-431, 32 FR 6145 of April 19, 1967, which was recently terminated, since the data in the docket were out of date. However, as part of the Commission's review of the Citizens Radio Service, this problem area is being considered anew.

4. It is the Commission's experience that many people, users (purchasers) as well as dealers (vendors), confuse Class D transmitters which require a license under Part 95 with low power communication devices which may be operated without an individual license under Part 15. The confusion stems in large measure from the fact that in many instances the external appearance of these devices is virtually the same. The result is that many Class D transmitters never are licensed because the purchaser and vendor do not understand that a license is required. Conversely, many purchasers of low power communication devices may be needlessly obtaining licenses because of this confusion.

5. Further, this shared use of the frequency band has created an enforcement problem for the Commission. When as a result of monitoring observations, the Commission has determined that a transmitter is being operated at a power level considerably above 100 milliwatts [1] and has charged that operator of the transmitter with unlicensed operation of a Class D Citizens Radio Station in violation of Section 301 of the Communications Act of 1934, the operator has claimed that a Class D station license is not required because he was operating a Part 15 device. Although such an allegation cannot be substantiated, it nevertheless confronts the Commission with a difficult enforcement problem.

6. Another problem caused by the shared use of the 27 MHz band is the interference produced by the essentially unregulated Part 15 devices to the operations of the regulated Class D stations. Part 15 had been intended to provide a maximum freedom of operation with a minimum of regulation. To achieve this result while at the same time protecting the licensed services from harmful interference, Part 15 sets out a basic requirement that a device operating under these regulations must accept such interference as it may receive and may not cause harmful interference to the operation of any licensed radio station. However, our experience has been that this regulation is more frequently breached than it is observed.

7. The interference situation thus revealed appears to negate the basis for nonlicensed operation under Part 15. Such nonlicensed operation is authorized on the premise that technical standards can be established which, if met, will preclude the likelihood of interference to the channels of interstate communication. The interference situation that has arisen between the nonlicensed Part 15 devices and the licensed Citizens Radio stations makes it necessary to reappraise the regulations which now permit nonlicensed operation of Part 15 devices in the band 26.97–27.27 MHz.

8. As was pointed out above, the shared use of the 27 MHz band has posed a formidable enforcement problem for the Commission. As a first step toward resolving this problem, we propose to separate the nonlicensed Part 15 operation from the licensed Citizens operation. Under the proposal, the 27 MHz frequencies would be retained for licensed Citizens Radio Stations. The nonlicensed Part 15 devices, both voice operated and control devices, would be moved to the band 49.9–50.0 MHz, which is and which would continue to be allocated nationwide for use by the U.S. Government. Part 15 devices will be permitted to use this band on a sufferance basis and, like all other devices accommodated under Part 15 of the Commission's rules, would be subject to the conditions of Section 15.3. This regulation provides that a person operating a Part 15 device shall not acquire a vested right to the continued use of any given frequency because of such operation. The regulation provides further that operation of a Part 15 device may not cause harmful interference.

9. The regulations in Part 15 for operation at 27 MHz had been intended to permit the use of low cost equipment to provide a short range communication facility primarily for radio toys and hobby use, although a substantial number of these devices are used for essential business communications. This objective can be readily achieved at 50 MHz today. Moreover, the developments in component and manufacturing techniques makes it feasible today to meet stricter technical specifications without any undue increase in cost. It is thus possible to more closely implement the policy set out in paragraph 7, to set technical standards, which if met, will preclude the likelihood of harmful interference.

10. In proposing technical limitations we recognize that there will be two categories of equipment operating in the 50 MHz Band: Those devices manufactured for sale to the general public and those built by a person for his own use. While many of the technical limitations are the same for these two categories others are different. The requirements with respect to frequency tolerance, that the device be self contained and the prohibition against the use of superregenerative receivers are the same. Power limitations, certification and identification requirements are different.

11. The difference in the power limitation is based on the fact that a device which is widely marketed to the general public has a much greater potential for interference than a device built by an individual for his own use. Since the interference potential is directly related to the field strength of the radiated signal, the power limit for a device manufactured for sale is a field strength

[1] The power limit for a Part 15 low power communications device operating in the band 26.97–27.27 MHz is 100 milliwatts input to the final RF stage. The power limit for a licensed Class D Citizens Radio Station is 4 watts carrier power for AM and 12 watts peak envelope power for SSB.

limit of 10,000 μV/m at 3 meters. While it would be desirable to impose this limit also on home built devices, we recognize that a requirement for the measurement of field strength is beyond the capability of the average hobbyist or experimenter. For home built equipment, we have accordingly imposed a limit of 100 milliwatts measured at the battery or power line terminals, under any condition of modulation.

12. Similarly, devices manufactured for sale to the public will require bilateral certification under the procedural rules recently promulgated by the Commission.[2] If the device is a transceiver, a single application will suffice. The report of measurements submitted with this application must show that the device complies both with the transmitter requirements and the receiver requirements. If the device uses separate transmitters and receivers (as for control or telemetry), the transmitter and the receiver will require individual certification. On the other hand, home built devices will require self-certification, since the application fees and expense involved in preparing a detailed report of measurements are not justified when an individual builds devices for his own use.[3]

13. The Commission proposes to establish the following time schedule for the transition from the 26.97–27.27 MHz band to the band 49.9–50.0 MHz.

(a) Manufacture of devices to be terminated in one year.

(b) Marketing devices to be terminated in two years.

(c) Operation of devices to be terminated in seven years.

All dates are with respect to the effective date of the rules for operation in the band 49.9–50.0 MHz that the Commission expects to promulgate in this proceeding. Devices mentioned in paragraphs (a), (b) and (c) are devices operating without an individual license in the band 26.97–27.27 MHz. Notwithstanding the above, manufacturers are urged to terminate the production of such devices at an earlier date than that specified and thus help to expedite the transition from the band 26.97–27.27 MHz to the band 49.9–50.0 MHz.

14. The band 49.9–50.0 is allocated for the use of U.S. Government radio operations. Accordingly, this proposal was coordinated with the U.S. Government which did not object to the proposed use by devices operating under Part 15 under the usual limitations inherent in such use, namely, that this band is used on a sufferance basis only with no claim to a vested right in the use of these frequencies by reason of such use and under technical limitations designed to minimize the interference potential of such devices.

15. The proposed amendments are set out below. Authority for the adoption of the amendments herein proposed is contained in section 4(i), 302, and 303 (r) of the Communications Act of 1934, as amended.

16. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 30, 1974, and reply comments on or before October 14, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this notice.

17. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 23, 1974.

Released: July 31, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

It is proposed to amend Part 15 as follows:

1. Section 15.201 is amended by revision of paragraph (a) to read as follows:

§ 15.201 Frequencies of operation.

(a) A low power communication device may be operated on any frequency in the bands 10–490 kHz, 510–1600 kHz and on frequencies specified in Section 15.280 of this part in the band 49.9–50.0 MHz. Operation in the band 26.97–27.27 MHz is subject to the conditions set forth in Section 15.205 of this part.

* * * * *

2. Section 15.205 is amended by the addition of paragraphs (e), (f) and (g) to read as follows:

§ 15.205 Operation within the frequency band 26.97–27.27 MHz.

* * * * *

(e) Manufacture of devices for operation in this band shall be terminated not later than (see Note 1).

(f) Marketing of devices for operation in this band shall be terminated not later than (see Note 2).

(g) Operation of devices in this band shall be terminated not later than (see Note 3).

NOTE 1: The date to be inserted will be one year after the effective date of rules promulgated in this proceeding.

NOTE 2: The date to be inserted will be two years after the effective date of rules promulgated in this proceeding.

NOTE 3: The date to be inserted will be seven years after the effective date of rules promulgated in this proceeding.

3. New §§ 15.280–15.283 inclusive are added to read as follows:

§ 15.280 Operation within the frequency band 49.9–50.0 MHz.

A low power communication device may be operated within the band 49.9–50.0 MHz provided it complies with the following requirements:

(a) The device shall operate on one or more of the following frequencies:

MHz		
49.91	49.95	49.99
49.93	49.97	

(b) The carrier frequency of the device shall be maintained within ±0.01% of the operating frequency. This tolerance must be maintained over the temperature range −20° C to +50° C and for a variation in the primary supply voltage from 85% to 115% of the rated supply voltage.

(c) Emissions shall be confined within a 20 kHz band centered on the operating frequency listed in paragraph (a) of this section.

(d) The operating power of the transmitter part of the device shall comply with either subparagraph (1) or (2), as appropriate.

(1) *Device built for sale to the public.* The field strength of the emitted signal shall not exceed 10,000 μV/m at 3 meters.

(2) *Home built devices in a quantity of 5 or less and not for sale.* The power input to the device measured at the battery or the power line terminals shall not exceed 100 milliwatts at any condition of modulation.

(e) The out-of-band emissions for a device built for sale to the public shall comply with the following:

(1) On any frequency between 10 and 20 kHz removed from the carrier, the emission shall not exceed 500 μV/m at 3 meters.

(2) On any frequency more than 20 kHz removed from the carrier, the emission shall not exceed 100 μV/m at 3 meters.

(f) For a home built device (pursuant to paragraph (d) (2) of this section), the antenna shall be a single element 1 meter or less in length, permanently mounted on the box containing the device.

(g) The device shall be completely self-contained with the antenna permanently attached to the box containing the device. If a microphone is used it shall be built into the box. No remote operating position is permitted.

(h) The receiver associated with or part of this device shall not use superregeneration and shall comply with the radiation requirements in § 15.63. If designed to operate from public utility power lines, the conducted energy fed back into the power lines by the receiver shall not exceed 100 microvolts on any frequency below 25 MHz.

(i) The device shall be certificated pursuant to § 15.281 or § 15.283 and shall be identified pursuant to § 15.282 or § 15.283.

§ 15.281 Certification required for device offered for sale.

A low power communication device operative in the land 49.9–50.0 MHz which is offered for sale shall be certificated pursuant to the procedures set out in Subpart J of Part 2 of this chapter.

[2] Subpart J of Part 2; 47 CFR 2.901–2.1065 inclusive; 39 FR 5912, February 15, 1974.

[3] The proposed rules would limit the individual to the construction of not more than five devices.

§ 15.282 Identification required for device offered for sale.

A low power communication device operative in the band 49.9–50.0 MHz which is offered for sale shall be identified pursuant to § 2.1045 of this chapter. The date of manufacture shall be shown on the label.

§ 15.283 Certification and identification required for home built devices.

A person who constructs not more than five low power communication devices for operation in the band 49.9–50.0 MHz for his own use and not for sale shall attach to each such device a signed and dated label that reads as follows:

I have constructed this device for my own use. I have tested it and certify that it complies with the applicable regulations of FCC rules Part 15. A copy of my measurements is in my possession and is available for inspection.

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(signature) (date)

[FR Doc.74–17657 Filed 8–2–74;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 THE INTERIOR

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Advisory Committee on Coal Mine Safety Research will be held on August 20, 1974 commencing at 9 a.m., at the May Lodge, Jenny Wiley State Park, Prestonsburg, Kentucky.

The Committee was established to consult with and make recommendations to the Secretary of the Interior on matters involving or relating to coal mine safety research. During this meeting, representatives from the Mining Enforcement and Safety Administration (MESA), U.S. Department of the Interior, will make presentations on subjects indicated in the agenda which is set forth below.

The meeting is open to the public. Space will be provided for 25 persons to attend the session in addition to the committee members.

Further information concerning this meeting may be obtained from Mr. Donald G. Rogich, Executive Secretary, Room 3513, Bureau of Mines, Department of the Interior, 18th & C Streets, NW., Washington, D.C. 20240, telephone number (202) 343–3002. Minutes of the meeting will be available 30 days from the date of the meeting upon written request addressed to the Executive Secretary.

Dated: July 26, 1974.

THOMAS V. FALKIE,
Director, Bureau of Mines.

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Agenda; fifteenth meeting, May Lodge, Jenny Wiley State Park, Prestonsburg, Kentucky, August 20, 1974.

9 a.m.	Dr. Thomas V. Falkie, Introduction and Comments.
PRESENTATIONS BY MESA	
9:30 a.m.	Analysis and discussion of data pertaining to coal mine accidents.
10:30 a.m.	Break.
10:45 a.m.	Identification of critical short term research needs as defined by MESA.
12 Noon	Lunch.
1 p.m.	Anticipated health and safety problems in coal mines in the next decade and suggested research emphasis.
2 p.m.	The current activities of MESA Technical Support Group and Coal Mine Inspectors in the dissemination of research results.
2:45 p.m.	Break.
3 p.m.	The interaction between the Bureau of Mines and MESA in the preparation and promulgation of standards.
4 p.m.	Committee business and planning.
4:30 p.m.	Adjournment.

[FR Doc.74–17742 Filed 8–2–74;8:45 am]

National Park Service

AMISTAD RECREATION AREA

Intention To Issue a Concession Permit

Pursuant to the provision of section 5, of the Act of October 9, 1965 (79 Stat. 969 (16 U.S.C. 20)) public notice is hereby given that on or before September 4, 1974, the Department of the Interior, through the Superintendent, Amistad Recreation Area, proposes to issue a concession permit in the name of Ray Dean Blair, Odessa, Texas, authorizing him to provide fishing guide services for the public at Amistad Recreation Area for the period September 1, 1974 through August 31, 1977.

The foregoing concessioner has performed his obligations under the existing permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the extension of the permit. However, under the Act cited, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before September 4, 1974.

Interested parties should contact the Superintendent, Amistad Recreation Area, Post Office Box 1463, Del Rio, Texas 78840, for information as to the requirements of the proposed permit.

Dated: July 15, 1974.

FRED V. VEST,
Superintendent, Amistad Recreation Area.

[FR Doc.74–17726 Filed 8–2–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

RICHARD P. SKULLY

Change of Member

On June 8, 1971, the Acting Administrator, Federal Aviation Administration, designated Mr. James F. Rudolph, Director, Flight Standards Service, to serve as a member of the Hazardous Materials Regulations Board on his behalf. On July 1, 1974, the Administrator assigned Mr. Richard P. Skully, Acting Director, Flight Standards Service, to take Mr. Rudolph's place as Board member for the Federal Aviation Administration, effective on that date.

Issued in Washington, D.C. on July 30, 1974.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.74–17750 Filed 8–2–74;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX73–7; Notice 4]

ALBANY MOTOR CARRIAGE CO.

Petition for Temporary Exemption

The National Highway Traffic Safety Administration has decided to grant to Albany Motor Carriage Company, Ltd., an exemption of its Vintage Car Type A passenger car from Federal Motor Vehicle Safety Standard No. 212, *Windshield Mounting*, on grounds of substantial economic hardship.

Notice of petition for the exemption was published in the FEDERAL REGISTER on June 10, 1974 (39 FR 20408), and an opportunity afforded for comment. The company had previously petitioned for (38 FR 26223) and been granted (39 FR 3709) a temporary exemption from certain Federal motor vehicle safety standards, and those notices contain a discussion of Albany and its problems. Subsequent to the initial exemptions Albany discovered that it could not certify compliance with the windshield mounting standard, as "the cost of a Barrier Test to prove wind-screen retention would total approximately 10,000 dollars, being the value of one car written off, Motor Institute Research Association charges, preparation of the vehicle for test, transport, and occupation of personnel." It averred that this cost would cause it substantial economic hardship.

No comments were received on the petition. The Albany is an open car, a vintage-type replica, and an exemption from compliance with Standard No. 212 would appear to have a minimum effect upon the safety of its occupants. The Administrator has previously determined that an exemption for Albany is in the public interest. As the company cannot use the exemption without being additionally excused from compliance with Standard No. 212, the NHTSA finds that the exemption from Standard No. 212 requested by Albany is in the

public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act of 1966. Accordingly, NHTSA Temporary Exemption No. 73–7, expiring January 1, 1977, is hereby amended to include Motor Vehicle Safety Standard No. 212.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51.)

Issued on July 30, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74–17752 Filed 8–2–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

TRADERS IN CHICAGO LIVE CATTLE FUTURES

Release of Names and Transactions

The Secretary of Agriculture in response to a letter from the Senate Committee on Agriculture and Forestry submitted to the committee information disclosing the names and addresses of all traders in live cattle futures on the Chicago Mercantile Exchange during the period May 1, 1974 to June 15, 1974, with respect to whom the Secretary has information, together with data concerning futures transactions and positions of each such trader.

Such information was submitted in accordance with section 8 of the Commodity Exchange Act (7 U.S.C. 12–1) which requires the Secretary upon request of any committee of either House of Congress, acting within the scope of its jurisdiction, to furnish and make public the names and addresses of such traders, together with information concerning their futures transactions. The material submitted covered those traders in reporting status (holding a position of 25 contracts or more in any one live cattle future).

The data will be made available for inspection and copying to anyone upon request at the Commodity Exchange Authority office in Washington, D.C. or its regional office in Chicago. In accordance with the Department of Agriculture fee schedule, copies of the material will be furnished at a charge of 10 cents for each copy of each page.

Issued: July 31, 1974.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.74–17786 Filed 8–2–74;8:45 am]

Farmers Home Administration

[Designation No. A060]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in Texas:

Swisher

The Secretary has found that this need exists as a result of a natural disaster consisting of prolonged drought from October 1973 until April 1974; excessive rainfall June 5, 1974; hailstorms May 31 and June 13, 1974; and excessive winds June 7 through June 10, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than September 23, 1974, for physical losses and April 28, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 30th day of July, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–17785 Filed 8–2–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

COAL MINE HEALTH

Asbestos Exposure in Surface Coal Mines and Surface Work Areas of Underground Mines; Findings of Fact

Section 101(g) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 811(g)), hereinafter referred to as the "Act," provides, in part, that within 60 days after completion of any public hearing on proposed mandatory health or safety standards, the Secretary who held the hearing shall make findings of fact which shall be public.

BACKGROUND

Proposed amendments to mandatory health standards for surface work areas of underground coal mines and surface coal mines (30 CFR Part 71) were developed by the National Institute for Occupational Safety and Health pursuant to section 101 of the Act and transmitted to the Secretary of the Interior for publication in accordance with the Act. The amendments were published under a notice of proposed rule-making on November 7, 1972 (37 FR 23645) and interested persons were afforded a period of 45 days within which to submit written comments, suggestions, and objections and to request a public hearing. On April 10, 1974, the Secretary of the Interior, in accordance with section 101(f) of the Act, published a notice (39 FR 13003) that objections had been filed to the proposed mandatory health standard for occupational exposure to asbestos stating the grounds for such objections and that a public hearing had been requested. Following such notice, the Department of Health, Education, and Welfare published a notice fixing a time and place of the public hearing to be held for the purpose of receiving relevant evidence on the proposed asbestos standard (39 FR 16913).

HEARING

The hearing was held on June 5, 1974, at the Department of Health, Education, and Welfare's Parklawn Building at Rockville, Maryland. Presentations were made by the following organizations: Bituminous Coal Operators' Association, R. T. Vanderbilt Company, Asbestos Information Association, United Mine Workers of America and the Industrial Union Department of AFL–CIO. A verbatim transcript of the proceeding is available for public inspection at the National Institute for Occupational Safety and Health, Park Building, Room 3–32, 5600 Fishers Lane, Rockville, Maryland.

FINDINGS

On the basis of the evidence presented at the hearing and on other information available to the Department, the Director of the National Institute for Occupational Safety and Health, pursuant to authority delegated from the Secretary and the Assistant Secretary for Health (35 FR 11150), finds that:

1. There is a causal relationship between occupational exposure to airborne asbestos fibers and the development of disease.

2. Asbestos is infrequently used in surface coal mining operations and rarely, if ever, used in surface operations of underground coal mines.

3. There is medical evidence which indicates that even infrequent exposure to airborne asbestos can cause disease.

4. When asbestos is used in coal mining operations, technology exists for maintaining the 8-hour average airborne concentration of asbestos dust to which miners are exposed at or below two fibers (greater than 5 microns in length) per cubic centimeter of air but not to exceed 10 fibers per cubic centimeter more than one hour of each 8-hour day.

5. A standard requiring coal mine operators to maintain the 8-hour average airborne concentration of asbestos dust to which miners are exposed at or below two fibers (greater than 5 microns in length) per cubic centimeter of air but not to exceed 10 fibers per cubic centimeter more than one hour of each 8-hour day, is necessary for the protection of life and the prevention of occupational diseases of miners.

Dated: July 31, 1974.

MARCUS M. KEY, M.D.,
Director, National Institute for Occupational Safety and Health.

[FR Doc.74–17872 Filed 8–2–74;8:45 am]

Social and Rehabilitation Service

FEDERAL ALLOTMENT TO STATES FOR SOCIAL SERVICES EXPENDITURES

Promulgation for Fiscal Year 1976

Promulgation is made of the Federal allotment for fiscal year 1976 for purposes of grants to States under Part A of title IV, and title VI of the Social Security Act pursuant to section 1130(b) of the Act (42 U.S.C. 1330b(b)) which provides that the Federal allotment shall be determined and promulgated in accordance with said section and section 601 of the Act (42 U.S.C. 801) which provides for appropriations for title VI subject to the limitations in section 1130.

It having been determined that the Bureau of the Census population statistics contained in its publication "Current Population Reports" (series P–25, No. 508, November 1973) were the most recent satisfactory data available from the Department of Commerce at that time as to the population of each State and of all of the States, the allotment limits for the fiscal year 1976 are set forth below:

FEDERAL ALLOTMENT FOR FISCAL YEAR 1976

Total	$2,500,000,000
Alabama	42,250,000
Alaska	4,000,000
Arizona	24,500,000
Arkansas	24,250,000
California	245,500,000
Colorado	29,000,000
Connecticut	36,750,000
Delaware	6,750,000
District of Columbia	9,000,000
Florida	91,500,000
Georgia	57,000,000
Hawaii	10,000,000
Idaho	9,250,000
Illinois	133,750,000
Indiana	63,250,000
Iowa	34,500,000
Kansas	27,250,000
Kentucky	39,750,000
Louisiana	44,750,000
Maine	12,250,000
Maryland	48,500,000
Massachusetts	69,250,000
Michigan	107,750,000
Minnesota	46,500,000
Mississippi	27,250,000
Missouri	56,750,000
Montana	8,500,000
Nebraska	18,250,000
Nevada	6,500,000
New Hampshire	9,500,000
New Jersey	87,750,000
New Mexico	13,250,000
New York	217,500,000
North Carolina	62,750,000
North Dakota	7,500,000
Ohio	127,750,000
Oklahoma	31,750,000
Oregon	26,500,000
Pennsylvania	141,750,000
Rhode Island	11,500,000
South Carolina	32,500,000
South Dakota	8,250,000
Tennessee	49,250,000
Texas	140,500,000
Utah	13,750,000
Vermont	5,500,000
Virginia	57,250,000
Washington	40,750,000
West Virginia	21,500,000
Wisconsin	54,500,000
Wyoming	4,250,000

Dated: July 31, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

[FR Doc.74–17774 Filed 8–2–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. STN 50–454; STN 50–455; STN 50–456; STN 50–457]

COMMONWEALTH EDISON CO.

Order Postponing Evidentiary Hearing

Take notice that the environmental evidentiary hearing in the subject proceeding for the Braidwood Station, Units 1 and 2, scheduled to commence on August 7, 1974 (by order of this Board, dated July 15, 1974) is hereby rescheduled to commence at 9 a.m., local time, August 28, 1974, in the City Council Chamber, 150 West Jefferson Street, Joliet, Illinois 60431. Limited appearances will be dealt with as indicated in the referenced order.

It is so ordered.

Issued at Bethesda, Maryland, this 31st day of July, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
CARL W. SCHARZ,
Chairman.

[FR Doc.74–17878 Filed 8–2–74;8:45 am]

[Docket Nos. 50–404, 50–405]

VIRGINIA ELECTRIC AND POWER CO.

Availability of Initial Decision for the North Anna Power Station, Units 3 and 4 and Issuance of Construction Permits

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulation in Appendix D, §§ A.9 and A.11, to 10 CFR Part 50, notice is hereby given that an initial decision dated July 18, 1974, by the Atomic Safety and Licensing Board in the above captioned proceeding authorizing issuance of construction permits to the Virginia Electric and Power Company for construction of the North Anna Power Station, Units 3 and 4, located in Louisa County, Virginia, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and at the Louisa County Courthouse, Dean P. Agee, Executive Secretary, Board of Supervisors, Louisa, Virginia 23093 and the Alderman Library, University of Virginia, Charlottesville, Virginia 22901.

The initial decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the initial decision may be reviewed by the Commission.

The initial decision is also being made available at the Virginia Division of State Planning and Community Affairs, 1010 James Madison Building, Richmond, Virginia 23219.

Based upon the record developed in the public hearing in the above captioned matter, the initial decision modified in certain respects the contents of the Final Environmental Statement relating to the construction of the North Anna Power Station, Units 3 and 4, prepared by the Commission's Directorate of Licensing. Pursuant to the provisions of 10 CFR Part 50, Appendix D, § A.11, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the initial decision are different from those contained in the Final Environmental Statement dated April 6, 1973. As required by § A.11 of Appendix D, a copy of the initial decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

Pursuant to the above mentioned initial decision, the Atomic Energy Commission (the Commission) has issued Construction Permits Nos. CPPR–114 and CPPR–115 to the Virginia Electric and Power Company for construction of two pressurized water nuclear reactors, known as the North Anna Power Station, Units 3 and 4, each designed for a rated power of approximately 2631 megawatts thermal with a net electrical output of approximately 900 megawatts.

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

The construction permits are effective as of their date of issuance. The earliest date for the completion of Unit 3 is July 31, 1978, and the latest date for completion is December 31, 1978. The earliest date for the completion of Unit 4 is July 31, 1979, and the latest date for completion is December 31, 1979. Each permit shall expire on the latest date for completion of the facility.

In addition to the initial decision, copies of (1) Construction Permits Nos. CPPR–114 and CPPR–115; (2) the report of the Advisory Committee on Reactor Safeguards dated March 13, 1973; (3) the Directorate of Licensing's Safety Evaluation dated December 29, 1972; (4) the preliminary safety analysis report and amendments thereto; (5) the applicant's Environmental Report dated September 15, 1971 and supplements thereto; (6) the Draft Environmental Statement dated December 12, 1973; and (7) The Final Environmental Statement dated April 6, 1973, are also available for

public inspection at the above-designated locations and in Washington, D.C. and the Louisa County Courthouse, Dean P. Agee, Executive Secretary, Board of Supervisors, Louisa, Virginia 23093 and the Alderman Library, University of Virginia, Charlottesville, Virginia 22901. Single copies of the initial decision by the Atomic Safety and Licensing Board, the construction permits, the Final Environmental Statement, and the Safety Evaluation may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this July 26, 1974.

ATOMIC ENERGY COMMISSION
I. A. PELTIER,
Acting Branch Chief, Light Water Reactors Branch 2-3 Directorate of Licensing.

[FR Doc.74-17727 Filed 8-2-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26494; Agreement C.A.B. 24485, R-1 through R-3, Agreement C.A.B. 24522, R-1 through R-3; Order 74-7-141]

INCREASED FUEL COSTS

Adopted Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of July 1974.

By Order 74-6-131, June 28, 1974, the Board set procedural dates for the receipt of carrier justification, comments from interested persons, and responses relating to an agreement of the members of the International Air Transport Association (IATA) to increase North and Mid-Atlantic air fares by five percent and four percent, respectively, effective August 1, 1974 to compensate for further fuel price escalations.

Statements of justification and supporting data have been submitted by Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), and National Airlines, Inc. (National).

Pan American forecasts an average fuel price increase of 230 percent for the year ending June 30, 1975 over the first quarter of 1973 (from 12.77 cents/gallon to 42.17 cents/gallon). The total dollar increase, based on consumption during the forecast year of 323,985,000 gallons (passenger only), would be $94,992,000. Pan American indicates that the two previous fuel-related fare increases in North Atlantic fares will improve revenues $35,829,000 during the forecast period, and that the increase here proposed would add another $15,141,000 for a total of $50,970,000, still $44,281,000 short of full recovery.[1] Pan American states that its total fuel costs have already increased $53,619,000 (based on the actual May 1974 price of 29.32 cents/gallon), and thus approval of the subject agreement would still leave the carrier $2,649,000 short.

TWA estimates that its total 1974 transatlantic fuel cost, at the September 30, 1973 price of 13.66 cents/gallon, would have been $54,053,000. It now forecasts an average 1974 price of 41.70 cents/gallon, or $165,007,000 at the same level of consumption (395.7 million gallons) for a $110,954,000 increase in fuel cost (passenger and cargo). TWA states further that the two previously approved fuel-related fare increases will result in a $26.5 million revenue improvement in 1974; associated cargo rate increases will produce an additional $8.5 million improvement; and charter rate increases another $1.4 million.[2] The presently proposed fare increase is forecast to increase revenue by another $9.2 million for a total of $45.6 million, or a shortfall in excess of $65 million from that needed to cover additional fuel cost.

National projects a price of 22.13 cents/gallon for the year ending June 30, 1975, based on contracts presently in effect. At forecast consumption of 20,117,000 gallons, total fuel cost would be $4,452,000, or an increase of $2,744,000 over a cost of $1,708,000 at the September 30, 1973 price of 8.49 cents/gallon. National states that the previous fuel-related fare increases result in a $2,485,000 revenue improvement, and that the proposed increase is expected to provide an additional $1,121,000.

The carriers have also provided forecasts of financial results incorporating their projected fuel cost increases, under both present and proposed fares. Under present fares Pan American, TWA and National project returns on investment of 0.09 percent, —6.0 percent, and 15.9 percent, respectively. Under the higher fares, their respective return positions would improve to 2.4 percent, —4.3 percent, and 18.1 percent.

Comments in opposition to the agreement have been submitted by Mr. Morris Rosen. Mr. Rosen cites the two previous fuel-related fare increases, and contends that traffic losses at the higher fares will only aggravate the carriers' problems. At the very least, Mr. Rosen urges that if approved the fare increases should be delayed until after the peak travel season.

Fare increases related to escalating fuel costs are justified if the revenue gain does not exceed the total experienced fuel cost increase, provided also that the carriers are not placed in an excess-earnings position. The Board has reviewed the carriers' submissions, and has adjusted them to reflect the actual reported fuel price per gallon at May 31, 1974 as compared to that in effect at September 30, 1973. On this basis, Pan American's transatlantic fuel cost has increased by $45.2 million; TWA's by $87.6 million;[3] and National's by $2.7 million; for a total increase of $135.5 million. Aggregate revenue gains from the three fuel-related fare increases, including the five-percent increase here proposed, are estimated to amount to $51.0 million for Pan American; $37.1 million for TWA; and $3.6 million for National; for a total of $91.7 million. Thus, on a composite basis, the three carriers will still be more than $43 million short of fully recovering actual fuel cost increases to date. Acceptance of TWA's initial estimates of revenue gains totalling $46.8 million in passenger operations would reduce the net shortfall for all three carriers to $34.1 million.[4] The effect of the further fare increase on their respective rates of return will be minimal, and none except National will be in an excess-earnings position. National is currently experiencing excellent earnings in its transatlantic service, and this should continue whether or not the increase is approved. Pan American and TWA, on the other hand, are presently realizing returns which are clearly inadequate and which will remain so even at the higher fares. Accordingly, the Board concludes that the proposed fare increases are fully warranted by actual fuel cost increases already experienced and the agreement will therefore be approved.

