federal register

WEDNESDAY, MAY 28, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 103

Pages 23069–23270

PART I

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federal register

Area Code 202 Phone 523–5240

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CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 75-375]

PART 523—MEMBERS OF BANKS

Liquidity

APRIL 29, 1975.

The following summary of the amendment adopted by this Resolution is provided for the reader's convenience and is subject to the full provisions of this Resolution, including the provisions in the preamble thereof, and in the amended regulation set forth below.

I. *Existing regulation.* Loans of Federal funds to an insured bank which is a member of the Federal Reserve System count toward satisfaction of the liquidity requirements of members of the Federal Home Loan Bank System.

II. *Amended regulation.* Authorizes loans of unsecured day(s) funds to an insured bank to count toward the computation of the liquidity requirements of members of the Federal Home Loan Bank System, but adds the restriction that lenders of such funds must not be subordinated in their priority of claims to an insured bank's depositors.

III. *Reason for changing the regulation.* To permit unsecured day(s) fund investments by members of the Federal Home Loan Bank System in any insured bank, regardless of whether it is a member of the Federal Reserve System, and to substitute the more descriptive term "unsecured day(s) funds" for the term "Federal funds" used in the existing regulation.

The Federal Home Loan Bank Board considers it advisable to amend § 523.10 of the regulations for the Federal Home Loan Bank System (12 CFR 523.10) by revising subparagraph (g)(4) thereof for the purpose of authorizing members of the Federal Home Loan Bank System to include as liquidity loans of unsecured day(s) funds to insured banks. An additional purpose of this amendment is to require that claims of Federal Home Loan Bank System member lenders of such funds not be subordinated in priority to claims of depositors of a bank to which such funds are loaned.

Under the present § 523.10(g)(4), thrift institutions which are members of the Federal Home Loan Bank System may make loans of Federal funds to an insured bank which is a member of the Federal Reserve System. The regulation, when adopted on November 2, 1973, restricted such investments to Federal Reserve System members because the Board believed that only such members could deal in the Federal funds market. This is not the case, however, and the Board now believes that the present regulation is a needless discrimination against non-Federal Reserve member insured banks.

Therefore, the Board considers it appropriate to revise § 523.10(g)(4) to allow loans of unsecured day(s) funds to any insured bank to count toward satisfaction of the liquidity requirements of members of the Federal Home Loan Bank System. In order to minimize any risk attendant to such investments, a new § 523.10(g)(4)(v) is being added which requires that claims of Bank System member lenders of such funds not be subordinated in priority to claims of depositors in a bank to which such funds are loaned. The Board also considers it appropriate to substitute the phrase "unsecured day(s) funds" for "Federal funds" wherever it appears in § 523.10(g)(4). The phrase "unsecured day(s) funds" is defined as Federal funds or similar unsecured loans to insured banks and is believed to be more descriptive than "Federal funds".

Accordingly, the Board hereby amends said § 523.10(g)(4) to read as set forth below, effective June 27, 1975.

Since this amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment is unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b).

§ 523.10 Definitions.

* * * * *

(g) Prior to January 1, 1972, the term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of unpledged assets specified in subparagraphs (1) through (6) of this paragraph, without regard to the proviso contained in subparagraph (2) of this paragraph. Beginning on January 1, 1972, the term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of the following unpledged assets:

* * * * *

(4) time deposits in an insured bank including such time deposits held subject to a repurchase agreement and loans of unsecured day(s) funds (Federal funds or similar unsecured loans to insured banks) to an insured bank, if:

(i) the total of all time deposits, including loans of unsecured day(s) funds of the same member, in the same bank does not exceed the greater of (*a*) one-fourth of 1 percent of the total deposits of such bank (calculated on the basis of total deposits of such bank as shown by its last published statement of condition preceding the date each time deposit is made or acquired by a member), or (*b*) $20,000;

(ii) no consideration, other than discounting to a current market rate of interest, is received by the member from a third party in connection with the making or acquiring of such deposits (excluding loans of unsecured day(s) funds) by the member and no consideration is received by the member from a third party in connection with loans of unsecured day(s) funds by the member;

(iii) except for loans of unsecured day(s) funds, the remaining periods to maturity of such deposits are not more than 1 year and such deposits are negotiable, or, in the case of time deposits which may not be withdrawn without notice, the notice periods do not exceed 90 days;

(iv) the periods to maturity of loans of unsecured day(s) funds are not more than 6 months; and

(v) the claims of a lender of such unsecured day(s) funds are not subordinated in priority to claims of depositors in the insured bank to which such funds are loaned;

* * * * * *

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; (12 U.S.C. 1425a, 1437), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48, Comp., p. 1071).

Dated: April 29, 1975.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-13837 Filed 5-27-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NE-22; Amdt. 39-2221]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-61L, S-61N, S-61NM and S-61R Helicopters Certificated in All Categories

Amendment 39-1992 (39 FR 37356), AD 74-22-02 and Amendment 39-2031 (39 FR 41739), AD 74-25-07 required a radiographic inspection of the main rotor blades of S-61 helicopters, as well as auditory inspections conducted by shaking the blades, to detect loose counter-

weights that were free to move within, and damage, the blade spar and tip. After the issuance of Amendments 39-1992 and 39-2031, the manufacturer modified the design of the counterweights and improved the process for the bonding that retains the counterweights in their proper positions within the blade spar. Sikorsky Service Bulletin No. 61B15-18 has been revised to indicate that the inspections are required only for the blades that were produced prior to these design improvements.

The agency has determined that certain main rotor blades need not be inspected in accordance with the AD, and that the requirements of AD 74-22-02 and AD 74-25-07 can be consolidated into a single AD.

Therefore, AD 74-22-02 and AD 74-25-07 are being superseded with a new AD which combines the auditory inspection requirements of the two directives and incorporates the latest Sikorsky service bulletin revision.

Since this amendment combines the requirements of two AD's, eliminates the requirements for inspecting new main rotor blades, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, is amended by adding the following new airworthiness directive:

SIKORSKY AIRCRAFT. Applies to S-61L, S-61N, S-61R, and S-61NM helicopters certificated in all categories including Military type CH-3C, HH-3C, CH-3E, and HH-3E helicopters equipped with the following main rotor blades:

(1) S6115-20501 series, prior to and including S6115-20501-9 main rotor blade assemblies.

(2) S6115-20601 series, prior to and including S6115-20601-044 main rotor blade assemblies.

(3) S6117-20101 series, prior to and including S6117-20101-053 main rotor blade assemblies.

(4) S6188-15001 series, prior to and including S6188-15001-044 main rotor blade assemblies.

Compliance required as indicated.

(a) Prior to the first flight of each day, inspect each main rotor blade in accordance with section 2, paragraph C of Sikorsky Service Bulletin No. S61B15-18B or later FAA-approved revisions for possible free counterweights or loose material in the blade spar cavity. If any sound is evident, remove the blade from service immediately and notify Sikorsky Aircraft Product Support Department.

(b) If any unusual one-per-rev vibration is noted, inspect each main rotor blade prior to further flight for a possible free counterweight or loose material in the spar cavity in accordance with Section 2, paragraph C of Sikorsky Service Bulletin No. 61B15-18B or later FAA-approved revisions. If any sound is evident, remove the blade from service immediately and notify Sikorsky Aircraft Product Support Department.

(c) Upon request of the operator, equivalent methods of compliance with the inspection requirements of this AD may be approved by the Chief, Engineering and Manufacturing Branch, New England Region, if the request contains substantiating data to justify that equivalent method for that operator.

This supersedes Amendment 39-1992 (39 FR 37356), AD 74-22-02 and Amendment 39-2031 (39 FR 41739), AD 74-25-07.

This amendment becomes effective June 12, 1975.

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

Issued in Burlington, Mass., on May 20, 1975.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.75-13766 Filed 5-27-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-83; Amdt. 8]

PART 375—NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

Director, Bureau of Operating Rights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., May 22, 1975.

The amendment herein substitutes "Director, Bureau of Operating Rights" for "Director, Bureau of Air Operations" in § 375.40.

The editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19 and shall become effective on June 17, 1975. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

Accordingly, the Civil Aeronautics Board hereby amends § 375.40(a) of Part 375 (14 CFR Part 375) as follows:

§ 375.40 Permits for commercial air operations.

(a) *Applications.* Commercial air operations in the United States may not be undertaken by foreign civil aircraft unless the Board has issued a permit therefor upon application pursuant to this subpart and such permit is carried on board the aircraft. Permits are not transferable. Applications for permits may be filed directly with the Board and need not be filed through diplomatic channels. They shall be made on CAB Form 272, addressed to the attention of the Director, Bureau of Operating Rights, and shall contain a proper identification of the applicant, the operator of the aircraft concerned and of the owner thereof, a description of the aircraft by make, model, and registration marks; and a full description of the operations for which authority is desired, indicating type and dates of operations and number of flights, and routing. In case of cargo flights, the names of all contractors and the beneficial owner of the cargo, a description of the cargo and of the proposed operations, including services to be performed by any exporter, importer or transportation agent, shall be provided. In case of passenger flights, a full identification and description of the group chartering the aircraft, and identification of the travel agent, if any, shall be provided. A copy of any newspaper or other advertising of the flights shall be enclosed. The application shall also be accompanied by such documents as may be necessary to establish that reciprocity for similar operations by United States registered aircraft exists in the country of registration of the aircraft. Applications shall be submitted at least 15 days in advance of the date of the commencement of the proposed operation. Such additional information as may be specifically requested by the Board shall also be furnished.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board.

[SEAL] THOMAS J. HEYE,
General Counsel.

[FR Doc.75-13842 Filed 5-27-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

Subpart G—Sponsors of Approved Applications

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a new animal drug application (98-687V) filed by Kerber Milling Co., Emmetsburg, IA 50536, proposing safe and effective use of a tylosin premix in making swine feed. 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), Parts 510 and 558 (formerly Parts 135 and 135e prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) are amended as follows:

1. In Part 510 by amending § 510.600 (formerly § 135.501) by adding a new sponsor, alphabetically to paragraph (c) (1) and numerically to paragraph (c) (2), to read as follows:

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

* * * * *

(c) * * *

(1) * * *

Firm name and address:	*Drug listing No.*
Kerber Milling Co., Box 152, 1817 E. Main St., Emmetsburg, IA 50536	029341

(2) * * *

Drug listing No.	*Firm name and address*
029341	Kerber Milling Co., Box 152, 1817 E. Main St., Emmetsburg, IA 50536.

2. In Part 558 by adding a new paragraph (b)(31) to § 558.625 (formerly § 135e.10) to read as follows:

§ 558.625 Tylosin.

(b) * * *

(31) To 029341: 5 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

Effective date. This order shall be effective on May 28, 1975.

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

Dated: May 20, 1975.

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

[FR Doc.75-13811 Filed 5-27-75;8:45 am]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Thiabendazole-Trichlorfon

The Commissioner of Food and Drugs has evaluated a new animal drug application (91-067V) filed by Merck Sharp and Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway, NJ 07065, proposing safe and effective use of thiabendazole with trichlorfon for treating bot and certain worm infections in horses. The application is approved.

The Commissioner is amending Part 520 (formerly Part 135c prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)), to reflect approval as set forth below. The amendment shall become effective on May 28, 1975.

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 520 is amended by adding a new section to read as follows:

§ 520.2380e Thiabendazole with trichlorfon.

(a) *Specifications.* The drug contains 5 grams of thiabendazole with 4.5 grams of trichlorfon, or 20 grams of thiabendazole with 18 grams of trichlorfon.

(b) *Sponsor.* See No. 000006 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) Used for the treatment and control of bots (*Gasterophilus spp.*), large strongyles (*Strongylus spp.*), small strongyles (genera *Cyathostomum, Cylicobrachytus, Craterostomum, Oesophagodontus, Poteriostomum*), pinworms (*Oxyuris spp., Strongyloides spp.*), and ascarids (*Parascaris spp.*) in horses.

(2) Administer 2 grams of thiabendazole with 1.8 grams of trichlorfon per 100 pounds of body weight sprinkled on the animals' usual daily ration of feed, or may be mixed in 5 to 10 fluid ounces of water and administered by stomach tube or drench.

(3) Do not re-treat more than once every 30 days, preferably every 6 to 8 weeks.

(4) Do not treat animals if sick or debilitated; less than 4 months of age; or mares in last month of pregnancy.

(5) Do not administer intravenous anesthetics, especially muscle relaxants, within 2 weeks of use.

(6) Not for animals intended for food use.

(7) Do not use within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, pesticides, or chemicals.

(8) If the label bears directions for administration of the drug by stomach tube or drench it shall also bear the statement: Caution; Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective on May 28, 1975.

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

Dated: May 20, 1975.

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

[FR Doc.75-13812 Filed 5-27-75;8:45 am]

[FRL 380-1; FAP5H5070/RB]

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

Methoprene

On January 7, 1975, notice was given (40 FR 1299) that Zoecon Corp., 975 California Ave., Palo Alto CA 94304, had filed a food additive petition (FAP 5H5070) with the Environmental Protection Agency (EPA). This petition proposed establishment of a feed additive regulation to provide for the safe use of the insect growth regulator methoprene (isopropyl (E,E)-11-methoxy-3, 7,11-trimethyl-2,4-dodecadienoate) in processed feed supplements for cattle in an amount not to exceed 0.025 percent by weight of the processed feed supplement. (A related document concerning the establishment of a pesticide tolerance for methoprene also appears in today's FEDERAL REGISTER, 40 FR 23073).

The data submitted in the petition and other relevant material have been evaluated. It is concluded that the regulation should be established expressed as the amount of pesticide fed to the animals per body weight of the animal per duration of time.

Any person adversely affected by this regulation may, on or before June 27, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street SW., East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions for the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on May 28, 1975, Part 561 is amended by adding § 561.282.

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

Dated: May 22, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 561 is amended by adding § 561.282 to read as follows.

§ 561.282 Methoprene.

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

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

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

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

[FR Doc.75-13935 Filed 5-27-75;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exemption of Chloral

The Drug Enforcement Administration has become aware that a large number of industrial users of chloral are not registered with the Drug Enforcement Administration, as required by section 302 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 822), for persons whose activities include the processing of controlled substances. Chloral is merely the anhydrous form of chloral hydrate, which is a controlled substance listed in Schedule IV of the Act (21 U.S.C. 812(c)), and, as such, has a low potential for abuse

relative to the drugs or other substances in Schedules III. Therefore, all persons who engage in industrial activities with respect to chloral are engaged in activities with respect to a Schedule IV controlled substance, and must become registered for such activities with DEA.

However, information submitted to DEA by several industrial users of chloral has revealed that there is no significant potential for abuse with respect to chloral when it is in "package" form, i.e., when shipped and stored in tank cars and pipelines which are fully sealed under nitrogen pressure in an oxygen-free atmosphere.

Therefore, industrial users of chloral who maintain it under the above circumstances shall be exempt from the application of sections 305, 306, 307, 308, 309, 1002, 1003 and 1004 of the Act (21 U.S.C. 825–829, 952–954, respectively), and Title 21 of the Code of Federal Regulations (CFR) §§ 1301.71–1301.73 and 1301.74 (a), (b), (d), (e) and (f), by virtue of the Administrator hereby finding that chloral, when existing under the above circumstances, is a substance which is not intended for general administration to a human being or other animal, and contains no narcotic controlled substances and is packaged in such a form that the package quantity does not present any significant potential for abuse.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b), respectively), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (CFR), the Administrator hereby orders that § 1308.24 of Title 21 of the Code of Federal Regulations (CFR) be amended to read as follows:

§ 1308.24 Exempt chemical preparations.