The Board recognizes, as Mr. Rosen points out, that the decline in North Atlantic traffic may in part at least be due to fare increases already approved, and that the instant increases may accentuate this trend. On the other hand, air fares are only a portion of the total cost of an average trip to Europe, and other factors such as inflation on both sides of the Atlantic, as well as currency fluctuations, have also played a part in the softening of transatlantic traffic this summer. In any event, the carriers have incurred a continuing escalation in fuel costs of such magnitude that prompt re-

[1] The previous increases amounted to six and seven percent and were approved by Orders 73-12-77 and 74-3-134, respectively. Pan American's estimates of revenue improvement from the three increases assume an elasticity factor of —0.03.

[2] In its justifications for the earlier increases TWA had forecast a $44.4 million improvement in scheduled passenger revenues, and $2.4 million in passenger charters. Price elasticity proved to be much greater than expected, TWA contends, and therefore these initial estimates had to be revised downward.

[3] We have excluded cargo operations from our estimates of both TWA's fuel cost and revenue improvement.

[4] By the Board's calculations, the revenue gains of both Pan American and National from the fuel surcharge will exceed their fuel cost increases actually experienced to date. Pan American argues that it will shortly be renegotiating major fuel contracts, and that its future fuel costs are likely to more nearly approximate those of TWA, whose fuel cost escalation has been exceptionally severe. Under the Board's long-standing ratemaking policies, however, such anticipatory cost increases cannot be taken into account until they become actual. In any case, Pan American's and National's net overages from the fuel surcharge are outweighed in the aggregate by the much larger net shortfall of TWA.

coupment is not only warranted but necessary to the maintenance of scheduled service.

We will also approve amendments to North American proportional fares used in the construction of through transatlantic fares to/from interior U.S. and Canadian points, which are intended to alleviate the possibility of undue diversion of U.S.-originating traffic via Canadian gateways where fares to Europe will remain at status quo.[5] The amendments would also eliminate present exceptions from the higher intermediate point rule for certain eastbound Toronto-Europe fares routed via New York, Buffalo, or Rochester. A separate agreement, also approved herein, would increase the proportional fares relating to Greece, Scandinavia and Spain; increase certain Canadian proportionals to reflect domestic increases; and allow application of Las Vegas/Europe group inclusive tour fares via Phoenix at no added charge.

Pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a) and 412 thereof, it is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

[5] An agreement increasing fares from Canada is presently pending within IATA.

Agreement CAB	IATA No.	Title	Applications
24485:			
R-1	005p	General Increases in Passenger Fares (New)	1/2 (North Atlantic).
R-2	005w	General Increases in Passenger Fares (New)	1/2 (Mid Atlantic).
R-3	015	North Atlantic Proportional Fares-North American (Amending).	1/2.
24522:			
R-1	003b	Special Effectiveness Resolution (New)	1/2.
R-2	015(I)	North Atlantic Proportional Fares-North American (Amending).	1/2.
R-3	015(II)	North Atlantic Proportional Fares-North American (Amending).	1/2.

Accordingly, *it is ordered*, That: 1. Agreements C.A.B. 24485, R–1 through R–3, and C.A.B. 24522, R–1 through R–3, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Tariffs implementing the approved agreements shall be marked to expire not later than October 31, 1974; and

3. Carriers are hereby authorized to file tariffs implementing Agreements C.A.B. 24485, R–1 through R–3, and C.A.B. 24522, R–1 and R–2, on not less than one day's notice for effectiveness not earlier than August 1, 1974. The authority in this paragraph expires on August 31, 1974.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-17769 Filed 8-2-74;8:45 am]

[Docket No. 26907; Order 74-7-139]

LONG-HAUL MOTOR/RAILROAD CARRIER AIR FREIGHT FORWARDER AUTHORITY CASE

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of July 1974.

In the "Motor Carrier-Air Freight Forwarder Investigation," Docket 16857, Order 69–4–100 dated April 21, 1969, the Board granted air freight forwarder authority to three long-haul motor carriers,[1] CF Air Freight, Inc. (CF), Navajo Freight Lines, Inc. (Navajo),[2] P.I.E. Air Freight Forwarding, Inc. (PIE), for an experimental period of five years commencing April 21, 1969. The Board found that there would be substantial public benefits from the entry of these carriers into air freight forwarding, but at the same time found that additional long-haul motor carriers should be granted air freight forwarder authority under a monitored entry policy rather than a free entry policy.[3] The Board determined to have a policy of monitored entry because, inter alia, it was concerned, because of the size of some of the long-haul motor carriers, that the independent air freight forwarders of air cargo might be adversely affected, or that free entry for other long-haul motor carriers might result in creating a monopoly or monopolies or otherwise be detrimental to the public interest. The Board was also specifically concerned about the possibility that conflicts of interest might result from a long-haul motor carrier's becoming an air freight forwarder, and prescribed special reports so that the Board could finally settle the conflict question at the end of the experiment.

Eleven long-haul motor carriers presently hold air freight forwarder authority.[4] The operating authorizations and approvals or exemptions of control and interlocking relationships held by these companies expired April 21, 1974. In addition, Air Wilson, Inc. (Air Wilson), IML Freight International, Inc. (IML), and Garrett Forwarding Company (Garrett), all long-haul motor carriers, have filed applications for air freight forwarder authority and for approval or exemption of control and interlocking relationships which are still pending.[5]

In the "Southern Pacific-Santa Fe Air Freight Forwarder Case", the Board by Order 70–10–100 dated October 21, 1970, determined to authorize, through subsidiaries, two railroad carriers,[6] Southern Pacific Air Freight, Inc. (Southern Pacific) and Express Air Freight, Inc., later Santa Fe Air Freight Co. (Santa Fe),[7] to engage in interstate and international air freight forwarding for a five-year period commencing October 21, 1970. In deciding this case the Board, noting the similarities between the entry of railroad carriers and long-haul motor carriers into air freight forwarding, extended the monitored entry policy to railroad carriers. Three railroad carriers presently hold air freight forwarder authority.[8] The operating authorizations

[1] "Long-haul motor carrier," as defined in Parts 296 and 297 of the Board's Economic Regulations (14 CFR Parts 296, 297) means a motor carrier holding operating rights between any pair of points which are over 500 air miles apart, or an affiliate of such a carrier.

[2] Navajo's application for international authority was later dismissed by letter dated January 1, 1971, and its interstate operating authorization was revoked by Order 71–6–10, dated June 1, 1971.

[3] The Board has set forth the specifics of its monitored entry policy in Subpart I of Part 296 and Subpart F of Part 297 of its regulations, and in § 399.20 of its Policy Statements. As discussed below on page 5, the Board's actions in this proceeding may encompass changes in these regulations and the Policy Statement.

[4] CF, PIE, Usair Freight, Inc. (Usair), The Express Company, Inc. (Express), O. N. C. Forwarding d/b/a Rocor Air Freight (ONC), Air-Land Transport, Inc. (Air-Land), Around the World Air Freight, Inc. (Around the World), Carolina Freight Carriers Corporation (Carolina Freight), Key Air Freight, Inc. (Key), Gateway Aviation Company, Inc. (Gateway), and Mercury Motor Express, Inc. (Mercury).

[5] The applications of Air Wilson and IML have been granted subject to the fulfillment of incidentals. See Order 74–3–76, dated March 18, 1974, in Docket 24540, and Order 74–4–55, dated April 10, 1974, in Docket 17592. Garrett's air freight forwarder application is awaiting action on its application for approval of control relationships (Docket 24792).

[6] "Railroad carrier," as defined in Parts 296 and 297 of the Board's Economic Regulations (14 CFR Parts 296, 297), means a common carrier by railroad subject to Part I of the Interstate Commerce Act, or an affiliate of such a carrier.

[7] Santa Fe subsequently terminated all of its air freight forwarding operations and surrendered interstate and international operating authorizations to the Board for cancellation. The operating authorizations were revoked by Order 73–12–74, dated December 19, 1973.

[8] Southern Pacific, Burlington Northern Air Freight, Inc. (Burlington), and Missouri Pacific Air Freight, Inc. (Missouri Pacific).

and approvals or exemptions of the various control and interlocking relationships held by these companies are due to expire October 20, 1975.

The Board has decided to institute an investigation to consider the renewal of the operating authority issued to long-haul motor carriers and railroad carriers to engage in air transportation of property as interstate or international air freight forwarders, and to reexamine and evaluate the entire monitored entry policy, and its impact upon the air freight forwarder industry. We have decided to set this matter for hearing because we believe that an adversary proceeding is the best way to evaluate the results of the monitored entry policy and to determine the impact of the long-haul motor/railroad carriers on the air freight forwarder industry.[9] A hearing is also the most appropriate forum to consider what the future Board policy in this area should be. This investigation is being instituted at this time because, although the operating authorizations of the railroad carriers are not due to expire until October 20, 1975, the existing operating authorizations now held by long-haul motor carriers expired April 21, 1974.[10] Since we have previously found that the issues raised by the entry of long-haul motor carriers and railroad carriers into air freight forwarding are basically the same, we find that it would be in the public interest to consider these issues in a single proceeding. A single proceeding with all possible participants will provide a more comprehensive record for use in evaluating the experiments.[11] Accordingly, we will consolidate the renewal applications filed by the long-haul motor carriers into this proceeding, and shall direct the railroad carriers to file renewal applications within 30 days of the date of this order.[12]

On a related matter, we have decided to make IU International Corporation (IU) and Airborne Freight Corporation (Airborne) parties to this proceeding.[13] IU has filed an application in Docket 25204 to acquire Airborne, and in setting the matter for hearing, the Board therein advised that if the applicants' application were approved, they would, nevertheless, be subject to decisions reached in this proceeding. Accordingly, while we express no opinion on the merits of the IU/Airborne Case at this time,[14] would nevertheless appear to be the prudent course of action to make the two companies parties now. Such action will allow their orderly participation in the case, should the ultimate outcome of the acquisition case make that necessary.[15]

Besides the basic question to be resolved in the proceeding concerning renewal of the existing long-haul motor carrier and railroad carrier air freight forwarder operating authorizations and approvals or exemptions for control and interlocking relationships, the issues we expect to be considered in the investigation shall include: whether conflicts of interest have arisen out of a situation where a company or system provides both air freight forwarding services and transport services by another mode of transport; whether the monitored entry policy for long-haul motor carriers and railroad carriers should be expanded, discontinued, or otherwise modified in any manner; whether any changes should be made in regard to the data supplied in the special reports currently required for long-haul motor/railroad carriers; and whether the long-haul motor/railroad carriers have had an adverse effect upon the air freight forwarding industry. We shall assume that, as part of their presentation, all applicants will submit evidence showing, inter alia, the contributions they have made to the promotion and development of air transportation since the grant of their operating authorizations, how the public interest has been served, future plans for promotion of air freight, and the effects of their services on both the air freight forwarder industry and direct air carriers.

As a last matter, the Board contemplates that its actions in this proceeding will encompass the adoption of any such changes in Subpart I of Part 296 and Subpart F of Part 297 of the Board's Policy Statements as may be consonant regulations and § 399.20 of the Board's with the Board's other actions and determinations in this proceeding and as may otherwise be appropriate.

Accordingly, it is ordered, That:

1. An investigation to be known as the "Long-Haul Motor/Railroad Carrier Air Freight Forwarder Authority Case," Docket 26907, be and it hereby is instituted, and shall be set down for hearing before an administrative law judge of the Board at a time and place hereafter designated;

2. The proceeding instituted by paragraph "1" above shall include consideration of whether:

(a) The outstanding operating authorizations for air freight forwarding held by long-haul motor/railroad carriers should be renewed, and if so, for what term;

(b) The outstanding exemptions and approvals of control and interlocking relationships granted to long-haul motor/railroad carriers should be renewed, and if so, for what term;

(c) Garrett's application for air freight forwarder operating authorizations and application for approval of control and interlocking relationships should be granted, and if so, for what term;

(d) The monitored entry policy for the entry of long-haul motor/railroad carriers into air freight forwarding should be expanded, discontinued, or otherwise modified in any manner;

(e) Any changes should be made in regard to the data supplied in the special reports currently required for long-haul motor/railroad carriers;

(f) Any changes should be made in the Board's Regulations and Policy Statements concerning long-haul motor/railroad carriers, and, if so, what those changes should be;

(g) The long-haul motor/railroad carriers have been hampered in their attempts to promote air cargo by conflicts of interest with their surface carrier activities; and

(h) The long-haul motor/railroad carriers have had an adverse impact on the air freight forwarding industry;

3. Insofar as they conform to the scope of the proceeding set forth in paragraph "2" above, the applications of Air-Land in Dockets 23233 and 26055, Around the World in Docket 24186, Carolina Freight in Docket 26407, CF in Docket 26337, Gateway in Dockets 19461 and 26450, Key in Docket 25619, Mercury in Docket 26427, ONC in Dockets 23357, 24878, 24959, 25590, 25688, 25696, 25723, 25863, 25943, 26074, 26191, and 26449, PIE in Docket 26437, Express Company in Docket 26432, Usair in Docket 26434, Air Wilson in Docket 24540, Garrett in Docket 24792, and IML in Docket 17592 be and they hereby are consolidated with the proceeding instituted by paragraph "1" above; to the extent not consolidated herein, the foregoing applications be and

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[9] Thus, we will deny CF's motion for approval of its renewal application without hearing or for an order to show cause, and we will deny the renewal applications to the extent they request approval without a hearing. We will also deny CF's motion for an expedited hearing. While we expect that this case will proceed promptly, there does not appear to be a need to set it down on an expedited basis since the authority of the renewal applicants will continue pending final decision in this case.

[10] Applications to renew operating authority and approvals and exemptions for control and interlocking relationships granted to long-haul motor carriers were due to be filed by February 21, 1974, in accordance with the requirements of Part 377 of the Board's Special Regulations to comply with section 9(b) of the Administrative Procedure Act (5 U.S.C. 558), which will cause these authorizations to remain in effect pending the Board's final decision on the renewal applications. Although Gateway, ONC, Air-Land and Around the World have technically failed to meet the requirements of Part 377, in that ONC and Gateway filed for renewal of their operating authorizations one day late, Around the World filed four days late, and Air-Land failed to state its intention to rely on section 9(b), these requirements were waived, as a matter of Board discretion, by Order 74-4-98, dated April 18, 1974, and their applications were accepted as being in compliance with the requirements prescribed by Part 377 of the Board's Regulations. All other affected carriers filed renewal applications conforming to Part 377.

[11] The need for as many operating plans and results as possible to be part of the record leads us to make the long-haul motor carrier applicants, Air Wilson, IML, and Garrett, parties to the case.

[12] We will grant the motion of Air-Sea Forwarders, Inc. (Air-Sea) to file an unauthorized answer to Key's renewal application. We will dismiss as unnecessary Key's motion to file an unauthorized document, i.e., an answer to Air-Sea's motion and a contingent reply.

[13] IU is technically already a party through its ownership of PIE.

[14] We note that the hearing in that case has now concluded, and the Administrative Law Judge issued his initial decision on May 30, 1974. The matter is now pending before the Board on petitions for discretionary review.

[15] Of course, the two companies will be free to withdraw from this proceeding should the acquisition be disapproved and should IU additionally determine not to prosecute its application in Docket 26437 in regard to PIE.

they hereby are dismissed without prejudice;

4. The motion of CF in Docket 26337 for approval without a hearing, for an order to show cause, or for an expedited hearing be and it hereby is denied;

5. The motion of Air-Sea to file a late-filed document in Docket 25619 be and it hereby is granted;

6. The motion of Key to file an unauthorized document in Docket 25619 be and it hereby is dismissed;

7. Applications by railroad carriers for renewal of their operating authorizations and approval or exemption of their control and interlocking relationships, motions to consolidate, and petitions for reconsideration shall be filed no later than 30 days after the date of service of this order, and answers to such pleadings shall be filed no later than 10 days thereafter; and

8. Copies of the order shall be served upon all currently authorized long-haul motor carriers and railroad carriers holding air freight forwarder authority, Air Wilson, IML, Garrett, IU, and Airborne which are hereby made parties to the proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-17768 Filed 8-2-74;8:45 am]

LONG-HAUL MOTOR/RAILROAD CARRIER AIR FREIGHT FORWARDER AUTHORITY CASE

Announcement

The Board has instituted a proceeding, the "Long-Haul Motor/Railroad Carrier Air Freight Forwarder Authority Case," which may result in substantial changes in Board regulations and policy statements relating to long-haul motor carriers and railroads (or their affiliates) as air freight forwarders. (See, in particular, 14 CFR 296.1(d), 296.1(d-1), 296.1(e), 296.80-89, 297.1(e), 297.1(e-1), 297.1(f), 297.60-69, 399.20). For further information see p. 28179, supra.

Dated at Washington, D.C., on July 30, 1974.

[SEAL] CURTIS B. MALOY,
Transportation Industry Analyst.

[FR Doc.74-17767 Filed 8-2-74;8:45 am]

[Order 74-7-136; Docket 26487]

TRANSATLANTIC, TRANSPACIFIC, AND LATIN AMERICAN MAIL RATES

Order To Show Cause

By Order 74-4-95, dated April 17, 1974, the Board directed the parties to show cause why the Board should not establish 13.007 cents per ton-mile as the fair and reasonable final rate of compensation for the transportation of space available mail (SAM) for the period May 26, 1973, through March 7, 1974, and as the fair and reasonable temporary rate on and after March 8, 1974.[1] Notices of objection and answers were filed by the Department of Defense (DOD), the Postmaster General (PMG), Continental Air Lines, Inc. (Continental), The Flying Tiger Line, Inc. (FTL), Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA).[2]

FTL, Pan American, and TWA object to the absence of an increase in the final rate for January 1, 1974, through March 7, 1974, to compensate the carriers for increased fuel costs. In support of their objections, the carriers cite fuel-related increases in international passenger fares and cargo rates[3] and argue that SAM should share in the fuel-cost burden. In addition, the carriers allege that the Board's failure to provide a fuel-cost increase for the January 1, 1974, through March 7, 1974, period would result in a substantial revenue loss.

FTL requests that the Board establish a temporary rate of 15.100 cents per ton-mile for the period on and after January 1, 1974, or, alternatively, that the Board establish a temporary rate of 14.113 cents per ton-mile for the period January 1, 1974, through March 14, 1974, and 15.100 cents on and after March 15, 1974. These requested rates were derived by applying to the 13.007-cent rate fuel-related increases equivalent to those approved by the Board for transpacific cargo rates.[4] FTL does not specifically object to the 13.007-cent rate for the past period up to December 31, 1974.

Pan American requests that the Board adopt a six percent fuel surcharge to the proposed 13.007-cent rate for the period January 1, 1974, through March 7, 1974, which the carrier alleges would increase its revenues by approximately $116,000. In support of its request, the carrier cites fuel-related increases of approximately six percent in IATA passenger fares and cargo rates, which were approved by the Board and became effective January 1, 1974.[5] Although Pan American objects to the proposed 13.007-cent rate as too low, the carrier states that it would withdraw its objection, in the interest of expediting the determination of a final rate for the past period, if the Board imposes the requested six percent fuel surcharge.

TWA requests that the Board impose a fuel surcharge to the proposed 13.007-cent rate of 4.260 cents for the transatlantic and 2.583 cents for the transpacific, which the carrier alleges would increase its revenues by approximately $238,300. The carrier argues that these surcharges are required, based on its calculations,[6] to meet fuel-related costs of SAM.

The PMG, DOD, and Continental[7] object to the application of the increased rate to the operations of Continental to, from, and within the Trust Territory of the Pacific for the period May 26, 1973, through March 7, 1974. The thrust of their objections is that the mail rates for the Trust Territory were the subject of a separate proceeding in Docket 21994 in which SAM, military ordinary mail, and airmail rates were considered as a package, with the excess of SAM costs over revenues covered by the higher airmail rate.[8] The PMG argues that, under the circumstances, it would be unjust to award Continental a retroactive increase in the SAM rate, when it is too late for the Postal Service to seek, retroactively, an offsetting reduction in Continental's airmail rate. However, the parties do not object to an adjustment of Continental's Trust Territory SAM rates for the period on and after March 8, 1974.

Upon review of the answers of the carriers and other relevant matters, we have tentatively determined that the fair and reasonable rates for the transportation of space-available mail by aircraft, the facilities used and useful therefor, and the services connected therewith, are 13.007 cents per ton-mile for the period May 26, 1973, through December 31, 1973, and 13.787 cents per ton-mile for the period January 1, 1974, through March 7, 1974. The 13.007-cent rate is proposed for the reasons set forth in Order 74-4-95. The 13.787-cent rate was derived by applying a 6 percent fuel-related increase to the 13.007-cent rate.[9] The 6-percent increase is equivalent to the previously approved fuel-related increase of approximately 6 percent, effective for the period beginning January 1, 1974, for international passenger fares and freight rates,[10] and we believe it is fair and reasonable that SAM share with passengers and freight the fuel-cost burden for the operations on which it is carried.

With respect to Continental's Trust Territory operations, we have determined not to make any adjustment to

[1] By Order 73-5-113, dated May 23, 1973, the Board reopened, as of May 26, 1973, the existing final service mail rate for the transportation of SAM, and instituted an investigation in Docket 25297 to fix new SAM rates on and after May 26, 1973. By Order 74-3-40, dated March 8, 1974, the Board consolidated the investigation of SAM mail in Docket 25297 into the overall investigation of international service mail rates in Docket 26487. Thus consideration of SAM rates is divided into two periods: (1) a past period from May 26, 1973, to March 7, 1974, and (2) a period on and after March 8, 1974.

[2] Seaboard World Airlines, Inc., filed a notice of objection but did not file an answer.

[3] Order 73-12-77, dated December 19, 1973; 74-2-126, dated February 28, 1974, and 74-3-63, dated March 13, 1974.

[4] Order 73-12-77; Order 74-3-63.

[5] Order 73-12-77.

[6] Exhibit I of TWA's answer.

[7] Continental also filed a motion dated July 5, 1973, to exclude SAM rates applicable to its Trust Territory service from the investigation in Docket 25297 (consolidated into this docket by Order 74-3-40).

[8] Order 72-1-79, dated January 21, 1972; Order 72-2-22, dated February 7, 1972.

[9] The Board is presently reviewing data relating to fuel prices and consumption. As soon as our review is concluded, we intend to propose a fuel surcharge applicable to all international mail rates for the period on and after March 8, 1974.

[10] Order 73-12-77.

the past-period rate. As the parties indicate in their answers, the SAM rate was considered as part of a total mail-rate package, and it would be inappropriate to increase the SAM rate retroactively since other Territorial rates were not open for the past period. However, all of the Territorial mail rates are open for the period on and after March 8, 1974, and are included in this investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, and 406, thereof,

It is ordered, That: 1. Airlift International, Inc., Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Hughes Air Corp., d/b/a Hughes Airwest, Mackey International, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., The Postmaster General, and the Department of Defense are directed to show cause why the Board should not establish, for the period May 26, 1973, through December 31, 1973, and January 1, 1974, through March 7, 1974, the fair and reasonable final service mail rates set forth in Appendix A attached hereto,[11] to be paid for the transportation by aircraft, the facilities used and useful therefor, and the service connected therewith, for the carriage of space-available mail under the authority of sections 3401(b) and 3401(c) of Title 39 of the United States Code. The mail ton-miles used in computing the service mail payments at the foregoing rates shall be based upon the nonstop great-circle mileage between the points of origin and destination of each shipment: *Provided, however*, That for mail shipments moving between the Atlantic and Pacific rate areas which transit the carrier's certificate junction point, the applicable per mail ton-mile rate as set forth in Appendix A and the nonstop great-circle miles to be recognized for each of the rate areas, shall be determined by considering the carrier's certificate junction point to be a "point of destination" for mail shipments on the flights destined beyond the junction point, and to be a "point of origin" for the subsequent movement of such mail shipments beyond such junction point, whether or not the flight actually stops at the aforesaid junction point; the total mail compensation payable in such instances shall be the sum of the compensation computed for each geographic rate area. The nonstop great-circle mileages shall be the mileages computed in accordance with the formula set forth in the Notice to Users of CAB official mileages issued May 21, 1970 (35 FR 8249).

[11] This order is not intended to disturb the other service mail rates established, or to be established, under separate order of the Board.

2. Except to the extent granted herein, the motion filed by Continental Air Lines, Inc., in Docket 25297 is denied.

3. Further procedures herein shall be in accordance with 14 CFR, Part 302, and, if there is any objection to the rates or to the related findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and, if notice is filed, written answer and supporting documents shall be filed within 30 days after date of service of this order. der.

4. If notice of objection is not filed within 10 days or if notice is filed and answer is not filed within 30 days after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix the rates specified herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A.—PROPOSED FINAL SPACE-AVAILABLE MAIL RATES

Geographic rate areas [1]	Current temporary service mail rate [2]	Proposed final rate May 26, 1973 to December 31, 1973 [3]	Proposed final rate January 1, 1974 to March 7, 1974 [4]
	Cents	*Cents*	*Cents*
Atlantic rate area:			
(1) U.S.—Europe/Mediterranean	11.45	13.064	13.848
(2) U.S.—Africa	11.83	13.498	14.308
(3) U.S.—Middle East	11.89	13.566	14.380
Latin American rate area:			
(1) U.S.—South America	11.62	13.258	14.053
(2) U.S.—Central America	12.13	13.840	14.670
(3) U.S.—Caribbean	11.47	13.087	13.872
Pacific rate area:			
(1) U.S.—Orient	12.31	14.046	14.889
(2) U.S.—South Pacific	11.98	13.669	14.489
(3) U.S.—Southeast Asia	13.35	15.232	16.146

[1] As defined in Appendices A, B, C, and D, page 2, Order 73-4-16.
[2] As set out in Appendix D, page 1, of Order 73-4-16, which is based on a rate per standard ton-mile of 11.4 cents.
[3] The proposed rates set forth in this column are computed at 114.1 percent of the current temporary service mail rates shown in column 1.
[4] Consists of the proposed final rate for the period May 26, 1973 to Dec. 31, 1973, plus six percent.

[FR Doc.74-17700 Filed 8-2-74;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Addition to Procurement List

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on March 20, 1974 (39 FR 10480).

Pursuant to the above notice the following service is added to Procurement List 1974.

SERVICE

INDUSTRIAL CLASS 7349: Janitorial/Custodial (RF), U.S. Courthouse and Federal Building, Rapid City, South Dakota.

PRICE

List of prices available from GSA, PBS, Region 8.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.74-17753 Filed 8-2-74;8:45 am]

PROCUREMENT LIST 1974

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE

Waste Paper Salvaging
Marine Corps Base, Camp Lejeune
North Carolina

Comments and views regarding this proposed addition may be filed with the Committee on or before September 4, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.74-17754 Filed 8-2-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/93; FRL 244-8]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION; DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown

below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before Oct. 4, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after October 4, 1974.

APPLICATIONS RECEIVED

EPA Reg. No. 8590–354. Manufactured for Agway Inc., Chemical Div., PO Box 1333, Syracuse NY. AGWAY HORNET AND WASP SPRAY—SP. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarbonxylate 0.250%; Related compounds 0.030%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3376–2. Barry Laboratories, Inc., 461 N.E. 27th St., Pompano Beach FL 33064. MERPHENE CONCENTRATE 60 SECOND GERMICIDAL ACTION. Active Ingredients: n-alkyl (50% C14, 40% C12, 10% C16), dimethyl benzyl ammonium chloride, 6.5%; diisobutylphenoxyethoxyethyl dimethyl benzyl ammonium chloride, 3.25%; diisobutylcresoxyethoxyethyl dimethyl benzyl ammonium chloride 3.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7969–UL. BASF Wyandotte Corp., 100 Cherry Hill Rd., Parsippany NJ 07054. BASAGRAN POST-EMERGENCE HERBICIDE. Active Ingredients: Sodium salt of bentazon 44.3%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6853–RU. Bes-Tex Insecticides Co., Inc., PO Box 664, San Angelo TX 76901. BES-TEX WETTABLE OR DUSTING SULPHUR. Active Ingredients: Sulphur 90%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13275–R. Binzel Products, Inc., 1525 21st Ave., North Birmingham AL 35204. DSD DISINFECTANT-CLEANER-SANITIZER - FUNGICIDE - DEODORANT. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Sodium metasilicate 3.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 1.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13275–E. Binzel Products, Inc., 1525 21st Ave., North Birmingham, AL 35204. TRI-CIDE DISINFECTANT-CLEANER - SANITIZER - FUNGICIDE - DEODORANT. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 4.8%; Sodium carbonate 3.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1459–GO. Bullen Chemical Co., Hook Rd., Folcroft PA 19032. SEPTIN XL GERMICIDAL DETERGENT CLEANER, DISINFECTANT, DEODORIZER, FUNGICIDE. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; sodium carbonate 3.0%; tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support proceeds under 2(b) of interim policy.

EPA File Symbol 34477–R. Carter-Wallace, Inc., Carter Products Division, Holt Acre Rd., Cranbury NJ 08512. NEW DRI POWDER DRY SPRAY DISINFECTANT. Active Ingredients: O-Phenyl Phenol 0.125%; 4,5 Dibromo Salicylanilide 0.05%; 3,4,5 Tribromo Salicylanilide 0.05%; Sodium Salt of Dioctyl Sulfosuccinate 0.09%; Ethyl Alcohol 41.1%; Isopropanol 5%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 9444–GU. Cline-Buckner, Inc., 16317 Piuma Ave., Cerritos CA 90701. PURGE WASP AND HORNET SPRAY II. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanccarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum Distillate 26.375%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279–EOIG. FMC Corp., Agricultural Chemical Division, 100 Niagara St., Middleport NY 14105. PYRENONE KV S.A.C. INTERMEDIATE FOR PRESSURIZED NON-AQUEOUS INSECTICIDE. Active Ingredients: Pyrethrins 2.666%; Piperonyl Butoxide, Tech. 26.667%; O,O-diethyl(2,4,5 - trichlorophenyl)phosphorothioate 13.156%; 2,2-dichlorovinyl dimethyl phosphate 3.100%; Related 0.233%; Petroleum Distillate 47.401%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5785–7. Great Lakes Chemical Corp., PO Box 2200, West Lafayette IN 47906. BROM-O-GAS CONTAINS 1% CHLOROPICRIN. Active Ingredients: Methyl bromide 99%; Chloropicrin 1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5785–8. Great Lakes Chemical Corp., PO Box 2200, West Lafayette, IN 47906. BROM-O-GAS CONTAINS 0.5% CHLOROPICRIN. Active Ingredients: Methyl bromide 99.5%; Chloropicrin 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33660–RR. Industria Prodotti Chimici S.P.A. Via F. LLi Beltramill, 20026 Novate Milanese, Novate Milanese-Italy. LINURON TECHNICAL. Active Ingredients: 3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea 96.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3635–187. Oxford Chemicals, PO Box 80202, Atlanta GA 30341. OXFORD 1227 DISINFECTANT-DETERGENT. Active Ingredients: Isopropanol 11.65%; Sodium Xylene sulfonate 6.00%; Sodium p-tertiary butylphenate 5.59%; Sodium orthobenzylparachlorophenate 5.54%; tetrasodium ethylenediamine tetraacetate 4.00%; Sodium o-phenylphenate 3.85%; Sodium lauryl sulfate 3.00%; Sodium mono- and dimethyl naphthalene sulfonate 1.94%; and Sodium 4-Chloro-2-cyclopentylphenate 1.30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4713–U. The Kenya Pyrethrum Co., 744 Broad St., Newark, NJ 07012. KENYA PYRETHRUM EXTRACT CRUDE CONCENTRATE. Active Ingredients: pyrethrins 35%; petroleum distillate 3%. Method of Support; Application proceeds under 2(c) of interim policy.