(a) The chemical preparations and mixtures set forth in paragraph (i) of this section have been exempted by the Administrator from application of sections 302, 303, 305, 306, 307, 308, 309, 1002, 1003 and 1004 of the Act (21 U.S.C. 822–3, 825–9, 952–4) and § 1301.74 of this chapter, to the extent described in paragraphs (b) to (h) of this section. Substances set forth in paragraph (j) shall be exempt from the application of sections 305, 306, 307, 308, 309, 1002, 1003 and 1004 of the Act (21 U.S.C. 825–9, 952–4) and §§ 1301.71–1301.73 and 1301.74(a), (b), (d), (e) and (f) of this chapter to the extent as hereinafter may bo provided.

* * * * *

(j) The following substances are designated as exempt chemical preparations for the purposes set forth in this section.

(1) *Chloral.* When packaged in a sealed, oxygen-free environment, under nitrogen pressure, safeguarded against exposure to the air.

* * * * *

EFFECTIVE DATES

1. *Registration.* The requirement of registration which is imposed by this order is effective as follows:

(a) Any person who manufactures, distributes, dispenses, engages in research, imports or exports chloral, in such form as hereinabove described in proposed § 1308.24(j) of Title 21 of the Code of Federal Regulations, or who proposes to engage in the manufacture, distribution, importation or exportation of, or research with, chloral in such form, shall obtain a registration to conduct such activities on or before July 1, 1975.

2. *Criminal liability.* Any person who manufactures, distributes, engages in research, imports or exports chloral, in such form as hereinabove described in proposed § 1308.24(j) of Title 21 of the Code of Federal Regulations, and who is not now registered to handle chloral in such form but is entitled to registration under the Controlled Substances Act or the Controlled Substances Import and Export Act, may continue to conduct normal business, industrial or research activities with respect to such substance, during the time period which falls between the date upon which this order becomes effective and the date upon which he obtains or is denied registration, but not beyond July 1, 1975.

3. *Other.* In all other respects, this order is effective. Any person interested may file written comments on or objections to the order on or before August 1, 1975. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the order in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: May 9, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-13820 Filed 5-27-75;8:45 am]

Title 29—Labor

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Recodification of Air Contaminant Standards

On September 20, 1974, at 39 FR 33843, the Occupational Safety and Health Administration announced its intention to initiate rulemaking proceedings to issue more complete standards for each of the substances listed in Tables G-1, G-2 and G-3 of 29 CFR 1910.93. As a result, it is expected that approximately 400 additional standards dealing with toxic substances will be promulgated.

Regulations dealing with toxic substances are contained in Subpart G of Part 1910. This subpart contains only a few sections and additional serially numbered sections cannot be added without completely renumbering the subparts which follow. Therefore new standards dealing with individual toxic substances have in the past been inserted following § 1910.93 by the addition of letter suffixes (e.g. § 1910.93a—Asbestos; § 1910.93b—Coal tar pitch volatiles; interpretation of term; § 1910.93c—4-Nitrobiphenyl, * * * § 1910.93q—Vinyl chloride).

While such numbering is satisfactory for limited use, it is not suitable for a large group of new sections, because of the complex multiple-letter suffixes that result. Therefore, in view of the fact that OSHA contemplates promulgating a large number of standards dealing with toxic substances, the current numbering system cannot be continued. Consequently the toxic substance standards presently contained in Subpart G of Part 1910 are hereby recodified and placed in a new Subpart Z of Part 1910, beginning at § 1910.1000. New standards dealing the new subpart. This recodification will simplify the manner in which standards for toxic substances may be referenced and will eliminate unnecessary confusion. Since this recodification makes no change in the standards, it is not necessary to provide notice of proposed rulemaking, opportunity for public participation therein, nor any delay in effective date under either section 6(b) of the Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1593, 29 U.S.C. 655) or 5 U.S.C. 553.

Accordingly, pursuant to authority in sections 6 and 8 of the Act, Secretary's Order No. 12–71 (36 FR 8754) and 29 CFR Part 1911, Title 29 of the Code of Federal Regulations is hereby amended by recodifying §§ 1910.93 through 1910.93q as §§ 1910.1000 through 1910.1017 respectively, in a new Subpart Z of Part 1910 entitled "Toxic and Hazardous Substances." In addition, other sections of Parts 1910 and 1926 are amended so that internal references are consistent with this recodification, and a reference to the new Subpart Z is inserted in Subpart G, as follows:

1. The following table sets forth the recodification of §§ 1910.93 through 1910.93q as §§ 1910.1000 through 1910.1017 respectively:

Old Section No. (Subpart G)	*New Section No. (Subpart Z)*
1910.93	1910.1000
1910.93a	1910.1001
1910.93b	1910.1002
1910.93c	1910.1003
1910.93d	1910.1004
1910.93e	1910.1005
1910.93f	1910.1006
1910.93g	1910.1007
1910.93h	1910.1008
1910.93i	1910.1009
1910.93j	1910.1010
1910.93k	1910.1011
1910.93l	1190.1012
1910.93m	1910.1013
1910.93n	1910.1014
1910.93o	1910.1015
1910.93p	1910.1016
1910.93q	1910.1017

2. The following sections in Part 1910 which reference § 1910.93 are revised to refer to § 1910.1000.

a. In § 1910.94, paragraphs (a)(2)(ii), (a)(5)(ii)(c) and (d)(2)(iii).

b. In § 1910.141, paragraph (a)(2)(viii).

c. In § 1910.178, paragraph (i)(1).

d. In § 1910.252, paragraphs (f)(1)(iv), (f)(8), (f)(9)(i) and (f)(10).

e. In § 1910.261, paragraphs (g)(15)(iv) and (g)(20).

f. In § 1910.262, paragraph (rr).

g. In § 1910.265, paragraph (c)(17)(i).

h. New § 1910.1002.

3. The reference in § 1910.99 to § 1910.93 is deleted.

4. The following sections in Parts 1910 and 1926 which reference § 1910.93a are revised to refer to § 1910.1001.

a. § 1910.19.

b. In § 1910.141, paragraph (a)(2)(viii).

c. In § 1926.55, paragraph (c).

5. As a result of this recodification, the table of contents for new Subpart Z reads as follows:

Subpart Z—Toxic and Hazardous Substances

Sec.:

1910.1000	Air Contaminants.
1910.1001	Asbestos.
1910.1002	Coal tar pitch volatiles; interpretation of term.
1910.1003	4-Nitrobiphenyl.
1910.1004	alpha-Naphthylamine.
1910.1005	4,4'—Methylene bis (2-chloroaniline).
1910.1006	Methyl chloromethyl ether.
1910.1007	3,3'—Dichlorobenzidine (and its salts).
1910.1008	bis-Chloromethyl ether.
1910.1009	beta-Naphthylamine.
1910.1010	Benzidine.
1910.1011	4-Aminodiphenyl.
1910.1012	Ethyleneimine.
1910.1013	beta-Propiolactone.
1910.1014	2-Acetylaminofluorene.
1910.1015	4-Dimethylaminoazobenzene.
1910.1016	N-Nitrosodimethylamine.
1910.1017	Vinyl chloride.

6. Tables G–1, G–2 and G–3 of § 1910.93 (now redesignated § 1910.1000) are redesignated as Tables Z–1, Z–2 and Z–3 respectively. All references in new § 1910.1000 to Tables G–1, G–2 and G–3 are revised to correspond with this redesignation.

7. New §§ 1910.1499 and 1910.1500 are added to Subpart Z to read as follows:

§ 1910.1499 Source of standards.

Section 1910.1000... 41 CFR 50–204.50, except for Table Z–2, the source of which is American National Standards Institute, Z37 series.

§ 1910.1500 Standards organizations.

Specific standards of the following organizations have been referred to in this subpart. Copies of the standards may be obtained from the issuing organization.

American Conference of Governmental Industrial Hygienists
1014 Broadway
Cincinnati, Ohio 45202

American National Standards Institute
1430 Broadway
New York, New York 10018

National Fire Protection Association
470 Atlantic Avenue
Boston, Massachusetts 02210

8. In Subpart G of Part 1910, the following reference is added: §§ 1910.93–1910.93q (These sections have been recodified in Subpart Z of this part, beginning at § 1910.1000).

Effective date. This amendment shall become effective on May 27, 1975.

(Secs. 6, 8(g), Pub. L. 91–596, 84 Stat. 1593, 1600 (29 U.S.C. 655, 657), Secretary of Labor's Order No. 12–71, 36 FR 8754, 29 CFR Part 1911)

Signed at Washington, D.C., this 20th day of May 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–13809 Filed 5–27–75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 379–8; PP541592/R28]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methoprene

On March 28, 1975, notice was given (40 FR 14117) that Zoecon Corp., 975 California Ave., Palo Alto CA 94304, had filed a pesticide petition (PP 5F1592) with the Environmental Protection Agency (EPA). This petition proposed establishment of a tolerance for residues of the insect growth regulator methoprene (isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) in the raw agricultural commodities meat, fat, and meat byproducts of cattle at 0.1 part per million and in milk at 0.01 part per million. (A related document concerning the establishment of a feed additive regulation for methoprene also appears in today's FEDERAL REGISTER, 40 FR 23071.)

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The proposed tolerances for residues in milk, meat, fat, and meat byproducts of cattle are adequate to cover residues resulting from the proposed and established uses. Consequently, these raw agricultural commodities are being deleted from § 180.1033 "Methoprene; exemption from the requirement of a tolerance". The tolerances established by this regulation will protect the public health.

Any person adversely affected by this regulation may on or before June 27, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street SW., East Tower Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions for the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on May 28, 1975, Part 180, Subpart C, is amended by adding § 180.359, and Subpart D is amended by revising § 180.1033.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: May 22, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

1. Section 180.359 is added to Part 180, Subpart C, to read as follows:

§ 180.359 Methoprene; tolerances for residues.

Tolerances are established for residues of the insect growth regulator methoprene (isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) in or on raw agricultural commodities as follows:

0.1 part per million in meat, fat, and meat byproducts of cattle

0.01 part per million in milk.

2. Section 180.1033 in Subpart D, Part 180, is revised by deleting the words cattle and milk from the list of raw agricultural commodities to read as follows:

§ 180.1033 Methoprene; exemption from the requirement of a tolerance.

The insect growth regulator methoprene (isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) is exempt from the requirement of a tolerance in or on the raw agricultural commodities eggs; the fat, meat, and meat byproducts of goats, hogs, horses, poultry, and sheep; fish; forage grasses; forage legumes; rice; rice straw; and shellfish; when used on pastures, rice fields and marshlands and other noncrop areas to control floodwater mosquitoes.

[FR Doc.75–13934 Filed 5–27–75;8:45 am]

Title 49—Transportation

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

[Docket No. 25; Notice 17]

PART 575—CONSUMER INFORMATION REGULATIONS

Uniform Tire Quality Grading Standards

This notice establishes Uniform Tire Quality Grading Standards. The notice is based on proposals published June 14, 1974 (39 FR 20808, Notice 12), August 9, 1974 (39 FR 28644, Notice 14), January 7, 1975 (40 FR 1273, Notice 15). Comments submitted in response to these proposals have been considered in the preparation of this notice.

A rule on this subject was issued on January 4, 1974 (39 FR 1037). It was revoked on May 9, 1974 (39 FR 16469), due to the inability of the NHTSA to obtain from the tire industry "control tires" which were to have been used as the basis for determining the compara-

tive performance grades for treadwear and traction.

The rule issued today requires manufacturers to provide grading information for new passenger car tires in each of the following performance areas: Treadwear, traction, and temperature resistance. The respective grades are to be molded into or onto the tire sidewall, contained in a label affixed to each tire (except for OEM tires), and provided for examination by prospective purchasers in a form retainable by them at each location where tires are sold.

TREADWEAR

Treadwear grades are based on a tire's projected mileage (the distance which it is expected to travel before wearing down to its treadwear indicators) as tested on a single, predetermined test run of approximately 6400 miles. A tire's treadwear grade is expressed as the percentage which its projected mileage represents of a nominal 30,000 miles, rounded off to the nearest lower 10 percent increment. For example, a tire with a projected mileage of 24,000 would be graded "80", while one with a projected mileage of 40,000 would be graded "130".

The test course has been established by the NHTSA in the vicinity of San Angelo, Texas, as described in Appendix A. It is the same as that discussed at the public briefings on this subject which took place July 23 and July 29, 1974, except that the direction of travel has been reversed on the northwest loop to increase safety by reducing the number of left turns. The course is approximately 400 miles long, and each treadwear test will require 16 circuits. It is anticipated that both the industry, at each manufacturer's option, and the agency will perform treadwear tests on this course; the former for establishing grades, and the latter for purposes of compliance testing, i.e., testing the validity of the grades assigned. To arrange for allocations of test time at the site, industry members should contact the NHTSA facility manager, P.O. Box 6591, Goodfellow Air Force Base, San Angelo, Texas 76901; telephone (915) 655-0546. While manufacturers are not required to test on the site, it would be to their advantage to do so, since the legal standard against which compliance with the rule will be measured is a tire's performance in government tests on that course.

The method of determining projected mileages is essentially that proposed in Notice 12 as modified by Notices 14 and 15 in this docket. The treadwear performance of a candidate tire is measured along with that of course monitoring tires (CMTs) of the same general construction type (bias, bias-belted, or radial) used to monitor changes in course severity. The CMTs are tires procured by the NHTSA—one group each of the three general types—which are made available by the agency for purchase and use by regulated persons at the test site. To obtain course monitoring tires, regulated persons should contact the NHTSA facility manager at the above address.

Each test convoy consists of one car equipped with four CMTs and three or fewer other cars equipped with candidate tires of the same construction type. (Candidate tires on the same axle are identical, but front tires on a test vehicle may differ from rear tires as long as all four are of the same size designation.) After a two-circuit break-in period, the initial tread depth of each tire is determined by averaging the depth measured at six equally spaced locations in each groove. At the end of every two circuits (800 miles), each tire's tread depth is measured again in the same way, the tires are rotated, vehicle positions in the convoy are rotated, and wheel alignments are readjusted if necessary. At the end of the 16-circuit test, each tire's overall wear rate is calculated from the nine measured tread depths and their corresponding mileages-after-break-in as follows: The regression line which "best fits" these data points is determined by applying the method of least squares as described in Appendix C; the wear rate is defined as the absolute value of the slope of the regression line, in mils of tread depth per 1000 miles. This wear rate is adjusted for changes in course severity by a multiplier consisting of the base wear rate for that type of course monitoring tire divided by the measured average of the wear rates for the four CMTs in that convoy. A candidate tire's tread depth after break-in (minus 62 mils to account for wearout when the treadwear indicators are reached) divided by its adjusted wear rate and multiplied by 1000, plus 800 miles, yields its projected mileage. The projected mileage is divided by 30,000 and multiplied by 100 to determine the percentage which, when rounded off, represents the candidate tire's treadwear grade.

A discussion of the NHTSA response to the comments on treadwear grading follows.

Duration of break-in period and test. The 400 mile break-in period originally proposed in Notice 12 was extended in Notice 15 to 800 miles, to permit the rotation of each tire between axles after 400 miles. The Rubber Manufacturers Association (RMA) suggested that a 1600-mile break-in, by permitting each tire to be rotated once through each position on the test car, would provide more reliable results. An analysis of variance in a study conducted by the NHTSA showed no significant variations in wear from one side of a car to the other. Further, a review of data from extensive testing on the San Angelo course showed no anomalies or consistent variations in wear rate occurring after the first 800 miles. The NHTSA is convinced that the 800-mile break-in period is sufficient to allow a tire to establish its equilibrium inflated shape and stabilize its wear rate. Therefore, the RMA suggestion has not been adopted.

Many of the comments to Notice 12 suggested that testing distances greater than 6400 miles are necessary for accurate tread life projections. Testing to 40 percent, 50 percent, and even 90 percent of wearout was urged. Unfortunately, only the submission of North American Dunlop was accompanied by substantive data. These data, showing non-linear wear rates, were of questionable validity because the tires were not broken in prior to testing and because the data were collected by different test fleets in different parts of the country. Nonetheless, as a result of the large number of adverse comments, the NHTSA requested further information from all knowledgeable and concerned parties to document and substantiate the position that a longer treadwear test is necessary. The additional data were requested in a written inquiry to the RMA and in Notice 15. Because of the need to limit test time, test cost, and fuel consumption, the objective was to determine the minimum test distance which can reliably predict ultimate tire treadwear life.

The responses to these requests have been reviewed and analyzed. Again, the NHTSA finds the industry data and conclusions that greater testing distances are necessary lacking in rigor and completeness. In most cases, the conditions of the industry tests were not disclosed or did not coincide with the prescribed control procedures. Serious doubt is cast upon the conclusions because of inadequate information on one or more of the following test conditions: Changes in weather and season, course severity, conformity with prescribed break-in period, mileage between readings, method of projecting mileage, size of convoy, number of tires tested, and uniformity and frequency of tread depth measurement.

A controlled test program recently completed by the NHTSA was designed to test the hypothesis that the rate of wear of tires is constant after an 800-mile break-in. The design and conclusions of the test are discussed in detail in a paper by Brenner, Scheiner, and Kondo ("Uniform Tire Quality Grading; Effect of Status of Wear on Tire Wear," "NHTSA Technical Note T-1014," March, 1975—General Reference entry No. 42 in this docket.) The general conclusions of the test are: (1) That the inherent rate of wear of tires, after an 800-mile break-in period, is constant and (2) that the projected tread life for a tire estimated from a 6,400-mile test after 800-mile break-in is accurate for all three tire types. Accordingly, the 6,400 mile test period has been retained.

Grading based on minimum performance. The RMA expressed strong disagreement with any system in which treadwear grades are based on a tire line's "minimum" projected mileage on the San Angelo test course, urging instead that the average performance of a line is a more appropriate grade. The RMA suggested further that the proposed grading system "ignores the bell-shaped distribution curve which describes any performance characteristic and would require the downgrading of an entire line of tires until no portion of the distribution curve fell below any selected treadwear grade, notwithstanding that the large bulk of a given group of tires was well above the grade."

The NHTSA rejects the arguments and the position taken by the industry on this issue. It is precisely the fact that, in industrial processes involving production of large numbers of items, the products group themselves into the so-called bell-

shaped or normal distribution which allows for measurement of central tendency and variation and forms the basis of scientific quality control.

Tests performed by the NHTSA and described in the paper cited above have shown conclusively that different production tires exhibit considerable differences in their variability about their respective average values. Thus, two different tire brands might have identical average values for treadwear, but differ markedly in their variance or standard deviation. These differences would probably be attributable to differences in process and quality control.

Recognition of differences in inherent variability among tire manufacturers and tire lines is of the utmost importance to the consumer. The average or mean measure of a group of tires does not provide sufficient information to enable the consumer to make an informed choice. If one tire on a user's car wears out in 10,000 miles, the fact that the "average" tire of that type wears to 25,000 miles in the same driving environment does not alter his need to purchase a new tire. Ideally, the consumer might be provided with more information if he were given a measure of the mean (central tendency) and standard deviation (variability) for each tire type, but the complexity and possible confusion generated by such a system would negate its advantages. In the NHTSA's judgment, the most valuable single grade for the consumer is one corresponding to a level of performance which he can be reasonably certain is exceeded by the universe population for that tire brand and line.

As with the other consumer information regulations issued by this agency, a grade represents a minimum performance figure to which every tire is expected to conform if tested by the government under the procedures set forth in the rule. Thus, any manufacturer in doubt about the performance capabilities of a line of his tires is free to assign a lower grade than what might actually be achieved, and he is expected to ensure that substantially all the tires marked with a particular grade are capable of achieving it.

Homogeneity of course monitoring tires. Another aspect of the Notice 12 proposal which generated much controversy is the adoption by the NHTSA of production tires for use as course monitoring tires. The commenters suggested that changes in course severity be monitored instead by tires manufactured under rigidly specified conditions to ensure homogeneity. Because variations in the performance of course monitoring tires are reflected in treadwear projections for all candidate tires, it follows that the more homogeneous the universe of the monitoring tires, the more precisely the performance of the candidate tires can be graded. The NHTSA is in complete accord with the industry's desire to minimize the variability of tires chosen for course monitoring. The development of specifications for special "control tires", in which materials, processing, and other conditions are rigidly controlled to a degree beyond that possible for mass production, will continue. The NHTSA hopes to work with the tire industry to reduce the variability of course monitoring tires to the maximum extent possible. However, it should be noted that an earlier version of this regulation had to be revoked due to the difficulty in obtaining such "control tires." Recent tests (summarized in the paper cited above) demonstrate that implementation of a viable treadwear grading system need not be delayed further, pending development of special tires. In these tests, the current radial CMTs—Goodyear Custom Steelgards chosen from a single, short production run—show a coefficient of variation (standard deviation of wear rate divided by mean) of 4.9 percent. This degree of uniformity is commensurate with universally accepted criteria for test control purposes. Hence, grading of radial tires may be started immediately. The tentatively adopted bias and bias-belted CMTs showed coefficients of variation of 7.3 percent and 12.4 percent, respectively. Existing test data indicate that the NHTSA will be able to identify and procure other tires of these two construction types, exhibiting homogeneity comparable to the current radial CMTs, in time for testing in accordance with the implementation schedule set out below. In any event, the variability of course monitoring tires will be taken into account by the NHTSA in connection with its compliance testing. At worst, the degree of grading imprecision associated with CMT variability will be no greater than one-half the levels measured for the current bias and bias-belted tire lots, because the standard deviation for the average of a set of four tires is equal to one-half that of the universe standard deviation. It is the NHTSA's judgment that treadwear grades of this level of precision will provide substantially more meaningful information to the prospective tire buyer than is currently available.

To make efficient use of the available CMTs, the NHTSA expects to conduct treadwear tests with used CMTs, as well as with new ones. This will not affect any mileage projections, because the inherent wear rate of tires is constant after break-in. Test results will be discarded if the treadwear indicators are showing on any of the CMTs at the end of a test.

The need for three separate course monitoring tires. Many commenters suggested that a single CMT of the bias-ply type be used, arguing that the use of a different CMT for each general construction type would create three separate treadwear rating systems. These suggestions appear to result from a misunderstanding of the role of the course monitoring tires. They are not used as yardsticks against which candidate tires are graded. Instead, they are used to monitor changes in the severity of the test course. Experiments performed by the NHTSA (Brenner, F. C. and Kondo, A., "Elements in the Road Evaluation of Tire Wear", "Tire Science and Technology," Vol. 1, No. 1, February 1973, p. 17—General Reference entry No. 17 in this docket) show that changes in test course severity will affect tires of differing construction types to differing degrees. For example, the improvement in projected tread life from the severest to the mildest test courses in the experiments was 12 percent for bias tires, yet it was 91 percent for bias-belted tires and 140 percent for radial tires. In fact, a variety of factors influence course severity, each having different relative effects on the various tire types. Therefore, the use of a single course monitoring tire on courses of varying severity, or even on a given course whose severity is subject to variation due to weather and road wear, would not permit the correct adjustment of measured wear rates for environmental influences. Only with a CMT for each construction type can a single, uniform treadwear grading system be established.

Expression of treadwear grades. The system of treadwear grading proposed in Notice 12 specified six grades, as follows:

Grade X (projected mileage less than 15,000)
Grade 15 (projected mileage at least 15,000)
Grade 25 (projected mileage at least 25,000)
Grade 35 (projected mileage at least 35,000)
Grade 45 (projected mileage at least 45,000)
Grade 60 (projected mileage at least 60,000)

Among the objections to this proposal was that small differences in actual treadwear in the vicinity of grade boundaries would be misrepresented as large differences because of the breadth of the predetermined categories. The NHTSA was also concerned that the broad categories could in some cases reduce the desirable competitive impact of the treadwear grading system if tires of substantially differing treadwear performance were grouped in the same grade. For these reasons, a relatively continuous grading system was proposed in Notice 15, in which tires would be graded with two digit numbers representing their minimum projected mileages in thousands of miles as determined on the San Angelo test course. The major objection to both of these proposals was that grades expressing projected mileages would lead consumers to expect every tire to yield its indicated mileage. The manufacturers were especially concerned that this would subject them to implied warranty obligations, despite the disclaimer on the label. The NHTSA remains convinced that treadwear grades which are directly related to projected mileages are the most appropriate way of expressing treadwear performance. To overcome any possible misinterpretation by consumers, the grading system established today is changed from that of Notice 15 to indicate relative performance on a percentage basis, as described above. This decision is based in part upon the fact that testing performed to date on the San Angelo course has given projected mileages that are generally higher than those the average user will obtain; i.e., it appears to be a relatively mild course.

Wheel alignment procedure. Test vehicle wheel alignment procedures received considerable comment. Notice 12

proposed alignment to vehicle manufacturer's specifications after vehicle loading. Notice 15 proposed that this be done before loading, and that the measurements taken after loading be used as a basis for setting alignment for the duration of the test. The majority of the commenters strongly favored a return to the original procedure. The NHTSA takes particular cognizance of the fact that those commenters who have actually tried both procedures in testing at San Angelo find the procedure of Notice 12 to be satisfactory and practicable, and that of Notice 15 to be unusable. NHTSA representatives at San Angelo have reported satisfactory operation on a variety of vehicles using the originally proposed procedure, and have not observed any uneven tire wear that would indicate alignment problems. For these reasons, the final rule prescribes alignment procedures which are identical with those proposed in Notice 12.

Tire rotation procedure. Several commenters objected to using the proposed "X" rotation procedure for testing radial tires. The NHTSA is aware that this procedure differs from that recommended by many groups for consumers' use. While some vehicle and tire manufacturers recommend that radial tires be rotated only fore-aft, others recommend no rotation at all and yet others are silent on the subject. The primary reason for these other methods appears to be to improve passenger comfort by reducing vibration. No data have been submitted, however, to suggest that the proposed method has any adverse or uneven effect on radial tire wear. Further, this method has the advantage, for treadwear testing, of balacing out any side-to-side or axle wear differences attributable to the vehicle or to the course. Accordingly, the proposed tire rotation method has been adopted without change.

Choice of grooves to be measured. Some commenters suggested that treadwear projections be calculated from measurements of the most worn grooves on candidate tires, rather than from the averages of measurements made in all grooves. It was argued that, because many States require replacement of passenger car tires when treadwear indicators appear in any two adjacent grooves, the proposed method of calculation would yield misleadingly high projections. Analysis of projections based on both methods (Brenner, F. C. and Kondo, A., "Patterns of Tread Wear and Estimated Tread Life," "Tire Science and Technology," Vol. 2, No. 1, 1973—Genereal Reference entry no. 27 in this docket) shows a high correlation between the resulting tire rankings. Because the treadwear grading system established today is based on relative performance, there is no disadvantage in adopting the proposed method. On a related issue, the E.T.R.T.O. pointed out that some grooves near the tire shoulder which are designed only for esthetic reasons exhibit practically no wear, and suggested that measurements be made only in those grooves which contain treadwear indicators. This suggestion has been adopted.

Calculation of projected mileage. Several methods for calculating the tire wear rates to be used in determining projected mileages were considered. Notice 12 proposed calculating the geometric mean of the wear rates measured for each 800-mile increment. This approach was rejected because the geometric mean is extremely sensitive to inaccurate readings in any single measurement. Use of the arithmetic mean of the incremental wear rates appears to be the general industry practice. Unfortunately, however, the intermediate readings have no effect on such a calculation, because the result is a function only of the initial tread depth (after break-in) and that measured 6,400 miles later. Therefore, a wear rate calculated by the industry method is extremely sensitive to errors in these two measurements. In Notice 15, the NHTSA proposed that wear rate be calculated by the least-squares regression method, as described above. This approach has the advantage of weighting all measurements and minimizing the effect of inaccurate readings, so it has been adopted.

Differing tires on a single test vehicle. Uniroyal and the E.T.R.T.O. argued that each test convoy vehicle should be equipped with four identical tires; the reason given was that otherwise, the performance of a candidate tire would be a function of the tires chosen by the NHTSA for use on the other axle of the test vehicle during compliance testing. The NHTSA is unaware of any data that support this position. The rule adopted today requires that all vehicles in a single convoy be equipped with tires of the same general construction type, and that all tires on a single vehicle be of the same size designation. In extensive testing at San Angelo with this procedure, none of the suggested undesirable variations has been observed.

Differing test vehicles in a single convoy. Several commenters suggested that the rule specify that all vehicles in a given convoy be identical, to reduce variations in projected treadlife. The NHTSA is in complete agreement with the premise that those variables which can be identified and which can affect treadwear results should be controlled as closely as is feasible. Variations in vehicle type, however, do not appear to produce significant variations in treadwear projections. Nevertheless, to minimize such variations, tires will be tested for compliance only on vehicles for which they are available as original equipment or recommended replacement options. Where practical, all vehicles in a given convoy will be of the same make. However, to test tires designed for the range of wheel sizes available, the suggested method would require a proliferation of course monitoring tires, one for each combination of wheel size and construction type. Therefore, the suggestion has not been adopted.

Accuracy of tread depth measurements. The RMA suggested that the interval between measurements be increased to 1,600 miles to reduce the effects of measurement error. However, if this interval were used instead of 800 miles, only five readings would be obtained in the 6,400 mile treadwear test, so errors in any one reading would result in a greater overall error. A recently completed study (Kondo, A. and Brenner, F. C., "Report on Round-Robin Groove Depth Measuring Experiment," "NHTSA Technical Note T–1012," March 1975—General Reference entry No. 44 in this docket) shows that variations among measurements of the same tread depth by different operators do not present a serious problem. The study found that the only significant variations in measurement results occur as a result of differences in measuring techniques between different laboratories. Since these techniques are consistent within a given laboratory, the different laboratories arrive at the same results in terms of the slope of the tread depth regression line that is the basis of the treadwear grade.

Traction

Traction grades are based on a tire's traction coefficient as measured on two wet skid pads, one of asphalt and one of concrete. Because a method for producing identical skid test surfaces at different sites has not yet been developed, the NHTSA has establishe two skid pads, described in Appendix B, near the treadwear test course in San Angelo. These pads represent typical highway surfaces. The asphalt surface has a traction coefficient, when tested wet using the American Society for Testing and Materials (ASTM) E 501 tire, of 0.50 ± 0.10. The concrete surface was described in Notice 12 as having a traction coefficient, when similarly tested, of 0.47 ± 0.05. Due to surface polishing, this coefficient has declined and stabilized at 0.35 ± 0.10. As with the treadwear course, these pads are available for use by manufacturers as well as the agency. For allocations of test time, industry members should contact the NHTSA facility manager at the above address.

Before each candidate tire test, the traction coefficient of each surface is measured with two ASTM tires to monitor variations in the surface, using a two-wheeled test trailer built in accordance with ASTM Method E–274–70. The candidate tire's traction coefficient is similarly measured on each surface, and then adjusted by adding a fixed coefficient (0.50 for asphalt, 0.35 for concrete) and subtracting the average coefficient obtained from measurements with the two ASTM tires.

The tire industry's major objection to the proposed rule was that, with four possible grades for traction, two tires might be graded differently without a meaningful difference in their performance. The RMA suggested a scheme with two grade categories above a minimum requirement. The rule issued today, by setting two threshold levels of performance, establishes three grades: "0", for performance below the first threshold; "*", for performance above the first

threshold; and "***", for performance above the second threshold. The NHTSA is convinced that the grades thus defined reflect significant differences in traction performance.

Firestone suggested that further testing may demonstrate that only one pad is necessary to give the best and most consistently repeatable results. However, the ranking of a group of tires based on their performance on one surface can differ from their ranking on another surface. In fact, one tire manufacturer suggested that an additional surface of low coefficient be included in the testing scheme for this reason. The NHTSA agrees that an additional surface may increase the utility of the traction grading system, and anticipates a proposal to implement this suggestion in the future.