EPA File Symbol 7276–RI. RMC Products Co., PO Box 200, 714 Ave. C, Fort Dodge IA 50501. RMC POISON PEANUT PELLET KILLS GOPHER & MOLE. Active Ingredients: Strychnine Alkaloid .4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File 7276–RA. RMC Products Co. RMC RODENT BAIT MEAT-BITS FORM. Active Ingredients: "Warfarin" "3-(a-acetonylbenzyl) - 4 - hydroxycoumarin" 0.025%; "N-(2-quinoxalinyl) sulfanilamide (sulfaquinoxaline)" 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7276–RT. RMC Products Co. MEAT BAIT (PELLET FORM) KILLS RATS & MICE. Active Ingredients: "Warfarin" "3-(a-acetonylbenzyl)-4-hydroxycoumarin" 0.025%; "NI-(2-quinoxalinyl) sulfanilamide (sulfaquinoxaline)" 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 572–EON. Rockland Chemical Co., Inc., PO Box 204, Caldwell NJ 07006. ROCKLAND VAPONA EMULSIFIABLE 2–E. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 22.8%; Related Compounds 1.7%; Petroleum Hydrocarbons (Xylene) 64.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 25708–RN. Shield Aerosol Co., 5165 G St., Chino CA 91710. SHIELD TOMATO & VEGETABLE INSECT SPRAY. Active Ingredients: Pyrethrins 0.080%; Piperonyl Butoxide, Technical 0.160%; Rotenone 0.128%; Other Cube Resins 0.238%; Petroleum Distillate 0.120%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File 18835–R. Starr National Manufacturing Corp., PO Box 12470, Memphis TN 38112. STARCIDE. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related Compounds 0.027%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 99.500%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1270–RTI. ZEP Manufacturing Co., PO Box 2015, Atlanta GA 30301. ZEP X–3974 SANITIZING CARPET SHAMPOO. Active Ingredients: Isopropanol 13.25%; Sodium lauryl sulfate 7.98%; Orthobenzylparachlorophenol 3.75%; Essential Oils 0.40%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated July 25, 1974.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.74–17515 Filed 8–2–74;8:45 am]

CIBA-GEIGY CORP.

Filing of Petition Regarding Pesticide Chemical

Correction

In FR Doc. 74–16966 appearing at page 26929 in the issue of Wednesday, July 24, 1974, the fourth line from the bottom of the first paragraph should read as follows:

2-methoxy-Δ^3-1,3,4-thiadiazolin-5-one)

[OPP–64001; FRL 245–6]

RESUMPTION OF FIVE-YEAR RENEWAL PROGRAM

Intent To Cancel Registration of Certain Pesticides

The Environmental Protection Agency (EPA) is issuing notices of intent to cancel registrations for all pesticide products whose 5-year registration period has expired pursuant to section 4 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended [7 USC 135(b) (f)], and § 162.10 (i) and (j) of the regulations for the enforcement of the Act.

During the 30-day period following receipt of such notices, registrants may request that affected registrations be continued pending the re-registration and classification of the products under section 3 of the amended FIFRA. If a continuance is not requested, cancellation of registrations will become effective at the end of the 30-day period following receipt of the notice of intent to cancel.

Registrants requesting continued registration should not submit applications for renewal of registration or labeling for review at this time. Notification to the Agency of the registrant's desire to continue the registration will be sufficient to allow the registration to remain in effect pending re-registration and classification under section 3 of the amended FIFRA. The Agency will provide information as to the proper course of action to be taken to re-register products at the time the requirements under section 3 are implemented.

The purpose of this action is to update the renewal status of products registered under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act prior to the effective date of regulations that are to be promulgated under section 3 of the FIFRA, as amended.

A list of the registered products affected by this notice of intent to cancel is available for public inspection at the Environmental Protection Agency, 401 M St., SW., Washington, DC, Room EB–1, East Tower.

Dated: July 30, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74–17717 Filed 8–2–74;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1553]

SAEGO CO.

Order of Revocation

Mr. Jose Javier Saenz d/b/a The Saego Company, 1314 Texas Avenue, Suite 1019, Houston, Texas 77002 voluntarily surrendered his Independent Ocean Freight Forwarder License No. 1553 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 1553 be and is hereby revoked effective July 24, 1974, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Jose Javier Saenz d/b/a The Saego Company.

AARON W. REESE,
Managing Director.

[FR Doc.74–17781 Filed 8–2–74;8:45 am]

PORT OF PORTLAND AND HANDCOR, INC.

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 26, 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:

Milton A. Mowat, Manager
Regulatory Affairs
Port of Portland
Box 3529
Portland, Oregon 97208

Agreement No. T–2765–2, between the Port of Portland (Port) and Handcor, Inc. (a corporation comprised of Jones Oregon Stevedoring Co., Brady Hamilton Stevedore Co., Portland Stevedoring Co., and Western Stevedoring & Terminal Corp.) (Handcor) modifies the basic agreement between the parties whereby Handcor is to perform the services of stuffing and unstuffing all containers and the boarding and deboarding of all general cargo at the Port's Terminal No. 2. The purpose of the modification is to delete reference to the Nicolai Warehouse and simplify the language so that other location movements can be accomplished in the future.

By order of the Federal Maritime Commission.

Dated: July 31, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–17779 Filed 8–2–74;8:45 am]

UK/USA GULF WESTBOUND RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 26, 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:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 8770–5, among the parties to the UK/USA Gulf Westbound Rate Agreement, is an application for extension of the rate agreement's inland authority.

By order of the Federal Maritime Commission.

Dated: July 31, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–17778 Filed 8–2–74;8:45 am]

UNITED STATES ATLANTIC/PERU SOUTHBOUND POOLING 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 26, 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:

Harold T. Quinn
Barrett Smith Schapiro & Simon
26 Broadway
New York, New York 10004

Agreement No. 10041–1, between Compania Peruana De Vapores (CPV) and Prudential-Grace Lines, Inc. modifies the approved basic pooling and sailing agreement covering southbound cargo from United States Atlantic Coast ports, Maine to Key West, inclusive, to ports in Peru by amending (1) Article 1.2 to limit pooled cargo to that emanating from New York, Philadelphia and Baltimore and to that destined to Callao and Ilo; (2) Article 1.4 to provide that pool earnings shall be calculated separately for each year for each of the above United States Atlantic Coast ports; and (3) Article 3.1 to provide that the parties will make the present required number of scheduled sailings each pool year from each of the above United States Atlantic Coast ports.

In addition thereto, certain other articles are being amended to conform to the foregoing amendments, and to amend, for example, such other articles as those pertaining to sailing deficiencies (Article 3.2), and assessment of pool shares and settlement of excess carryings (Article 6.3).

By order of the Federal Maritime Commission.

Dated: July 31, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–17780 Filed 8–2–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. CP73–47, etc.]

EASCOGAS LNG, INC., ET AL.

Availability of Final Environmental Impact Statement

AUGUST 5, 1974.

Notice is hereby given in the above docket, that on August 5, 1974, as required by § 2.82(b) of Commission Order No. 415–C, a Final Environmental Impact Statement prepared by the staff of the Federal Power Commission was made available. This final statement deals with the applications filed by Eascogas LNG, Inc., Algonquin LNG, Inc., Algonquin Gas Transmission Company, and New England LNG, Inc. in Docket Nos. CP73–47, CP73–88, CP73–139, CP73–197, and CP73–199 for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act requesting authorization for the construction and operation of an LNG importation terminal at Providence, Rhode Island, 3.2 miles of 30-inch diameter on-land pipeline, a dual 24-inch diameter 0.6 mile pipeline crossing the Providence River, 1.2 miles of 30-inch diameter pipeline loop, 2.0 miles of 16-inch diameter pipeline loop, a metering station, and other appurtenant facilities.

This final statement has been circulated to Federal, State and local agencies, and has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and at its Regional Office located at 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–17832 Filed 8–2–74;8:45 am]

[Docket No. E–8755]

CENTRAL KANSAS POWER CO., INC.

Order Instituting Investigation and Consolidating It for Hearing With Previously Established Hearing

JULY 29, 1974.

On July 2, 1974, we issued an order in the above captioned docket which, inter alia, rejected in part proposed tariff sheets[1] tendered by Central Kansas Power Company, Inc. (CKP). The basis for this rejection was that Rate Schedule FPC No. 1, which is the contract between CKP and its wholesale customer, Sunflower Electric Cooperative, Inc. (Sunflower) is a fixed-rate, fixed-term contract for service up to 22,000 KW which cannot be unilaterally changed by the filing of a rate increase because of the operation of the Mobile-Sierra doctrine.[2]

Further review of CKP's April 30 filing of a proposed change in its rates and of CKP's FPC Electric Rate Schedule No. 1, and the revenues to be derived by CKP from serving Sunflower under the rates currently in effect indicates that there are certain issues raised which may require development in an evidentiary proceeding. The rates currently being collected by CKP under Rate Schedule FPC No. 1 for service up to 22,000 KW may be so low as to no longer be in the public interest under the test enunciated by the Supreme Court in the Sierra case.[3] Accordingly, we shall institute an investigation under section 206 of the Federal Power Act to determine the lawfulness of the rates currently being collected by CKP under its FPC Electric Rate Schedule No. 1 and consolidate it for purposes of hearing and decision with the hearing provided for by our order of July 2, 1974, concerning the lawfulness of the rates, charges, classifications and services contained in CKP's Rate Schedule SEC–1–EXCESS.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter into an investigation under Section 206 of the Federal Power Act into the lawfulness of the rates currently being collected by CKP under its FPC Electric Rate Schedule No. 1. .

The Commission orders. (A) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, the Commission rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held concerning the lawfulness of the rates, charges, classifications and services contained in Rate Schedule FPC No. 1, and such hearing shall be consolidated with the hearing provided for by our Order of July 2, 1974, in this docket, for purpose of hearing and decision.

[1] SEC–1–BASE.

[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] n. 2, supra.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-17731 Filed 8-2-74;8:45 am]

[Docket No. E-8650]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Order Permitting Late Intervention

JULY 29, 1974.

By Notice of Intervention filed with this Commission on June 21, 1974, the Public Utilities Commission of Ohio gave notice of its intervention in the proceedings in the above-captioned docket. This Notice of Intervention was untimely filed as the Notice of Proposed Change in Rates, issued March 13, 1974, in this proceeding stated that protests or petitions to intervene should be filed on or before March 26, 1974. Section 1.8(d) of the Commission's regulations require that notices of intervention as well as petitions to intervene may be filed no later than the date fixed for such filing by the notice with respect to the proceeding. This section also provides that the Commission may authorize late filings. We believe that the public interest requires that we authorize the late filing by the Public Utilities Commission of Ohio in this proceeding and that it be permitted to intervene.

The Commission finds. Good cause exists to authorize the late filing of the Notice of Intervention of the Public Utilities Commission of Ohio and to permit its intervention in this proceeding.

The Commission orders. (A) The Public Utilities Commission of Ohio is hereby authorized to file its Notice of Intervention out of time and its intervention is hereby permitted.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-17734 Filed 8-2-74;8:45 am]

[Docket No. ID-1619]

DONALD C. SWITZER

Supplemental Application

JULY 26, 1974.

Take notice that on July 17, 1974, Donald C. Switzer (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Director, Vermont Yankee Nuclear Power Corporation, Public Utility

Vermont Yankee Nuclear Power Corporation is a single unit generating company which has constructed, owns and operates a nuclear powered generating plant with an expected capacity of approximately 540,000 kw (net) and sells its capacity and output to its 10 sponsoring companies, who in turn, deliver and sell to other utility companies, and to their own customers the electricity from Vermont Yankee.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-17730 Filed 8-2-74;8:45 am]

[Docket Nos. RP72-150 (Rate Design), RP73-104, RP74-57]

EL PASO NATURAL GAS CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

JULY 29, 1974.

On May 21, 1974, Staff Counsel filed a motion to suspend the procedural dates fixed by order issued February 8, 1974, in the above-designated matter pending the resolution of the date the data would be available from El Paso.

On June 3, 1974, a notice was issued deferring the procedural dates pending further notice.

On June 20, 1974, Staff Council filed a proposed procedural schedule.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Evidence, January 31, 1975.
Service of Intervener's Evidence, February 19, 1975.
Prehearing Conference, February 26, 1975 (10 a.m., e.d.t.).
Service of Company's Rebuttal Evidence, March 5, 1975.
Hearing, March 19, 1975 (10 a.m., e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-17729 Filed 8-2-74;8:45 am]

[Docket No. RI74-177]

ESTATE OF A. O. PHILLIPS

Extension of Time and Postponement of Hearing; Correction

JULY 22, 1974.

In the notice of extension of time and postponement of hearing issued July 19, 1974, and published in the FEDERAL REGISTER on Friday, July 26, 1974, 39 FR 27353, the last line of the notice on page 27354, please change "hearing" to "prehearing".

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-17733 Filed 8-2-74;8:45 am]

[Project No. 346]

MINNESOTA POWER AND LIGHT CO.

Issuance of Annual License

JULY 25, 1974.

On August 13, 1970, Minnesota Power and Light Company, Licensee for Blanchard Project No. 346, located on the Mississippi River below Pike Rapids in Morrison County, Minnesota, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Project No. 346 was issued effective August 25, 1923, for a period ending August 24, 1973. In order to authorize the continued operation for the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Minnesota Power and Light Company for continued operation and maintenance of Blanchard Project No. 346.

Take notice that an annual license is issued to Minnesota Power and Light Company (Licensee) under section 15 of the Federal Power Act for the period August 25, 1974, to August 24, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Blanchard Project No. 346, subject to the terms and conditions of its license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-17732 Filed 8-2-74;8:45 am]

[Docket No. E-8809]

WISCONSIN POWER AND LIGHT CO.

Notice of Filing

JULY 29, 1974.

Take notice that on May 20, 1974 the Wisconsin Power and Light Company (WPL) filed with the Federal Power Commission a service schedule to the Power Pool Agreement dated July 26, 1973 between Madison Gas and Electric Company (MGE), Wisconsin Public Service Corporation (WPS) and WPL. Also filed by WPL were a service schedule to the Master Interconnection Agreement dated January 5, 1966 between WPS and WPL, and a service schedule to the Interconnection Agreement dated February 1, 1965, between MGE and WPL.

Applicant states that under the Service Schedules the Contract Energy Charge shall be 0.6797 cent per KWH for transactions between the parties under the respective agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-17728 Filed 8-2-74;8:45 am]

[Docket No. RI74-237]

SUN OIL CO.

Order Setting Hearing and Granting Intervention

JULY 23, 1974.

On May 22, 1974 Sun Oil Company (Sun) filed a petition pursuant to Section 4 of the Natural Gas Act[1] requesting relief from the area rate established in Opinion No. 586, Area Rate Proceeding, et al., Hugoton-Anadarko Area, Docket No. AR64-1, et al. for sales to originate in the John Creek Field, Hutchinson County, Texas.

Sun, as operator, presently sells gas from this field to Northern Natural Gas Company (Northern) at 18.5694 cents per Mcf pursuant to Sun's FPC Gas Rate Schedule No. 139 under a contract dated July 21, 1961, and also for 19.573 cents per Mcf under a September 16, 1957 contract designated as Sun's FPC Gas Rate Schedule No. 347. Sun also sells gas from the same field to Transwestern Pipeline Company (Transwestern) at a rate of 20 cents per Mcf pursuant to a contract dated July 10, 1958, which has been designated as Sun's FPC Gas Rate Schedule No. 122.

Sun proposes in its petition for special relief to re-enter a well which is currently producing and to attempt a dual completion in another zone. If this effort is successful, Sun avers that the same attempt will be made in four additional wells. Sun estimates the recoverable reserves from this effort to be 2.763 Bcf. Sun's petition does not state how this estimated volume of gas will be divided among the three rate schedules involved.

On March 12, 1974, Northern agreed to amend the July 21, 1961 and September 16, 1957 contracts to provide for an initial rate of 40 cents per Mcf with annual escalation of 1 cent per Mcf and subject to upward and downward Btu adjustment from 1000 for all new gas produced as a result of the dual completion, provided Sun has commenced a test well within six months of March 22, 1974. Northern also agreed to include in the contract amendment a provision which would increase the contract rate up to any new applicable area rate which may be established in the future by the Federal Power Commission.

On February 1, 1974, Sun and Transwestern agreed to amend the July 10, 1958 contract to provide for a proposed new gas price of 40 cents per Mcf with 1 cent per Mcf annual escalation, Btu adjustment upward and downward from 1000, and a provision raising the rate up to any new area rate established by the Commission. The amendment is subject to cancellation if either the Commission fails to approve the petition prior to October 1, 1974 or, upon approval before that date, Sun refuses the certificate as offered.

The leases which are subject to this petition are owned jointly by several parties with Sun as the operator. Each of these entities has separate contracts with its pipeline purchaser and none are involved in this proceeding as of this time.

Notice of the petition was issued on May 29, 1974 and appeared in the FEDERAL REGISTER on June 5, 1974 at 39 FR 19989. A petition to intervene was filed late by San Diego Gas & Electric Company (San Diego). Good cause has been demonstrated why San Diego should be permitted to intervene.

In this, and in similar cases, the volume of additional reserves and deliverability which will be developed if the proposed project proceeds is of extreme importance to a determination of the justness and reasonableness of the rate to be charged by the producer. The producer applicant who seeks special relief must furnish not only opinion evidence on the cost of the project and gas supply issues but also sufficient underlying data so that the reasonableness and credibility of the opinion evidence can be weighed by application of traditional evidentiary standards. In the absence of such evidence and data, filed under oath as part of the application, we believe we have no alternative to ordering dismissal of the proceeding for failure of the applicant to carry his burden of going forward with the evidence.

We recognize that we have not clearly articulated the necessity for such a showing prior to this time, and rather than work a hardship on the applicant here by ordering dismissal on grounds that we have failed to make clear, we will permit this applicant, and others similarly situated, to make the required gas supply and project cost presentation as part of its application herein.

The evidence filed by the applicant relating to the cost of the project and gas supply and the Staff analysis thereof are incorporated by reference as part of the evidentiary record upon which the decision of the Administrative Law Judge and the Commission will be based.[2]

With respect to applications for special relief filed after this date, we announce our intention to withhold processing until the cost of the project and required gas supply information is properly filed.

An examination of the petition and the date in support thereof raises a question of whether there is sufficient basis for us to find that the proposed rate is just and reasonable. Therefore, we deem it necessary that a hearing be held in this matter to determine what relief, if any, should be granted.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest that the intervention of San Diego be granted.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), Docket No. RI74-237 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on September 19, 1974, 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Sun shall file its direct testimony and evidence on or before August 19, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff shall file its direct testimony and evidence on or before September 4, 1974. All testimony and evidence shall be served upon the Presiding Judge and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before September 11, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(G) The above named petitioner is permitted to intervene in this proceeding subject to the rules and regulations of this Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interest as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such interest shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] 15 U.S.C. § 717, *et seq.*

[2] The Staff analysis of the cost presentation submitted by applicant herein is appended hereto.

APPENDIX A

SUN OIL COMPANY, DOCKET NO. RI74-237, CLEVELAND SAND PROGRAM, HUTCHINSON COUNTY, TEXAS

Calculation of unit cost of gas

Line No.	Description	Average year Cost [1]	Cost [2]
	(a)	(b)	(c)
1	Gas production (N.W.I) Mcf [3]	241,763	241,763
2	Investment rate base:		
3	Average net investment [4]	$106,450	$106,450
4	Working capital (⅛ × line 9)	2,673	2,673
5	Rate base	109,123	109,123
6	Cost of production:		
7	Return on rate base @ 15 percent	16,368	
8	Return on rate base @ 43.96 percent		47,968
9	Cash operating expenses [5]	21,384	21,384
10	D.D. & A	20,100	20,100
11	Total cost of production	57,852	89,452
12	Unit cost of gas (cents/Mcf):		
13	Unit cost of production (line 11 ÷ line 1) cents	23.929	37.000
14	Texas production tax, 7.5 percent do	1.900	3.000
15	Total unit cost of gas do	25.869	40.000

[1] Includes a 15 percent return on the rate base.
[2] Includes a 43.96 percent return on the rate base.
[3] (2,763 Bcf Less ⅛ royalty) divided by 10-year depletion period.
[4] Includes cost of dually completing 5 wells and installation of related equipment and compressors. The average net investment is based on the sum of each year's net book investment balance, assuming straight-line depreciation, divided by the 10-year depletion period.
[5] This is 1/10 of the $213,835 total operating cost over a 10-year depletion period including regulatory expense of 0.2 cents/Mcf.

[FR Doc.74-17634 Filed 8-2-74;8:45 am]

FEDERAL RESERVE SYSTEM

DEPOSIT GUARANTY CORP.

Acquisition of DGC Services Company

Deposit Guaranty Corp., Jackson, Mississippi, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of DGC Services Company, Jackson, Mississippi. Notice of the application was published on:

Date	Newspaper	City and State
May 25, 1974	The Birmingham News.	Birmingham, Ala.
May 25, 1974	State-Times	Baton Rouge, La.
May 27, 1974	The Clarion Ledger	Jackson, Miss.
May 28, 1974	The Monroe News-Star.	Monroe, La.
May 28, 1974	The Montgomery Advertiser.	Montgomery, Ala.
May 29, 1974	The Shreveport Times.	Shreveport, La.
May 29, 1974	The Shreveport Journal.	Do.
June 8, 1974	The Commercial Appeal.	Memphis, Tenn.
June 8, 1974	States-Item	New Orleans, La.
June 9, 1974	Times Picayune	Do.
June 10, 1974	The Daily Herald	Gulfport, Miss.
June 27, 1974	The Mobile Register	Mobile, Ala.

Notice was also published in the eastern edition of The Wall Street Journal on May 28, 1974.

Applicant states that the proposed subsidiary would engage in the following activities: providing management consultant advice to nonaffiliated banks with respect to auditing, investments, operations, personnel training and selection procedures, market research, mergers and acquisitions and advertising. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 21, 1974.

Board of Governors of the Federal Reserve System, July 24, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17762 Filed 8-2-74;8:45 am]

FIRST ALABAMA BANCSHARES, INC.

Acquisition of Bank

First Alabama Bancshares, Inc., Montgomery, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Farmers and Marine Bank, Bayou La Batre, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 21, 1974.

Board of Governors of the Federal Reserve System, July 29, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17756 Filed 8-2-74;8:45 am]

FIRST COMMERCE CORP.

Acquisition of First Management Consultants, Inc.

First Commerce Corporation, New Orleans, Louisiana, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to form and operate First Management Consultants, Inc., New Orleans, Louisiana. Notice of the application was published on various dates in June, 1974, in newspapers circulated in New Orleans, Baton Rouge, Shreveport, Lafayette, and Houma, Louisiana, Dallas and Houston, Texas; Little Rock and Helena, Arkansas; Birmingham and Mobile, Alabama; and Jackson and Gulfport, Mississippi, and the regional Wall Street Journal of June 12, 1974.

Applicant states that the proposed subsidiary would engage in the activities of providing management consulting advice to nonaffiliated banks as stipulated in § 225.4(a)(12). Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 21, 1974.

Board of Governors of the Federal Reserve System, July 24, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17763 Filed 8-2-74;8:45 am]

FIRST FINANCIAL CORP.

Acquisition of Bank

First Financial Corporation, Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Citizens Bank and Trust Company, Quincy, Florida ("Quincy Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 15 banks with aggregate deposits of $1.0 billion, representing about 4.5 percent of total deposits in commercial banks in Florida.[1] Applicant's acquisition of Quincy Bank (deposits of $17.1 million) would not significantly increase the concentration of banking resources in Florida.

In a previous action this year, the Board denied an application of Applicant to acquire Quincy Bank (1974 "Federal Reserve Bulletin" 129). However, that denial was taken in conjunction with the Board's approval at the same time of Applicant's application to acquire the Gadsden State Bank, Chattahoochee, Florida, which was located in the same banking market as Quincy Bank.[2] The Board's denial Order indicated that Applicant's acquisition of two of the four commercial banks located in the market would result in such a concentration of market power in one organization as to warrant denial of the Quincy Bank application particularly in view of the fact that the relevant market was unattractive for future entry by other organizations. Since the Board's action in these cases, Applicant has not consummated the transaction to acquire the Gadsden State Bank within the time specified in the Board's order and, accordingly, the authority to acquire that bank has lapsed. The present proposal represents a new application to acquire Quincy Bank without regard to Gadsden State Bank.

Applicant's closest subsidiary bank to Quincy Bank is over 20 miles away, and there is no substantial existing competition between this or any other banking subsidiary of Applicant and Quincy Bank. Nor is it likely that substantial competition would develop in the future between Quincy Bank and any of Applicant's banking subsidiaries in view of the distances involved and Florida's branching law. Additionally, Applicant is not regarded as a probable de novo entrant into the relevant banking market since, as the Board previously observed, population in the market has declined over the last 10 years, the per capita income is significantly below that of the State as a whole, and the population and deposits per banking office ratios are lower than State-wide ratios, thus indicating that the market is unattractive for de novo entry. Though Quincy Bank is the second largest of the four banks in the market with approximately 33 percent of the total deposits in commercial banks, there is no evidence in the record that would indicate that Applicant would achieve a dominant position through the subject acquisition. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks and Quincy Bank are generally satisfactory, and consistent with approval of the application since Applicant plans to provide greater management depth and expertise for Quincy Bank. Considerations relating to the convenience and needs of the community to be served lend some support for approval of the application since Applicant intends to expand the range of services provided by Quincy Bank. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 26, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-17755 Filed 8-2-74;8:45 am]

[1] All banking data are as of December 31, 1973.

[2] The relevant banking market is located in the panhandle area of Florida and is approximated by Gadsden County and a small portion of Jackson County.

[3] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Governor Mitchell.

FIRST TENNESSEE NATIONAL CORP.

Acquisition of Crown Finance Corp.

First Tennessee National Corporation, Memphis, Tennessee, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage through its subsidiary, Crown Finance Corporation, St. Louis, Missouri, in the activity of acting as agent or broker for joint-obligor reducing credit life insurance and physical damage insurance on personal property pledged as collateral for an extension of credit. Notice of the application was published on:

Date	Newspaper	City and State
May 3, 1974	The Hawk Eye	Des Moines, Iowa.
Apr. 29, 1974	The Topeka Daily	Topeka, Kans.
May 7, 1974	The Kansas City Star.	Kansas City, Mo.
Apr. 26, 1974	Tulsa World	Tulsa, Okla.
Apr. 24, 1974	St. Louis Globe-Democrat.	St. Louis, Mo.
Apr. 26, 1974	The Indianapolis Star-News.	Indianapolis, Ind.

Applicant states that the applied for activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 22, 1974.

Board of Governors of the Federal Reserve System, July 25, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17761 Filed 8-2-74;8:45 am]

OREGON CORP.

Formation of Bank Holding Co.

Oregon Corporation, Oregon, Illinois, has applied for the Board's approval

under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 95.3 percent or more of the voting shares of The Ogle County National Bank of Oregon, Oregon, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than August 23, 1974.

Board of Governors of the Federal Reserve System, July 26, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17759 Filed 8-2-74;8:45 am]

TAMPA STATE BANKSHARES, INC.

Formation of Bank Holding Co.

Tampa State Bankshares, Inc., Tampa, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 65.3 percent of the voting shares of The Tampa State Bank, Tampa, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Tampa State Bankshares, Inc., Tampa, Kansas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of the Edward J. Costello Insurance Agency and to engage in loan brokerage activities in Tampa, Kansas. Notice of the application was published on June 5, 1974, in the Hillsboro Star-Journal, a newspaper circulated in Marion County, Kansas.

Applicant states that it will engage in the activities of a general insurance agency in a community of less than 5,000 population and making or acquiring for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts). Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve Systems, Washington, D.C. 20551, not later than August 23, 1974.

Board of Governors of the Federal Reserve System, July 26, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17757 Filed 8-2-74;8:45 am]

TRUST COMPANY OF GEORGIA

Bank Shares Held in a Fiduciary Capacity

Trust Company of Georgia, Atlanta, Georgia, has applied for the Board's permission under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain indirectly, through its wholly owned subsidiary, Trust Company of Georgia Associates, Atlanta, Georgia, 51.01 percent of the voting shares of First State Bank of Fitzgerald, Ben Hill County, Georgia, which shares are held by The First National Bank & Trust Company in Macon, Macon, Georiga, in a fiduciary capacity with sole voting rights thereto as executor under a will. Trust Company of Georgia Associates owns 80 percent of the outstanding capital stock of The First National Bank & Trust Company in Macon. The factors that are set forth in acting upon the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 22, 1974.

Board of Governors of the Federal Reserve System, July 25, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17764 Filed 8-2-74;8:45 am]

UB FINANCIAL CORP.

Acquisition of Inland Western Finance Co.

UB Financial Corp., Phoenix, Arizona, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of Inland Western Finance Company, Phoenix, Arizona. Notice of the application was published on May 23, 1974, in The Graham County Guardian, the Holbrook Tribune News, and the Arizona Range News, newspapers circulated in Safford, Arizona; Holbrook, Arizona; and Wilcox, Arizona, respectively; and on May 24, 1974, in The Arizona Republic, a newspaper circulated in Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activities of making, or acquiring, for its own account or the account of others, loans and other extensions of credit, including consumer installment sales finance contracts, and making loans to small businesses; acting as agent or broker for the sale of credit related property and casualty insurance; credit life, accident and health insurance; and fire, extended coverage, comprehensive and collision insurance on collateral pledged on extensions of credit by the proposed subsidiary. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 23, 1974.

Board of Governors of the Federal Reserve System, July 26, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17758 Filed 8-2-74;8:45 am]

WESTERN AGENCY, INC.

Acquisition of Bank

Western Agency, Inc., Goodland, Kansas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 6.7 percent of the voting shares of Goodland State Bank and Trust Company. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas

City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 23, 1974.

Board of Governors of the Federal Reserve System, July 26, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-17760 Filed 8-2-74;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Docket No. 5-74]

OMAHA, NEBRASKA

Application for a Foreign-Trade Zone; Public Hearing Scheduled

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Dock Board of the City of Omaha, Nebraska, requesting a grant of authority for the establishment of a foreign-trade zone in that city. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regulations of the Board (15 CFR Part 400). Under Nebraska law (Engrossed Legislative Bill 387, 83rd Legislature, May 25, 1973) the Dock Board, as a public corporation, is authorized to make the application.

The proposal calls for the establishment of a foreign-trade zone at one of the Dock Board's warehouses within the 18-acre municipal dock complex adjacent to the Missouri River just to the north of downtown Omaha. The complex, with 1900 feet of river frontage has warehouse facilities, storage tanks, and grain elevators. Abbott Drive is the main access road serving the area and connects with Interstates 480 and 680 and the metropolitan airport about 2 miles away. Rail lines serve the complex from the city's main switching yards nearby. The zone would be located at Warehouse "A", a steel building with 20,000 square feet of concrete floor space. Owned by the Dock Board, the warehouse is operated by the Sioux City and New Orleans Barge Lines under a long term lease agreement.

The application includes economic data and information concerning the basis for a zone facility to serve the special Customs needs of the area's business community. Initially some 7,000 square feet of space will be activated to accommodate firms which have requested zone services. These include: a firm that imports vitamins and antibiotics for an animal feed supplement that is marketed domestically and overseas, a firm that uses imported fabrics for furniture, and an electronics firm that will assemble products for the domestic and export markets.

This application is a first step in the city's long range plans to make available a foreign-trade zone within its new Riverfront Industrial Park project adjacent to the Missouri River and municipal airport. Some 18 acres within the 270-acre industrial park are to be set aside for providing zone services to firms engaged in international trade related activities. The park is expected to be completed in early 1976.

In accordance with the Board's regulations an examiners committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Hugh J. Dolan, Chairman, Hearing Commissioner, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230; Donald E. Grimwood, Director, Inspection and Control Division, Office of the Regional Commissioner of Customs, 300 South Wacker Drive, Chicago, Illinois 60606; and Col. Russell A. Glenn, U.S. Army Engineer District Omaha, 6014 USPO and Court House, 215 No. 17th Street, Omaha, Nebraska 68102.