The suggestion of Pirelli, that measurements be made during the period between 0.5 and 1.5 seconds after wheel lockup instead of the period between 0.2 and 1.2 seconds, has been adopted. To permit more efficient use of the skid pads, the rule specifies a test sequence which differs slightly from that originally proposed: "Instead of being tested repeatedly on the asphalt pad and then repeatedly on the concrete pad, each tire is run alternately over the two pads. A change in paragraph (f)(2)(i)(A) permits tires to be conditioned on the test trailer as an alternative to conditioning on a passenger car. Another change facilitates the use of trailers with instrumentation on only one side, which had been inadvertently precluded by the wording of the proposed rule.

TEMPERATURE RESISTANCE

The major objection to the proposed high speed performance grading scheme was that it was neither necessary nor beneficial to the consumer. Several commenters pointed out that Standard No. 109 specifies testing a tire against a laboratory wheel at a speed corresponding to 85 mph, and argued that certification of a tire to this minimum requirement provides the consumer with adequate information about its performance at all expected driving speeds. They suggested that only one higher grade be established, for tires designed to be used on emergency vehicles. Some commenters indicated that, as proposed, the rule seemed to condone or even encourage the unsafe operation of motor vehicles above legal speed limits. To preclude this misinterpretation, the third tire characteristic to be graded has been renamed "temperature resistance". The grade is indicative of the running temperature of the tire. Sustained high temperature can cause the material of the tire to degenerate and reduce tire life, and excessive temperature can lead to sudden tire failure. Therefore, the distinctions provided by three grades of temperature resistance are meaningful to the consumer. Except for the name change, this aspect of quality grading has been adopted as proposed. A grade of "C" corresponds to the minimum requirements of Standard No. 109. "B" indicates completion of the 500 rpm test stage specified in paragraph (g)(9), while "A" indicates completion of the 575 rpm test stage.

PROVISION OF GRADING INFORMATION

Several commenters objected to the proposed tread label requirement, suggesting that point-of-sale material such as posters and leaflets could provide the consumer with adequate information about tire grades. For the reasons discussed in Notice 12, the NHTSA is convinced that labels affixed to the tread of the tire are the only satisfactory method of providing complete information to replacement tire purchasers. Therefore, the scheme of transmitting quality grading information to consumers, combining sidewall molding, tread labels, and point-of-sale materials, has been adopted substantially as proposed. A change in paragraph (d)(1)(ii) clarifies the respective duties of vehicle manufacturers and tire manufacturers to provide information for prospective purchasers.

Several vehicle manufacturers requested that new vehicles not be required to be equipped with graded tires until six months after the date that tires must be graded. These commenters appear to have misunderstood the scope of the quality grading standard. The NHTSA expects that tires which comply with the standard will appear on new vehicles as inventories of ungraded tires are depleted. Part 575.6 requires of the vehicle manufacturer only that he provide the specified information to purchasers and prospective purchasers when he equips a vehicle with one or more tires manufactured after the applicable effective date of this rule.

The NHTSA has determined that an Inflationary Impact Statement is not required pursuant to Executive Order 11821. Industry cost estimates and an inflation impact review are filed in public Docket No. 25. This review includes an evaluation of the expected cost of the rule.

In consideration of the foregoing, a new § 575.104, "Uniform Tire Quality Grading Standards" is added to 49 CFR Part 575, to read as set forth below.

Effective dates. For all requirements other than the molding requirement of paragraph (d)(1)(i)(A): January 1, 1976, for radial ply tires; July 1, 1976, for bias-belted tires; January 1, 1977, for bias ply tires. For paragraph (d)(1)(i)(A): July 1, 1976, for radial ply tires; January 1, 1977, for bias-belted tires; July 1, 1977, for bias-ply tires.

(Secs. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegation of authority at 49 CFR 1.51.)

Issued on May 20, 1975.

JAMES B. GREGORY,
Administrator.

§ 575.104 Uniform tire quality grading standards.

(a) *Scope.* This section requires motor vehicle and tire manufacturers and tire brand name owners to provide information indicating the relative performance of passenger car tires in the areas of treadwear, traction, and temperature resistance.

(b) *Purpose.* The purpose of this section is to aid the consumer in making an informed choice in the purchase of passenger car tires.

(c) *Application.* This section applies to new pneumatic tires for use on passenger cars manufactured after 1948. However, this section does not apply to deep tread, winter-type snow tires.

(d) *Requirements*—(1) *Information.* (i) Each manufacturer of tires, or in the case of tires marketed under a brand name, each brand name owner, shall provide grading information for each tire of which he is the manufacturer or brand name owner in the manner set forth in paragraphs (d)(1)(i)(A) and (d)(1)(i)(B) of this section. The grades for each tire shall be only those specified in paragraph (d)(2) of this section. Each tire shall be able to achieve the level of performance represented by each grade with which it is labeled. An individual tire need not, however, meet furthe requirements after having been subjected to the test for any one grade.

(A) Each tire shall be graded with the words, letters, symbols, and figures specified in paragraph (d)(2) of this section, permanently molded into or onto the tire sidewall between the tire's maximum section width and shoulder in accordance with one of the methods described in Figure 1.

(B) Each tire, except a tire sold as original equipment on a new vehicle, shall have affixed to its tread surface in a manner such that it is not easily removable a label containing its grades and other information in the form illustrated in Figure 2. The treadwear grade attributed to the tire shall be either imprinted or indelibly stamped on the label adjacent to the description of the treadwear grade. The label shall also depict all possible grades for traction and temperature resistance. The traction and temperature resistance performance grades attributed to the tire shall be indelibly circled.

(ii) In the case of information required in accordance with § 575.6(c) to be furnished to prospective purchasers of motor vehicles and tires, each vehicle manufacturer and each tire manufacturer or brand name owner shall as part of that information list all possible grades for traction and temperature resistance, and restate verbatim the explanations for each performance area specified in Figure 2. The information need not be in the same format as in Figure 2, but must indicate clearly and unambiguously the grade in each performance area for:

(A) In the case of a vehicle manufacturer, each tire offered for sale on a new motor vehicle; and

(B) In the case of a tire manufacturer or brand name owner, each tire of that manufacturer or brand name owner offered for sale at the particular location.

(iii) In the case of information required in accordance with § 575.6(a) to be furnished to the first purchaser of a new motor vehicle, each manufacturer of motor vehicles shall as part of that information list all possible grades for traction and temperature resistance and restate verbatim the explanation for each performance area specified in Figure 2. The information need not be in the format of Figure 2, but must clearly and unambiguously indicate the quality grades for the tires with which the vehicle is equipped.

(2) *Performance*—(i) *Treadwear.* Each tire shall be graded for treadwear performance with the word "TREADWEAR" followed by a number of two or three digits representing the tire's grade for treadwear, expressed as a percentage of the NHTSA nominal treadwear value, when tested in accordance with the conditions and procedures specified in paragraph (e) of this section. Treadwear grades shall be multiples of 10 (e.g., 80, 150).

(ii) *Traction.* Each tire shall be graded for traction performance with the word "TRACTION," followed by the symbols 0, *, or ** (either asterisks or 5-pointed stars) when the tire is tested in accordance with the conditions and procedures specified in paragraph (f) of this section.

(A) The tire shall be graded 0 when the adjusted traction coefficient is either:

(*1*) 0.38 or less when tested in accordance with paragraph (f)(2) of this section on the asphalt surface specified in paragraph (f)(1)(i) of this section, or

(2) 0.26 or less when tested in accordance with paragraph (f)(2) of this section on the concrete surface specified in paragraph (f)(1)(i) of this section.

(B) The tire may be graded * only when its adjusted traction coefficient is both:

(*1*) More than 0.38 when tested in accordance with paragraph (f)(2) of this section on the asphalt surface specified in paragraph (f)(1)(i) of this section, and

(2) More than 0.26 when tested in accordance with paragraph (f)(2) of this section on the concrete surface specified in paragraph (f)(1)(i) of this section.

(C) The tire may be graded ** only when its adjusted traction coefficient is both:

(*1*) More than 0.47 when tested in accordance with paragraph (f)(2) of this section on the asphalt surface specified in paragraph (f)(1)(i) of this section, and

(2) More than 0.35 when tested in accordance with paragraph (f)(2), of this section on the concrete surface specified in paragraph (f)(1)(i) of this section.

(iii) *Temperature resistance.* Each tire shall be graded for temperature resistance performance with the word "TEMPERATURE" followed by the letter A, B, or C, based on its performance when the tire is tested in accordance with the procedures specified in paragraph (g) of this section. A tire shall be considered to have successfully completed a test stage in accordance with this paragraph if, at the end of the test stage, it exhibits no visual evidence of tread, sidewall, ply, cord, innerliner or bead separation, chunking, broken cords, cracking or open splices as defined in § 571.109 of this chapter, and the tire pressure is not less than the pressure specified in paragraph (g)(1) of this section.

(A) The tire shall be graded C if it fails to complete the 500 rpm test stage specified in paragraph (g)(9) of this section.

(B) The tire may be graded B only if it successfully completes the 500 rpm test stage specified in paragraph (g)(9) of this section.

(C) The tire may be graded A only if it successfully completes the 575 rpm test stage specified in paragraph (g)(9) of this section.

(e) *Treadwear grading conditions and procedures*—(1) *Conditions.* (i) Tire treadwear performance is evaluated on a specific roadway course approximately 400 miles in length, which is established by the NHTSA both for its own compliance testing and for that of regulated persons. The course is designed to produce treadwear rates that are generally representative of those encountered in public use for tires of differing construction types. The course and driving procedures are described in Appendix A to this section.

(ii) Treadwear grades are evaluated by first measuring the performance of a candidate tire on the government test course, and then correcting the projected mileage obtained to account for environmental variations on the basis of the performance of course monitoring tires of the same general construction type (bias, bias-belted, or radial) run in the same convoy. The three types of course monitoring tires are made available by the NHTSA at Goodfellow Air Force Base, San Angelo, Texas, for purchase by any persons conducting tests at the test course.

(iii) In convoy tests each vehicle in the same convoy, except for the lead vehicle, is throughout the test within human eye range of the vehicle immediately ahead of it.

(iv) A test convoy consists of no more than four passenger cars, each having only rear-wheel drive.

(v) On each convoy vehicle, all tires are mounted on identical rims: either a "test rim" as defined with respect to that tire in paragraph S3 of § 571.109 of this chapter (Standard No. 109) or any other rim listed for use with that tire in Appendix A of § 571.110 of this chapter (Standard No. 110) having a width within −0+0.50 inches of the "test rim" width.

(2) *Treadwear grading procedure.* (i) Equip a convoy with course monitoring and candidate tires of the same construction type. Place four course monitoring tires on one vehicle. On each other vehicle, place four candidate tires with identical size designations. On each axle, place tires that are identical with respect to manufacturer and line.

(ii) Inflate each candidate and each course monitoring tire to an inflation pressure 8 pounds per square inch less than its maximum permissible inflation pressure.

(iii) Load each vehicle so that the load on each course monitoring and candidate tire is 85 percent of the load specified in Appendix A of § 571.109 of this chapter (Standard No. 109) at the inflation pressure specified in paragraph (e)(2)(ii) of this section.

(iv) Adjust wheel alignment to that specified by the vehicle manufacturer.

(v) Subject candidate and course monitoring tires to "break-in" by running the tires in convoy for two circuits of the test roadway (800 miles). At the end of the first circuit, rotate each vehicle's tires by moving each front tire to the same side of the rear axle and each rear tire to the opposite side of the front axle.

(vi) After break-in, allow the tires to cool to the inflation pressure specified in paragraph (e)(2)(ii) of this section or for two hours, whichever occurs first. Measure, to the nearest 0.001 inch, the tread depth of each candidate and course monitoring tire, avoiding treadwear indicators, at six equally spaced points in each groove. For each tire compute the average of the measurements. Do not include those shoulder grooves which are not provided with treadwear indicators.

(vii) Adjust wheel alignment to the manufacturer's specifications.

(viii) Drive the convoy on the test roadway for 6,400 miles. After each 800 miles:

(A) Following the procedure set out in paragraph (e)(2)(vi) of this section, allow the tires to cool and measure the average tread depth of each tire;

(B) Rotate each vehicle's tires by moving each front tire to the same side of the rear axle and each rear tire to the opposite side of the front axle.

(C) Rotate the vehicles in the convoy by moving the last vehicle to the lead position. Do not rotate driver position within the convoy.

(D) Adjust the wheel alignment to the vehicle manufacturer's specifications, if necessary.

(ix) Determine the projected mileage for each candidate tire as follows:

(A) For each course monitoring and candidate tire in the convoy, using the average tread depth measurements obtained in accordance with paragraph (e)(2)(vi) of this section and the corresponding mileages as data points, apply the method of least squares as described in Appendix C to this section to determine the estimated regression line of y on x given by the following formula:

$$y = a + \frac{bx}{1000}$$

Where:

y = average tread depth in mils,
x = miles after break-in,
a = y intercept of regression line (reference tread depth) in mils, calculated using the method of least squares; and

b = the slope of the regression line in mils of tread depth per 1,000 miles, calculated using the method of least squares. This slope will be negative in value. The tire's wear rate is defined as the absolute value of the slope of the regression line.

(B) Average the wear rates of the four course monitoring tires as determined in accordance with paragraph (e)(2)(ix)(A) of this section.

(C) Determine the course severity adjustment factor by dividing the base wear rate for the course monitoring tire (see note below) by the average wear rate for the four course monitoring tires determined in accordance with paragraph (e)(2)(ix)(B) of this section.

NOTE: The base wear rates for the course monitoring tires will be furnished to the purchaser at the time of purchase.

(D) Determine the adjusted wear rate for each candidate tire by multiplying its wear rate determined in accordance with paragraph (e)(2)(ix)(A) of this section by the course severity adjustment factor determined in accordance with paragraph (e)(2)(ix)(C) of this section.

(E) Determine the projected mileage for each candidate tire using the following formula:

$$\text{Projected mileage} = \frac{1000\ (a-62)}{b'} + 800$$

Where:

a = y intercept of regression line (reference tread depth) for the candidate tire as determined in accordance with paragraph (e)(2)(ix)(A) of this section.

b' = the adjusted wear rate for the candidate tire as determined in accordance with paragraph (e)(2)(ix)(D) of this section.

(F) Compute the percentage of the NHTSA nominal treadwear value for each candidate tire using the following formula:

$$P = \frac{\text{Projected Mileage}}{30{,}000} \times 100$$

Round off the percentage to the nearest lower 10 percent increment.

(f) *Traction grading conditions and procedures*—(1) *Conditions.* (i) Tire traction performance is evaluated on skid pads that are established, and whose severity is monitored, by the NHTSA both for its compliance testing and for that of regulated persons. The test pavements are asphalt and concrete surfaces constructed in accordance with the specifications for pads "C" and "A" in the "Manual for the Construction and Maintenance of Skid Surfaces," National Technical Information Service No. DOT-HS-800-814. The surfaces have locked wheel traction coefficients when evaluated in accordance with paragraphs (f)(2)(i) through (f)(2)(vii) of this section of 0.50 ± 0.10 for the asphalt and 0.35 ± 0.10 for the concrete. The location of the skid pads is described in Appendix B to this section.

(ii) The standard tire is the American Society for Testing and Materials (ASTM) E 501 "Standard Tire for Pavement Skid Resistance Tests."

(iii) The pavement surface is wetted in accordance with paragraph 3.5, "Pavement Wetting System," of ASTM Method E 274–70, "Skid Resistance of Paved Surfaces Using a Full-Scale Tire."

(iv) The test apparatus is a test trailer built in conformity with the specifications in paragraph 3, "Apparatus", of ASTM Method E 274–70, and instrumented in accordance with paragraph 3.3.2 of that method, except that "wheel load" in paragraph 3.2.2 and tire and rim specifications in paragraph 3.2.3 of that method are as specified in the procedures in paragraph (f)(2) of this section for standard and candidate tires.

(v) The test apparatus is calibrated in accordance with ASTM Method F 377–74, "Standard Method for Calibration of Braking Force for Testing of Pneumatic Tires" with the trailer's tires inflated to 24 psi and loaded to 1085 pounds.

(vi) Consecutive tests on the same surface are conducted not less than 30 seconds apart.

(vii) a standard tire is discarded in accordance with ASTM Method E 501.

(2) *Procedure.* (i) Prepare two standard tires as follows:

(A) Condition the tires by running them for 200 miles on a pavement surface.

(B) Mount each tire on a "test rim" as defined in S3 of Standard No. 109 (§ 571.109 of this chapter), or on any rim listed for use with that tire in the Appendix of Standard No. 110 (§ 571.110 of this chapter) that is of a width within −0 + 0.50 inches of the "test rim" width. Then inflate the tire to 24 psi.

(C) Statically balance each tire-rim combination.

(D) Allow each tire to cool to ambient temperature and readjust its inflation pressure to 24 psi.

(ii) Mount the tires on the test apparatus described in paragraph (f)(1)(iv) of this section and load each tire to 1085 pounds.

(iii) Tow the trailer on the asphalt test surface specified in paragraph (f)(1)(i) of this section at a speed of 40 mph, lock one trailer wheel, and record the locked-wheel traction coefficient on the tire associated with that wheel between 0.5 and 1.5 seconds after lockup.

(iv) Repeat the test on the concrete surface, locking the same wheel.

(v) Repeat the tests specified in paragraphs (f)(2)(iii) and (f)(2)(iv) of this section for a total of 10 measurements on each test surface.

(vi) Repeat the procedures specified in paragraphs (f)(2)(iii) through (f)(2)(v) of this section, locking the wheel associated with the other tire.

(vii) Average the 20 measurements taken on the asphalt surface to find the standard tire traction coefficient for the asphalt surface. Average the 20 measurements taken on the concrete surface to find the standard tire traction coefficient for the concrete surface.

(viii) Prepare two candidate tires of the same construction type, manufacturer, line, and size designation in accordance with paragraph (f)(2)(i) of this section, mount them on the test apparatus, and test one of them according to the procedures of paragraphs (f)(2)(ii) through (v) of this section, except load each tire to 85 percent of the load specified at 24 psi for the tires' size designation in Appendix A of Standard No. 109 (§ 571.109 of this chapter). Average the 10 measurements taken on the asphalt surface to find the candidate tire traction coefficient for the asphalt surface. Average the 10 measurements taken on the concrete surface to find the candidate tire traction coefficient for the concrete surface.

(ix) Compute a candidate tire's adjusted traction coefficient for asphalt (μ_a) by the following formula:

$$\mu_a = \text{Measured candidate tire coefficient for asphalt} + 0.50 - \text{Measured standard tire coefficient for asphalt}$$

(x) Compute a candidate tire's adjusted traction coefficient for concrete (u_c) by the following formula:

$$u_c = \text{Measured candidate tire coefficient for concrete} + 0.35 - \text{Measured standard tire coefficient for concrete}$$

(g) *Temperature resistance grading.* (1) Mount the tire on any test rim as defined in S3 of Standard No. 109 (§ 571.109 of this chapter) and inflate it to 2 pounds per square inch less than its maximum permissible inflation pressure.

(2) Condition the tire-rim assembly at an ambient temperature of 105° F. for 3 hours.

(3) Adjust the pressure again to 2 pounds per square inch less than the maximum permissible inflation pressure.

(4) Mount the tire-rim assembly on an axle, and press the tire tread against the surface of a flat-faced steel test wheel that is 67.23 inches in diameter and at least as wide as the section width of the tire.

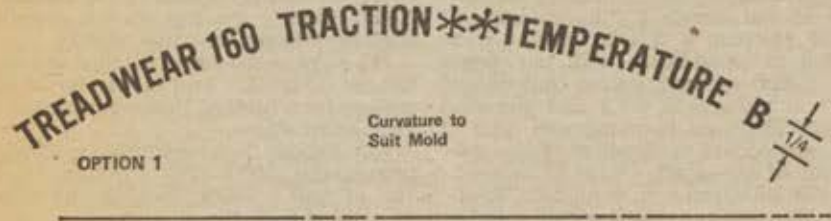
(5) During the test, including the pressure measurements specified in paragraphs (g)(1) and (g)(3) of this section, maintain the temperature of the ambient air, as measured 12 inches from the edge of the rim flange at any point on the circumference on either side of the tire, at 105° F. Locate the temperature sensor so that its readings are not affected by heat radiation, drafts, variations in the temperature of the surrounding air, or guards or other devices.

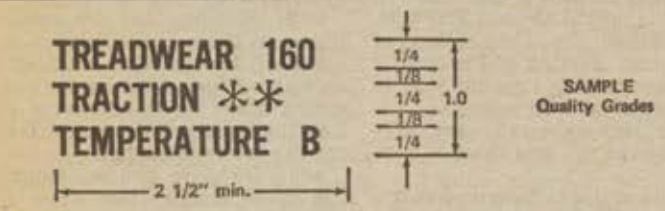
(6) Press the tire against the test wheel at the load specified in Appendix A of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109) for the tire's size designation and the inflation pressure that is 8 pounds per square inch less than the tire's maximum permissible inflation pressure.

(7) Rotate the test wheel at 250 rpm for 2 hours.

(8) Remove the load, allow the tire to cool to 105° F. or for 2 hours, whichever occurs last, and readjust the inflation pressure to 2 pounds per square inch less than the tire's maximum permissible inflation pressure.

(9) Reapply the load and without interruption or readjustment of inflation pressure, rotate the test wheel at 375 rpm for 30 minutes, and then at successively higher rates in 25 rpm increments, each for 30 minutes, until the tire has run at 575 rpm for 30 minutes, or to failure, whichever occurs first.





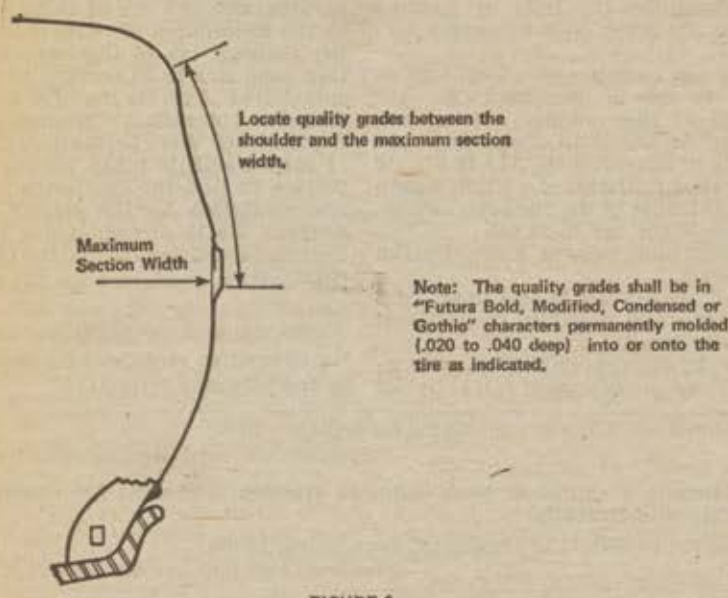


FIGURE 1

FIGURE 2—DOT QUALITY GRADES

ALL PASSENGER CAR TIRES MUST CONFORM TO FEDERAL SAFETY REQUIREMENTS IN ADDITION TO THESE GRADES

Treadwear — The treadwear grade is a comparative rating based on the wear rate of the tire when tested under controlled conditions on a specified government test course. For example, a tire graded 200 would wear twice as well on the government course as a tire graded 100. The relative performance of tires depends upon the actual conditions of their use, however, and may depart significantly from the norm due to variations in driving habits, service practices, and differences in road characteristics and climate.

Traction
** (the highest), *, and 0, and represent the tire's ability to stop on wet pavements as measured on asphalt and concrete test surfaces. A tire marked 0 for traction may have poor traction performance.

Temperature
A
B
C
The temperature grades are A (the highest), B, and C, representing the tire's resistance to the generation of heat and its ability to dissipate heat. Sustained high temperature can cause the material of the tire to degenerate and reduce tire life, and excessive temperature can lead to sudden tire failure. The grade C corresponds to a level of performance which all passenger car tires must meet under the Federal motor vehicle safety standards. Grades B and A represent higher levels of performance than the minimum required by law.

APPENDIX A—TREADWEAR TEST COURSE AND DRIVING PROCEDURES

Introduction. The test course consists of three loops of a total of 400 miles in the geographical vicinity of Goodfellow AFB, San Angelo, Texas.

The first loop runs south 143 miles through the cities of Eldorado, Sonora, and Juno, Texas, to the Camp Hudson Historical Marker, and returns by the same route.

The second loop runs northwest toward Robert Lee, through Water Valley, and returns to the vicinity of Goodfellow AFB.

The third loop runs east over Farm and Ranch Roads (FM) and returns to the starting point.

Route. The route is shown in Figure 3. The table identifies key points by number. These numbers are encircled in Figure 3 and in parentheses in the descriptive material that follows.

Southern Loop. The course begins at the intersection (1) of Ft. McKavitt Road and Paint Rock Road (FM388) at the northwest corner of Goodfellow AFB.

Drive east via FM388 to junction with Loop Road 306 (2). Turn right onto Loop Road 306 and proceed south to junction with US277 (3). Turn left onto US277 and proceed south through Eldorado and Sonora (4), continuing on US277 to junction with FM189 (5). Turn right onto FM189 and proceed to junction with Texas 163 (6). Turn left onto Texas 163, proceed south to Camp Hudson Historical Marker (7) and U-turn in highway. Reverse route to junction of Loop Road 306 and FM388 (2).

Northwestern Loop. Thru junction of Loop Road 306 and FM388 (2), proceed north on Loop Road 306, onto US277, to junction with FM2105 (8). Turn left onto FM2105 and proceed west to junction with US87 (9). Turn right on US87 and proceed northwest to the junction with FM2034 near the town of Water Valley (10). Turn right onto FM2034 and proceed north to Texas 208 (11). Turn right onto Texas 208 and proceed south to junction with FM2105 (12). Turn left onto FM2105 and proceed east to junction with US277 (8). Turn right onto US277 and proceed south onto 306 to junction with 388 (2).

Eastern Loop. From junction of Loop Road 306 and FM388 (2) make left turn onto FM388 and drive east to junction with FM 2334 (13). Turn right onto FM2334 and proceed south across FM765 (14) to junction of FM2334 and US87 (15). Make U-turn and return to junction of FM388 and Loop Road 306 (2) by the same route. Proceed to start-

ing point at junction of Ft. McKavitt Road and FM388 (1).

Driving Instructions. The drivers shall run at posted speed limits throughout the course unless an unsafe condition arises. If such condition arises, the speed should be reduced to the maximum safe operating speed.

Braking procedures at S T O P signs. There are a number of intersections at which stops are required. At each of these intersections a series of signs is placed in a fixed order as follows:

SIGN LEGEND

Highway Intersection 1000 (or 2000) Feet
S T O P A H E A D
Junction X X X
Direction Sign (Mereta →)
S T O P or Y I E L D

Procedures. 1. Approach each intersection at the posted speed limit.

2. When abreast of the S T O P A H E A D sign, apply the brakes so that the vehicle decelerates smoothly to 10 mph when abreast of the direction sign.

3. Come to a complete stop at the S T O P sign or behind any vehicle already stopped.

Key points along treadwear test course, approximate mileages, and remarks

		Mileages	Remarks
1	Ft. McKavitt Road & FM388.	0	
2	FM388 & Loop 306	3	S T O P
3	Loop 306 & US277	10	
4	Sonora	72	
5	US277 & FM189	88	
6	FM189 & Texas 163	124	
7	Historical Marker (Camp Hudson).	143	U-TURN
4	Sonora	214	
3	Loop 306 & US277	275	
2	FM338 & Loop 306	281	
8	US277 & FM2105	287	
9	US87 & FM2105	294	
10	FM2034 & US87	312	
11	Texas 208 & FM2034	336	
12	FM2105 & Texas 208	361	
8	FM2105 & US277	365	Y I E L D
2	Loop 306 & FM388	371	
13	FM388 & FM2334	378	S T O P
14	FM2334 & FM765	380	S T O P
15	FM2334 & US87	383	S T O P U-TURN
14	FM2334 & FM765	387	S T O P
13	FM2334 & FM388	389	S T O P
1	FM388 & Ft. McKavitt Road.	399	

FIGURE 3

APPENDIX B—TRACTION SKID PADS

Two skid pads have been laid on an unused runway and taxi strip on Goodfellow AFB. Their location is shown in Figure 4.

The asphalt skid pad is 600 ft. x 60 ft. and is shown in black on the runway in Figure 2. The pad is approached from either end by a 75 ft. ramp followed by 100 ft. of level pavement. This arrangement permits the skid trailers to stabilize before reaching the test area. The approaches are shown on the figure by the hash-marked area.

The concrete pad is 600 ft. x 48 ft. and is on the taxi strip. The approaches to the

concrete pad are of the same design as those for the asphalt pads.

A two lane asphalt road has been built to connect the runway and taxi strip. The road is parallel to the northeast-southwest runway at a distance of 100 ft. The curves have super-elevation to permit safe exit from the runway at operating speeds.

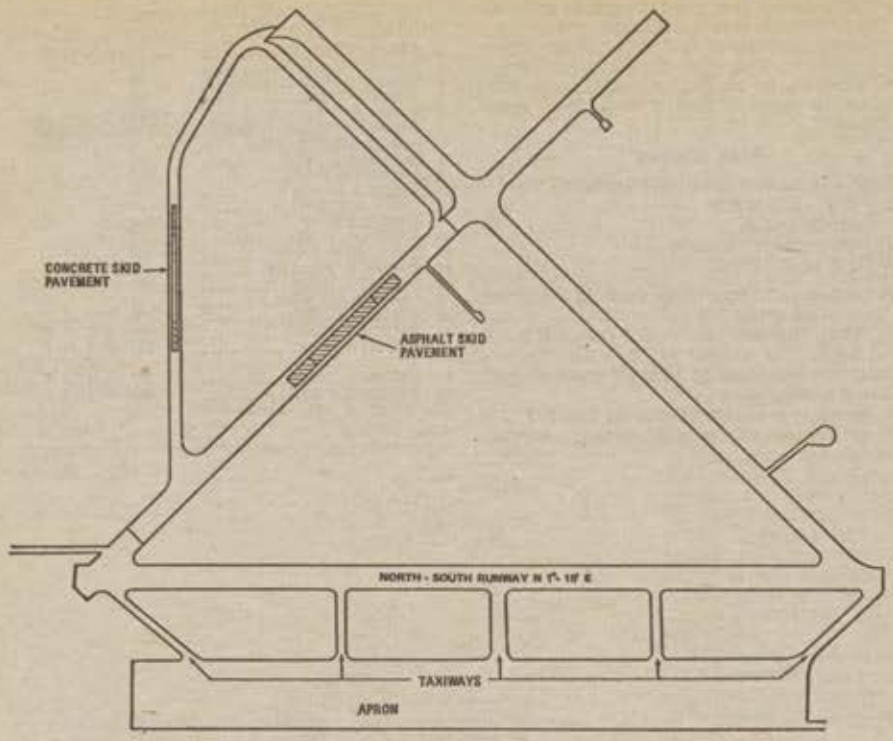
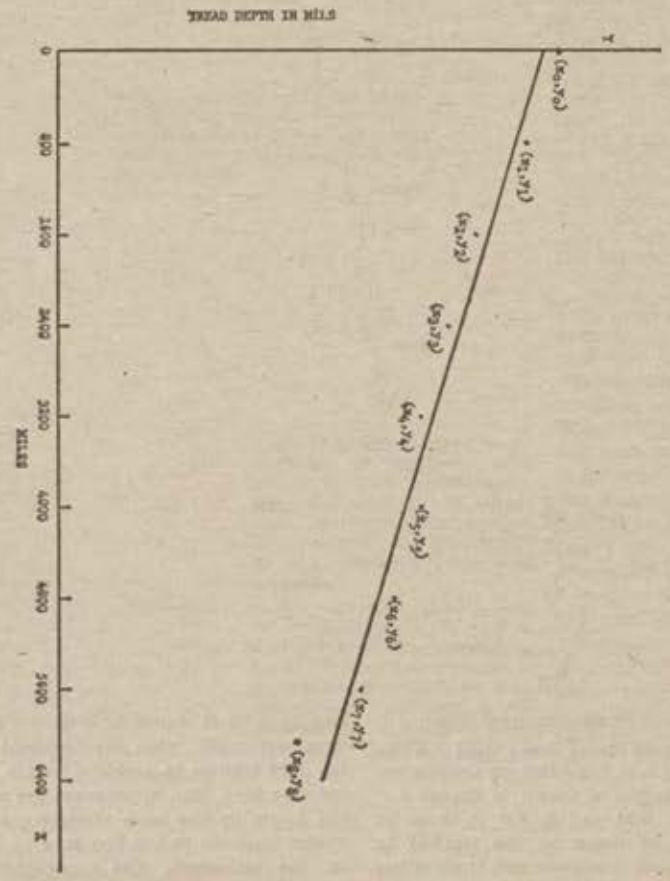


FIGURE 4



In this graph, $(x_j, y_j\ [j=0, 1, \cdots 8]$ are the individual data points representing the tread depth measurements (the overall average for the tire with 6 measurements in each tire groove) at the beginning of the test (after break-in) and at the end of each 800-mile segment of the test.