In connection with its investigation of the proposal the examiners committee will hold a public hearing beginning at 9 a.m. local time, September 18, 1974, in Room 2404, U.S. Post Office and Court House, 215 North 17th Street, Omaha, Nebraska. The purpose of the hearing is to help inform interested persons on the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners committee.

Interested persons or their representatives will be given the opportunity to present their views at the hearing. Such persons should by September 6, 1974, notify the Board's Executive Secretary in writing at the address below of their desire to be heard. In lieu of an oral presentation written statements may be submitted to the examiners committee through the Executive Secretary at any time from the date of this notice until 15 days after the conclusion of the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Office of the Dock Board, City of Omaha
Room 626, Interim City Hall
18th and Dodge Streets
Omaha, Nebraska 68102

Office of the Port Director
U.S. Customs Service
Room 715, Federal Building
15th and Dodge Streets
Omaha, Nebraska 68102

Office of the Executive Secretary
Foreign-Trade Zones Board
Room 6886B, U.S. Department of Commerce
14th and E Streets, NW
Washington, D.C. 20230.

Dated: July 26, 1974.

JOHN J. DAPONTE, Jr.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.74-17725 Filed 8-2-74; 8:45 am]

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR G-96]

TRANSPORTATION AND MOTOR VEHICLES

Motor Vehicle Service Rates

AUGUST 1, 1974.

1. *Purpose.* This bulletin announces revised Interagency Motor Pool System service rates for sedans and station wagons operating in the conterminous United States, Alaska, Hawaii, and the Commonwealth of Puerto Rico.

2. *Effective date.* This bulletin is effective September 1, 1974.

3. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled or superseded.

4. *Background.* a. Motor vehicle service rates are reviewed semiannually and revised, where necessary, to recover costs in an equitable manner.

b. It has become necessary to increase rental rates for sedans and station wagons furnished by interagency motor pools for the following reasons:

(1) The marked increased purchase price of vehicles;

(2) The continuing increase in operating costs, especially petroleum costs resulting from the energy situation; and

(3) The standard level users charge, established by GSA and approved by the Office of Management and Budget, which reflects approximate equivalent commercial rates for comparable space and services (FPMR 101-21.2).

c. Adjustments in rental rates for vehicles other than sedans and station wagons, such as ambulances, buses, and trucks, are made on a regional basis and announced in GSA regional bulletins.

5. *Rental service rates for sedans and station wagons.* a. Conterminous United States.

	Base rate per		Plus charge per mile
	Day	Month	
SEDANS			
Compacts:			
Power steering and disc and/or power brakes	$2.50	$50.00	$0.050
Power steering, power brakes, and air conditioning	2.75	55.00	0.055
Intermediates:			
Standard equipped	2.60	52.50	0.055
Power steering, power brakes, or air conditioning	2.90	57.50	0.060
Power steering, power brakes, and air conditioning	3.00	60.00	0.065
Standards:			
Standard equipped	2.75	55.00	0.060
Power steering, power brakes, or air conditioning	3.00	60.00	0.065
Power steering, power brakes, and air conditioning	3.10	62.50	0.070
STATION WAGONS			
Intermediates:			
Standard equipped	$2.90	$57.50	$0.060
Power steering, power brakes, or air conditioning	3.10	62.50	0.065
Power steering, power brakes, and air conditioning	3.40	67.50	0.075
Standards:			
Standard equipped	3.00	60.00	0.065
Power steering, power brakes, or air conditioning	3.25	65.00	0.070
Power steering, power brakes, and air conditioning	3.50	70.00	0.080

(b) The State of Hawaii and the Commonwealth of Puerto Rico.

	Base rate per		Plus charge per mile
	Day	Month	
SEDANS			
Compacts:			
Power steering and power brakes	$2.75	$55.00	$0.065
Power steering, power brakes, and air conditioning	3.00	60.00	0.070
Intermediates:			
Standard equipped	2.90	57.50	0.060
Standard equipped with air conditioning	3.10	62.50	0.065
Power steering, power brakes, and air conditioning	3.40	67.50	0.075
Standards:			
Standard equipped	3.00	60.00	0.065
Standard equipped with air conditioning	3.25	65.00	0.070
Power steering, power brakes, and air conditioning	3.50	70.00	0.080
STATION WAGONS			
Intermediates:			
Standard equipped	3.10	62.50	0.065
Standard equipped with air conditioning	3.40	67.50	0.070
Power steering, power brakes, and air conditioning	3.60	72.50	0.080
Standards:			
Standard equipped	3.25	65.00	0.075
Standard equipped with air conditioning	3.50	70.00	0.080
Power steering, power brakes, and air conditioning	3.75	75.00	0.090

c. The State of Alaska.

	Base rate per		Plus charge per mile
	Day	Month	
SEDANS			
Compacts:			
Power steering and power brakes	$3.25	$65.00	$0.085
Intermediates:			
Standard equipped	3.40	67.50	0.085
Power steering and power brakes	3.60	72.50	0.095
Standards:			
Standard equipped	3.50	70.00	0.090
Power steering and power brakes	3.75	75.00	0.100
STATION WAGONS			
Intermediates:			
Standard equipped	3.60	72.50	0.090
Power steering and power brakes	3.90	77.50	0.100
Standards:			
Standard equipped	3.75	75.00	0.100
Power steering and power brakes	4.00	80.00	0.110

6. *Cancellation.* GSA Bulletin FPMR G-83, dated July 3, 1973, and Supplement 1 to GSA Bulletin FPMR G-83, dated March 4, 1974, are canceled. Service rates contained in the leaflet "Interagency Motor Pools—Locations, Services, and Rates" dated November 1973, are also canceled. The leaflet will be republished at a later date.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.74-17821 Filed 8-2-74;8:45 am]

[Temporary Regulation F-226]

SECRETARY OF DEFENSE

Delegation of Authority

FEDERAL PROPERTY MANAGEMENT REGULATIONS

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Indiana Public Service Commission in a rate proceeding involving electric service supplied by the Indianapolis Power and Light Company.

b. The Secretary of Defense may redelgate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ALLAN G. KAUPINEN,
Acting Administrator
of General Services.

JULY 26, 1974.

[FR Doc.74-17765 Filed 8-2-74;8:45 am]

OFFICE OF ECONOMIC STABILIZATION

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14 and continued under authority of section 8 of Executive Order 11788 and Treasury Department Order No. 233, will meet Tuesday, August 13, 1974. The meeting will be open to the public on a first-come, first-served basis at 10 a.m., in Conference Room 7206, 2000 M Street NW., Washington, D.C.

The meeting is to be held on short notice so that the Committee's advice can be obtained regarding a wage matter related to current litigation. In addition to this urgent matter, the agenda will consist of other food industry wage cases pending before the Office of Economic Stabilization.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Dated: August 2, 1974.

HENRY H. PERRITT, Jr.,
Deputy Director.

[FR Doc.74-17930 Filed 8-2-74;10:33 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 31, 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

DEPARTMENT OF AGRICULTURE

Economic Research Service: Livestock Trucker Survey, Form —, Single time, Lowry, Livestock trucking firms.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: A Study of Three-Year Curricu'. in U.S. Medical Schools, Form HRABHRD 0729, single time, Collins, representatives of schools of medicine.

Health Services Administration: Survey of Child Abuse Activitites in BCHS-Funded Projects, Form HSABCHS 0617, single time, Caywood, BCHS-funded projects.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Departmental: Interstate Land Sales Statement of Facts, Form —, Occasional, CVA, land developers.

NATIONAL SCIENCE FOUNDATION

Special Classroom Implementation Quesnaire, Form —, single time, Caywood, project directors.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Road Marking Study, Form —, single time, Strasser, licensed drivers.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Food Coupon Accountability Report—Food Stamp Program, Form FNS 250 and 250-1, monthly Lowry, project areas.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Macadamia Nut, Coffee and Avocado Survey, Form —, annual, Lowry, growers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Student/Teacher Roster and Student Attendance and Exposure Log, Form 305-4 thru 305-10, monthly, Planchon, teacher, student, etc.

Health Resources Administration: Health Care Worker Biographical Data, Form HRABHRD 0308, single time, Collins, registered nurses in Calif.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Monthly Report on Labor Turnover and Annual Industrial Classification Supplements, Form DL 1219, monthly, Collins, industrial establishments.

VETERANS ADMINISTRATION

Authorization and Certification of Entrance or Reentrance Into Training and Certification of Trainee Status, Form 22-1905, Occasional, Caywood, training institutions.

DEPARTMENT OF TRANSPORTATION

Departmental: DOT Retail Shipper Questionnaire, Form —, single time, Strasser, retail shippers, wholesalers, distributers and manufacturers.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service:
Special Milk Program Agreement for Summer Camps, Form FNS 826, occasional, Evinger (x).
Application, Voucher, and Agreement—Nonfood Assistance Form FNS 83, occasional, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-17898 Filed 8-2-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 06/06-0173]

DIXIE VENTURE CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13

CFR 107.102 (1974)) under the name of Dixie Venture Capital Corporation, 406 Lake Street, Lake Providence, Louisiana 71254, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

There will be only one class of stock. The respective shareholders shall enjoy equal voting rights and privileges. The proposed officers, directors and shareholders are as follows:

Shareholders and office	*Equity (percent)*
Albert J. Prevot, #7 Old Sterlington Rd., Monroe, La., President	8.05
Steve K. Cheek, Island Point Drive, Lake Providence, La., Vice President	8.05
Michael H. Lensing, 1 Anna Street, Lake Providence, La., Secretary Treasurer	0.67
George S. Lensing, Island Point Drive, Lake Providence, La	8.05
Leo A. Lensing, Island Point Drive, Lake Providence, La	8.05
Lensing & Lensing, Inc., P.O. Box 31, Lake Providence, La	8.05
Bank of Dixie, P.O. Box 31, Lake Providence, La	8.05
Forrest M. Terrell, Arlington Drive, Lake Providence, La	8.05
L. Wayne Baker, Rt. 1, Box 526, Lake Providence, La	8.05
Louis P. Dalfiume, Sr., Anna Street, Lake Providence, La	8.05
Edward W. Patrick, Rt. 1, Box 507, Lake Providence, La	8.05
Harold D. Dennis, Rt. 1, Sondheimer, La	8.05
Charles D. Crawford, Rt. 1, Box 130, Eudora, Ark	8.05
William P. Williams, 157 Primrose Drive, Greenville, Miss	2.68

All of the initial investors will be directors of the company.

The company proposes to commence operations with a capitalization of $372,500. Applicant proposes to conduct its operations in the States of Louisiana, Arkansas and Mississippi. A diversified investment policy shall be maintained.

Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operations of the new company in accordance with the Act and regulations.

Notice is further given that any interested person may, on or before August 20, 1974, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Lake Providence, Louisiana.

Dated: July 26, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-17662 Filed 8-2-74;8:45 am]

TARIFF COMMISSION

[TEA-W-238]

CHAMBERLAIN MANUFACTURING CORP.

Workers' Petition for a Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Chicago, Ill., plant of the Chamberlain Mfg. Corp. Elmhurst, Ill., the United States Tariff Commission, on July 30, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with radio remote control garage door openers (of the types provided for in item 685.60 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before August 15, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By Order of the Commission:

Issued: July 31, 1974.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.74-17783 Filed 8-2-74;8:45 am]

[TEA-W-239]

GENERAL ELECTRIC CO.

Workers' Petition for a Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Tell City, Ind., plant of the General Electric Co., New York, N.Y., the United States Tariff Commission, on July 30, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with electronic receiving tubes and components thereof known as mounts (of the types provided for in item 687.60 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before August 15, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: July 31, 1974.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.74-17784 Filed 8-2-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Notice of Meeting

Notice is hereby given that the Standards Advisory Committee on Agriculture, including the Subcommittees on Walking and Working Surfaces, Hand and Portable Power Tools, and Field Sanitation, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Monday, August 19, 1974 and on Tuesday, August 20, 1974, starting at 8:30 a.m. each day in Conference Room B, Departmental Auditorium, Washington, D.C.

The agenda provides for the full committee to meet in an introductory session each day after which three subcommittees will meet in separate sessions. The subcommittee on Walking and Working Surfaces and Hand and Portable Power Tools will continue deliberations from previous meetings. The subcommittee on Field Sanitation will be meeting for the first time. The full committee will then reconvene to receive and consider any interim or final recommendations of the subcommittees, and to consider any other business pending before the committee.

Any written data or views concerning the subjects to be considered which are received by the Committee Management Office before the date of the meeting, together with 20 duplicate copies, will be given to members and included in the minutes of the meeting.

Persons wishing to orally address the Committee at the meeting should submit a written request to be heard, together with 20 duplicate copies of the material, to the Committee Management Officer no later than August 14, 1974, and must include an estimate of the amount of time requested and the capacity in which they will appear.

Jeanne W. Ferrone
Committee Management Office
Occupational Safety and Health Administration

1726 M Street, NW., Room 200
Washington, D.C. 20210

Signed at Washington, D.C., this 31st day of July 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-17776 Filed 8-2-74;8:45 am]

STANDARDS ADVISORY COMMITTEE ON MARINE TERMINAL FACILITIES

Notice of Meeting

Notice is hereby given that a Standards Advisory Committee on Marine Terminal Facilities, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Tuesday, August 13, and Wednesday, August 14, 1974, starting at 9 a.m. in the 7th Floor Hearing Room, One South Calvert Building at 203 East Baltimore Street, Baltimore, Maryland.

The Standards Advisory Committee on Marine Terminal Facilities will continue review of the proposed safety regulations, Safety and Health Regulations for Longshoring, with respect to Marine Terminals, to recommend proposed Standards to the Assistant Secretary of Labor for Occupational Safety and Health. As part of the first day's activities, a trip will be made to visit a marine terminal.

Written data, views, or arguments concerning the subjects to be considered may be filed, together with 20 copies thereof, with the Committee Management Officer by close of business August 12, 1974. Such submissions may also be filed with the Committee Management Officer at the meeting. Any such submissions will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to make an oral presentation to the committee should submit a written request to be heard, together with 20 copies thereof, to the Committee Management Officer no later than the close of business August 12, 1974. The request must contain the name of the person who wishes to make a presentation, who he represents, a short summary of the intended presentation, and an estimate of the amount of time that will be needed. Oral presentations will be scheduled at the discretion of the committee Chairman on Wednesday, August 14, 1974.

Communications should be addressed to:

A. W. Campbell
Committee Management Office
U.S. Department of Labor
Occupational Safety and Health Administration
1726 M Street, NW. Room 200
Washington, D.C. 20210

Signed at Washington, D.C. this 31st day of July 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-17777 Filed 8-2-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 562]

ASSIGNMENT OF HEARINGS

JULY 31, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-107064 Sub 103, Steere Tank Lines, Inc., and MC-111401 Sub 395, Groendyke Transport, Inc., now being assigned hearing November 4, 1974 (1 week), at Santa Fe, New Mexico, in a hearing room to be later designated.

No. 35794, Northville Dock Pipe Line Corporation and Consolidate Petroleum Terminal, Inc.—Petition for Declaratory Order or Investigation, and No. 35852, Northville, Dock Pipe Line Corp., Northville Industries Corp, Consolidate Petroleum Terminal, Inc. and Total Resources, Inc.—Investigation of Operations, now being assigned Pre-Hearing Conference, September 18, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136384 Sub 7, Palmer Motor Express, Inc., now assigned September 30, 1974, will be held in Room 305, 1252 West Peachtree St., NW., Atlanta, Ga.

MC 107515 Sub 881, Refrigerated Transport Co., Inc., now assigned September 10, 1974, will be held in Room 305, 1252 West Peachtree St., NW., Atlanta, Ga.

MC-C-8299, Atlanta Motor Lines, Inc. et al.-V-Hennis Freight Lines, Inc., MC-C-8337, Hennis Freight Lines, Inc.—Investigation and Revocation of Certificates—now assigned September 11, 1974, will be held in Room 305, 1252 W. Peachtree St., NW., Atlanta, Ga.

MC 109891 Sub 22, Infinger Transportation Co. Inc., Extension, Savannah, Ga., now assigned September 12, 1974, will be held in Room 305, 1252 West Peachtree St., NW., Atlanta, Ga.

MC 108676 Sub 60, A. J. Metler Hauling & Rigging, Inc., now assigned September 16, 1974, will be held in Room 305, 1252 W. Peachtree St., NW., Atlanta, Ga.

MC-C-8309, Atlanta Motor Lines, Inc., et al.-V-The Mason and Dixon Lines, Inc., now assigned September 17, 1974, will be held in Room 305, 1252 W. Peachtree St., NW., Atlanta, Ga.

MC 83539 Sub-385, C & H Transportation Co., Inc.; MC 83835 Sub-113, Wales Transportation, Inc.; and MC 106497 Sub-91, Parkhill Truck Company, now assigned September 4, 1974; MC-C-8336, Holton Transfer & Storage Co., John F. Ivory Storage Co., Inc., Von Der Ahe Van Lines, Inc., and Engel Brothers, Inc.—Investigation of Operations, now assigned September 9, 1974; MC 35320 Sub-137, T. I. M. E.-DC, Inc., Extension-Alternate Route Over Interstate Highway 30, now assigned September 10, 1974; MC-F-12168, Tex-Pack Cartage Company of Houston, DBA Tex-Pack Express, Blue Bonnet Express, Inc., Film Transfer Company, Inc., Texas Tex-Pack Express, Inc., and Tex-Pack Cartage Company of Dallas, DBA Tex-Pack Express—Investigation of Pooling, and MC-F-12167, Tex-Pack Cartage Company of Dallas, DBA Tex-Pack Express, Film Transfer Company, Inc., News Film Agency, Inc., Liberty Express, Inc., O & A Express, Inc., R. G. Dudley and C. C. Westfall (Mrs. Jewell Frances Westfall, Executrix), DBA Mistletoe Transit Company, Morgan Express, Inc., Mistletoe Express Service, A Corporation, DBA Mistletoe Express, and Texas Tex-Pack Express, Inc.—Investigation of Pooling, now assigned September 12, 1974, will be held in Room 5A15-17 Federal Building, 1100 Commerce Street, Dallas, Texas.

MC-100666 Sub 259, Melton Truck Lines, Inc., now assigned September 18, 1974, will be held in Room 305, 1252 Peachtree St., NW., Atlanta, Ga.

No. 35997, Aurora Cooperative Elevator Company-V-Burlington Northern, Inc., & No. 35997 Sub-1 Aurora Cooperative Elevator Company-V-Burlington Northern, Inc., now being assigned Pre-hearing conference, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-17793 Filed 8-2-74;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 63, Amdt. 2]

BESSEMER AND LAKE ERIE RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire October 31, 1974.

This amendment shall become effective July 31, 1974.

Issued at Washington, D.C., July 29, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-17796 Filed 8-2-74;8:45 am]

[Rule 19, Ex Parte No. 241; Exemption 70, Amdt. 1]

ERIE LACKAWANNA RAILWAY CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 70, issued May 6, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 70 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire October 31, 1974.

This amendment shall become effective July 31, 1974.

Issued at Washington, D.C., July 29, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-17797 Filed 8-2-74;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption 56, Amdt. 5]

ERIE LACKAWANNA RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 56 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 56 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire October 31, 1974.

This amendment shall become effective July 31, 1974.

Issued at Washington, D.C., July 29, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-17795 Filed 8-2-74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption 83]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, that there is an emergency movement of military impedimenta from Fort Estill, Kentucky to Tampa, Florida, and/or Texarkana, Texas; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the line of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Louisville and Nashville Railroad Company; the railroads designated by the Car Service Division are authorized to move to; and the Louisville and Nashville Railroad Company is authorized to accept, assemble, and load; not to excess eight (8) cars; military impedimenta from Estill, Kentucky to Tampa, Florida, and/or Texarkana, Texas, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective: July 24, 1974.

Expires: July 31, 1974.

Issued at Washington, D.C., July 24, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-17798 Filed 8-2-74;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption 55; Amdt. 5]

NORFOLK AND WESTERN RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 55, issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire October 31, 1974.

This amendment shall become effective July 31, 1974.

Issued at Washington, D.C., July 29, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-17794 Filed 8-2-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 31, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before August 20, 1974. FSA No. 42858—*Joint Water-Rail Container Rates—Zim Israel Navigation Co., Ltd.* Filed by Zim Israel Navigation Co., Ltd., (No. 7), for itself and interested rail carriers. Rates on general commodities, from ports in Japan and Korea, to railroad terminals at U.S. Atlantic and Gulf Coast ports. Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-17799 Filed 8-2-74;8:45 am]

[Ex Parte No. 293 (Sub-No. 2)]

STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Notice To Consider Petitions for Amendment of Regulations

JULY 30, 1974.

At the request of the New England Regional Commission, the Rail Services Planning Office of the Interstate Commerce Commission has agreed to consider petitions for amendment of the regulations published herein on July 1, 1974 (39 FR 24294), *Provided*, That any such petitions are received by the Office on or before August 19, 1974.

Any persons wishing to file such a petition should submit the original and six copies to:

The Director
Rail Services Planning Office
Interstate Commerce Commission
Washington, D.C. 20423

[SEAL] GEORGE M. CHANDLER,
Director,
Rail Services Planning Office.

[FR Doc.74-17800 Filed 8-2-74;8:45 am]

[Notice 133]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

AUGUST 5, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 26, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75163. By order entered July 23, 1974 the Motor Carrier Board approved the transfer to Stange Trucking, Inc., Groton, South Dakota, of the operating rights set forth in Permits Nos. MC-128585 and MC-128585 (Sub-No. 2), issued by the Commission November 19, 1968, and October 22, 1970, to William J. Peterson, doing business as Peterson Trucking, Redfield, South Dakota, authorizing the transportation

of egg cartons and egg cases, and fillers therefor, from Flushing and Middletown, Ohio, Elkhart and Hammond, Ind., and Minneapolis, Minn., to Redfield, S. Dak.; and from points in Minnesota, Illinois, Ohio, Indiana, New York, Pennsylvania, New Jersey, and Iowa, to Redfield, S. Dak. Leon Stange, R.F.D., Groton, S. Dak. 57445 for transferee and William J. Peterson, Redfield, S. Dak. for transferor.

No. MC–FC–75170. By order of July 23, 1974, the Motor Carrier Board approved the transfer to Joule Yacht Transport, Inc., Northport, N.Y., of the operating rights in Certificates Nos. MC–128791 (Sub-No. 4) and MC–128791 (Sub-No. 8) issued August 3, 1970, and January 2, 1972, to L & S Boat Transportation Company, Inc., Clearwater, Fla., authorizing the transportation of boats and boat parts, and supplies and equipment moving in connection therewith, from points in Piniellas County, Fla., to points in the United States (except Alaska and Hawaii), and from points in Burlington and Monmouth Counties, N.J., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, and Louisiana. Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368, and M. Craig Massey, 202 East Walnut Street, Lakeland, Fla. 33802, attorneys for applicants.

No. MC–FC–75277. By order of July 23, 1974 the Motor Carrier Board approved the transfer to Lewis G. Hillard, doing business as Tri-State Tours, 200 Main St., Dubuque, Iowa 52001, of License No. MC–12437 issued June 1, 1953 to Mrs. C. C. Detwiler, doing business as Circle Tours, Rock Island, Ill., authorizing it to engage in operations as a broker of passengers in round-trip all-expense tours beginning and ending at Rock Island, Ill. and points within 50 miles thereof and extending to all points in the United States, including the District of Columbia.

No. MC–FC–75278. By order of July 23, 1974 the Motor Carrier Board approved the transfer to Joe Jaca, Jr. and Louis Jaca, doing business as Jaca Truck Lines, McDermitt, Nev. 89421, of the operating rights in Certificate No. MC–608 issued May 11, 1950 to Fred S. Haylett, doing business as Haylett Truck Lines, Sheaville, Oreg., authorizing the transportation of general commodities, with exceptions, between Sheaville, Oreg. and points within 50 miles thereof, on the one hand, and, on the other, points in Owyhee, Canyon and Ada Counties, Idaho, and cement between Lime, Oregon, on the one hand, and, on the other, points in Malheur County, Oreg. and Owyhee, Canyon and Ada Counties, Idaho.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–17801 Filed 8–2–74;8:45 am]

[No. AB–19 (Sub-No. 18)]

TYLERDALE CONNECTING RAILROAD CO. AND BALTIMORE AND OHIO RAILROAD CO.

Abandonment Sugar Creek Branch, in Canton Township, Washington County, Pennsylavnia

JULY 30, 1974.

The Interstate Commerce Commission hereby gives notice that on Tuesday, July 9, 1974, notice was published locally that an environmental threshold assessment survey and order for the above-entitled proceeding determined that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. Inasmuch as no comments in opposition, of an environmental nature, were received by the Commission in response to the July 9, 1974 notice, this proceeding is now ripe for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–17792 Filed 8–2–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY APPLICATIONS

JULY 31, 1974.

The following applications 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(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC–504 (Sub-No. E2), filed June 15, 1974. Applicant: HARPER MOTOR LINES, INC., P.O. Box 460, Elberton, Ga. Applicant's representative: B. K. McClain, P.O. Box 6985, Atlanta, Ga. 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in Virginia (except points south and east of Interstate Highway 95 extending from Arlington to Richmond, and points south and east of Interstate Highway 85 extending from Richmond to the Virginia-North Carolina State line), to points in North Carolina beginning at Sanford, and extending along U.S. Highway 1 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to U.S. Highway 701, thence along U.S. Highway 701, to its junction with U.S. Highway 76, thence along U.S. Highway 76 to its junction with North Carolina Highway 87, thence along North Carolina Highway 87 to Sanford; (2) from points in Virginia (except points west of U.S. Highway 320), to points in South Carolina, on and south of U.S. Highway 1, extending from North Augusta to Columbia, thence along U.S. Highway 378 to Conway, thence along U.S. Highway 501 to Myrtle Beach; (3) from the District of Columbia to points in Arnett, Lee, Sampson, Hoke, Cumberland, Bladen, Robeson, Scotland, Richmond, Moore, Anson, Montgomery, Union, Stanley, Cabarrus, Rowan, Randolph, Davidson, and Davie Counties, N.C., and points in Iredell and Mecklenburg Counties east of U.S. Highway 21 and points in Columbus County (except those south of U.S. Highway 76 to its junction with U.S. Highway 701, thence along U.S. Highway 701 to North Carolina-South Carolina State line); (4) from New York, N.Y., and points in New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, to points in South Carolina. The purpose of this filing is to eliminate the gateway of Sanford, N.C., and points within 30 miles of Laurinburg, N.C.

No. MC–30237 (Sub-No. E1), filed May 14, 1974. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson Eller, Jr., P.O. Box 551, Altavista, Va. 24517. Authority sought to operate as a *common carrier*, by mootr vehicle, over irregular routes, transporting: *New furniture*, as defined in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Bridgewater, Va., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Altavista or Rocky Mount, Va.

No. MC–30237 (Sub-No. E2), filed May 14, 1974. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson Eller, Jr., P.O. Box

551, Altavista, Va. 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Bridgewater, Va., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Culpeper, Va.

No. MC–30237 (Sub-No. E3), filed May 14, 1974. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson Eller, Jr., P.O. Box 551, Altavista, Va. 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in Appendix II of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; from Bridgewater, Va., to points in Alabama, Florida, Arkansas, Georgia, Illinois, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, Wisconsin, that part of Kentucky in and west of Jefferson, Bullitt, Hardin, Larue, Hart, Barren, and Allen Counties, and that part of Indiana in and west of Vigo, Parke, Montgomery, Clinton, Tipton, Wabash, Kosciusko, LaGrange, and Steuben Counties. The purpose of this filing is to eliminate the gateway of Altavista or Rocky Mount, Va.

No. MC–30237 (Sub-No. E5), filed May 14, 1974. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson, Eller, Jr., P.O. Box 551, Altavista, Va. 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in Appendix II of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 299, from Saddlebrook, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, that part of Kentucky in and west of Trimble, Henry, Franklin, Scott, Bourbon, Nicholas, Fleming, Lewis, and Greenup Counties, that part of Indiana in and south of Gibson, Pike, Dubois, Orange, Washington, Scott, and Jefferson Counties, and that part of Illinois in and south of Adams, Brown, Scott, Morgan, Macoupin, Madison, Bond, Clinton, Marion, Wayne, Edwards, and Wabash Counties. The purpose of this filing is to eliminate the gateway of Altavista or Rocky Mount, Va.

No. MC–75110 (Sub-No. E16), filed May 16, 1974. Applicant: ATLANTIC & PACIFIC MOVING CO., P.O. Box 25–85, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabet, 1776 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Oklahoma on and west of Interstate Highway 35, on the one hand, and, on the other, Kansas City, Mo., and points within 25 miles thereof. The purpose of this filing is to eliminate the gateway of Clay Center, Kans., and points within 20 miles thereof.

No. MC–75110 (Sub-No. E17), filed May 16, 1974. Applicant: ATLANTIC & PACIFIC MOVING CO., P.O. Box 25–85, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabet, 1776 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in that part of Missouri on and north of a line beginning at the Illinois-Missouri State line, thence along Interstate Highway 70 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line, on the one hand, and, on the other, points in that part of Texas on and south of U.S. Highway 290. The purpose of this filing is to eliminate the gateways of (1) St. Louis, Mo., and (2) points within 50 miles thereof.

No. MC–75110 (Sub-No. E18), filed May 16, 1974. Applicant: ATLANTIC & PACIFIC MOVING CO., P.O. Box 25–85, Oklahoma City, Okla. 73125. Applicant's representative: Frances Jabet, 1776 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Iowa on and north of a line beginning at the Iowa-Minnesota state line, thence along U.S. Highway 63 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line, on the one hand, and, on the other, points in that part of Missouri on and south of U.S. Highway 66. The purpose of this filing is to eliminate the gateways of (1) St. Louis, Mo., and (2) points within 50 miles thereof.

No. MC–82841 (Sub-No. E6), filed June 1, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Bruce A. Bullock, Suite 530, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road machinery*, (1) between points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 75 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 63, thence along Kansas Highway 63 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 99, thence along Kansas Highway 99 to the Oklahoma-Kansas State line, on the one hand, and, on the other, points in that part of Iowa on and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 52 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line, (2) between points in Kansas on and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 25.

Thence along Kansas Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Kansas Highway 27, thence along Kansas Highway 27 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Iowa on, east, and south of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to junction Iowa Highway 25, thence along Highway 25 to junction Iowa Highway 92, thence along Iowa Highway 92 to the Missouri River, thence along the Missouri River to U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 148, thence along Iowa Highway 148 to junction Iowa Highway 49, thence along Iowa Highway 49 to junction Iowa Highway 25, thence along Iowa Highway 25 to the Iowa-Missouri State line, and (3) between Rock Island, Ill., on the one hand, and, on the other, points in that part of Iowa on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 75 to junction U.S. Highway 275, thence along U.S. Highway 275 to the Iowa-Missouri State line, and points in Nebraska within 25 miles of Nickerson, Nebr. The purpose of this filing is to eliminate the gateway of Nickerson, Nebr., and points within 25 miles thereof, for points in (1) and (2) above, and Nickerson, Nebr., and points within 25 miles thereof, and Davenport, Iowa, and points within 12 miles thereof, for points in (3) above.

No. MC–88368 (Sub-No. E19), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in Mississippi to points in California in and north of Humboldt, Trinity Shasta, and Lassen Counties (points in Cowley County, Kans., points in Colorado and points in Washington east of the Cascade Mountains)* points in Colorado (points in Cowley County, Kans.)* points in Connecticut (Florence, Sheffield, and Tuscumbia, Ala., points in Harlan County, Ky., points in Jefferson County, Ohio, and Philadelphia, Pa.)*, points in Idaho (points in Kansas, Colorado, and Montana)*, points in Illinois (points in Missouri)*, points in Iowa (points in Missouri)*, points in Harlan County, Ky. (Birmingham, Ala., and points within 100 miles of Birmingham, except Montgomery, Ala.)*, points in Maine (Birmingham, Ala., and points within 100 miles thereof, except Montgomery, Ala., points in Harlan County, Ky., points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof)*,

points in Massachusetts (Birmingham, Ala., and points within 100 miles thereof, except Montgomery, Ala., points in Harlan County, Ky., points in Jefferson County, Ohio, and Philadelphia, Pa.)*, points in Michigan (points in Missouri and Bloomington, Ill., and points within 25 miles thereof)*, points in Minnesota (points in Missouri and Harlan, Iowa and points within 15 miles thereof)*, points in Montana (points in Kansas and Colorado)*, points in Nebraska (points in Kansas and Newton, Kans., and points within 15 miles thereof)*, points in New Hampshire (Birmingham, Ala., and points within 100 miles thereof, except Montgomery, Ala., points in Harlan County, Ky., points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof)*, points in New Jersey (Birmingham, Ala., and points within 100 miles thereof, except Montgomery, Ala., and points in Harlan County, Ky., points in Jefferson County, Ohio, and Philadelphia, Pa.)*, points in North Carolina (Florence, Sheffield, and Tuscumbia, Ala.)*, points in Ohio (Birmingham, Ala., and points within 100 miles thereof, except Montgomery, Ala., and points in Harlan County, Ky.)*.

Points in Oregon (points in Kansas and Colorado, and points in Washington east of the Cascade Mountains)*, points in Pennsylvania (Birmingham, Ala., and points within 100 miles thereof, except Montgomery, Ala., points in Harlan County, Ky., and points in Jefferson County, Ohio)*, points in Rhode Island (Birmingham, Ala., and points within 100 miles, except Montgomery, Ala., points in Harlan County, Kv., points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof)*, points in South Dakota (points in Missouri and Harlan, Iowa and points within 15 miles thereof)*, points in Vermont (Birmingham, Ala., and points within 100 miles thereof except Montgomery, Ala., points in Harlan County, Ky., points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof)*, points in Virginia (Birmingham, Ala., and points within 100 miles thereof, except Montgomery, Ala. and points in Harlan County, Ky.)*, points in Washington, points in Kansas and Colorado)*, points in West Virginia (Birmingham, Ala., and points within 100 miles thereof, except Montgomery, Ala., and points in Harlan County, Ky.)*, points in Wisconsin (points in Missouri and Bloomington, Ill., and points within 25 miles thereof)*, and points in Wyoming (Newton, Kans., and points within 15 miles thereof, and points in Kimball, Banner, and Cheyenne Counties, Nebr.)*. The purpose of the filing is to eliminate the gateways marked with asterisks above.

No. MC–100666 (Sub-No. E60), filed April 25, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from Trumann, Ark., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Oklahoma, Texas, and points in Missouri on, north, and west of a line beginning at the junction of U.S. Highway 36 and the Missouri River, thence east on Highway 36 to the junction with U.S. Highway 65, thence north on U.S. Highway 65 to the Missouri-Iowa State line, and points in the St. Louis, Mo., commercial zone. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC–107403 (Sub-No. E84), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal tar products*, in bulk, in tank vehicles; (2) *Liquid petroleum products* (except gasoline, fuel oil, benzene, and kerosene), in bulk, in tank vehicles, from Baltimore, Md., to points in Massachusetts, Vermont, Maine, and New Hampshire. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Philadelphia, Pa.

No. MC–107496 (Sub-No. E555), 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: *Vegetable oil*, in bulk, in tank vehicles, from Valley Park, Mo., to points in Idaho. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E564), 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 and 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 Doniphan, Nebr., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Norfolk, Nebr.

No. MC–107496 (Sub-No. E581), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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*, from the plant site of Dundee Cement Company at or near Clarksville, Mo., to points in North Dakota. The purpose of this filing is to eliminate the gateway of the plantsite of Northwestern States Portland Cement Company at Mason City, Iowa.

No. MC–107496 (Sub-No. E582), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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*, from Kansas City, Mo., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC–107496 (Sub-No. E583), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 Dundee Cement Co., at or near St. Louis, Mo., to points in Minnesota. The purpose of this filing is to eliminate the gateway of the plantsite of Dundee Cement Co., at Rock Island, Ill.

No. MC–107496 (Sub-No. E584), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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*, from the plantsite of Dundee Cement Company, at or near Clarville, Mo., to points in South Dakota. The purpose of this filing is to eliminate the gateway of the plantsite of Northwestern States Portland Cement Company at Mason City, Iowa.

No. MC–107496 (Sub-No. E585), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 synthetic resin*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., to points in Tennessee. The purpose of this filing is to eliminate the gateway of the plantsite of Ashland Chemical Co., at or near Valley Park, Mo.

No. MC–107496 (Sub-No. E586), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Vegetable oils*, in bulk, in tank vehicles, from Mankato, Minn., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E617), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 Kansas to points in Minnesota. The purpose of this filing

is to eliminate the gateway of points within the Yankton, Nebr., Commercial Zone.

No. MC–107496 (Sub-No. E618), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 all refining and distribution points in Kansas to points in Iowa. The purpose of this filing is to eliminate the gateways of all points in Taylor, Ringgold, Decatur, Wayne, Warren, Lucas, Clarke, Appanoose, Davis, Wapello, Monroe, Marion, and Mahaska Counties, Iowa; Omaha, Nebr., and Doniphan County, Kans.

No. MC–107496 (Sub-No. E619), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 petrochemicals*, in bulk, in tank vehicles, from all refining and distributing points in Kansas, to points in Ohio. The purpose of this filing is to eliminate the gateways of Ashland Chemical Company at or near Mapleton, Ill., the pipeline outlet of Williams Brothers Pipeline Company in Doniphan County, Kans., and Alexandria, Mo.

No. MC–107496 (Sub-No. E620), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 and 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 Kansas to points in South Dakota east of the Missouri River. The purpose of this filing is to eliminate the gateways of Norfolk, Nebr.

No. MC–107496 (Sub-No. E621), 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 ingredients*, in bulk and in bags, from the facilities of Occidental Agricultural Chemical Corp. at Savage, Minn., to points in Missouri. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC–107496 (Sub-No. E635), 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 all refining and distributing points in Kansas to points in Wyoming. The purpose of this filing is to eliminate the gateways of points in Nebraska on and west of U.S. Highway 83.

No. MC–107496 (Sub-No. E636), 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, urea, and fertilizer*, in bulk, from Omaha, Nebr., to points in Racine, Rock, Walworth, and Waukesha Counties, Wisc. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa.

No. MC–107496 (Sub-No. E637), 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 and dry fertilizer*, in bulk, in tank vehicles, from Nebraska City, Nebr., to points in Wisconsin on and south of Wisconsin Highway 64. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa.

No. MC–107496 (Sub-No. E638), 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*, from Omaha, Nebr., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of the Northwestern States Portland Cement Company, at Mason City, Iowa.

No. MC–107496 (Sub-No. E639), 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 Iowa to points in Colorado. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, and points within 10 miles thereof, points in Nebraska, and points in Nebraska on and west of U.S. Highway 83.

No. MC–107496 (Sub-No. E640), 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: *Vegetable oil*, in bulk, in tank vehicles, from Mankato, Minn., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E641), 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: *Vegetable oil*, in bulk, in tank vehicles, from points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E642), 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: *Vegetable oil*, in bulk, in tank vehicles, from points in the Minneapolis-St. Paul Commercial Zone as defined by the Commission, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E643), 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: *Vegetable oil*, in bulk, in tank vehicles, from Mankato, Minn., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E644), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Vegetable oil*, in bulk, in tank vehicles, from Minneapolis, Minn., to points in Utah. The purpose of this filing is to eliminate the gateway of Sidney, Nebr.

No. MC–107496 (Sub-No. E645), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Sulphuric acid* (except fertilizers), in bulk, in tank vehicles, from Ft. Madison, Iowa to points in Kentucky. The purpose of this filing is to eliminate the gateway of the plantsite of the Apple River Chemical Company at or near Niota, Ill.

No. MC–107496 (Sub-No. E646), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Sulphuric acid* (except fertilizers), in bulk, in tank vehicles, from Fort Madison, Iowa to points in Indiana. The purpose of this filing is to

eliminate the gateway of the plantsite of the Apple River Chemical Company at or near Niota, Ill.

No. MC–107496 (Sub-No. E647), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Sulphuric acid* (except fertilizers), in tank vehicles, from Fort Madison, Iowa to points in Ohio. The purpose of this filing is to eliminate the gateway of the plantsite of the Apple River Chemical Company at or near Niota, Ill.

No. MC–107496 (Sub-No. E648), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Sulphuric acid* (except fertilizers), in bulk, in tank vehicles, from Ft. Madison, Iowa to points in Michigan. The purpose of this filing is to eliminate the gateway of the plantsite of the Apple River Chemical Company at or near Niota, Ill.

No. MC–107496 (Sub-No. E649), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 the plantsite of the Amoco Oil Company facility, at Burlington, Iowa 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. E650), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Alfalfa meal and alfalfa pellets* when used as feed ingredients, in bulk, and in bags, from the plantsite of the Occidental Chemical Company near Montpelier, Iowa to points in Montana. The purpose of this filing is to eliminate the gateway of Gayville, S. Dak.

No. MC–107496 (Sub-No. E657), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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*, from Blooming Prairie, Minn., to points in West Virginia. The purpose of this filing is to eliminate the gateway of the plantsite of Archer Daniels Midland Co., at or near Decatur, Ill.

No. MC–107496 (Sub-No. E658), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Vegetable oils*, in bulk, in tank vehicles, from points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, to points in Maine. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E659), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Vegetable oil*, in bulk, in tank vehicles, from Mankato, Minn., to points in California. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E660), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Vegetable oils*, in bulk, in tank vehicles, from Mankato, Minn., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E661), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Vegetable oils*, in bulk, in tank vehicles, from points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E662), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Vegetable oils*, in bulk, in tank vehicles, from Mankato, Minn., to points in Maine. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E663), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Fertilizer*, in bulk, from Fairmont, Minn., to points in Ohio. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa.

No. MC–107496 (Sub-No. E664), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 the terminal of C. F. Industries, Inc., at Pine Bend, Minn., to points in Ohio. The purpose of this filing is to eliminate the gateway of the plant site of Amoco Chemicals Corporation located approximately six miles southwest of Joliet, Ill.

No. MC–107496 (Sub-No. E666), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Vegetable oil*, in bulk, in tank vehicles, from Mankato, Minn., to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E667), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Vegetable oil*, in bulk, in tank vehicles, from points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E668), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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*, in bulk, in hopper vehicles, from Winona, Minn., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC–107496 (Sub-No. E669), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 Alabama. The purpose of this filing is to eliminate the gateway of the plant site of Archer Daniels Midland Co., at or near Decatur, Ill.

No. MC–107496 (Sub-No. E683), 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 Sugar Creek, Mo., and Kansas City, Kans., to points in Minnesota on and south of Minnesota Highway 19 and east

of Minnesota Highway 15. The purpose of this filing is to eliminate the gateways of points in Warren County, Iowa, points in Iowa, and Clear Lake, Iowa, and points within 10 miles thereof.

No. MC–107496 (Sub-No. E715), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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: *Sulphuric acid*, in bulk, in tank vehicles, from the site of the plant of the U.S. Industrial Chemical Company, about six miles west of De Soto, Kansas, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC–107496 (Sub-No. E716), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 Superior, Wis., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Wrenshall, Minn.

No. MC–107496 (Sub-No. E753), 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: *Animal oils*, in bulk, in tank vehicles, from points in South Dakota (except points south of U.S. Highway 16 and east of South Dakota Highway 73) to points in Illinois (except Chicago, the plantsite of Anderson Clayton Co., near Jacksonville, Ill., and the plantsite of Humko Co., near Champaign, Ill. The purpose of this filing is to eliminate the gateways of Minneapolis and Austin, Minn.

No. MC–107496 (Sub-No. E791), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 fertilizer materials*, in bulk, from the plantsite of International Minerals and Chemical Corporation at Chicago Heights, Ill., to points in Ohio. The purpose of this filing is to eliminate the gateway of the plantsite of Cowles Chemical Company at or near Joliet, Ill.

No. MC–107496 (Sub-No. E799), 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 Roxana, Ill., and points within 3 miles thereof and Wood River, Ill., and points within 3 miles thereof, to points in South Dakota. The purpose of this filing is to eliminate the gateways of Ft. Madison, Iowa, and the terminal of Kaneb Pipe Line Co., at or near Milford, Iowa.

No. MC–107496 (Sub-No. E800), 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 petrochemicals*, in bulk, in tank vehicles, from all refining and distributing points in Kansas to points in Michigan. The purpose of this filing is to eliminate the gateways of the site of the Williams Brothers terminal in Doniphon County, Kans., the plantsite of Ashland Chemical Co., at or near Mapleton, Ill., and Alexandria, Mo.

No. MC–107496 (Sub-No. E801), 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: *Nonedible animal oils*, in bulk, in tank vehicles, from points in Wisconsin on and north of U.S. Highway 10 to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC–107496 (Sub-No. E804), 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: *Nonedible animal oils*, in bulk, in tank vehicles, from points in Wisconsin on and north of U.S. Highway 10 to points in Kansas. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC–107496 (Sub-No. E805), 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: *Nonedible animal oils*, in bulk, in tank vehicles, from points in Wisconsin on and north of U.S. Highway 8 to points in Iowa. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC–107496 (Sub-No. E806), 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: *Animal oils*, in bulk, in tank vehicles, from Douglas and Bayfield Counties, Wis., to points in Kansas. The purpose of this filing is to eliminate the gateway of Minneapolis and Austin, Minn.

No. MC–107496 (Sub-No. E807), 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 Cook and Will Counties, Ill., to points in Illinois on and north of a line from the Illinois-Indiana State line along U.S. Highway 50 to Lawrenceville, thence along Alternate U.S. Highway 50 to the junction of U.S. Highway 50 thence along U.S. Highway 50 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of Lockport, Ill.

No. MC–107496 (Sub-No. E809), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 urea*, in bulk, from Nebraska City, Nebr., to points in Michigan. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa.

No. MC–107496 (Sub-No. E810), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 and fertilizer*, in bulk, from Omaha, Nebr., to points in Ohio. The purpose of this filing is to eliminate the gateways of Ft. Madison, Iowa.

No. MC–107496 (Sub-No. E811), filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., 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 Superior, Wis., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Wrenshall, Minn.

No. MC–109397 (Sub-No. E35), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives* (except

nitroglycerin), between points in that part of Louisiana west of the Mississippi River, on the one hand, and, on the other, points in Idaho and Oregon. The purpose of this filing is to eliminate the gateway of Greenville, Miss.

No. MC-109397 (Sub-No. E36), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (A) *explosives*, (1) from points in Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, Texas, and that part of Tennessee on and west of U.S. Highway 27, to points in New Jersey; (2) from points in Florida, Georgia, Louisiana, Mississippi, New Mexico, and Texas, to points in Pennsylvania; (3) from points in Florida to points in Delaware, Maryland, and Virginia; and (4) from points in Georgia to points in Delaware, Maryland, and that part of Virginia on and east of U.S. Highway 25; and (B) *Ammunition and explosives, and component parts of ammunition and explosives* when moving in the same vehicle therewith (except such commodities which, because of size or weight, require the use of special equipment or special handling), from points in Clay and Duval Counties, Fla., to points in North Carolina, Delaware, Maryland, New Jersey, Pennsylvania, and Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Charleston, S.C.

No. MC-111545 (Sub-No. E377), filed June 4, 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: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories*, for incinerators and refuse-treatment equipment, which because of size or weight requires the use of special equipment, from points in Georgia to points in Arizona, California, Colorado, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC-111545 (Sub-No. E388), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., 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: *Incinerators, refuse-treatment equipment, and parts, attachments and accessories*, for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, (a) from points in those parts of Alabama and Tennessee within 175 miles of Chattanooga, Tenn., to points in Idaho (1: Cedartown or Ringgold, Ga., and 2: Springfield, Mo.)*; (b) from points in Florida to points in Idaho (restricted against the transportation of agricultural machinery and implements, other than hand, as defined by the Commission) (Valdosta, Ga., and Springfield, Mo.)*; (c) from points in Georgia, North Carolina, and South Carolina, to points in Idaho (Springfield, Mo.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-111545 (Sub-No. E389), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., 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: *Cast iron soil pipe and fittings and bituminized fibre pipe and fittings*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 278 to Cullman, thence along Alabama Highway 69 to Marietta, thence along Alabama Highway 18 to the Alabama-Mississippi State line to points in Kansas. The purpose of this filing is to eliminate the gateway of Holt, Ala.

No. MC-111545 (Sub-No. E392), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., 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: *Bituminous fiber pipe*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 281 to Lampasas, thence along U.S. Highway 183 to Cuero, thence along U.S. Highway 87 to points in California. The purpose of this filing is to eliminate the gateway of the plantsite of McGraw-Edison Company near Sherman, Texas.

No. MC-111545 (Sub-No. E393), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., 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: *Such machinery and contractors' equipment* as may be transported as 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, or machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipeline, including the stringing and picking up thereof and the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Iowa on and west of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 65 to Des Moines, thence along Interstate Highway 80 to Malcom, thence along U.S. Highway 63 to the Iowa-Minnesota State line, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of Kansas City, Mo., Idabel, Okla., and Longview, Texas.

No. MC-111545 (Sub-No. E394), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., 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: *Such tractors* (except tractors used in pulling commercial highway trailers), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders, and road rollers*, as may be transported as machinery and contractors' equipment and the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Illinois on and north of a line beginning at Mozier, thence along Illinois Highway 96 to Eldred, thence along Illinois Highway 108 to junction U.S. Highway 66, thence along U.S. Highway 66 to Litchfield, thence along Illinois Highway 16 to Paris, thence along U.S. Highway 150 to the Illinois-Indiana State line, to points in Alabama. The purpose of this filing is to eliminate the gateway of the plantsite of Caterpillar Tractor Company at or near Decatur, Ill.

No. MC-111545 (Sub-No. E395), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., 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: *Such tractors* (except tractors used in pulling commercial highway trailers), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders and road rollers, and parts and attachments* of and for the commodities described above, as may be transported as highway and bridge construction and maintenance equipment, from points in that part of Illinois on and north of a line beginning at Mozier, thence along Illinois Highway 96 to Eldred, thence along Illinois Highway 108 to junction U.S. Highway 66, thence along U.S. Highway 66 to Litchfield, thence along Illinois Highway 16 to Paris, thence along U.S. Highway 150 to the Illinois-Indiana State line, to points in Alabama, Florida, Georgia, North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of

the plantsite of Caterpillar Tractor Company at or near Decatur, Ill.

No. MC–111545 (Sub-No. E396), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., 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 Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 20 to Toledo, thence along U.S. Highway 24, to the Ohio-Michigan State line 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 Hardy, thence along U.S. Highway 63 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Alexandria, Mo., and Keokuk, Iowa.

No. MC–111545 (Sub-No. E397), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., 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 Connecticut and Delaware, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC–111545 (Sub-No. E398), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., 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 Indiana on and north of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 30 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 6, thence along U.S. Highway 6 to Nappanee, thence along Indiana Highway 19 to Elkhart, thence along U.S. Highway 20 to the Indiana-Ohio State line, 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 Hardy, thence along U.S. Highway 63 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Alexandria, Mo., and Keokuk, Iowa.

No. MC–111545 (Sub-No. E399), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., 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 Michigan on, south, and east of a line beginning at Hagar Shores, thence along U.S. Highway 33 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 27, thence along U.S. Highway 27 to Lansing, thence along Michigan Highway 78 to junction Michigan Highway 13, thence along Michigan Highway 13 to Bay City, 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 Hardy, thence along U.S. Highway 63 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Alexandria, Mo., and Keokuk, Iowa.

No. MC–111545 (Sub-No. E400), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., 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, restricted against the transportation of any such commodities to be used in, or in connection with, main or trunk pipeline, between points in Missouri, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in that part of Missouri within 100 miles of Kansas City, Kans.

No. MC–111545 (Sub-No. E402), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., 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: *Cast iron soil pipe and fittings and bituminized fibre pipe and fittings*, the transportation of which, because of size or weight, requires, the use of special equipment, from points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on, east and south of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 31 to Decatur, thence along Alabama Highway 24 to junction U.S. Highway 43 thence along U.S. Highway 43 to Hamilton, thence along U.S. Highway 78 to the Alabama-Mississippi State line to points in Nebraska. The purpose of this filing is to eliminate the gateway of Holt, Ala.

No. MC–111545 (Sub-No. E422), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., 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: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories*, for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 220 to Larrys Creek, thence along Pennsylvania Highway 287 to Tioga, thence along U.S. Highway 15 to the New York-Pennsylvania State line, to points in Arizona, California, and New Mexico. The purpose of this filing is to eliminate the gateways of Charlotte, N.C., and Springfield, Mo.

No. MC–111545 (Sub-No. E423), filed June 4, 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* (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 that part of Iowa on and west of U.S. Highway 65. The purpose of this filing is to elimiante the gateways of Texarkana, Tex., and Joplin, Mo.

No. MC–111545 (Sub-No. E425), filed June 4, 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: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories* for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires 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 Watkins Glen, thence along New York Highway 414 to Lakebluff, to points in Arizona and California. The purpose of this filing is to eliminate the gateways of Charlotte, N.C., and Springfield, Mo.

No. MC–111545 (Sub-No. E426), filed June 4, 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: *Cast iron soil pipe and fittings and bituminized fibre pipe and fittings*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 78 to Birmingham, thence along U.S. Highway 11 to Tuscaloosa, thence along U.S. Highway 82 to the Alabama-Mississippi State line, to points in Missouri. The purpose of this filing is to eliminate the gateway of Holt, Ala.

No. MC–111545 (Sub-No. E428), filed June 4, 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 Virginia on and south of a line beginning at Bristol, thence along U.S. Highway 58 to Norfolk, thence along Virginia Highway 168 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in Maryland and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC–113843 (Sub-No. E53), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 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 prepared foodstuffs* (except in bulk), from the plantsite and warehouses of The Pillsbury Company at or near East Greenville, Pa., to Owensboro, Ky., and points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 41 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E68), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC. 316 Summer Street, Boston, MA 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*, (1) from Cortland and Ithaca, N.Y., to points in that part of Minnesota on, north, and west of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 10 to Detroit Lakes, thence along Minnesota Highway 34 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to Bemidji, thence along U.S. Highway 71 to U.S.-Canada International Boundary line; (2) from Elmira, N.Y., to Noyes, Minn.; (3) from Syracuse, N.Y., to points in that part of Minnesota on, north, and west of a line beginning at the Minnesota-North Dakota State line and extending along Minnesota Highway 220 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to junction U.S. Highway 75, thence along U.S. Highway 75 to the U.S.-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Newark, N.J.

Mo. MC–113843 (Sub-No. E96), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston MA 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*, (1) from points in Fairfield County, Conn., to points in that part of Kentucky on, south, and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-Indiana State line; (2) from Danbury, Conn., to Ashland, Ky.; (3) from Canaan, Conn., to points in Kentucky; (4) from points in New London, Hartford, Middlesex, Litchfield, New Haven, and Tolland Counties, Conn., to points in that part of Kentucky on and west of a line beginning at the Kentucky-Tennessee State line and extending over Kentucky Highway 200 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Kentucky-Ohio State line; (5) from Torrington, Hartford, New Britain, Middletown, New London, Norwich, Putnam, and Waterbury, Conn., to Ashland and South Williamson, Ky.; (6) from Windhaven County, Conn., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E106), filed May 8, 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*, (1) from points in Connecticut to points in that part of Tennessee on and west of a line beginning at the Tennessee-Mississippi State line and extending along Tennessee Highway 18 to junction U.S. Highway 45, thence along U.S. Highway 45 to Jackson, thence along U.S. Highway 45 west to Humboldt, thence along U.S. Highway 79 to Paris, thence along U.S. Highway 641 to the Tennessee-Kentucky State line; (2) from Hartford, Conn., and points in that part of Connecticut on and east of U.S. Highway 5 to points in that part of Tennessee on and west of a line beginning at the Tennessee-Alabama State line and extending along Interstate Highway 65 to Nashville, thence along U.S. Highway 431 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateways of Elmira, N.Y., and Detroit, Mich. (via Canada).

No. MC–113843 (Sub-No. E154), 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 frozen edible articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Geo. A. Hormel & Co., at or near Bureau, Ill., to points in Accomack and Northampton Counties, Va. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E463), 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 foods*, from points in that part of Ohio on and west of a line beginning at the Michigan-Ohio State line and extending along Interstate Highway 75 to Findlay, thence along Ohio Highway 15 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line to points in Erie and Cattaraugus Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E517), filed May 23, 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 Moosie, Pa., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E518), filed May 23, 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 Moosie, Pa., to points in Illinois. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E519), filed May 23, 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 Carteret, N.J., to points in that portion of Pennsylvania on, north, and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 27, thence along Pennsylvania Highway 27 to Meadville, thence along U.S. Highway 6 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E520), filed May 23, 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 Carteret, N.J., to points in Illinois. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E521), filed May 23, 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 Allentown, Pa., to points in Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E522), filed May 23, 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 Allentown, Pa., to points in Illinois. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E523), filed May 23, 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 Allentown, Pa., to points in Indiana (except points in that part of Indiana east of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 26 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E524), filed May 23, 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 Moosie, Pa., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC–113843 (Sub-No. E525), filed May 23, 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 Marysville, Pa., to points in that portion of Illinois on, north, and west of a line beginning at Chicago and extending along Interstate Highway 90 to Rockford, thence along U.S. Highway 20 to Freeport, thence along Illinois Highway 26 to junction Interstate Highway 180, thence along Interstate Highway 180 to junction Illinois Highway 29, thence along Illinois Highway 29 to Peoria, thence along U.S. Highway 24 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E526), filed May 23, 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 Lakewood, N.J., to points in Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E527), filed May 23, 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 Lakewood, N.J., to points in Indiana. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–114019 (Sub-No. E252), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt*, liquid or solid, *boards*, fibreboard and/or pulpboard, impregnated with asphalt, painted or not painted, *board*, wall, fibreboard, pulpboard, or strawboard, not impregnated with asphalt, *caps*, roofing, tin, *cement*, roofing, *clamps*, metal, *coating*, roof, having asbestos, pitch, tar, or rosin base, *creosote*, *fasteners*, metal, *felts*, building or roofing, saturated or unsaturated, *insulating material*, asbestos or felt paper, *nails*, *paint*, asphaltum, *paint*, coal tar, *paper*, building, roofing, or sheathing, saturated, unsaturated, *pitch*, roofing, *roofing*, composition or prepared, *siding*, asphalt, *shingles*, asphalt, asbestos, or composition, *sheathing*, *straps*, tin, with fasteners, *tar*, roofing, from Dubuque, Iowa, to Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York, on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17, to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania, and (2) *Used pallets and used skids*, from the destination points and territories specified immediately above to Dubuque, Iowa. The purpose of this filing is to eliminate the gateway points in Ohio:

No. MC–114019 (Sub-No. E253), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt*, liquid or solid, in packages, *boards*, fibreboard and/or pulpboard, impregnated with asphalt, painted or not painted, *board*, wall, fibreboard, pulpboard, or strawboard, not impregnated with asphalt, *caps*, roofing, tin, in packages, *cement*, roofing, in packages, *clamps*, metal, in packages, *coating*, roof, having asbestos, pitch, tar, or rosin base, in packages, *creosote*, in packages, *fasteners*, metal, in packages, *felts*, building or roofing, saturated or unsaturated, *insulating material*, asbestos or felt paper, *nails*, in packages, *paint*, asphaltum, in packages, *paint*, coal tar, in packages, *paper*, building, roofing, or sheathing, saturated, unsaturated, *pitch*, roofing, in packages, *roofing*, composition or prepared, *siding*, asphalt, *shingles*, asphalt, asbestos, or composition, *sheathing*, *straps*, tin, with fasteners, in packages, *tar*, roofing, in packages, from Sunbury, Pa., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and (2) *Used pallets and used skids*, from the destination territory specified immediately above to Sunbury, Pa. The purpose of this filing is to eliminate the gateways of Akron, Ohio, and North Judson, Ind.

No. MC–114019 (Sub-No. E261), filed May 24, 1974. Applicant: MIDWEST EMMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and commodities*, the transportation of which is partially exempt from regulation under Section 203 (b)(6) of the Interstate Commerce Act, when moving in mixed shipments, with bananas, from Baltimore, Md., and points in New York and New Jersey within 40 miles of City Hall-New York, N.Y., to points in Anderson, Boyle, Bourbon, Bullitt, Carroll, Casey, Clark, Estill, Fayette, Frankline, Gallatin, Garrard, Grant, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lincoln, Madison, Marion, Meade, Mercer, Montgomery, Nelson, Nicholas, Oldham, Owen, Powell, Pulaski, Scott, Shelby, Spencer, Taylor, Trimble, Washington, and Woodford Counties, Ky., within 134 miles of Louisville, restricted to shipments moving from, to or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114019 (Sub-No. E262), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60609. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, toilet articles, and toilet preparations*, from Buffalo, N.Y., to points in Douglas, Franklin, Johnson, Leavenworth, Miami, and Wyandotte Counties, Kansas, and Cass, Clay, Henry, Jackson, Lafayette, Pettis, Ray, and Saline Counties, Mo., within 88 miles of Kansas City, restricted to shipments moving from, to, or between warehouses or other facilities or retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC–114019 (Sub-No. E263), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60609. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerine, soap stock, liquid soap, and fatty acids*, from the site of Armour Grocery Products Co., plant near Aurora, Ill., to points in Atchinson, Brown, Clay, Cloud, Doniphan, Douglas, Jackson, Jefferson, Leavenworth, Marshall, Nemaha, Pottawatomie, Republic, Riley, Shawnee, and Washington Counties, Kansas, and Gage, Jefferson, Johnson, Nemaha, Pawnee, Richardson, and Thayer Counties, Nebr., within 174 miles of St. Joseph, restricted to shipments moving from, to, or between warehouses or other facilities of retail food and household supply and furnishings, business houses, in peddle service. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC–114019 (Sub-No. E264), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, covers, caps, and accessories* for glass containers and *paper cartons*, from Streator, Illinois, to points in Catoosa, Chattooga, Dade, Walker, and Whitfield Counties, Ga., restricted to shipments moving from, to, or between warehouses or other facilities of retail food and household supply and furnishings, business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

No. MC–114019 (Sub-No. E265), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such paper and paper products* as are dealt in by retail food and household supply and furnishing business houses, from Monroe, Mich., to points in Bath, Breathitt, Boyd, Carter, Elliott, Flemming, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher, Lewis, Magoffin, Martin, Mason, Menifee, Morgan, Perry, Pike, Rowan, and Wolfe Counties, Ky., restricted to shipments moving from, to, or between warehouses or other facilities of retail food and household supply and furnishings, business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Huntington, W. Va.