The absolute value of the slope of the regression line is an expression of the mils of tread worn per 1,000 miles, and is calculated by the following formula:

$$b = 1000\,\frac{\left(\sum_{j=0}^{8} x_j y_j - \frac{1}{9}\sum_{j=0}^{8} x_j \sum_{j=0}^{8} y_j\right)}{\sum_{j=0}^{8} x_j^2 - \frac{1}{9}\left(\sum_{j=0}^{8} x_j\right)^2}$$

The "y" intercept of the regression line (a) in mils is calculated by the following formula:

$$a = \frac{1}{9}\sum_{j=0}^{8} y_j - \frac{b}{9000}\sum_{j=0}^{8} x_j$$

[FR Doc.75-13606 Filed 5-27-75;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1207]

POTATO RESEARCH AND PROMOTION PLAN

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the National Potato Promotion Board, established pursuant to the Potato Research and Promotion Plan (7 CFR 1207; 37 FR 5008).

This research and promotion program is effective pursuant to the Potato Research and Promotion Act (title III of Public Law 91-670; 91st Congress, approved January 11, 1971, 84 Stat. 2041).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in duplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 12, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 1207.404 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1975, and ending June 30, 1976, by the National Potato Promotion Board for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $1,780,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the plan shall be 1 cent ($0.01) per hundredweight of assessable potatoes handled by him as the designated handler thereof during said fiscal period.

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

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

Dated: May 22, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-13849 Filed 5-27-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 121a]

ASSISTANCE TO STATES FOR THE EDUCATION OF HANDICAPPED CHILDREN

Proposed Distribution of Funds

Correction

In FR Doc. 75-10527 appearing at page 17849 in the issue of Wednesday, April 23, 1975, in the third column, sixth line, the date now reading, "June 23, 1975" should be corrected to read, "June 4, 1975".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-NW-12]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment of Part 71 of the Federal Aviation Regulations that would alter the description of the Burley, Idaho, transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures, and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before June 27, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

The Burley VOR/DME-B Instrument Approach Procedure has recently been revised. A review of this revision disclosed that additional Transition Area would be required in order to provide controlled airspace to the procedure.

In consideration of the foregoing, and to clarify the description, the FAA proposes to amend Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (40 FR 441) the description of the Burley, Idaho, transition area is amended to read as follows:

All after that portion of the description beginning "* * * and that airspace extending upward from 1200 feet above the surface * * *" is deleted and the following is substituted, therefor,

* * * that airspace extending upward from 1200 feet above the surface north of Burley bounded by a line 8 miles northwest of, and parallel to, V-365 extending from the Burley VORTAC to the south edge of V-500; that airspace northeast of Burley bounded on the northeast by V-500, on the southeast by V-269, on the northwest by V-365; that airspace east of Burley bounded on the north by V-269 on the east by an arc of a 28-mile radius circle, centered on the Burley VORTAC, on the southwest by V-4; that airspace southeast of Burley bounded on the north by V-4, on the southeast by arc of a 33.5 mile circle centered on the Burley Municipal Airport (Latitude 42°32'29" N; Longitude 113°46'27" W) on the southwest by the northeast edge of V-101; that airspace southwest of Burley bounded by a line 10 miles southeast of, and parallel to, the Burley VORTAC 223° radial extending from the VORTAC 19 miles southwest.

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

Issued in Seattle, Wash., on May 16, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.75-13764 Filed 5-27-75;8:45 am]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-63; Notice No. 75-6]

INSTALLATION OF TACHOGRAPHS IN BUSES

Advance Notice of Proposed Rule Making

The purpose of this notice is to invite interested persons to submit comments on a petition for rule making filed with the Bureau of Motor Carrier Safety, requesting the Director of the Bureau to amend the Federal Motor Carrier Safety Regulations to require the installation and use of tachographs in buses operated by common and contract motor carriers engaged in interstate or foreign commerce. The petition was filed by Sangamo Electric Company (Sangamo) of

Springfield, Illinois, a manufacturer of tachographs.[1]

A tachograph is a device which, when installed in a motor vehicle, produces an automatic written record of certain vehicle operation functions, such as engine speed, vehicle speed, and engine operation and shut-off. The record is produced on a chart, and the recording equipment is controlled by a clockwork mechanism, so that the time at which changes in the operating characteristics being recorded took place can be ascertained by reading the chart. The tachograph may also provide the driver with a visible indication of vehicle speed, engine revolutions per minute, or both.

In support of the petition, Sangamo has submitted data purporting to show that mandatory installation of tachographs in commercial motor vehicles would be justified on the basis of improved safety and would result in an overall reduction of operating costs for the motor carrier industry. With respect to the first issue—safety justification—the petitioner has presented a study of comparative statistics relating to the performance of selected motor carriers of property chosen from a list of the 100 largest Class I common and contract carriers, published by "Commercial Car Journal" magazine.

The petitioner has divided the carriers selected into two classes, those who equip their fleets with tachographs and those who do not. It has then compared the Bureau's statistics on safety performance of the two classes for the years 1971 and 1972. The results of its study indicate that carriers who use tachographs have an accident rate of 1.93 per million miles of intercity operations, a fatality rate of 7.23 per hundred million miles of operation, a rate of bodily injury of 1.03 per million miles, and have accidents resulting in an average of $4,716 in property damage per million miles. The petitioner contrasts these figures with the record compiled by selected Class I motor carriers who do not use tachographs: 2.42 accidents per million miles of operation, 8.34 fatalities per hundred million miles of operation, 1.15 bodily injuries per million miles, and average property damage of $5,699 per million miles.

On the subject of buses, Sangamo notes that New York is the only State which by law requires its school buses to be equipped with speed-recording devices. New York, it says, has a school bus accident record that is second best of all the States and that is considerably better than the national average.

Sangamo places considerable emphasis on cost savings attributed to the installation of tachographs. The installed cost of "the tachograph model most often used" is said to be about $185, with maintenance expenses running between $20 and $25 per year. These added expenditures for the installation and maintenance of tachographs, Sangamo contends, are more than offset by savings in two areas: First, there are "[o]perational savings resulting from the control of speed" and the availability of a vehicle operational record that can be used to schedule vehicle operations and maintenance and to ensure efficient use of equipment. Second, Sangamo asserts that certain insurance companies are willing to give motor carriers who have tachographs installed in their fleets reductions in their premiums for liability and collision coverage.

Sangamo concedes that a tachograph is not fully tamperproof, but argues that it is possible to construct the device so that unauthorized removal of the tachograph chart can readily be detected. Specifications for its current models indicate that a mark or notch is made in the chart whenever it is removed from the housing.

The petition proposed that the Director specify that an acceptable tachograph must have the following features:

A. *Visual indicators.* 1. Dial with pointer to indicate vehicle speed in miles per hour, readily visible to the driver of the vehicle at all times.

2. Resettable odometer to record total miles traveled by the vehicle, up to at least 1 million miles.

3. A signal, visible or audible, to indicate to the driver of the vehicle when it is exceeding a pre-set rate of speed.

B. *Chart records.* Charts, when placed in the recording instrument and operated under environmental conditions surrounding the instrument as installed in the vehicle, shall provide a permanent record, visually readable when removed from the instrument, of the following:

a. Speed of the vehicle in miles per hour.

b. Distance traveled by the vehicle in miles.

c. Vehicle's engine ignition on and off.

d. Indication of movement or non-movement of the vehicle over the road.

e. Time scales to indicate when the chart is advanced by an accurate clock drive mechanism, the hour and approximate minute when events a, b, c and d above occurred.

f. Spaces to enter date, time and odometer mileage reading when chart installed and when removed.

g. Spaces to enter name of driver at start of trip, and name of relief driver if such a change is made during the trip.

C. *Installation and controls.* 1. Mechanical provisions for installation of the recording instrument in a position readily visible to the driver.

2. Provision by: (a) Lock and key, or (b) seal, to secure the recording instrument enclosure containing the chart to prevent or detect unauthorized access, and to assure that the specified recorded data is automatically recorded by the instrument without manual alteration.

3. Mechanical marker or notching blade, to record on the chart the hour and approximate minute each time the recording instrument is opened or closed.

D. *Retention of chart records.* 1. Charts automatically recorded by the recording instrument shall be kept on file by the persons responsible for operation of the vehicles for a period of at least 2 years.

2. Charts shall be made available by the persons responsible for operation of the vehicles for inspection and review by any authorized representative of the Bureau of Motor Carrier Safety

E. *Specifications.* 1. Recording instruments as a minimum shall meet motor vehicle industry standards comparable to specifications applicable to standard speedometers used on motor vehicles covered by these regulations. As a minimum the required recording instrument when properly installed and operated in a range of environments normal to those found in the interior of motor vehicles covered by this regulation, shall meet specifications for:

(a) Maintenance of specified accuracy under forces caused by shock, vibration, temperature and humidity.

(b) Visibility of all instrument indicators.

(c) Resistance to impact and corrosion of instrument's internal operating mechanisms, external cover, and mounting device.

Interested persons are invited to submit written data, views, or arguments pertaining to the subject-matter of the petition for rulemaking under consideration in this docket. All comments submitted should refer to the docket number and notice number that appear at the top of this document. Comments should be submitted in triplicate to the Director, Bureau of Motor Carrier Safety, Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on September 2, 1975 will be considered before further action is taken on the petition for rulemaking. If further rulemaking action is deemed advisable, the Director will issue a notice of proposed rulemaking, setting forth the terms of the rule under consideration.

All comments received, as well as the original petition for rulemaking, will be available for examination in the public docket room of the Bureau of Motor Carrier Safety, Room 3401, 400 Seventh Street, SW., Washington, D.C., both before and after the closing date for comments.

This advance notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.

Issued on May 16, 1975.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.75-13762 Filed 5-27-75;8:45 am]

Federal Railroad Administration

[49 CFR Ch. II]

[Docket No. RSSI-1, Notice 1]

SIGNAL SYSTEMS ON COMMUTER RAILROADS AND RAPID TRANSIT LINES

Standards; Correction

On May 2, 1975, the Federal Railroad Administration published in the FEDERAL REGISTER (40 FR 19209) an advanced notice of proposed rulemaking with respect to the development of safety regulations which would require the use of signal equipment which provides specified train

[1] Sangamo has also filed a petition for rulemaking seeking issuance of a rule requiring installation and use of tachographs on certain motor vehicles used to transport hazardous materials. This petition will be the subject of a separate notice to be issued by the Bureau at a later date.

protection systems on railroads where commuter or rapid transit service is provided.

The fourth paragraph of the preambulatory text, entitled Background, is amended to read as follows:

"Also, in the past two years there have been four rear-end collisions on the Chicago Transit Authority as follows: Evanston, Illinois, November 1, 1973—33 injured; Chicago, Illinois, January 16, 1974—13 injured; Chicago, Illinois, May 10, 1974—214 injured; Chicago, Illinois, September 13, 1974—85 injured."

Issued in Washington, D.C., on May 19, 1975.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75-13755 Filed 5-27-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-2, Notice 01; Docket No 75-3, Notice 01; Docket No. 73-34, Notice 02; Docket No. 73-20, Notice 04]

SCHOOL BUS SAFETY STANDARDS

Comment Period Reopened

The purpose of this notice is to reopen the period for submission of comments to the recent notices proposing establishment of school bus safety standards relating to body joint strength, rollover protection, emergency exits, and fuel system integrity.

On February 28, 1975, new school bus requirements were proposed for rollover protection (40 FR 8570) and emergency exits (40 FR 8569), on March 13, 1975, for school bus body joint strength (40 FR 11738), and on April 16, 1975, for school bus fuel system integrity (40 FR 17036). The comment periods for these proposals have expired.

In a letter dated April 25, 1975, Representatives John E. Moss and Les Aspin requested that the period for submission of comments to the school bus standards relating to joint strength, rollover, and emergency exits be extended 30 days to provide time for further evaluation of the proposals. The letter explained that many members of Congress have only recently become aware of the notices and therefore have not had sufficient opportunity to prepare comments.

Since school bus safety has been a subject of great concern to the Congress, its members' analyses of the contents of the three school bus proposals is especially important.

Petitions were received from the Motor Vehicle Manufacturers Association and the Truck Body and Equipment Association requesting that the period for submission of comments to the proposed school bus provisions of Standard No. 301, "Fuel System Integrity," be extended to allow time for more detailed analysis of the requirements. These requests are considered meritorious since the test procedure proposed for school buses over 10,000 pounds GVWR is one which has not been previously used.

In light of the above, interested persons are again invited to submit data, views, and arguments concerning the proposals, cited above, to establish new requirements for school bus body joint strength, rollover protection, emergency exits, and fuel system integrity. All comments received before the close of business on June 26, 1975, will be considered before a rule on any of the above subjects is issued. Comments should be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. Reference should be made to the following docket and notice numbers:

School Bus Body Joint Strength: Docket No. 73-34; Notice 02 Rollover Protection: Docket No. 75-2; Notice 01 Emergency Exits: Docket No. 75-3; Notice 01 Fuel System Integrity: Docket No. 73-20; Notice 04.

All comment received may be examined at the above address during business hours both before and after the closing date.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 202, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on May 21, 1975.

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

[FR Doc.75-13817 Filed 5-27-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

ENFORCEMENT AUTHORITY

State and Federal Enforcement of Implementation Plan Requirement After Statutory Deadlines; Extension of Period for Comment

Correction

In FR Doc. 75-12736, appearing on page 21046, of the issue of Thursday, May 15, 1975, the word "able" in the third column, second paragraph, eleventh line, should be changed to read "unable".