No. MC–114019 (Sub-No. E266), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such paper and paper products* as are dealt in by retail food and household supply and furnishing business houses, from Hamilton, Ohio, to points in Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Cole, Crawford, Franklin, Gasconade, Jefferson, Lincoln, Madison, Maries, Montgomery, Osage, Perry, Phelps, Randolph, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scott, Warren, and Washington Counties, Mo., within 150 miles of St. Louis, restricted to shipments moving from, to, or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC–114019 (Sub-No. E267), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerin, soap stock, liquid soap, and fatty acids*, from the plant site of Armour Grocery Products plant near Aurora, Ill., to points in Anderson, Boyle, Bourbon, Bullitt, Carroll, Casey, Clark, Estill, Fayette, Franklin, Gallatin, Garrard, Grant, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lincoln, Madison, Marion, Meade, Mercer, Montgomery, Nelson, Nicholas, Oldham, Owen, Powell, Pulaski, Scott, Shelby, Spencer, Taylor, Trimble, Washington, and Woodford Counties, Kentucky, within 134 miles of Louisville, restricted to shipments moving from, to, or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Jeffersonville, Ind.

No. MC–114019 (Sub-No. E268), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Macon, Marshall, Moberly, and Milan, Mo., to Catoosa, Chattooga, Dade, Walker, and Whitfield Counties, Ga., restricted to shipments moving from, to, or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

No. MC–114019 (Sub-No. E269), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen fish* from Boothbay Harbor, Portland, and Rockland, Maine, to Anderson, Boyle, Bourbon, Bullitt, Carroll, Casey, Clark, Estill, Fayette, Franklin, Gallatin, Garrard, Grant, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lincoln, Madison, Marion, Meade, Mercer, Montgomery, Nelson, Nicholas, Oldham, Owen, Powell, Pulaski, Scott, Shelby, Spencer, Taylor, Trimble, Washington, and Woodford Counties, Ky., within 134 miles of Louisville, restricted to shipments moving from, to, or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–117883 (Sub-No. E29), filed May 8, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio, 45380. Applicant's representative: Edward J. Subler (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, and articles distributed by meat packing-*

houses, 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, and hides), in mechanically refrigerated vehicles, from Allen Township, Hillsdale County, Mich., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, Rhode Island, Vermont, Virginia, the District of Columbia, that part of West Virginia on and south of Interstate Highway 70, that part of Pennsylvania on, east, and south of a line beginning at the Ohio-Pennsylvania State line, thence along Interstate Highway 70 to junction Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line, and that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along Interstate Highway 81 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 50, thence along New York Highway 50 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC–119226 (Sub-No. E1), filed May 8, 1974. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Applicant's representative: Robert W. Loser, 1320 North Meridan St., Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Proposal 1: *Corn oil*, in bulk, in tank vehicles, from points in Illinois to points in Michigan, New York, Pennsylvania, Delaware, New Jersey, and Maryland. The purpose of this filing is to eliminate the gateways of Edinburg, Ind. and Columbus, Ohio. Proposal 2: *Corn oil*, in bulk, in tank vehicles, from points in Indiana to points in Michigan, New York, Pennsylvania, Delaware, New Jersey, and Maryland. The purpose of this filing is to eliminate the gateway of Columbus, Ohio. Proposal 3: *Vegetable oils*, in bulk, (1) from points in Illinois, Kentucky, and the Lower Peninsula of Michigan to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; (2) from points in Ohio to points in Nebraska, Kansas, Missouri, Oklahoma, Louisiana, and Texas; (3) from points in Michigan to points in Nebraska, Kansas, Missouri, Oklahoma, Louisiana, and Texas. The purpose of this filing is to eliminate the gateway of the plantsite of Central Soya Company, Inc., at or near Decatur, Ind. Proposal 4: *Vegetable oils*, in bulk, in tank vehicles, (1) from points in the Lower Peninsula of Michigan and Illinois to points in Alabama, Georgia, North Carolina, South Carolina, West Virginia, and Tennessee, (2) from points in Michigan to points in Alabama and Arkansas, (3) from points in Ohio to points in Alabama, Georgia, and Tennessee, and (4) from points in Indiana to points in Alabama, Georgia, North Carolina, South Carolina, West Virginia, Virginia, and Tennessee. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

Proposal 5: *Vegetable oils* and *blends thereof*, from points in Indiana to points in West Virginia. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio. Proposal 6: *Inedible greases and tallow*, in bulk, in tank vehicles, (1) from points in Illinois, Kentucky, and Michigan to points in Michigan, New York, Pennsylvania, Delaware, New Jersey and Maryland. The purpose of this filing is to eliminate the gateway of Columbus, Ohio. Proposal 7: *Lard, grease and tallow*, in bulk, in tank vehicles, (1) from points in Illinois, Kentucky, and Michigan to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, and (2) from points in Kentucky, Ohio, and Michigan to St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind. Proposal 8: *Lards, greases and fats* (except vegetable oils, and except hydrolyzed and stabilized fats), in bulk, in tank vehicles, (1) from points in Illinois to points in Alabama, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, North Carolina, New Jersey, New York, South Carolina, Texas, Virginia, West Virginia, and the District of Columbia, (2) from points in Indiana to Memphis, Tenn., and points in Alabama, Arkansas, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, New Jersey, New York, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and the District of Columbia, (3) from points in Michigan to Memphis, Tenn., Alabama, Arkansas, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, and the District of Columbia, (4) from points in Ohio to Memphis, Tenn., and points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Nebraska, Oklahoma and Texas, and (5) from points in Kentucky to points in Delaware, Illinois, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

Proposal 9: *Tallow oil and lard*, in bulk, in tank vehicles, from points in Illinois, Michigan and Kentucky to points in Delaware, Maryland, Virginia, and West Virginia (except those in West Virginia within 10 miles of the Ohio-West Virginia State line). The purpose of this filing is to eliminate the gateway of Columbus, Ind. Proposal 10: *Liquid lard*, in bulk, in tank vehicles, from points in Illinois and Michigan to points in North Carolina, Georgia, and Tennessee (except Memphis, Tenn.). The purpose of this filing is to eliminate the gateway of Columbus or Indianapolis, Ind. Proposal 11: *Lard*, in bulk, in tank vehicles, (1) from points in Illinois to points in Virginia, West Virginia, and Tennessee (except points in Hamilton County), and (2) from points in Michigan and Ohio to points in Tennessee (except points in Hamilton County). The purpose of this filing is to eliminate the gateway of Evansville, Ind. Proposal 12: Inedible animal greases and tallow, in bulk, in tank vehicles, (1) from St. Louis, Mo., to points in Michigan, New York, Pennsylvania, Delaware, New Jersey, and Maryland, and (2) from St. Louis, Mo., to points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, Michigan, North Carolina, New Jersey, New York, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Columbus, Ohio and Louisville, Ky.

No. MC–124174 (Sub-No. E12), filed June 4, 1974. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momsen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, supplies, and accessories, refrigerators, paints, and such merchandise as is dealt in by wholesale and retail hardware business houses*, from Chicago, Ill., to Anita, Iowa and points within 15 miles thereof and to points in those parts of Nebraska, Iowa, Kansas, and Missouri within 60 miles of Auburn, Nebr., including Auburn, Nebr. The purpose of this filing is to eliminate the gateway of points in that part of Iowa within 60 miles of Auburn, Nebr.

No. MC–124174 (Sub-No. E15), filed June 4, 1974. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momsen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities requiring special equipment) from Portage, Ind., to points in those parts of Nebraska, Iowa, Kansas, and Missouri within 60 miles of Auburn, Nebr., including Auburn, Nebr., and to Anita, Iowa and points within 15 miles thereof. The purpose of this filing is to eliminate the gateway of Shenandoah, Iowa.

No. MC–124174 (Sub-No. E21), filed June 4, 1974. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momsen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides* from the plantsite of Iowa Beef Processors, Inc., located at or near Emporia,

Kans., (a) to points in Tennessee, Kentucky, Michigan, Ohio, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Massachusetts, Maine, New Hampshire, and Vermont, and New Orleans, La., and Buford, Ga. (points in Nebraska, Iowa, Illinois or Indiana)*; and (b) to Hazelwood, N.C., and points in Delaware (Grand Island or Omaha, Nebr., or Rochelle or Chicago, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–124174 (Sub-No. E22), filed June 4, 1974. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momsen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from the plantsite of Iowa Beef Processors, Inc., located at or near Emporia, Kans., to points in South Dakota. The purpose of this filing is to eliminate the gateways of points in Nebraska or Iowa.

No. MC–124174 (Sub-No. E33), filed June 4, 1974. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momsen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products* as are building materials, in containers from St. Marys, W. Va., to Pleasantville, Iowa and points within 15 miles thereof. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC–124174 (Sub-No. E39), filed June 4, 1974. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momsen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distribtued by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in those parts of Kansas and Missouri within 60 miles of Auburn, Nebr. The purpose of this filing is to eliminate the gateway of points in that part of Nebraska within 60 miles of Auburn, Nebr.

No. MC–124174 (Sub-No. E40), filed June 4, 1974. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momsen (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, 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), from the storage facilities utilized by Armour and Company at or near Worthington and Mankato, Minn., to points in that part of Nebraska within 60 miles of Auburn, Nebr., including Auburn, Nebr. The purpose of this filing is to eliminate the gateway of points in that part of Iowa within 60 miles of Auburn, Nebr.

No. MC–127042 (Sub-No. E27), filed April 19, 1974. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Minneapolis, Minn., to points in Montana on, south, and west of U.S. Highway 10 beginning at the Idaho-Montana Highway 41, thence along Montana Highway 41 to the junction of U.S. Highway 91, thence along U.S. Highway 91 to the Montana-Idaho State line. The purpose of this filing is to eliminate the gateway of Cherokee, Tenn.

No. MC–128878 (Sub-No. E1), filed May 16, 1974. Applicant: SERVICE TRUCK LINES, INC., P.O. Box 3904, Shreveport, La., Applicant's representative: C. Wade Shemwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenol*, in bulk, in tank vehicles, from Demopolis, Ala., to Lufkin and Diboll, Tex. The purpose of this filing is to eliminate the gateway of the plantsites or storage facilities of the Chembord Corp., in Winnfield, La.

No. MC–128878 (Sub-No. E12), filed May 16, 1974. Applicant: SERVICE TRUCK LINES, INC., P.O. Box 3904, Shreveport, La. 71103. Applicant's representative: C. Wade Shemwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from points in that part of Texas on and north of U.S. Highway 80, to points in that part of Louisiana on and south of U.S. Highway 84. The purpose of this filing is to eliminate the gateway of Shreveport, La.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–17802 Filed 8–2–74;8:45 am]

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PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

■

FEDERAL DISASTER ASSISTANCE

Interim Regulations and Delegation of Authority

Title 24—Housing and Urban Development

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–74–282]

PART 2205—FEDERAL DISASTER ASSISTANCE

Interim Regulations

On May 22, 1974, the President signed into law the Disaster Relief Act of 1974. This new law applies to any major disaster declared after April 1, 1974. However, section 408 (Individual and Family Grant Programs) of the Act takes effect as of April 20, 1973. In addition, the law provides that the provisions of the Disaster Relief Act of 1970 shall continue in effect with respect to any major disaster declared prior to April 1, 1974.

Some of the significant changes in the Disaster Relief Act of 1974 over the prior law include:

1. Redefining "major disaster" to include additional causes for disasters and including a new category, termed "emergency" to provide specialized assistance to meet specific needs;

2. Strengthening provisions for disaster planning, preparedness, and mitigation;

3. Requiring acquisition of insurance reasonably available, adequate and necessary to protect against future disaster losses any public property and certain other property repaired or restored with Federal assistance;

4. Imposing civil and criminal penalties for violations of this Act;

5. Authorizing Presidential assistance in allocating scarce construction materials needed in major disaster areas;

6. Authorizing 100 percent grants for repairing or reconstructing public educational and recreational facilities (in addition to other public facilities) and private, non-profit educational, utility, emergency, medical, and custodial care facilities, including those for the aged or disabled, and facilities on Indian reservations which were damaged by a major disaster;

7. Permitting State and local governments the option of 90 percent grants with greater administrative flexibility for restoring certain selected damaged public facilities or to construct new public facilities;

8. Allowing direct expenditures for restoration of damaged homes to habitable condition;

9. Creating a grant program to States to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster;

10. Authorizing procurement of food commodities for distribution in major disaster areas;

11. Authorizing loans (subject to later forgiveness in part or whole) not to exceed 25 percent of annual operating budgets to local governments suffering revenue losses and in financial need because of major disasters;

12. Providing professional counseling, training, and services for mental health problems caused or aggravated by a disaster; and

13. Amending the Public Works and Economic Development Act of 1965 by authorizing a new, long-range economic recovery program for major disaster areas.

To assure that the regulations issued pursuant to the Disaster Relief Act of 1970 are in codified form and available to the public, Parts 2200 and 2201 of Title 24 of the Code of Federal Regulations will continue to appear in the Code of Federal Regulations, even though the new regulations issued herein govern all major disasters declared after April 1, 1974. The regulations concerning Title 2 (Disaster Preparedness Assistance) of the Disaster Relief Act of 1974 will be issued at a later date.

Because of the character of disaster assistance, these new regulations must be operative as soon as possible in order to reflect the legislative mandate. Notice and public procedure are impractical and contrary to the public interest. However, interested parties and government agencies are encouraged to submit written comments, views or data regarding these regulations promulgated hereby to the Administrator, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410. All such submissions received on or before October 4, 1974, will be considered prior to the promulgation of the final FDAA regulations. Inasmuch as these amendments bring the Federal Disaster Assistance Program into compliance with current statutory law and confer a benefit on the public, good cause exists for making them effective upon publication in the FEDERAL REGISTER.

Pursuant to the authority contained in section 7(d) of the Department of Housing and Urban Development Act (79 Stat. 670, 42 U.S.C. section 3535(d)), new Part 2205 is added to Title 24 of the Code of Federal Regulations, as follows:

Sec.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (79 Stat. 670, 42 U.S.C. 3535(d).

Subpart A—General

§ 2205.1 Purpose.

The purpose of this part is to prescribe the standards and procedures to be followed in implementing those sections of Pub. L. 93–288 assigned to the Secretary by the Act or by Executive Order 11795 and delegated to the Administrator on August 5, 1974.

§ 2205.2 Definitions.

As used in this part:

(a) "The Act" means Pub. L. 93–288, cited as the "Disaster Relief Act of 1974."

(b) "Administrator" means the Administrator, Federal Disaster Assistance Administration (FDAA), Department of Housing and Urban Development.

(c) "Applicant" means the State or local government submitting a project

application or request for direct Federal assistance under the Act or on whose behalf the Governor's Authorized Representative takes such action.

(d) "Categorical grants" means contributions to State or local governments, which must be used for emergency assistance, debris removal, temporary housing, restoration of facilities damaged or destroyed by a major disaster, or other eligible work not flexibly funded, on a project-by-project basis, subject to State and Federal inspection and audit. Included are contributions made to such governments on behalf of eligible private non-profit organizations or entities.

(e) "Contractor" means any individual, partnership, corporation, agency, or other entity, public or private (other than an organization engaged in the business of insurance), performing work for the Federal Government or a State or local agency.

(f) "Emergency" 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 in any part of the United States which requires Federal emergency assistance to supplement State and local efforts to save lives and protect public health and safety or to avert or lessen the threat of a major disaster.

(g) "Emergency shelter" means a form of mass shelter provided for the communal care of individuals or families made homeless by a major disaster or an emergency.

(h) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, including the United States Postal Service, but shall not include the American National Red Cross.

(i) "Federal assistance" means aid to disaster victims or State or local governments by Federal agencies under provisions of the Act.

(j) "Federal Coordinating Officer (FCO)" means the person appointed by the Administrator to coordinate Federal assistance in an emergency or a major disaster.

(k) "Flexible funding" means in-lieu contributions under section 402(f) or section 419 of the Act to local or State governments, which may be used at the discretion of the applicant to construct the public facilities it deems best for government functions within its jurisdiction in the major disaster area.

(l) "Governor" means the chief executive of any State.

(m) "Governor's Authorized Representative" means the person named by the Governor in the Federal-State Agreement to executive on behalf of the State all necessary documents for disaster assistance, including certification of applications for public assistance.

(n) "Local government" means (1) any county, city, village, town, district, or other political subdivision of any State, any Indian tribe or authorized tribal organization, or Alaska Native village or organization, and (2) includes any rural community or unincorporated town or village or any other public entity for which an application for assistance is made by a State or political subdivision thereof.

(o) "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 in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act, above and beyond emergency services by the Federal Government, to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(p) "Public facility" includes any publicly owned flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, and any other public building, structure, or system including those used for educational or recreational purposes, or any park.

(q) "Regional Director" means a director of a regional office of the Federal Disaster Assistance Administration (FDAA).

(r) "Secretary" means the Secretary of Housing and Urban Development.

(s) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, or the Trust Territory of the Pacific Islands.

(t) "State Coordinating Officer (SCO)" means the person appointed by the Governor to act in cooperation with the Federal Coordinating Officer appointed under section 303(a) of the Act.

(u) "State emergency plan," as used in section 301(b) of the Act, means that State plan which is designed specifically for State-level response to emergencies or major disasters, and which sets forth actions to be taken by the State and local governments including those for implementing Federal disaster assistance.

(v) "Temporary housing" means accommodations provided by the Federal Government to individuals or families made homeless by a major disaster as further defined in § 2205.45.

(w) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands.

(x) "Voluntary organization" means any chartered or otherwise duly recognized tax exempt local, State, national organization or group which has provided or may provide services to the States, local governments, or individuals in a major disaster or emergency.

§ 2205.3 Policy.

(a) It is the policy of the Administrator to provide an orderly and continuing means of supplementary assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage that result from disasters by:

(1) Providing Federal assistance for public and private losses and needs sustained from disasters.

(2) Encouraging the development of comprehensive disaster preparedness and assistance plans, programs, capabilities, and organizations by the States and by local governments.

(3) Achieving greater coordination and responsiveness of disaster preparedness and relief programs.

(4) Encouraging individuals, States, and local governments to protect themselves by obtaining insurance coverage to supplement or replace governmental assistance.

(5) Encouraging hazard mitigation measures to reduce losses from disasters, including development of land-use and construction regulations.

(b) It is also the policy of the Administrator to foster the development of State and local government organizations and plans for coping with major disasters, and to provide advice and guidance to Federal agencies and States and local governments on organization and preparedness in order to meet the effects of major disasters.

(c) It is further a policy of FDAA to insure that the individual disaster victims are apprised of Federal assistance available and to assist the individual victim in obtaining the Federal assistance to which he is entitled.

§ 2205.4 State emergency plans.

All responsibilities and actions as provided for in the Act and these regulations required of a State and its political subdivisions to prepare for and respond to disasters and to facilitate the delivery of Federal disaster assistance will be set forth in the State's emergency plan.

§ 2205.5 Coordinating Officers.

(a) Upon the declaration of a major disaster or an emergency the Administrator will appoint a Federal Coordinating Officer (FCO) who shall:

(1) Make an immediate appraisal of the types of relief aid most urgently needed;

(2) Establish such field offices as he deems necessary;

(3) Coordinate the administration of relief activities of other Federal agencies as well as those of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other voluntary relief organizations which agree to operate under his advice or direction;

(4) Coordinate the administration of relief with State and local government officials;

(5) Undertake appropriate action to make certain that all of the Federal agencies are carrying out their appropriate disaster assistance roles under their own legislative authorities and operational policies.

(6) Take such other action, consistent with authority delegated to him

by the Regional Director and with the provisions of the Act, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

(b) The Governor shall be requested to appoint a State Coordinating Officer (SCO) in emergencies and major disasters for the purpose of coordinating State and local disaster assistance efforts with those of the Federal Government. The SCO will be the principal point of contact for the FCO regarding coordination of State and local disaster relief activities, implementation of the State Emergency Plan, and State compliance with the Federal-State Agreement. The functions, responsibilities, and authorities of the SCO should be set forth in the State Emergency Plan.

§ 2205.6 Emergency support teams.

The Administrator or Regional Director shall form emergency support teams of Federal personnel to be deployed in an area affected by a major disaster or emergency. Such emergency support teams shall assist the Federal Coordinating Officer in carrying out his responsibilities pursuant to the Act and these regulations. Upon request of the Administrator, the head of any Federal department or agency is authorized to detail to temporary duty with the emergency support teams, on either a reimbursable or non-reimbursable basis as is determined necessary by the Administrator, such personnel within the administrative jurisdiction of the head of the Federal department or agency as the Administrator may need or believe to be useful for carrying out the functions of the emergency support teams. Each such detail shall be without loss of seniority, pay, or other employee status.

§ 2205.7 Project applications.

(a) Federal funding for work approved under the Act may be provided on the basis of project applications submitted by the State or local governments and approved by the State and the Regional Director or his authorized representative, pursuant to the Federal-State Agreement (see §§ 2205.27 and 2205.44) and in accordance with this part. The approved project application will provide the basis of a request for an advance of funds and reimbursement for eligible expenditure.

(b) Project applications shall be submitted within the time limits prescribed by § 2205.33 or § 2205.60 or as otherwise prescribed by the Administrator.

(c) The State shall assure that procurement of work and services under project applications hereunder comply with provisions of the Act, and with State or local statutes, regulations, and ordinances not in conflict with Federal procurement policies or procedures covering procurement of such supplies and services by such State or the political subdivision thereof.

(d) The State shall assure that no contract entered into by an applicant under the Act or these regulations shall contain a provision which makes the payment for such work contingent upon reimbursement under this Act or these regulations.

(e) The Governor's Authorized Representative(s) shall review all project applications and shall recommend approval or disapproval. Every project application shall contain a certification by the Governor or the Governor's Authorized Representative and that (1) Federal funds requested will be, or have been, expended in accordance with applicable law and regulations, and (2) the project application meets all the requirements and conditions of the Federal-State Agreement and such other terms established by the Regional Director.

(f) In those cases where a State or local government elects to request a contribution for flexible funding in accordance with section 402(f) of the Act, the basic application shall include only debris clearance, emergency protective measures, and other emergency work and shall be handled as a request for a categorical grant. Replacement, reconstruction, permanent repair or restoration of public facilities, or other permanent work otherwise eligible for flexible funding will be covered by separate supplement or supplements to the basic project application.

(g) In those cases where the total estimated cost approved by the Regional Director for one applicant for emergency work, permanent repair and restoration clearance is less than $25,000, the basic application should include all eligible of damaged public facilities, and debris work and will be processed in accordance with § 2205.54(i). In any instance where the applicant submits a supplemental project application, the approval of additional Federal funding in excess of $25,000 by the Regional Director will result in the entire grant, including the previous flexible funding, reverting to a categorical grant, or to flexible funding for any assistance pursuant to section 402(f) of the Act.

(h) If a project application is approved by the Regional Director without change, signed copies thereof evidencing such approval shall be returned to the State.

(i) If disapproved, the project application shall be returned to the State with a statement of the reasons for such disapproval.

(j) If the approval is made subject to revisions, additional conditions, or partial disapproval, signed copies thereof evidencing such approval, together with a full explanation of the revisions or additional conditions, shall be returned to the State.

(k) A private organization or entity may request assistance for private nonprofit educational, utility emergency, medical, and custodial care facilities under setcion 402(b) of the Act. Such request must be made to the local government or the State, which shall submit the project application and shall be responsible for project administration including requests and accounting for advances of funds, presentation of the summary of documentation, and submission of vouchers for payment. In addition to the completed application documents, the following documents and assurances must be submitted with the project application:

(1) A copy of the Internal Revenue Service ruling letter which grants the organization or entity tax exemption under section 501(c), (d), or (e) of the Internal Revenue Code of 1954, as amended.

(2) A statement by the applicant which evaluates the need of the community or region for restoring the damaged or destroyed facilities.

(3) A statement by the applicant which shall identify applicable codes, specifications, and standards to which any proposed restorative work must conform when undertaken.

(4) When appropriate, the comments and recommendations of State or local government clearinghouses pursuant to the guidelines contained in OMB Circular No. A–95.

(5) A copy of the following assurances by the interested private organization or entity:

(i) That it owns the facility and, in the case of real property, that it has or will have a title in fee simple or such other estate or interest in the site, including necessary easements and rights of way, sufficient to assure for a reasonable period of time undisturbed use and possession for the purpose of the construction and operation of the facility.

(ii) That the facility will continue to be operated in such a manner as to maintain the tax exempt status granted under the Internal Revenue Code during the normal anticipated useful life of the restored facility or the useful life of the restorative work, whichever is lesser.

(iii) That it will maintain adequate and separate accounting and fiscal records which account for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable times; and that claims for Federal reimbursement do not duplicate funding provided from any other source.

(iv) That it will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; and

(v) That adequate financial support will be available for maintenance and operation when completed.

(vi) That insurance required by the Act and these regulations will be obtained and maintained.

§ 2205.8 Assistance by Federal Agencies.

(a) Upon the declaration of a major disaster or the determination of an emergency by the President, the Administrator or Regional Director may direct any Federal agency to provide assistance to State and local governments, by: (1) Utilizing or lending their equipment, supplies facilities, personnel, and other resources, other than the extension of credit under the authority of any Act; (2) by distributing medicine, food, and other consumable supplies; and (3) by rendering emergency assistance. Such assistance will be with or without com-

pensation as deemed appropriate by the Administrator or Regional Director under the provisions of Federal reimbursement regulations, Part 2201 of this chapter.

(b) The Regional Director is authorized to coordinate all activities of Federal agencies in providing disaster assistance under the Act.

(c) The Regional Director is authorized to request that other Federal agencies shall provide any reports or information relative to disaster assistance which he deems necessary.

(d) Assistance to be furnished by any Federal agency under paragraph (a) of this section shall be subject to the criteria of eligibility provided by the Administrator under these regulations and other instructions as may be issued from time to time by the Administrator or the Regional Director.

(e) Assistance under paragraph (a) of this section, when directed by the Administrator or Regional Director, shall not affect the authority of any Federal agency to provide disaster relief assistance independent of the Act: However, such disaster relief assistance by other Federal agencies is subject to the coordination of the Federal Coordinating Officer.

(f) In carrying out the purposes of the Act, any Federal agency is authorized to accept and utilize, with the consent of the State or local government, the services, personnel, materials and facilities of any State or local government, or of any agency, office or employee thereof: *Provided, however,* That such utilization shall not be considered to make such services, materials, or facilities Federal in nature or to make the State, local governments, or agencies thereof an arm or agency of the Federal Government.

(g) Direct assistance by Federal agencies in carrying out the provisions of section 402 of the Act may be authorized by the Regional Director only under unusual circumstances when State or local governments lack capability to perform or contract for the approved work.

§ 2205.9 Federal equipment and supplies.

(a) In any major disaster or emergency the Regional Director may direct Federal agencies to utilize, donate, or lend their equipment and supplies to State and local governments for use and distribution by them for the purposes of the Act.

(b) The Regional Director may authorize donation or loan of equipment and supplies determined in accordance with applicable laws and regulations to be surplus to the needs and responsibilities of the Federal Government, to States and local governments for use or distribution by them for the purposes of the Act or these regulations. The donation of such surplus property shall be made upon the basis of a certification by the State that such property is usable and necessary for current disaster purposes. Such a donation of surplus property will be made in accordance with the procedures prescribed by the General Services Administration.

(c) In providing assistance pursuant to the Act, maximum utilization will be made of surplus Federal property.

(d) The States may obtain information on the availability of surplus property from the State surplus property agency or the State agency designated for such purposes under State law.

§ 2205.10 Inspections.

In making his determinations of eligibility of Federal grants based on project applications, or of direct Federal assistance, the Regional Director shall arrange for damage surveys by Federal inspectors, accompanied by a State inspector when required by the Regional Director, and by an authorized local representative. Federal inspectors will prepare damage survey reports, which provide recommendations to the Regional Director. The Regional Director shall require interim Federal or State inspections when warranted and a final Federal inspection for all categorical grants. Following his approval of Federal grants involving flexible funding, the Regional Director may require such Federal inspections as he deems necessary to assure compliance with the Act and these regulations.

§ 2205.11 Use of local firms and individuals.

In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other disaster assistance activities which may be carried out by contract with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals who reside or do business primarily in the affected political subdivisions in which such activities are being performed.

§ 2205.12 Use and coordination of relief organizations.

(a) In providing relief and assistance under the Act, the Administrator or Regional Director may utilize, with their consent, the personnel and facilities of the American National Red Cross, The Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services and essential facilities, whenever the Administrator or Regional Director finds that such utilization is necessary.

(b) In any major disaster or emergency, the Regional Director may provide assistance by distributing or rendering through the American National Red Cross, The Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, medicine, food, and other consumable supplies, or emergency services.

(c) The Administrator is authorized to enter into agreements with the American National Red Cross, The Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal Coordinating Officer whenever such organizations are engaged in providing relief during and after a major disaster or emergency. Any such agreement shall include provisions assuring that use of Federal facilities supplies and services will be in compliance with §§ 2205.13 (Non-Discrimination in Disaster Assistance) and 2205.15 (Duplication of Benefits) of these regulations and such other regulations as the Administrator may issue.

(d) Nothing contained herein shall be construed to limit or in any way affect the responsibilities of the American National Red Cross as stated in Pub. L. 58–4 approved January 5, 1905 (33 Stat. 599).

§ 2205.13 Non-discrimination in disaster assistance.

(a) Federal financial assistance to the States or their political subdivisions is conditioned on full compliance with Regulation 5, 32A CFR Part 98.

(b) All personnel carrying out Federal assistance functions at the site of a major disaster or emergency, including the distribution of supplies, the processing of applications, and other relief and assistance activities, shall perform their work in an equitable and impartial manner, without discrimination on the grounds of race, religion, sex, color, age, economic status, or national origin.

(c) As a condition of participation in the distribution of assistance or supplies under the Act or of receiving assistance under sections 402 or 404 of the Act, government bodies, and other organizations shall comply with regulations relating to nondiscrimination promulgated by the President or the Administrator, and such other regulations applicable to activities within an area affected by major disaster or emergency as the Administrator deems necessary for the effective coordination of relief efforts.

(d) By reference to this part, the following provisions shall be included in every Federal-State Agreement:

During the performance of any contract enterd into under the Federal-State Agreement, the State shall require the contractor to agree as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, religion, sex, color, age, economic status, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this non-discrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, sex, color, age, economic status, or national origin.

(3) The contractor will send to each labor union, or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the U.S. Equal Employment Opportunity Commission.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the U.S. Equal Employment Opportunity Commission for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(6) Contractor non-compliance with the non-discrimination clauses of this contract or with any of the said rules, regulations, or orders, may result in actions whereby the contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965. Such other sanctions may be imposed and remedial measures invoked as provided in the said executive order or by rule, regulations, or order of the U.S. Equal Employment Opportunity Commission or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the U.S. Equal Employment Opportunity Commission issued pursuant to section 303 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for non-compliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

§ 2205.14 Insurance settlement or recovery.

Prior to approval of a Federal grant for the restoration of property or involving supplies or equipment, the applicant shall notify the Regional Director of any entitlement to insurance settlement or recovery for such properties. The Regional Director shall reduce the grant by the actual amount of insurance proceeds received by the grantee. In the event insurance recovery is contingent upon the amount of reimbursement under the Act, reimbursement will be limited to eligible costs as determined by the Regional Director after deducting the maximum amount otherwise recoverable under and to the limit of the policy.

§ 2205.15 Duplication of benefits.

(a) The Administrator, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concern, or other entity will refering losses as the result of a major disaster, shall assure that no such person, buisness concern, or other entity will receive such Federal financial assistance with respect to any part of such loss for which he has received financial assistance under any other program.

(b) The Administrator shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, business concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss suffered as the result of a major disaster shall not preclude additional Federal assistance for any part of such a loss not compensated otherwise.

(c) Whenever the Administrator determines (1) that a person, business concern, or other entity has received assistance under this Act for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

§ 2205.16 Non-liability.

The Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of the Act.

§ 2205.17 Financial management.

All Federal funds made available to the States under these regulations shall be properly accounted for as Federal funds in the accounts of the States. In each case the State agency concerned shall render such authenticated reports to FDAA, covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by the Administrator or the Regional Director.

§ 2205.18 Criminal and civil penalties.

(a) Any individual who fraudulently or willfully misstates any fact in connection with a request for assistance under this Act shall be fined not more than $10,000 or imprisoned for not more than one year or both for each violation.

(b) Any individual who knowingly violates any order or regulation under this Act shall be subject to a civil penalty of not more than $5,000 for each violation.

(c) Whoever knowingly misapplies the proceeds of a loan or other cash benefit obtained under any section of this Act shall be subject to a fine in an amount equal to one and one-half times the original principal amount of the loan or cash benefit.

§ 2205.19 Federal audits.

The Administrator and the Comptroller General of the United States or their duly authorized representatives shall have access to any books, documents, papers, and records that pertain to Federal funds, equipment and supplies received under these regulations for the purpose of audit and examination.

§ 2205.20 Reviews and reports.

(a) The Administrator shall conduct annual reviews of the activities of Federal agencies and State and local governments providing disaster preparedness and assistance, in order to assure maximum coordination and effectiveness of such programs, and shall from time to time report thereon to the Congress.

(b) In carrying out this provision, the Administrator or the Regional Director may direct Federal agencies to submit reports relating to their disaster preparedness and assistance activities. He may request similar reports from the States relating to these activities on the part of State and local governments. Additionally, the Administrator may conduct independent investigations, studies, and evaluations as he deems necessary to complete the annual reviews.

§ 2205.21 Appeals.

(a) An appeal is a request from a State for reconsideration of a determination by the Regional Director on any action related to Federal assistance pursuant to the Act and these regulations.

(b) An appeal shall be made in writing by the State with such additional information as is appropriate to support the request for reconsideration. All appeals shall be made within 30 days of receipt of the notice of determination by the Regional Director.

(c) Upon receipt of an appeal, the Regional Director shall review the material submitted and make such additional investigation as he deems appropriate. Following his review and investigation, the Regional Director shall notify the State, in writing, of his decision to accept or deny the appeal. If his decision is to accept the appeal, the Regional Director shall take such additional action as is necessary to implement his decision including, but not limited to approval of project applications.

(d) If the Regional Director denies the appeal, the State may submit an appeal to the Administrator. Such appeal shall be made in writing through the Regional Director, and shall be submitted not later than 30 days after receipt of notice of the Regional Director's denial of the appeal. Action by the Administrator is final.

§ 2205.22 Effective date.

These regulations are effective for all major disasters declared on or after April 1, 1974, and for all emergency or fire suppression assistance made available on or after April 1, 1974; except that § 2205.48 which implements section 408 of the Act, is effective for all major disasters declared on or after April 20, 1973.

(a) For major disasters declared on or after April 1, 1974 and prior to May 22, 1974:

(1) Project applications Federally funded and approved or other Federal financial assistance obligations incurred under Pub. L. 91-606 may be amended to include the benefits of retroactive implementation of the Act.

(2) No applicant shall be required to surrender any benefits of Pub. L. 91-606.

(b) For major disasters declared prior to April 1, 1974:

(1) All actions taken or to be taken shall be in accordance with Part 2200 (Federal Disaster Assistance) of Title 24, CFR.

Subpart B—Emergencies

§ 2205.23 General.

Upon the occurrence of a catastrophe within a State which, in the opinion of the Governor constitutes an emergency of such severity and magnitude as to require supplementary Federal assistance, the Governor may present to the Administrator, through the Regional Director, a request for Federal assistance. Based on such Governor's request, the President may determine that an emergency exists which warrants Federal assistance.

§ 2205.24 Requests for emergency assistance.

(a) The request for emergency assistance shall be made by the Governor of the affected State to the Administrator, through the Regional Director. Such Governor's request shall be based upon a finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary.

(b) The Governor's request will furnish information describing State and local efforts and resources which have been or will be used to alleviate the emergency including that for which no Federal funding will be requested, and will define the particular type and specific extent of Federal aid required.

§ 2205.25 Processing of State requests.

(a) The Regional Director shall acknowledge the Governor's request. Based on his investigation of the situation, which may include field assessments and consultations with appropriate State and Federal officials or other interested parties, the Regional Director shall promptly submit his report and recommendations to the Administrator.

(b) The Administrator shall forward the Governor's request, together with his report and recommendations, to the Secretary.

(c) The Secretary shall forward the Governor's request to the President, together with his recommendation regarding Presidential action thereon.

§ 2205.26 Initiation of Federal assistance.

Upon a determination by the President that an emergency exists which warrants Federal assistance, the Administrator shall immediately initiate action to provide Federal assistance under such determination and in accordance with applicable laws, and regulations and the Federal-State Agreement for Emergencies. The Regional Director may approve or undertake emergency work only as authorized under the determination by the President.

§ 2205.27 Federal-State agreements.

(a) A Federal-State Agreement for Emergencies (Agreement) shall be executed by the Governor, acting for the State, and the Regional Director, acting for the Federal Government. The Agreement will contain the necessary terms and conditions consistent with the provisions of applicable laws, executive orders, and regulations, as the Administrator may require and will set forth the type and extent of Federal assistance. The emergency area in which assistance is authorized shall be determined by the Administrator based on the State's request.

(b) It is intended that continuing agreements shall be executed between each State and the Federal Government as soon as possible. Where continuing agreements have been executed, an amendment to such agreement shall be executed by the Governor and the Regional Director for each emergency to specify the incidence period and to include any specifics peculiar to the current emergency. Subsequent amendments to such agreements for the same emergency may be executed by the Governor's Authorized Representative and the Regional Director. A new continuing agreement will be executed if there is a change in Governors or Regional Directors.

(c) The type and extent of Federal assistance set forth in the Agreement, or supplement thereto, shall be the only assistance which is eligible for Federal reimbursement or funding under the Act.

(d) In the event funds are to be transferred to a State for disaster relief purposes, the Agreement, by reference to this section shall contain, and the State and its political subdivisions will agree to, the following provisions:

In the event that a State or local government violates any of the conditions imposed upon disaster relief assistance under law, this Agreement or applicable Federal regulations, the Administrator will notify the State that additional financial assistance for the purpose of the project in connection with which the violation occurred will be withheld until such violation has been corrected: *Provided, however,* That if the Administrator, after such notice to the State, is not satisfied with the corrective measures taken to comply with his notification, the Administrator will notify the State that further financial assistance will be withheld for the project for which it has been determined that a violation exists, or for all or any portion of financial assistance which has or is to be made available to the State or local governments for the purpose of disaster relief assistance under the provisions of this Agreement, applicable Federal regulations, and the Act.

(e) By reference to this part, the following provision shall be included in the Agreement:

No Member of or Delegate to Congress or resident commissioner, shall be admitted to any share or part of this Agreement, or to any benefit to arise thereupon: *Provided, however,* That this provision shall not be construed to extend to any contract made with a corporation for its general benefit.

§ 2205.28 Emergency mass care.

Emergency mass care, such as emergency medical care, emergency shelter, emergency provision of food, water and medicine, and other essential needs, may be furnished by the Red Cross or other voluntary organizations or by State or local government or by the Federal Government. If such services are furnished by government agencies, and are not reimbursable by such voluntary organizations or by insurance, an applicant or a Federal agency may be reimbursed for such eligible costs as may be approved by the Regional Director.

§ 2205.29 Emergency debris clearance.

Emergency debris clearance is limited to the clearance of debris to save lives and protect property and public health and safety. This includes debris clearance from roads and facilities as necessary for the performance of emergency tasks and for restoration of essential public services.

§ 2205.30 Emergency protective measures.

Eligible emergency protective measures include but are not limited to search and rescue, demolition of unsafe structures, warning of further risks and hazards, public information on health and safety measures, and other actions necessary to remove or to reduce immediate threats to public health and safety, or to public property, or to private property when in the public interest.

§ 2205.31 Emergency restorative work.

Emergency repairs may be made to essential utilities and other essential facilities as necessary to provide for their continued operation. This includes but is not limited to: Emergency bridge work, emergency road detours, tie-ins to neighboring utilities, emergency building repairs, and rental of alternate space for restoration of essential community services.

§ 2205.32 Emergency communications.

The Regional Director is authorized during or in anticipation of an emergency or major disaster to establish emergency communications and make them available to State and local government officials and other persons as he deems appropriate. Communications pro-

vided under this section are intended to supplement but not replace normal communications that remain operable after a major disaster. Such emergency communications will be discontinued immediately when the essential emergency communications needs of the community have been met.

§ 2205.33 Time limitations.

(a) Project applications shall be submitted within 30 days, or a lesser period if so prescribed by the Regional Director, following the declaration of an emergency by the Administrator. When warranted, the Regional Director may, if the State so requests, extend this time limitation.

(b) Federal Emergency Assistance provided under this Subpart B shall terminate no later than one month after the Administrator's determination that an emergency exists, except that:

(1) Based on extenuating circumstances beyond the control of the applicant, the Regional Director, as he deems necessary, may extend the time limitation not to exceed an additional two months for such assistance.

(2) Based on his determination that such action is warranted, the Administrator may extend the time limitation completion date beyond 3 months when requested by the State.

Subpart C—Fire Suppression

§ 2205.34 General.

When the Administrator determines that a fire or fires threaten such destruction as would constitute a major disaster, he may authorize assistance, including grants, equipment, supplies, and personnel to any State for the suppression of any fire on publicly or privately owned forest or grassland.

§ 2205.35 Federal-State agreements.

Federal assistance under section 417 of the Act will be in accordance with a Federal-State Agreement for Fire Suppression (Agreement), signed when possible in advance of the fire season by the Governor and the Regional Director. The Governor may designate authorized representatives to execute requests and certifications and otherwise act for the State during fire emergencies. Supplemental agreements shall be filed as necessary, but at least annually in order to keep the continuing agreement updated.

§ 2205.36 Requests for assistance.

When a Governor determines that fire suppression assistance is warranted, his request for assistance should specify in detail the facts supporting such a request. In order that all actions in processing a State request are executed as rapidly as possible, the request may be submitted to the Regional Director by telephone, promptly followed by confirming telegram or letter.

§ 2205.37 Providing assistance.

Following the Administrator's decision on the State request, the Regional Director will notify the Governor and the Federal firefighting agency involved. Requests for assistance from Federal agencies may be made by the Regional Director if requested by the State. For each fire or fire situation, a separate Fire Project Application will be prepared by the State and submitted to the Regional Director for approval.

§ 2205.38 Reimbursement.

Payment will be made to the State for its actual eligible costs, subject to verification, as necessary, by Federal inspection and audit. When requested by the State, such payments may be made directly to other Federal agencies for eligible assistance provided by them. The following costs will not be considered eligible for reimbursement: Any clerical or overhead costs other than field administration and supervision; any costs of pre-suppression, including salvaging timber, restoring facilities, seeding and planting operations; and any costs not incurred during the incidence period as determined by the Regional Director other than directly related mobilization or demobilization costs.

Subpart D—Major Disasters

§ 2205.39 General.

Upon the occurrence of a catastrophe within a State which, in the opinion of its Governor, constitutes a major disaster requiring supplementary Federal assistance, the Governor may present to the Administrator, through the Regional Director, a request for Federal assistance. Based on such Governor's request, the President may declare that a major disaster exists. Federal assistance pursuant to such declaration may include emergency assistance pursuant to Subpart B of this part. Where the situation is not of sufficient severity and magnitude to warrant major disaster assistance under the Act, or where information upon which to base such a declaration is insufficient or not readily available, the President may determine that an emergency exists which warrants Federal assistance.

§ 2205.40 Definitions.

As used in this part:

(a) "Field Assessment" means those preliminary estimates and descriptions, based on actual observations by government engineers or inspectors, of the nature and extent of damages, resulting from a disaster, and of the Federal assistance potentially eligible under the Act.

(b) "Disaster-affected areas" means any local government, as defined in § 2205.2 or part thereof, designated by the Administrator, upon request by the State, as being eligible for Federal assistance under the Act.

(c) "Applicable standards of safety, decency, and sanitation" are those minimum guidelines prescribed or approved by the Administrator for any repair or reconstruction financed by Federal grants or loans under the Act.

§ 2205.41 Requests for major disaster assistance.

(a) The request for a major disaster declaration shall be made by the Governor of the affected State to the Administrator, through the Regional Director. Such Governor's request shall be based upon a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary.

(b) As a part of such request, and as a prerequisite to major disaster assistance under the Act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan, and shall advise the Administrator thereof. In addition, the request shall include the following:

(1) An estimate of the amount and severity of damage broken down by type, such as private non-agricultural, agricultural, and public.

(2) A statement of actions pending or taken by the State or local legislative and governing authorities with regard to the disaster.

(3) A certification that, for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will constitute the expenditure of a reasonable amount of the funds of such State and local governments for alleviating the damage, loss, hardship, or suffering resulting from such disaster. The certification by the Governor shall include the following:

Pursuant to Federal Disaster Assistance Administration Regulations, I certify that the total of expenditures and obligations for this disaster for which no Federal reimbursement will be requested are expected to exceed $ ------ in accordance with the following table:

Category of assistance	Amount	
	State	Local
Individual assistance:		
Housing	$	$
Individual and family grants		
Mass care		
Other (specify)		
Total		
Public assistance:		
Debris and wreckage clearance		
Protective work		
Restoration of public facilities		
Public safety		
Other (specify)		
Total		
Grand total		

(4) An estimate of the extent and nature of Federal assistance needed within the State, broken down by category of public or individual assistance for each affected county, and the estimated Federal funds required for each category.

(5) As appropriate, other justification in support of the request.

§ 2205.42 Processing the request of a Governor for a declaration of a "major disaster".

(a) The Regional Director shall acknowledge the Governor's request. Based on his investigation of the situation, which may include field assessments of the affected area and consultations with appropriate State and Federal officials, or other interested parties, the Regional Director shall promptly submit his report

and recommendations to the Administrator.

(b) The Administrator shall forward the Governor's request, together with his report and recommendations, to the Secretary.

(c) The Secretary shall forward the Governor's request to the President, together with his recommendation regarding Presidential action thereon.

§ 2205.43 Initiation of Federal assistance.

Upon a declaration of a major disaster by the President, the Administrator shall immediately initiate action to provide Federal assistance in accordance with such declaration, applicable laws, regulations, and the Federal-State Agreement for Major Disasters. Disaster affected areas within the State will be determined by the Administrator. A disaster affected area designated by the Administrator includes all local governments within its boundaries.

§ 2205.44 Federal-State agreements.

(a) Upon the declaration of a major disaster, a Federal-State Agreement for Major Disasters (Agreement) will be executed by the Governor, acting for the State; and the Regional Director, acting for the Federal Government. Such Agreement shall provide for the manner in which Federal assistance is to be made available and contain the assurance of the Governor that a reasonable amount of the funds of the State, local governments, or other agencies therein will be expended in alleviating damage caused by the disaster. The Agreement will also contain such other terms and conditions consistent with the provisions of applicable laws, executive orders, and regulations as the Administrator may require.

(b) The Agreement will specify the assistance to be provided as a result of major disaster.

(c) In the event funds are to be transferred to a State for disaster relief purposes, the Agreement, by reference to this section shall contain, and the State and its political subdivisions will agree to, the following provisions:

In the event that a State or local government violates any of the conditions imposed upon disaster relief assistance under law, this Agreement or applicable Federal regulations, the Administrator will notify the State that additional financial assistance for the purpose of the project in connection with which the violation occurred will be withheld until such violation has been corrected: *Provided, however,* That if the Administrator, after such notice to the State, is not satisfied with the corrective measures taken to comply with his notification, the Administrator will notify the State that further financial assistance will be withheld for the project for which it has been determined that a violation exists, or for all or any portion of financial assistance which has or is to be made available to the State or local governments for the purpose of disaster relief assistance under the provisions of this Agreement, applicable Federal regulations, and the Act.

(d) By reference to this part, the following provision shall be included in the Agreement:

No Member of or Delegate to Congress or resident commissioner, shall be admitted to any share or part of this agreement, or to any benefit to arise thereupon: *Provided, however,* That this provision shall not be construed to extend to any contract made with a corporation for its general benefit.

§ 2205.45 Temporary housing assistance.

(a) The President is authorized to provide, either by purchase or lease, temporary housing, including, but not limited to, unoccupied habitable dwellings, suitable rental housing, mobile homes or other readily fabricated dwellings for those who, as a result of a major disaster, require temporary housing.

(b) Temporary housing shall be limited to minimum accommodations necessary for adequate housing within a reasonable communting distance from former residence or place of employment. Each temporary housing occupant shall endeavor to place himself in permanent housing at the earliest possible time.

(c) Temporary housing accommodations made include, but are not limited to:

(1) Unoccupied, available housing owned by the United States.

(2) Unoccupied, available housing units, financed totally or in part with Federal funds, including public housing.

(3) Rental properties.

(4) Mobile homes, or other readily fabricated dwellings.

(5) Transient accommodations, when the nature or duration of the housing requirement does not justify more stable arrangements, as determined by the Regional Director.

(d) In lieu of providing other types of temporary housing listed in paragraph (c) of this section, expenditures may be made to repair or restore to a habitable condition owner-occupied private residential structures made uninhabitable by a major disaster, which are capable of being restored quickly to a habitable condition with minimal repairs. No assistance provided under this section may be used for major reconstruction or rehabilitation of damaged property.

(e) Utility use costs will be paid either by the State or local government or the owner or occupant of the temporay housing, without charge to the United States. Where utility services are not metered separately, such payment will be based on a monthly allowance equivalent to the pro-rata costs of utilities services.

(f) A disaster victim is expected to accept the first adequate housing offered. Refusal by the applicant to accept such accommodations may result in his forfeiture of eligibility for temporary housing assistance.

(g) Any mobile home or readily fabricated dwelling shall be placed on a site complete with utilities provided either by the State or local government, or by the owner or occupant of the site who was displaced by the major disaster, without charge to the United States. The Administrator may authorize installation of essential utilities at Federal expense and he may elect to provide other more economical or accessible sites when he determines such action to be in the public interest.

(h) Temporary housing shall not be made available to those individuals or families with insurance coverage which provides the full cost of alternate living arrangements, except where, as determined by the Regional Director, adequate alternate housing is not readily available or the receipt of insurance benefits is uncertain or inadequate to meet temporary housing needs. Individuals or families who qualify for and accept assistance under this exception shall repay or pledge to the Government from any insurance proceeds for temporary housing to which they are entitled an amount equivalent to the fair market value of the housing provided.

(i) Temporary housing shall not be made available to any person or family for use as a vacation or secondary residence.

(j) Temporary housing will not be provided when emergency shelter or transient accommodations are sufficient and when the nature or duration of the housing requirement does not justify more stable arrangements as determined by the Regional Director.

(k) The period of eligibility for occupancy in temporary housing shall be determined on the basis of need. Each occupant's eligibility for continued occupancy shall be recertified no less frequently than every 90 days. No rentals shall be established for the first 12 months of occupancy. Thereafter, provided no adequate alternate housing exists, rentals shall be established based upon the fair market value of the accommodations being furnished. Such rentals shall be adjusted to take into consideration the financial ability of the occupant.

(l) Pursuant to this section, temporary housing assistance may be terminated on 30-day written notice after which 30 days the occupant may be liable for such additional charges as the Regional Director may deem appropriate. Termination of temporary housing assistance to an occupant may be for reasons including, but not limited to, the following:

(1) Adequate alternate housing is now available.

(2) Failure on the part of the occupant to utilize or maintain the housing provided in the manner normally expected of a tenant.

(3) Failure on the part of the occupant to pay rent, utilities, or other appropriate charges or to reimburse the Government for such charges as authorized by the Regional Director in accordance with this section.

(4) Determination that the temporary housing assistance was obtained either through misrepresentation or fraud.

(m) Termination of temporary housing assistance may be in the form of:

(1) Eviction from temporary housing.

(2) Termination of financial assistance.

(3) Any appeals by the occupant from a termination notice shall be processed

and resolved pursuant to the temporary housing pre-termination procedure adopted by the Department of Housing and Urban Development for the purpose of providing due process safeguards to the tenants.

(n) Any temporary housing acquired by purchase may be sold directly to individuals and families who are occupants of temporary housing for their use as permanent housing. Such sales shall be at prices that are fair and equitable, as determined by the Regional Director.

(o) The Administrator may sell or otherwise make available temporary housing units purchased pursuant to section 404(a) of the Act directly to States, other governmental entities, or voluntary organizations. As a condition of such transfer, the Administrator shall impose:

(1) A covenant to comply with the provisions of § 2205.13 requiring nondiscrimination in the distribution and occupancy of temporary housing.

(2) The requirement that any units provided under this section must be used for the purpose of providing temporary housing for disaster victims in emergencies or major disasters.

(3) The condition that any temporary housing made available, under the provisions of this section, which is not utilized in accordance with the terms of the transfer, may be ordered returned by the Administrator.

§ 2205.46 Mortgage and rental payments.

The Administrator is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a primary residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to the disaster. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser.

§ 2205.47 Disaster unemployment assistance.

The Secretary of Labor, consistent with the delegation of authority to him by the Secretary dated _____, will (a) provide assistance to individuals unemployed as a result of a major disaster, and (b) provide reemployment assistance services under section 407 of the Act and under other laws administered by the Department of Labor to individuals who are unemployed as a result of a major disaster and (c) issue such rules and regulations as may be necessary and appropriate. Such regulations will be issued in 20 CFR Ch. V, Part 625 (34 FR 19656, December 13, 1969), as amended.

§ 2205.48 Individual and family grants.

(a) *General.* Grants may be made to a State for the purpose of such State making grants to individuals or families who as a result of a major disaster are unable to meet disaster related necessary expenses or serious neds. Such assistance may be furnished following a request by the Governor and determination by the Regional Director that individuals or families are unable to meet such expenses or needs through assistance under other provisions of the Act, or from other means. The grant program authorized by this section will be administered by the Governor of the affected State or his designated representative.

(b) *Definitions as used in this section.* (1) "Necessary expense" means the cost of a service or material item required by an individual or family to reduce or overcome an adverse condition resulting from a major disaster, which if not alleviated by Federal assistance, will result in serious need.

(2) "Serious need" means extreme hardship, injury or loss caused by a major disaster which may be alleviated by assistance pursuant to this section.

(3) "Family" means a social unit comprised of husband and wife and dependents, if any, or a head of a household, as these terms are defined in the Internal Revenue Code of 1954.

(4) "Individual" means a person who is not a member of a family, as defined in subparagraph (3) of this paragraph.

(c) *National eligibility criteria.* (1) Grants provided by States under this section will be made where necessary to alleviate a disaster related necessary expense or serious need.

(2) In order to qualify for grant assistance, an individual or family must certify that application has been made through other available governmental programs for assistance to meet a disaster related necessary expense or serious need and that he or they have been determined not to be qualified for such assistance, or, for demonstrated reasons, any assistance received has not satisfied such disaster related necessary expense or serious need.

(3) Notwithstanding the provisions of paragraph (c)(2) of this section, an individual or family may apply for a grant under this section when the disaster related necessary expense or serious need is of such urgency and immediacy that delay resulting from normal processing of other assistance would result in extreme hardship.

(4) As a condition of receiving a grant under this section, the individual or family representative must certify that neither he, nor to his knowledge, any other individual or member of his family has previously received assistance under other provisions of the Act or from other means to meet the disaster related necessary expense or serious need for which such grant is requested.

(5) Anyone who applies for assistance under this section shall be informed that if an individual or family receives a grant or grants under this section and assistance from other means later becomes available to meet the disaster related necessary expense or serious need, the individual or family shall be required to refund to the State that part of the grant for which financial assistance under other provisions of the Act or from other means has been received.

(6) A grant will ordinarily not be provided to an individual or family for the purpose of satisfying or alleviating a financial obligation which was incurred prior to the major disaster.

(d) *State requests for grants.* A request for assistance under this section shall be completed by the Governor of the affected State and filed with the appropriate Regional Director. The request must contain the following information certified to by the Governor or his authorized representative:

(1) That one or more individuals or families in a disaster affected area has disaster related necessary expenses or serious needs.

(2) That other assistance under the Act or from other means is insufficient to meet such necessary expenses or serious needs.

(3) An estimate of the number of persons, and their locations, who have disaster related necessary expenses or serious needs, and the basis for such estimate.

(4) An estimate of the funds required to meet the disaster related necessary expenses or serious needs including the percentage of the Federal grant to be used for administrative expenses.

(5) A statement that the State has developed or will develop an administrative plan pursuant to paragraph (h) of this section.

(6) A commitment to identify specifically in the accounts of the State the funds used to provide the 25 per cent State share of the estimated costs of meeting disaster related necessary expenses or serious needs.

(e) *Reports.* The State will agree to maintain close coordination with the Federal Coordinating Officer and provide him with such reports as he may require in order to insure proper administration, including avoidance of duplication of benefits.

(f) *Approval.* The Regional Director may approve or disapprove the application in whole or in part. If approved, the Regional Director may make an initial advance up to 25 per cent of the estimated Federal share of the grant funds. Additional advances may be made on the basis of demonstrated needs. No part of such advance may be used to pay the State share of any grant to an individual or family.

(g) *Notification to individuals and families.* The State will institute and conduct a program to advise individuals and families in the disaster affected area of the availability of assistance under this section and the procedures for requesting grants.

(h) *State Administrative plan.* The State will develop and publish a plan for program administration including, but not limited to:

(1) Designation of the responsible State agency.

(2) Methods and procedures for notification to potential applicants.

(3) Establishment of local application centers.

(4) Eligibility criteria.

(5) Provisions for compliance with §§ 2205.13, 2205.15, and 2205.18 and Subpart E of this part.

(6) Administrative procedures for filing, investigating and approving applications.

(7) Disbursement of funds.

(i) *Reimbursement to the State.* Reimbursement to the State for the Federal share of eligible costs will be on the basis of a voucher filed by the State and approved by the Regional Director.

(j) *Federal audit.* All disbursements will be subject to Federal audit, including those for administrative costs for which the State requests reimbursement.

(k) *Limitation on grants.* (1) The Federal grant under this part shall be equal to 75 per cent of the actual cost of meeting disaster related necessary expenses or serious needs of individuals and families, plus State administrative expense not to exceed 3 per cent of the total Federal grant, and shall be made only on condition that the remaining 25 percent of such actual cost is paid to such individuals and families from funds made available by the affected State.

(2) An individual or family shall not receive a grant or grants under the provisions of this section aggregating more than $5,000 with respect to any one major disaster. Such aggregate amount shall include both the Federal and State share of the grant.

(3) Assistance will be provided to an individual or family only for a necessary expense or serious need which arose as an immediate and direct result of the major disaster.

(4) A State may expend not to exceed 3 per cent of the total Federal grant for administrative expenses.

(l) *Advance of State share.* If the State is unable immediately to pay its 25 percent share of the grants to be made under this section, the State may request that this amount be advanced to it by the Federal Government. Requests for such advances will be made to the Regional Director and will include the following:

(1) A certification that the State is immediately unable to pay its 25 percent share and an explanation of the reasons therefor.

(2) A statement as to the specific actions taken or to be taken to overcome the inability to provide the State share, including a time schedule for such actions.

(3) A commitment to repay the Federal advance at the time the State is able to do so.

(4) An estimate of the total amount of the advance needed to meet its 25 percent share.

(5) An agreement to return immediately upon discovery all Federal funds advanced to meet the State's 25 percent share which exceed actual requirements.

(m) The State Administrative Plan, referred to in paragraph (h) of this section, is to be made a part of the State's emergency plan, as described in § 2205.4.

§ 2205.49 Food commodities.

(a) The Administrator will assure that adequate stocks of food will be ready and conveniently available for emergency mass feeding or distribution in any area of the United States which suffers a major disaster or emergency.

(b) In carrying out his responsibilities in paragraph (a) of this section, the Administrator may direct the Secretary of Agriculture to purchase food commodities in accordance with authorities prescribed in section 410(b) of the Act.

§ 2205.50 Relocation assistance.

Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment under the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" (Pub. L. 91-646) shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by such Act.

§ 2205.51 Crisis counseling assistance and training.

The Administrator may authorize, pursuant to section 413 of the Act, financial assistance to State or local agencies or private mental health organizations to provide professional counseling services or training of disaster workers to victims of major disasters in order to relieve mental health problems caused or aggravated by such major disaster or its aftermath.

§ 2205.52 Availability of materials.

The Regional Director may, at the request of the Governor of an affected State, provide for a survey of construction materials needed in the disaster affected area on an emergency basis for housing repair, replacement housing, public facilities repairs and replacement, farming operations, and business enterprises and may take appropriate action to assure the availability and the fair distribution of needed materials. Where possible, such action may include the voluntary allocation of such materials for a period of not more than 180 days after the major disaster. Any allocation program shall be implemented by the Regional Director, to the extent possible, by working with and through those companies which traditionally supply construction materials in the affected area. For the purposes of this section, "construction materials" shall include building materials and materials required for housing repair, replacement housing, public facilities repair and replacement, and for normal farm and business operations.

§ 2205.53 Emergency public transportation.

The Regional Director may provide emergency public transportation service in a disaster-affected area for persons who, as a result of a major disaster, have lost ready access to governmental offices, supply centers, stores, post offices, schools, and major employment centers, and to such other places as may be necessary in order to meet the emergency needs of the communities. Any transportation provided under this section is intended to supplement but not replace normal transportation facilities that remain operable after a major disaster. Such emergency transportation will be discontinued immediately when the emergency need of the community has been met.

§ 2205.54 Repair and restoration of damaged facilities.

(a) *Definitions as used in this section.* (1) "Private non-profit organization" means any non-governmental agency or entity that currently has an effective ruling letter from the U.S. Internal Revenue Service, granting tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954.

(2) "Private non-profit facility" means any educational, utility, emergency, medical, and custodial care buildings, structures, or systems eligible under section 402(b) of the Act for Federal assistance as the result of a major disaster.

(i) "Educational facilities" means structures, classrooms, machinery, and utilities necessary or appropriate for instructional or direct support purposes.

(ii) "Utility" means structures or systems of any power, water storage, supply and distribution, sewage collection and treatment, telephone, transportation, or other similar public service.

(iii) "Emergency facility" means those buildings, structures, or systems used to provide services, such as fire protection, ambulance, or rescue, to the general public as the result of disasters or other situations of great urgency.

(iv) "Medical facility" means any "hospital," "outpatient facility," "rehabilitation facility," or "facility for long term care" as such terms are defined in section 645 of the Public Health Service Act (42 U.S.C. 2910), and any similar facility offering diagnosis or treatment of mental or physical injury or disease, including the administrative and support facilities essential to the operating of such medical facilities although not contiguous thereto.

(v) "Custodial care facility" means those buildings, structures, or systems including those for essential administration and support, which are used to provide institutional care for such persons such as the aged and disabled who do not require day-to-day health care by doctors.

(3) "Pre-disaster design" means that capacity or measure of productive usage for which a facility could be used immediately prior to a major disaster in accordance with locally applicable health or safety codes, specifications or standards.

(4) "Pre-disaster condition" means the state of repair or serviceability of a facility immediately prior to the disaster taking into consideration prior damages, age, deterioration, and any limitations which had been placed upon its operation.

(5) "Grant-in-lieu" means funding with respect to any project application

whose scope of work includes betterments or changes not eligible under sections 402 or 419 of the Act and for which the Regional Director limits his approval and Federal funding to the estimated costs of the eligible work.

(b) *Procedure.* State and local governments may submit applications for Federal assistance under the Act to repair, restore, reconstruct, or replace public facilities belonging to them which were damaged or destroyed in a major disaster. State and local governments may also submit applications on behalf of private non-profit organizations for educational, utility, emergency, medical, and custodial care facilities, including such facilities for the aged and disabled, and facilities on Indian reservations which were damaged or destroyed by a major disaster.