[40 CFR Part 409]

[FRL 379-2]

SUGAR PROCESSING POINT SOURCE CATEGORY

Effluent Limitations and Guidelines; Availability and Extension of Public Comment Period

On February 27, 1975, the Agency published a notice of interim final rulemaking establishing effluent limitations and guidelines based on best practicable control technology currently available for the sugar processing point source category (40 FR 8498). Simultaneously a notice of proposed rules establishing effluent limitations and guidelines based on best available technology economically achievable, standards of performance for new sources, and pretreatment standards for both existing and for new sources was published for the sugar processing point source category (40 FR 8506). Reference was made in the preambles to these notices of a technical report and an economic report prepared by the Agency in connection with the development of these regulations.

The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Raw Cane Sugar Processing Segment of the Sugar Processing Point Source Category" details the analysis undertaken in support of the regulations and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis entitled "Economic Analysis of Proposed Effluent Guidelines, Sugar Cane Milling Industry" which discusses the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents have been sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Freedom of Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown.

All comments received on or before June 27, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: May 19, 1975.

JAMES L. AGEE,
Assistant Administrator,
Water and Hazardous Materials.

[FR Doc.75-13751 Filed 5-27-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 437]

FOOD ADVERTISING

Proposed Trade Regulation Rule

Notice of proceeding, statement of reasons for proposed rule, invitation to propose issues of specific fact for consideration in public hearings, invitation to comment on proposed rule, and proposed trade regulation rule.

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part I, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7, et seq., and section 553 of Subchapter II, Chapter 5, Title 5, U.S. Code (Administrative Procedure) has initiated a proceeding for the promulgation of a Trade Regulation Rule on Food Adver-

tising. Previous notice of proposed rulemaking was published in the FEDERAL REGISTER on November 11, 1974, 39 FR 39842, and included a proposed rule. The Commission republishes the proposed rule below following the invitation to comment.

In addition to the proposed rule, the Commission republishes for comment through incorporation by reference: (a) The "Explanation And Basis Of Proceeding"; (b) the "Analysis And Statement of Issues By Section" (as amended 40 FR 6375), including certain issues relating to affirmative disclosure in food advertising; (c) the "Staff Statement of Fact, Law and Policy" (not adopted by the Commission) and the issues raised thereby, including, in particular, the form which the disclosures called for therein should take; (d) the text of a staff proposal for achieving the affirmative disclosure of nutrition information in food advertising (which neither the Commission nor the Bureau Director nor the Assistant Director for National Advertising is presently prepared to propose as part of the rule); and (e) specific provisions recommended by staff, but not proposed by the Commission, for inclusion in those sections of the proposed Rule which have been reserved. All of the above-mentioned materials were originally published on November 11, 1974 (39 FR 39842 et seq.), and copies are available upon request to the Federal Trade Commission.

In addition to the questions raised in the aforementioned materials on which the Commission invites comment, the Commission also seeks comments evaluating the economic impact of the rule on small business.

STATEMENT OF REASONS FOR THE PROPOSED RULE

It is the Commission's purpose, in issuing this statement, to set forth its reasons for proposing this Trade Regulation Rule with sufficient particularity to allow informed comment. The precise format of such statements may vary from rule to rule depending on the complexity of the issues involved. For the purpose of assisting the Commission's deliberations on this proposed rule, the Commission has determined that meaningful comment by the public will be facilitated by presenting, in addition to the republished materials, a statement describing the basic factual premises underlying the Commission's determination to propose the rule.

The Commission's objective in these proceedings is to develop rules which will assure the accuracy of nutrition claims without restricting the amount of useful information an advertiser may present and to evaluate the staff statement calling for industry-wide disclosure requirements that will inform consumers of the nutritional worth of advertised foods.

The Commission emphasizes that neither the statement of factual premises nor the issues set out in the materials accompanying the proposed rule should be interpreted as a designation of disputed issues of specific fact. Such designations shall be made by the Commission or its duly authorized presiding official pursuant to the Commission's rules of practice.

STATEMENT

In recent years, the Commission has been particularly concerned with problems surrounding the advertising of food products. This concern was initially sparked, in part, by findings of the 1969 White House Conference on Food, Nutrition and Health. The 1969 White House Conference Report emphasized that significant sectors of the American population were either malnourished or not well-fed due, in part, to the fact that they lacked the requisite knowledge to make rational determinations of their nutritional needs.

Since food is of central importance to a consumer's health and finances, it is important that food advertisers' claims respecting their products' nutritional value be scrupulously accurate. The Commission has reason to believe that some current food advertising contains curately represent the nutritional worth of the advertised food or accurately describe particular nutrition characteristics being advertised.

The Commission has further reason to believe that the American consumer is being confronted with general advertising claims relating to the nutritional value of foods which have no commonly accepted or well-understood meanings and that definitions should be established so as to enable consumers to utilize these terms in making their food purchase decisions.

The Commission has determined that it has reason to believe the above statements on the basis of a staff review of food advertising which was aimed at identifying common food messages, analyzing the nutrition information they provide and identifying patterns of misleading nutrition claims. The staff's examination of food advertising has included consultations with experts from a variety of disciplines whose expertise bears upon the issues raised in this proposal. The Commission has not adopted any findings or conclusions of the staff. All findings in this proceeding shall be based solely on matter in the rulemaking record.

The Proposed Trade Regulation Rule on Food Advertising is designed to eliminate deception and unfairness which may result from the making of certain affirmative claims with respect to the nutritional value of foods. This proposed rule establishes uniform definitions for certain terms the use of which is subject to ambiguity and deception, and prohibits outright certain other claims the making of which is deceptive.

In addition, the staff of the Commission is of the view, for reasons described at length in its statement, that it is an unfair and deceptive act or practice under Section 5 for advertisers of food products to fail to disclose affirmatively certain information concerning the nutritive quality of advertised food products. The Commission is extremely concerned about the considerations discussed in the staff statement, including the implications for food advertising raised by the Food and Drug Administration's nutrient labeling program. The Commission has therefore concluded that it is in the public interest to solicit comment on the staff statement, including, in particular, the form which the affirmative disclosures called for in that statement might take.

Furthermore, the Commission has for some years undertaken extensive adjudicative efforts in an attempt to remedy deceptive or unfair advertising by some food manufacturers. In past years the Commission has litigated many cases involving allegedly false or unfair advertising for foods and within the past four years has issued approximately twenty consent orders requiring food advertisers to cease and desist from the dissemination of certain misleading nutrition claims. The Commission, having reason to believe that adjudication alone is inadequate to establish well-defined legal standards for the guidance of consumers and food advertisers, undertakes herewith to define with specificity some acts or practices which may be unfair or deceptive and to prescribe requirements for the purpose of preventing such acts or practices.

INVITATION TO PROPOSE ISSUES OF SPECIFIC FACT FOR CONSIDERATION IN PUBLIC HEARINGS

All interested persons are hereby given notice of opportunity to propose any disputed issues of specific fact, in contrast to legislative fact, which are material and necessary to resolve. The Commission, or its duly authorized presiding official, shall, after reviewing submissions hereunder, identify any such issues in a Final Notice which will be published in the FEDERAL REGISTER. Such issues shall be considered in accordance with section 18(c) of the Federal Trade Commission Act as amended by Pub. L. 93-637, and rules promulgated thereunder. Proposals shall be accepted until not later than July 28, 1975, by the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580. A proposal should be identified as a "Proposal Identifying Issues of Specific Fact—Food Advertising," and furnished, when feasible and not burdensome, in five copies.

INVITATION TO COMMENT ON THE PROPOSED RULE

All interested persons are hereby notified that they may also submit to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580, data, views or arguments on any issue of fact, law or policy which may have some bearing upon the proposed rule. Written comments, other than proposals identifying issues of specific fact, will be accepted until ten (10) days before commencement of public hearings, but at least until July 28, 1975. The times and places of public hearings will be set forth in a later notice which will be published in the FEDERAL REGISTER.

To assure prompt consideration of a comment, it should be identified as a "Food Advertising Comment," and furnished, when feasible and not burdensome, in five copies.

Interested persons should also be advised that the Commission will consider all data, views, arguments or any other relevant information previously submitted on the public record in this matter since notice of publication in the FEDERAL REGISTER on November 11, 1974 (39 FR 39842 et seq.). Resubmission of previously filed data, views, arguments or other relevant information is not required.

In accordance with above, the Commission has proposed to amend Subchapter D, Trade Regulation Rules, Chapter I of 16 CFR by adding a new Part 437 to read as below.

Issued: May 23, 1975.

By direction of the Commission.

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

Sec.

AUTHORITY: 38 Stat. 717, as amended; (15 U.S.C. 41–58).

§ 437.0 Preamble.

In connection with the advertising of foods in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of food, it is an unfair method of competition and an unfair or deceptive act or practice within the meaning of sections 5 and 12 of that Act to fail to comply with the following provisions of this Trade Regulation Rule:

Subpart A—General

§ 437.1 Definitions.

For the purpose of this rule the following definitions shall apply:

(a) "Advertisement" or "Advertising". Any written or verbal statement, illustration, or depiction, other than a label or in the labeling, which is designed to effect the sale of any food product, or to create interest in the purchase of such product, whether the same appears in a newspaper, magazine, leaflet, circular, mailer, book insert, catalog, sales promotional material, other periodical literature (except professional or scientific journals), billboard, public transit card, or in a radio or television broadcast or in any other media. It does not include point-of-purchase advertising or any promotional material developed and/or disseminated by retail supermarket and food store establishments and wholesale food distributors the content of which refers solely to the price of an advertised food and which does not contain representations regarding nutrition, nourishment, or other nutrition claims relative to the product.

(b) "Food". Any article used for food or drink by humans, including chewing gum. However, it does not include:

(1) Special formula foods which are developed, intended or marketed exclusively for infants (persons not more than 12 months of age) and which provide the complete nutritional requirements of infants.

(2) Foods represented for use solely under medical supervision to meet nutritional requirements in specific medical conditions and advertised only in professional journals or publications.

(3) Alcoholic beverages subject to the provisions of the Federal Alcohol Administration Act of 1935 (27 U.S.C. section 201 et seq.).

(c) "Nutrients". Protein and those vitamins and minerals listed in 21 CFR 1.17(c)(7)(iv) and 21 CFR 125.1(b).

(d) "United States Recommended Daily Allowances" (U.S. RDA). The nutrients and levels established, subject to amendment, in 21 CFR 125.1.

(e) "Serving". That reasonable quantity of food suited for or practicable of consumption as part of a meal by an adult male engaged in light physical activity or by a child who is more than 12 months of age (when the food purports or is represented to be for consumption by any such child); or, if a nutrient label is affixed to the container of the advertised food, "serving" shall be the same measure as that which is stated on the label.

(f) "Portion." The amount of a food customarily used only as an ingredient in the preparation of a meal component or, if a nutrient label is affixed to the container of the advertised food, "portion" shall be the same measure as that which is stated on the label (e.g., ½ cup of flour, ½ tablespoon of cooking oil).

(g) "Clearly and Conspicuously Disclose". (1) Disclosing in a manner which can be easily understood (in the case of television and print advertising, also easily seen and read) by the casual observer, listener, or reader among members of the public and which conforms (except where otherwise provided in this rule), for advertising in any media, in all relevant respects to the Commission's Statement of Enforcement Policy of October 21, 1970. (See Vol. 2, CCH Trade Regulation Reporter section 7569.09.) Each disclosure shall be presented in the same language principally employed in the advertisement. (See Commission's Statement of Policy of July 24, 1973, as amended. 38 FR 21494–95.)

(2) In any television advertisement any disclosure of information shall be made in the manner and form prescribed by § 437.2(g).

(3) In any print advertisement any disclosure of information shall be made in the manner and form prescribed by § 437.2(h).

(h) "Representation" or "Represent". Any direct or indirect statement, suggestion or implication in advertising, including but not limited to one which is made orally, in writing, pictorially, or by any other audio or visual means, or by any combination thereof.

(i) "Protein Efficiency Ratio" (PER). The protein efficiency ratio (PER) shall be determined in accordance with the method described in 21 CFR 1.17(c)(4).

§ 437.2 Form, content and method of making disclosures.

Any disclosure required or described by any provision of this rule shall be made in accordance with the following general provisions of this rule and as may be specifically prescribed in a section dealing with that particular disclosure.

(a) *Nutrients.* (1) Any advertisement which contains a representation concerning a nutrient or a disclosure of a nutrient shall make such representation or disclosure only from among the nutrients listed in 21 CFR 1.17(c)(7)(iv) and 21 CFR 125.1(b).

(2) A food shall not be represented in advertising as containing a nutrient, unless (i) the nutrient's (*a*) identity (stated as the common or usual name) and (*b*) amount (expressed as a percentage of the U.S. RDA contained in a stated serving of the advertised food) are clearly and conspicuously disclosed in accordance with all the provisions of this subpart of this rule, and unless (ii) a serving of such food contains the identified nutrient in an amount of 10 percent or more of the U.S. RDA; *Provided, however,* That, in instances where a food or a serving thereof is not required to contain a nutrient at a certain percentage of the U.S. RDA before a voluntary claim is made, an advertisement may represent the presence of nutrients contained in amounts of less than 10 percent of the U.S. RDA per serving if the identities of all nutrients required to be disclosed by 21 CFR 1.17 when a nutrition claim is made, as well as their respective percentages of the U.S. RDA per serving (including zero percent), are clearly and conspicuously disclosed in accordance with all of the provisions of this subpart of this rule. If a food or a serving thereof is required to contain any nutrient at a certain percentage of the U.S. RDA before a voluntary claim may be made (see Subpart B), the actual percentage (prior to any rounding off) of the U.S. RDA at which any such nutrient is contained in the advertised food or a serving thereof shall determine whether the condition(s) for making the claim has (have) been satisfied.

(3) An advertised food or a serving thereof may not be represented as containing a nutrient in an amount of 50 percent or more of the U.S. RDA, unless such food or serving contains the identified nutrient only in a naturally occurring (indigenous) form or such nutrient has been added in compliance with 21 CFR 1.17(a)(2).

(4) Disclosures of nutrients shall be expressed to the nearest two percent increment up to and including the 10 percent level; to the nearest five percent increment above the 10 percent level and up to and including the 50 percent level; and to the nearest 10 percent increment above the 50 percent level. If the percentage falls equidistant between the upper and lower increment in any percentage level, the disclosure shall be expressed as the lower increment.

(b) *Protein.* (1) The percentage of the U.S. RDA of protein present per serving of the advertised food shall be based on a U.S. RDA of 45 grams of protein, if the total protein has a PER equal to or greater than the PER or casein; or based on a U.S. RDA of 65 grams of protein, if the total protein has a PER less than that of casein.

(2) Except with respect to the amount of protein as permitted by the proviso in paragraph (a)(2) of this section, representations in advertising of the presence of protein may be made only if a serving of the advertised food contains protein at a level of 10 percent or more of the U.S. RDA and the total protein in the advertised food alone has a PER of 20 percent or more of the PER of casein.

(c) *Analytical methods.* The procedures and methods used for determining the amount of any nutrient contained in an advertised food shall be in accord with the provisions of 21 CFR 1.17 or, where applicable, 9 CFR.

(d) *Calories.* The energy content of a food shall be stated in calories per serving, expressed to the nearest two calorie increment up to and including 20 calories; to the nearest five calorie increment above 20 calories and up to and including 50 calories; and to the nearest 10 calorie increment above 50 calories. Calorie content shall be determined in the manner described in 21 CFR 1.17(c)(3).

(e) *Serving or portion.* Statements regarding servings or portions shall be consistently stated in terms of a convenient unit of such food or a convenient unit of measure that can be easily identified as an average or usual serving or portion and can be readily understood as such by purchasers of such food. Servings or portions may be expressed in terms of ounces, fluid ounces, tablespoonfuls, cupfuls, or other customary or usual units, and shall be consistent with the applicable provisions of 21 CFR 1.17. Provisions of this rule which refer to "servings" shall be construed to mean "portions" if the use of the latter term would be more appropriate with respect to a particular food or ingredient.