(c) *Codes, specifications, and standards.* For the purposes of these regulations, current applicable codes, specifications, and standards are those which relate directly to the health and safety of persons using the damaged facility and which were in general use and were enforced locally at the time of the disaster. If such codes, specifications, and standards are not in writing, the applicant must provide evidence, and a Federal official shall verify, that the codes, specifications, and standards, were in use at the time of the disaster. Where no codes, specifications, or standards, as prescribed above, apply to eligible restorative work, Federal funding will be limited to restoring the facility to its pre-disaster condition and design capacity in accordance with minimum safety standards prescribed by the Administrator. If compliance with locally applicable codes, specifications, and standards in effect at the time of the disaster clearly will not result in a safe and usable facility, the Administrator may authorize appropriate deviations.

(d) *Public facilities.* Permanent repair or restoration of public facilities may be approved for categorical grants using the following criteria:

(1) The Federal contribution shall not exceed the net eligible cost of restoring a facility based on the pre-disaster design of such facility as it existed immediately prior to the major disaster, and on the current codes, specifications, and standards in use by the applicant for similar facilities in the locality.

(2) If the damaged facility is repairable to pre-disaster condition as determined by the Regional Director, approved restorative work will be limited to the cost of eligible repairs. In such cases, only those repairs will be approved which are designed to restore the portions of the structure damaged by the major disaster in conformity with current codes, specifications, and standards locally applicable to such repairs. If the facility was in a damaged or unsafe condition prior to the major disaster, the applicant shall agree to pay the cost of correcting any such condition as a prerequisite to Federal assistance.

(3) If the damaged facility is not repairable to pre-disaster condition as determined by the Regional Director, approved restorative work may include replacement of the facility on the basis of its pre-disaster design, in conformity with current codes, specifications, and standards locally applicable to new construction.

(4) A policy objective in restoring facilities damaged by a major disaster shall be to assure consideration of the advantages or disadvantages of disaster proofing, relocation, or other hazard mitigation measures, before any Federal work or other expense is authorized. In restoring damaged facilities by use of Federal disaster assistance, the Regional Director may authorize minimum disaster proofing as eligible work under the Act. When the Regional Director determines that a facility should not be restored in a hazard area, he may authorize relocation to a less hazardous site: Provided, however, that the overall Federal project cost is not increased. He may decline to authorize Federal disaster assistance to restore facilities at the original site when such facilities are subject to repetitive heavy damages or destruction.

(5) A grant-in-lieu of repair or restoration otherwise eligible under the Act may be approved if repair or replacement of the damaged facility involves betterment or change in design of the facility. When the Regional Director determines that a grant-in-lieu is necessary in the public interest, he may require the applicant to submit an acceptable alternative for restorative work on a grant-in-lieu basis.

(6) Facilities that are (i) obsolete or obsolescent and not in active use, or (ii) that are in otherwise non-operable condition at the time of occurrence of the major disaster, are not eligible for permanent repairs or other restorative work except in those instances, as determined by the Regional Director, where the facilities were only temporarily closed for repairs or remodeling, or where active use by the applicant was firmly scheduled prior to the major disaster to begin within a reasonable time.

(7) Facilities which were in limited use prior to the major disaster, for which the Regional Director determines that adequate alternate facilities are available, are not eligible for assistance.

(e) *Private non-profit facilities.* Categorical grants for the repair or restoration of private non-profit facilities by Federal disaster assistance may be approved, using the criteria for public facilities outlined in paragraph (c) of this section, when justified on the basis of need for such facilities, as determined by the Regional Director based on recommendations by the State Coordinating Officer and appropriate Federal agencies. No payment will be made for any work which is not the responsibility of the private organization or entity. The following additional criteria apply for determining the eligibility of such facility:

(1) It must be operated in a manner to carry out the tax exempt purposes of the owning organization or entity.

(2) Damages must have occurred as the result of a major disaster and impair the capability of the facility to perform services for the community.

(3) The eligible owning organization must give assurances of its continued operation of the facilities when restored that are acceptable to the Regional Director.

(f) *Limitations.* (1) Grants made under the provisions of this subpart for private non-profit facilities shall not:

(i) Be used to pay any part of the cost of facilities, supplies, or equipment which are to be used primarily for sectarian purposes; or

(ii) Be used to restore or rebuild any facility to be used primarily for religious worship; replace, restore, or repair any equipment or supplies to be used primarily for religious instruction, or restore or rebuild any facility or furnish any equipment or supplies which are to be used primarily in connection with any part of the program of a school or department of divinity.

(2) No grants shall be made under this subpart for the repair, restoration, reconstruction, or replacement of any facility for which disaster relief assistance would not be authorized for a public facility under the Act, under Pub. L. 81-815, or Title VII of the Higher Education Act of 1965.

(g) *Facilities under construction.* Categorical grants may be approved for those facilities eligible under this paragraph which were in the process of construction when damaged or destroyed by a major disaster.

(1) Federal reimbursement shall not exceed the net eligible costs of the applicant, of an eligible private non-profit organization or entity, or of the contractors in restoring a facility to substantially the same condition as existed prior to the major disaster. The Regional Director may authorize alternative work as a grant-in-lieu of restoring the facility to the same condition as existed prior to the disaster: *Provided, however,* That the net eligible costs to the Federal Government are not increased by approval of such alternative.

(2) Eligible costs shall not include any interest cost on project funding or any cost for which reimbursement is received pursuant to insurance contracts or otherwise by the party incurring the economic burden of such costs, including reimbursements which might be received from any other private, State or local government or Federal agency.

(3) No Federal reimbursement will be made to any applicant for damages caused by its own negligence, by the negligence of any interested private organization or entity, or by any contractor.

(h) *Flexible funding.* In lieu of categorical grants described in paragraph (d) of this section, an applicant may elect to receive a contribution based on 90 per centum of the Federal estimate of the total cost of repairing, restoring, reconstructing, or replacing all damaged public facilities owned by it within its jurisdiction. Such election will provide maximum flexibility in the use of the Federal

contribution where an applicant determines that public welfare would not be best served by repairing, restoring, reconstructing or replacing particular public facilities damaged or destroyed in the major disaster.

(1) The total cost will be estimated on the basis of the design of each such facility as it existed immediately prior to the major disaster and in conformity with current applicable codes, specifications, and standards.

(2) Funds contributed under this subsection may be expended either to repair or restore certain selected damaged public facilities or to construct new public facilities which the applicant determines to be necessary to meet its needs for governmental services and functions in the disaster-affected area.

(3) Such election must be declared in writing by the applicant to the Regional Director through the Governor's Authorized Representative before the approval of any project application from such applicant for assistance under sections 402 (e) or (f) of the Act, except as provided under § 2205.54(i)(3) below, and except project applications approved for major disasters declared after April 1, 1974 and prior to May 22, 1974.

(4) Based on approval of a project application by the Regional Director, partial payments may be made not to exceed a quarterly projection of the applicant's planned obligations and expenditures. Further partial payments may be made periodically as necessary to assure an adequate cash flow for the applicant's restorative work. Within 90 days after the initial partial payment, the applicant shall submit a listing of the public facilities to be repaired, restored, or constructed using the requested funds, the estimated cost of each, and a proposed schedule for initiation and completion, including estimated quarterly fund requirements. Following receipt of such listing and schedule, with amendments by the applicant as necessary, further Federal participation in the administration of these funds will be through additional partial payments, plus such Federal inspection and audit deemed necessary to assure that the funds were expended in accordance with the purposes of section 402(f) of the Act and as shown in the listing and schedule, and final payment of the grant.

(i) *Small project applications (in-lieu contributions).* (1) In any case where the Federal estimate of total cost approved by the Regional Director for reimbursement to the applicant is less than $25,000 under sections 306, 402, and 403 of the Act, the in-lieu contribution will be based on 100 per cent of such approved total estimated cost. Direct Federal assistance, and any assistance requested by an applicant on behalf of a private non-profit organization, shall not be included in determining the amount of the in-lieu contribution under section 419 of the Act. However, the Regional Director may approve Federal funding under sections 306, 402, or 403 in any instance where he determines that the circumstances do not justify an in-lieu contribution under section 419 of the Act.

(2) Following completion of the work performed pursuant to this subsection, the applicant shall furnish a listing through the Governor's Authorized Representative to the Regional Director of the work performed and the public facilities that were repaired, restored, reconstructed, replaced or constructed. This listing shall include a brief description, location, insurance coverages, and total project costs of the completed work. A Federal-State final inspection will be made to verify that the funds were expended in accordance with the purposes of section 419 of the Act.

(3) If an applicant subsequently submits a supplement to its project application that would increase the grant under section 419 of the Act to an amount exceeding $25,000, the entire contribution shall revert to a categorical grant or to flexible funding under § 2205.54(h) as approved by the Regional Director.

(j) For the purposes of this section, functional furnishings and equipment essential to the operation of the facility will be considered as part of a facility: *Provided, however,* That comparable used or surplus equipment shall be utilized to the extent practicable.

(k) Consumable supplies damaged or lost in a disaster will be considered eligible for replacement to the extent that such replacement is made within 90 days of the date of the President's declaration, but limited to a 30-day requirement of each item so replaced. The 90-day deadline for replacement may be waived by the Regional Director where appropriate.

(l) When the circumstances warrant, the Regional Director may change the original project approval to a grant-in-lieu based on cost estimates for the approved work that do not include escalation of costs caused by lengthy delays on the part of the applicant or his contractors.

§ 2205.55 Debris and wreckage clearance.

(a) General: Debris and wreckage clearance is normally accomplished by the affected State or local government, however, if the State or local government requests and the Regional Director determines that the use of a Federal agency is necessary he may direct that agency to accomplish the work. No authority under this section for debris clearance through the use of Federal agencies shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and shall agree to indemnify the Federal Government against any claim arising from such removal. All emergency debris and wreckage clearance shall be performed without delay. Other debris clearance is to be completed as rapidly as possible.

(b) In addition to emergency work under Subpart B of this part, the Regional Director, whenever he determines it to be in the public interest, may:

(1) Through the use of Federal agencies, clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters, and

(2) Make reimbursements to any State or local government for the removal of such debris or wreckage.

(c) Determination of public interest under this section shall consider:

(1) Whether removal of such debris and wreckage is necessary to eliminate threats to life and property.

(2) Whether removal of such debris and wreckage is necessary to eliminate a hazard which threatens substantial destruction of undamaged public or private property.

(3) Whether removal of debris and wreckage is essential to the economic recovery of the affected community.

(4) Whether a benefit is derived, directly or indirectly, to the community-at-large.

(d) No Federal reimbursement will be made to a State or local government for reimbursement of an individual or non-governmental entity for the cost of removing debris from his own property.

(e) Any salvage value of debris or wreckage cleared under an application for public assistance shall be deducted from the Federal reimbursement to the applicant for expenses actually incurred for such clearance of debris and wreckage.

§ 2205.56 Community disaster loans.

(a) The Administrator may make a community disaster loan, to any local government which may suffer a substantial loss of tax and other revenues as a result of a major disaster, and has demonstrated a need for financial assistance in order to perform its governmental functions.

(b) A community disaster loan may be approved in either the fiscal year in which the disaster occurred or the fiscal year immediately following that year: *Provided, however,* That only one such loan may be approved. This loan, if approved, will be used to carry on such local governmental functions as existed prior to the major disaster.

(c) To obtain a community disaster loan, the local government must submit a loan request through the Governor or his authorized representative. The loan must be justified on the basis of need and shall be computed as the difference between the estimate of receipts of tax and other revenues, considering the effect of the major disaster, and the pre-disaster estimates of receipt of tax and other revenues used to make up the annual operating budget for the fiscal year in which the disaster occurred. This loan request will be prepared by the affected local government and certified as reasonable by the Governor or his authorized representative. If the Administrator determines that the projected loss is substantial and that the projected revenue loss is consistent with Federal damage estimates, he may approve a loan up to

the amount of projected loss or 25 percent of the annual operating budget for the fiscal year in which the major disaster occurred, whichever is the lesser. Prior to the approval of any community disaster loan, the local government must agree in writing that as soon as its actual revenues for the fiscal year covered by its projections are known, it will compare such actual revenues with the figures projected previously and will immediately repay any portion of the loan which is in excess of the amount of such a loan that would have been made on the basis of actual revenues received.

(d) Such loans shall bear interest at a rate not less than (1) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (2) such additional charge, if any, toward covering other costs of the program as the Administrator may determine to be consistent with its purposes.

(e) No loan made under this section shall be for a period more than three years, unless otherwise approved by the Administrator.

(f) To the extent that revenues of the local government during the three full fiscal years period following the disaster are insufficient, as a result of the major disaster, to meet the operating budget of the local government, including additional disaster-related expenses of a municipal operating character, repayment of all or any part of such community disaster loan shall be cancelled. In its request for such cancellation, the local government shall include copies of the operating budgets for the three full fiscal years preceding the disaster year and will provide explanation of any major increases or changes to their normal operating budget.

(g) Any community disaster loans including cancellations made under this section shall not reduce or otherwise affect any grants or other assistance under the Act or these regulations.

§ 2205.57 Grants for removing timber from privately owned lands.

Removal of timber damaged by a major disaster from privately owned lands may be eligible for Federal assistance.

(a) An action plan shall be prepared by the State to tailor the cleanup and timber salvage operation to fit the specific situation, including at least the following:

(1) Priorities in the approval of work shall be established to guide efforts to areas where fire, pest, and wildlife hazards are concentrated.

(2) An appropriate limitation shall be placed on the degree of cleanup to be approved.

(3) Approved work practices and a scale of acceptable unit costs (per acre or otherwise) shall be established, if feasible.

(b) Inspection of the areas to be cleared shall be made by State and Federal representatives to provide a valid basis for approval of work to be done. In those cases where work has already been started or completed, the inspection is to determine a reasonable basis for approving or disapproving such work. Inspection reports shall include a complete description of the land to be cleared and of the eligible work and an estimate of the salvage value as well as the estimated cost of such work.

(c) Considerations in determining public interest under this section shall include threats to life and property, and possible flood hazards.

(d) Considerations in determining eligible costs under this section shall include:

(1) Claims for reimbursement shall be subject to verification on the basis of inspections and audits of completed work.

(2) Any applicable insurance recoveries and any salvage value of all timber removed or to be removed are to be considered and deducted from the costs for approved work. If the individual property owner elects to burn or otherwise dispose of the damaged timber instead of salvaging it, an estimated net value of potential salvage shall be established by the State and Federal representatives. If they cannot agree, the Regional Director shall make the determination, and his decision will be final.

(3) Costs for construction of temporary roads approved by the Regional Director as necessary for access to or salvage of damaged timber are eligible.

§ 2205.58 Protection of the environment.

(a) No action taken or assistance provided pursuant to sections 305, 306, or 403 of the Act, or any assistance provided pursuant to sections 402 or 419 of the Act that has the effect of restoring facilities substantially as they existed prior to the disaster in conformity with current applicable codes, specifications, and standards, shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852). Major Federal actions significantly affecting the quality of the environment are those actions which require Environmental Impact Statements in accordance with section 102(2)(c) of the National Environmental Policy Act.

(b) Environmental clearances may be required for permanent replacement projects, including grants-in-lieu under § 2205.54 that do not have the effect of restoring facilities substantially as they existed prior to the disaster in conformity with current applicable codes, specifications, and standards. However, minor relocations to restore facilities essentially to the same design and capacity that existed prior to the disaster shall not be deemed major Federal actions.

(c) In every major Federal action involving Federal disaster assistance under the Act, the Regional Director shall determine whether or not the quality of human environment may be significantly affected thereby. In any case where affirmative determination may result, the Regional Director shall consult with the Administrator or his staff to arrange for compliance with section 102, National Environmental Policy Act.

§ 2205.59 Minimum standards for public and private structures.

As a condition of a disaster loan or grant made under the provisions of the Act, the recipient applicant shall agree that any repair or construction to be financed therewith shall be in accordance with applicable standards of safety, decency, and sanitation and in conformity with current locally applicable codes, specifications, and standards, and shall furnish such evidence of compliance with this section as may be required by the Regional Director. If compliance with such locally applicable codes, specifications, and standards in effect prior to the major disaster clearly will not result in a safe and usable facility, the Administrator may authorize additional work as appropriate. As a further condition of any loan or grant made under the provisions of the Act, the State or local government shall agree that the natural hazards in the areas in which the proceeds of the grants or loans are to be used shall be evaluated. The State or local government shall also agree that appropriate action shall be taken to mitigate such hazards, including safe land-use and construction practices, in accordance with standards prescribed by the Administrator, after adequate consultation with the appropriate elected officials of general purpose local governments.

§ 2205.60 Time limitations.

(a) Project applications shall be submitted within 90 days, or a lesser period if so prescribed by the Regional Director, following the date of the President's declaration of a major disaster. If the circumstances of the disaster are such as to make immediate detailed damage surveys and reports by local/State/Federal agencies impractical the Regional Director may, if the State so requests, extend this time limitation.

(b) Federal assistance as the result of a major disaster provided under sections 305, 306, 402, 403, and 419 of the Act shall begin with the President's declaration of a major disaster and, with the following exceptions, shall terminate upon expiration of these prescribed time periods:

	Initiation deadline	Completion deadline
(1) Debris clearance	30 days	180 days.
(2) Emergency measures	do	Do.
(3) Permanent restorative projects.	do	18 months.[1]

[1] These time limitations apply to categorical grants and to grants involving flexible funding under sections 402(f) and 419 of the Act. The Regional Director may require an applicant to submit a completion schedule for his approval.

(c) Exceptions:

(1) Based on extenuating circumstances or unusual project requirements clearly beyond the control of the applicant and the direct recipient of the Federal assistance, the Regional Director may extend any of these time periods, not to exceed 6 months on a project-by-project basis.

(2) Based on his determination that such action is warranted, the Administrator may extend any of the time periods prescribed by this section or completion dates prescribed above.

(d) The Regional Director may impose lesser time limits for completion of work under paragraphs (a)(1), (2), and (3) of this section if considered appropriate.

(e) When an applicant fails to make a timely start of work approved under sections 305, 306, 402, 403, or 419 of the Act, the Regional Director shall review the project approval and may withdraw Federal funding.

Subpart E—Flood Insurance

§ 2205.61 General.

The Flood Disaster Protection Act of 1973, Pub. L. 93-234, imposes certain restrictions on approval of Federal financial assistance for acquisition or construction purposes for use in any area defined by the Secretary as an area having special flood hazards. The implementation of Pub. L. 93-234 under the Act is provided by this subpart.

§ 2205.62 Definitions.

As used in this subpart.

(a) "Financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal financial assistance, other than general or special revenue sharing or formula grants made to States.

(b) "Financial assistance for acquisition or construction purposes" means any form of Federal financial assistance which is intended in whole or in part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home, and for any machinery, equipment, fixtures, and furnishings contained or to be contained therein.

(c) "Building" means a walled and roofed structure, other than a gas or liquid storage tank, that is fully enclosed and affixed to a permanent site.

(d) "Community" means a State or political subdivision thereof which has zoning and building code jurisdiction over a particular area having special flood hazards. Unincorporated communities or private non-profit medical care facilities which may be otherwise eligible for Federal disaster assistance but do not fulfill the above definition must meet the flood insurance requirements of these regulations and must be sponsored by an applicant (community) which fulfills this definition in cases when the provision of the Flood Disaster Protection Act applies.

§ 2205.63 Exclusions.

(a) The following categories of Federal disaster assistance authorized under the Act are excluded from the provisions of the Flood Disaster Protection Act of 1973:

(1) Federal financial assistance for emergency work essential for the protection and preservation of life and property eligible for Federal reimbursement under the Act. This exemption includes eligible emergency work under: (i) Subpart B (Emergencies); (ii) Subpart C (Fire Suppression), and; (iii) §§ 2205.45, 2205.53, 2205.54, 2205.55, 2205.56, and 2205.57 of Subpart D (Major Disasters), of this part.

(2) Federal financial assistance on any State-owned property that is covered by an adequate State policy of self-insurance approved by the Federal Insurance Administrator.

(3) Federal financial assistance under Title II of the Act.

§ 2205.64 Applicability.

(a) Federal financial assistance for permanent work on buildings in an area identified by the Federal Insurance Administrator as having special flood hazards unless exempted above, is subject to the full restrictions and limitations imposed by the Flood Disaster Protection Act of 1973 for all project applications approved for such buildings in accordance with the following:

(1) Effective March 2, 1974, if the Federal Insurance Administrator has identified the areas having special flood hazards in a community in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, any building and contents not covered by flood insurance for the full insurable value or the maximum amount of insurance available, whichever is the lesser, is not eligible for Federal financial assistance.

(2) For all project applications approved after June 30, 1975, if the Federal Insurance Administrator has identified an area in a community as having special flood hazards and the community is not participating in the flood insurance program under the National Flood Insurance Act of 1968, restorative work as the result of disaster damage to buildings in a special flood hazard area is ineligible for Federal financial assistance.

(3) In the case of subparagraph (1) or (2) of this paragraph, any building may become eligible for Federal financial assistance, if the community concerned within six months after the date of the Federal Damage Survey Report qualifies for and enters the flood insurance program; obtains and maintains the necessary flood insurance policy for the entire useful life of the assisted project, as determined by the Regional Director; and provides FDAA with written evidence thereof.

(4) Flood insurance is required in connection with obtaining Federal disaster assistance grants for permanent restorative work within an identified flood-hazard area, even if a flood had not occasioned the major disaster declaration. If the applicant replaces a building outside of the special flood hazard area, Federal financial assistance for eligible permanent restorative work will not be denied for failure to insure or failure of the community to participate in the flood insurance program.

(b) Where permanent repair, replacement, or relocation is involved, floodproofing not required by locally applicable codes, specifications, and standards shall be accomplished at the owner's expense.

(c) The Regional Director will work closely with the State Coordinating Officer, State and local governments, and the field staff of the Federal Insurance Administration to ensure that the provisions of this part for special flood hazard areas are considered in the processing and approval of project applications under § 2205.7. In addition, the Regional Director will require compliance with the provisions in this part in issuing mission assignments for direct Federal assistance under § 2205.8 whenever property subject to the provisions of the Flood Disaster Protection Act of 1973 is involved.

(d) For any State-owned building not covered by an approved State policy of self-insurance, the Regional Director shall require proof of adequate flood insurance covering proposed permanent restorative work eligible for reimbursement under the Act.

(e) When an eligible applicant for permanent restorative work to buildings damaged by a disaster provides proof of flood insurance to obtain Federal funding, he makes a commitment to continue the flood insurance for the useful life of the eligible restorative work, as determined by the Regional Director. For those buildings on which the eligible applicant is delinquent on flood insurance commitments, the Regional Director shall suspend any future Federal assistance until such delinquency is eliminated.

(f) When a State has been approved by the Federal Insurance Administrator as a self-insurer, the Regional Director shall determine the amount of self-insurance applicable to any building damaged by a major disaster and shall deduct such self-insurance coverage from the Federal grant for permanent restorative work.

(g) In administering this section, Regional Directors will utilize current information obtained from the Federal Insurance Administration to identify States having a satisfactory program of self-insurance, the communities eligible for flood insurance under the regular or emergency programs, flood hazard boundary maps and flood insurance rate maps.

Subpart F—Other Insurance

§ 2205.65 General.

Provisions of this subpart do not apply to Flood Insurance, which is covered under Subpart E of this part.

§ 2205.66 Definitions as used in this subpart.

(1) "Assistance" means any form of Federal grant under sections 402 or 419, to replace, restore, repair, reconstruct or construct any property as the result of a major disaster.

(2) "Property" means any structure, vehicles, equipment, materials, or supplies.

§ 2205.67 Exclusions.

The following categories of Federal disaster assistance are excluded from the requirements to obtain and maintain such insurance as is required by section 314 of the Act, and this subpart:

(a) Emergency assistance provided under section 305 or 306, of the Act.

(b) Assistance otherwise eligible under section 402 or 419 of the Act for any State-owned property that is covered by an adequate State policy of self-insurance approved by the Administrator.

(c) Assistance under section 402 or 419 of the Act for any property for which insurance is not reasonably available, adequate, and necessary, including but not limited to: Roads, streets, bridges and other highway facilities, traffic controls, parking meters, drainage channels and debris basins, dikes and levees, pumping stations, and utility distribution systems.

§ 2205.68 Applicability.

(a) The requirements of this subpart shall apply to all assistance pursuant to section 402 or 419 of the Act with respect to any major disaster declared by the President after May 22, 1974.

(b) No such assistance shall be approved unless the applicant has provided assurances, acceptable to the Regional Director, that any insurance required under these regulations will be obtained and maintained.

(c) Approval of otherwise eligible project applications may be deferred by the Regional Director for not to exceed six months to permit the applicant to provide such assurances referred to in paragraph (b) of this section. The Administrator, when he deems necessary, may extend the time for submission of such assurances by the applicant.

(d) No applicant for assistance under sections 402 or 419 of the Act shall receive such assistance for any property or part thereof for which he has previously received assistance under the Act unless insurance required under section 314 of the Act and these regulations has been obtained and maintained with respect to such property.

(e) Insurance requirements prescribed in this subpart shall apply equally to private non-profit facilities which receive assistance under section 402(b) of the Act. Private non-profit organizations shall submit necessary documentation and assurances pursuant to this subpart through the appropriate applicant.

§ 2205.69 Type of insurance.

Assurances by the applicant under this subpart to obtain reasonably available, adequate, and necessary insurance shall be required only for the type or types of hazard included in the declaration of the major disaster in which the damages occurred. The Regional Director shall not require greater types and extent of insurance than are certified to him as reasonable by the appropriate State Insurance Commissioner responsible for regulation of such insurance.

§ 2205.70 Extent of insurance.

Prior to approval of assistance under section 402 or 419 of the Act to replace, restore, repair, reconstruct, or construct any property for which insurance is required under this subpart, the applicant shall provide assurances acceptable to the Regional Director that he will obtain and maintain reasonably available, adequate, and necessary insurance to protect against future loss to the property. Such insurance must protect against loss to the property and not solely to that portion which was damaged or destroyed by the major disaster.

§ 2205.71 Duration of insurance coverage.

The applicant shall provide assurances that the required insurance coverage will be maintained for the anticipated life of the eligible work or of the insured property, whichever is the lesser.

§ 2205.72 Assurances for categorical grants.

Where insurance is required, under this subpart the applicant shall submit evidence of applicable insurance coverage or other related assurances with his project application. The type and extent of such insurance coverage will be subject to approval by the Regional Director.

§ 2205.73 Assurances for flexible funding.

When applying for assistance under the provisions of sections 402(f) and 419 of the Act, the applicant shall provide assurances acceptable to the Regional Director that it will obtain and maintain such insurance as required by section 314 of the Act and the regulation in this subpart. As part of such assurance the applicant shall agree to provide to the Regional Director a listing of insured property including location, description, extent and duration of insurance coverage, name and address of the insurer, and applicable insurance policy numbers. The Regional Director, after review of the listing and schedule required by § 2205.54(h)(3) and other reviews as he deems necessary shall, if appropriate, require the applicant to obtain additional insurance pursuant to the Act and these regulations.

§ 2205.74 Self-insurance.

A State may elect to act as a self-insurer with respect to any or all of the facilities belonging to it. Such an election, if declared in writing at the time of accepting assistance under sections 402 or 419 of the Act or subsequently, and accompanied by a plan for self-insurance which is satisfactory to the Administrator, shall be deemed compliance with subsection 314(a) of the Act. No such self-insurer shall receive assistance under such sections for any property or part thereof for which it has previously received assistance under the Act, to the extent that insurance for such property or part thereof would have been reasonably available.

Effective date. These interim regulations shall be effective on August 5, 1974.

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

[FR Doc.74-17744 Filed 7-31-74;2:31 pm]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D–74–285]

ADMINISTRATOR OF THE FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Delegation of Authority

SECTION A. *Authority delegated.* The Administrator of the Federal Disaster Assistance Administration is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to Federal disaster assistance pursuant to section 1 of the Executive Order entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" (E.O. 11795, 39 FR 25939, dated July 11, 1974) except:

1. The authority concerning disaster warnings contained in section 202 of the Disaster Relief Act of 1974 (hereinafter, "the Act"; 88 Stat. 143, 42 U.S.C. 5121n.).

2. The authority to make recommendations to the President concerning the determination that an emergency exists pursuant to section 301(a) of the Act.

3. The authority to make recommendations to the President concerning the issuance of a major disaster declaration pursuant to section 301(b) of the Act; and

4. The authority contained in that portion of section 413 of the Act to provide professional counseling services (with the exception of the authority to provide financial assistance to State or local agencies or private mental health organizations to provide professional counseling services or training of disaster workers to victims of major disasters in order to relieve mental health problems caused or aggravated by such major disaster or its aftermath).

5. The authority contained in section 407 of the Act concerning unemployment assistance.

SEC. B. In the event that the Secretary is absent or unavailable, the authority to make the recommendations, referred to in subsections A.2. and A.3. above, shall be exercised by the Under Secretary. If both the Secretary and the Under Secretary are absent or are unable to act for any reason, said authority shall be exercised by the Administrator.

SEC. C. *Authority to redelegate.* The Administrator may redelegate to employees of the Department of Housing and Urban Development any of the authority delegated in Section A.

(Disaster Relief Act of 1974, 88 Stat. 143 (42 U.S.C. 5121n.); section 7.(d), Department of Housing and Urban Development (42 U.S.C. 3535(d)); Executive Order 11795, signed July 11, 1974, 39 FR 25939)

Effective date. This delegation shall be effective on August 5, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.74–17745 Filed 7–31–74;2:30 pm]

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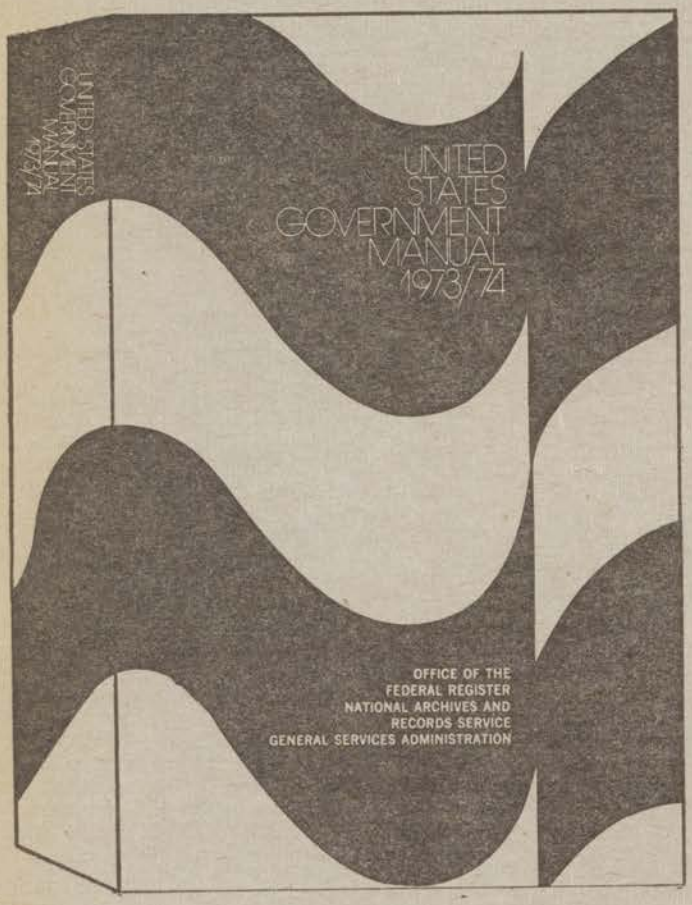

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