(f) *Identification and designation of foods.* A food shall be identified or designated in accordance with any applicable Federal regulations prescribed in the Code of Federal Regulations. Non-standardized foods shall be identified or designated by their respective common or usual names, if such exist, pursuant to 21 CFR Part 102.

(g) *Television advertisements—method and form of disclosures.* Under § 437.2 (a) and (b) and Subpart B of this rule, any disclosure in any television advertisement shall be made in the same portion (audio or video) of the advertisement in which the voluntary claim is made. The video portion of the disclosure in each advertisement shall be prominently displayed in the form of a super or title, or prominently displayed on the screen by itself so as to enable it to be completely and easily seen and read on all television sets, regardless of picture tube size, that are commonly available for purchase by the consuming public. Any disclosure required by Subpart B of this rule in any advertisement shall be made in immediate conjunction with the voluntary claim which creates the requirement for such disclosure.

(h) *Print advertisements—method and form of disclosures.* (1) Any disclosure in a print or display advertisement shall be prominently displayed in any sans serif type style consistent with the requirements set forth in § 437.1(g)(1) and hereinbelow, but in no event in condensed type. The type shall be set on a slug at least one point larger than the point size of the type (not solid), using only normal word and letter spacing. A determination of whether a particular disclosure is "clear and conspicuous" within the definition set forth under § 437.1(g)(1) of this rule shall be made by examining the context of the total advertisement, but in no event shall a disclosure be deemed clear and conspicuous unless it apears in type of at least the following sizes, size being measured by the height of the smallest letter employed in making the disclosure:

(i) At least 1/16 inch type, in advertisements of a trim size not larger than 65 square inches.

(ii) At least 3/32 inch type, in advertisements of a trim size larger than 65 square inches, but not larger than 110 square inches.

(iii) At least 1/8 inch type, in advertisements of a trim size larger than 110 square inches, but not larger than 180 square inches.

(iv) At least type of a size bearing the same proportion to the size of the advertisement as the proportion of 1/8 inch to 180 square inches, in print advertisements of a trim size larger than 180 square inches.

(v) For any billboard or other display advertisement (except one which is located in the interior of a public transit vehicle) normally viewed and read from a distance substantially greater than the normal range of reading distances for a book, newspaper, magazine, or other similar printed reading matter:

(*a*) At least 1/4 inch type in advertisements of a trim size larger than 180 square inches, but not larger than 270 square inches.

(*b*) At least 1/2 inch type in advertisements of trim size larger than 270 square inches, but not larger than 1500 square inches.

(*c*) A size of one inch per 3000 square inches times the area of the advertisement expressed in square inches, [*i.e.*, size=(1 inch/3000 square inches) × (area of the advertisement in square inches)], but in no event of a size less than 1/2 inch, in advertisements of trim size larger than 1500 square inches.

(2) If a print advertisement appears on more than one page, and if the total area of the advertisement is greater than the area of the largest page upon which it appears, the required type size shall be determined as though the advertisement were of an area equal to the area of the largest page upon which it appears.

(3) In the case of advertisements that are in whole or part lighted or reflectively surfaced or advertisements otherwise prepared for enhanced visibility, any disclosure shall be lighted or otherwise treated in the same manner as the most prominently lighted or otherwise specially treated portion of the advertisement.

(4) For multi-sided displays and like advertising material, the required type size shall be determined as though the advertisement were of an area equal to the area of the major display area of the display, and any disclosure shall be prominently positioned upon such display area.

(5) For unusual advertising materials or materials too small to reasonably comply with the requirements of paragraphs (h) (1) through (4) of this section, the Commission may establish acceptable alternative forms of making the required disclosures. A petition formally requesting permission to utilize an alternative form of disclosure may be submitted to the Secretary for due consideration by the Commission.

Subpart B—Voluntary Claims

§ 437.3 Emphatic nutrition claims.

Emphatic, extraordinary, positive or similar claims concerning the nutritional value of a food with general or specific reference to any nutrient(s) contained in such food, including but not limited to the use of terms such as "lots (or "full) of _____", "high (or "rich) in _____", "packed (or "loaded) with _____", and "excellent (or "significant or "good) source of _____" shall not be used in advertising unless:

(a) The identity of any nutrient upon which the claim is based, as well as the percentage of the U.S. RDA per stated serving provided by each such identified nutrient, is clearly and conspicuously disclosed; and

(b) A serving of the advertised food contains each nutrient identified pursuant to paragraph (a) of this section in an amount of at least 35 percent of the U.S. RDA.

§ 437.4 Nutrient comparison claims.

(a) Representations in advertising which make a comparative claim for the amount of any nutrient contained in an advertised food shall not be made, unless:

(1) The comparison is with an equal-sized serving of a commercially available food; and

(2) If a serving of the advertised food contains the same number of calories as or fewer calories than an equal-sized serving of the compared food, the compared food contains no more than two nutrients in amounts greater by 10 per-

cent or more of the U.S. RDA than the amounts (including zero percent) at which the same two nutrients are contained in a serving of the advertised food; and

(3) If a serving of the advertised food contains more calories than an equal-sized serving of the compared food, the compared food contains no more than two nutrients in amounts greater on a per 100 calorie basis than the amounts (including zero percent) at which the same two nutrients are contained in a serving of the advertised food; and

(4) If the comparison concerns protein, a serving of the advertised food contains protein of at least the same quality as that contained in an equal-sized serving of the compared food; and

(5) The identities of the advertised and compared foods are clearly and conspicuously disclosed; and

(6) The advertised food and the food with which it is compared normally serve the same purpose in the diet; and

(7) The same nutrients are compared and the name of each such compared nutrient is clearly and conspicuously disclosed; and

(8) The percentage of the U.S. RDA of each compared nutrient provided by a stated serving of the advertised food is clearly and conspicuously disclosed; and

(9) If an advertised food is represented as one which contains any nutrient in any amount greater than the amount of such nutrient in another food, the amount contained in a serving of the advertised food exceeds that contained in an equal-sized serving of the compared food by at least 10 percent of the U.S. RDA.

(b) A food shall not be represented in advertising to be a substitute or replacement for another food (unless it is a food labeled "imitation" in compliance with 21 CFR 1.8), or as nutritious as another food, unless:

(1) A serving of the advertised food contains at least the same nutrients as those nutrients contained in an amount of 2 percent or more of the U.S. RDA in an equal-sized serving of the compared food, and each such nutrient is present in the advertised food in an amount which is at least equivalent to the amount at which each is contained in an equal-sized serving of the compared food; and

(2) If the compared food contains protein, a serving of the advertised food contains protein of at least the same quality as that contained in an equal-sized serving of the compared food; and

(3) The identity of the compared food and number of calories provided by equal-sized, stated servings of the advertised and compared foods, respectively, is clearly and conspicuously disclosed; and

(4) If the advertised food contains a higher fat content than the compared food, such fact, as well as the total fat content (in accordance with 21 CFR § 1.17(c)(6) and 1.18(c)(2)(i)), is clearly and conspicuously disclosed; and

(5) If an advertisement is for a food labeled "imitation" in compliance with 21 CFR 1.8, it is clearly and conspicuously disclosed that such food is not as nutritious as the food for which it is intended to be a substitute or replacement.

(c) A food shall not be represented in advertising to be nutritionally superior to another food, unless:

(1) The nutrients in a serving of the advertised food provide at least 10 percent more of the U.S. RDA than are provided by those nutrients contained in an amount of 2 percent or more of the U.S. RDA in an equal-sized serving of the compared food; and

(2) If the compared food contains protein, a serving of the advertised food contains protein of at least the same quality as that contained in an equal-sized serving of the compared food; and

(3) The identity of the compared food and number of calories provided by equal-sized, stated servings of the advertised and compared foods, respectively, is clearly and conspicuously disclosed; and

(4) If the advertised food contains a higher fat content than the compared food, such fact, as well as the total fat content (in accordance with 21 CFR 1.17(c)(6) and 1.18(c)(2)(i)), is clearly and conspicuously disclosed.

§ 437.5 Nourishment claims.

(a) An advertisement shall not represent a food to be "nourishing", "wholesome", "nutritious", or use any other term of similar import which in any way states, suggests or implies that such food is a valuable or significant source of nutrition, unless a serving of the food contains at least four nutrients, including protein, each of which is present in an amount of at least 10 percent of the U.S. RDA per 100 calories, and unless at least one of such nutrients is present in a serving of such food in an amount of at least 10 percent of the U.S. RDA; *Provided, however,* That such terms may be used to describe any identified nutrient(s) which is (are) contained in such food (e.g., "nutritious Vitamin C"), subject to the provisions of § 437.2(a)(2) of this rule.

(b) A food or a serving thereof shall not be represented in advertising as providing all of the nutrients necessary for a sound, complete or balanced diet, unless it satisfies the U.S. RDA requirements for protein, vitamins and minerals prescribed in 21 CFR Part 125, and unless competent and reliable scientific tests demonstrate that such food is a total diet replacement.

(c) Subject to the provisions of paragraph (b) of this section, an advertisement shall not represent that an advertised food or a serving thereof alone is "perfect" or "nutritionally perfect", provides "complete nutrition", contains "all the good things you need", or use any other term of similar import which in any way states, suggests or implies that consumption of only the advertised food will provide enough nutrition to constitute a sufficient and full source of nutrition; or that consumption of the advertised food or a serving thereof maintains health, makes an individual well-fed or in any way is a unique, special or exclusive source of nutrition or health benefits.

(d) An advertisement shall not represent that a food or a serving thereof constitutes a nutritionally adequate meal, unless such advertised food or serving thereof complies with an applicable Federal regulation prescribed in the Code of Federal Regulations.

§ 437.6 Natural and organic food claims. [Reserved]

[See Explanation of Proceeding and Analysis and Statement of Issues by Section.]

§ 437.7 Claims for foods intended to be combined with other foods.

(a) If, in order to prepare a food for consumption, it is necessary for a consumer to add to an advertised food any other food(s), characterizing ingredient(s) or component(s), as such ingredient(s) or component(s) is (are) defined in 21 CFR 102.1, that fact shall be clearly and conspicuously disclosed in any advertisement for such food.

(b) An advertisement for a food described in paragraph (a) of this section may represent that consumption of a serving of the combination provides a designated percentage of the U.S. RDA of each of the nutrients contained in a serving of such combination, subject to the provisions of § 437.2(a)(2) of this rule. However, a representation that the advertised food alone provides a designated percentage of the U.S. RDA of the nutrients which are contained in a serving of such combination shall not be made.

(c) If a serving of the food(s), ingredient(s) or component(s) with which an advertised food is (are) necessarily combined contributes more than 50 percent of the U.S. RDA of any nutrient named in the advertisement, it shall be clearly and conspicuously disclosed that most of such nutrient is provided by such food(s), ingredient(s) or component(s).

(d) If an advertised food is frequently, but not necessarily, combined with any other food(s), ingredient(s) or component(s) for consumption, any representation regarding nutrition shall be based on the nutritional value of the advertised food alone.

§ 437.8 Energy and calorie claims.

(a) An advertisement shall not represent that a food or nutrient contains, produces, provides, enhances, or is a source of "energy" or "food energy", or use any other word, demonstration or depiction of similar import, unless it clearly and conspicuously discloses, in immediate conjunction with the making of each such representation, that "energy" or "food energy" is supplied by calories, as well as the number of calories contained in a stated serving of the advertised food.

(b) An advertisement shall not represent that consumption of a food or nutrient, by itself, will produce or provide health, general vigor, sustained energy or alertness, or that the energy from calories, by itself, will produce or provide strength, endurance, intellectual

performance, or the prevention or relief of fatigue.

(c) An advertisement shall not represent that consumption of a food in any way enhances or contributes to a person's vigor, energy, alertness, strength or endurance, unless it clearly and conspicuously discloses, in immediate conjunction with the making of each such representation:

(1) That such vigor, energy, alertness, strength or endurance is enhanced by and depends, in part, upon the calories in the food; and

(2) The number of calories contained in a stated serving of the advertised food.

(d) An advertisement shall not represent that consumption of any food or meal is useful for, or contributes in any way to, or is useful in, regulating or maintaining caloric intake or body weight by the use of any demonstration or depiction, or any word or phrase such as "diet", "dietetic", "low calorie", "low in calories", "fewer calories", "calorie reduced", "contains artificial sweeteners", "artificially sweetened", or any other demonstration, depiction or term of similar import, unless:

(1) The advertised food complies with the provisions of 21 CFR 125.6; and

(2) The number of calories contained in a stated serving of the advertised food is clearly and conspicuously disclosed.

(e) An advertisement for a food which makes any representation described in paragraph (d) of this section, and which contains any artificial sweetener, except one which serves an authorized technological purpose (as defined in 21 CFR 125.1(i)) shall comply with the provisions of paragraphs (d)(1) and (2) of this section, and

(1) Shall clearly and conspicuously disclose the number of calories contained in a stated, equal-sized serving of the same food made with nutritive sweeteners; and

(2) If the artificially sweetened product contains a nutritive sweetener, the advertisement shall clearly and conspicuously make the following specific disclosure:

This food contains sugars and should not be used by diabetics without the advice of a physician.

(f) An advertisement shall not represent that a food is "sugarless", "sugar free", "contains no sugar" or use any other term of similar import, unless such food contains no sugars, including, but not limited to, sorbitol, mannitol, or other hexitol(s).

§ 437.9 Fat, fatty acid and cholesterol content claims. [Reserved]

[See Explanation of Proceeding and Analysis and Statement of Issues by Section.]

§ 437.10 Health and related claims. [Reserved]

[See Explanation of Proceeding and Analysis and Statement of Issues by Section.]

[FR Doc.75-13680 Filed 5-27-75;8:45 am]

[16 CFR Part 438]

PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Proposed Advertising, Disclosure, Cooling Off and Refund Requirements

Correction

In FR Doc. 75-12777 appearing at page 21048 in the issue of Thursday, May 15, 1975 on page 21052, third column in paragraph 4, the fourth line from the bottom now reading, "training useless in obtaining course-" should read, "training useless unless shown otherwise?"

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 STATE

Agency for International Development

[No. 99.1.14]

MISSION DIRECTOR, USAID, VIETNAM

Cancellation of Redelegation of Authority

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12336), dated May 1, 1973, from the Assistant Administrator for Program and Management Services, I hereby revoke Redelegation of Authority No. 99.1.14 to the Mission Director, USAID, Vietnam (39 FR 30059).

This revocation is effective immediately.

Dated: May 14, 1975.

HUGH L. DWELLEY,
Acting Director,
Office of Contract Management.

[FR Doc.75-13760 Filed 5-27-75;8:45 am]

[No. 99.1.56]

MISSION DIRECTOR, USAID, KHMER REPUBLIC

Cancellation of Redelegation of Authority

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12336), dated May 1, 1973, from the Assistant Administrator for Program and Management Services, I hereby revoke Redelegation of Authority No. 99.1.56 to the Mission Director, USAID, Khmer Republic (39 FR 12902).

This revocation is effective immediately.

Dated: May 14, 1975.

HUGH L. DWELLEY,
Acting Director,
Office of Contract Management.

[FR Doc.75-13761 Filed 5-27-75;8:45 am]

Office of the Secretary

[Public Notice CM-C5/1]

ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW, STUDY GROUP ON MATRIMONIAL MATTERS

Cancellation of Meeting

The meeting of the Study Group on Matrimonial Matters, a subgroup of the Secretary of State's Advisory Committee on Private International Law, announced as scheduled for June 4, 1975, has been cancelled. The documents which were to have been the subject of study at the meeting will not be available for distribution by that date.

The announcement of this meeting appeared on page 22007 of the FEDERAL REGISTER for Tuesday, May 20, 1975 (40 FR 22007).

Dated: May 20, 1975.

ROBERT E. DALTON,
Executive Director.

[FR Doc.75-13757 Filed 5-27-75;8:45 am]

[Public Notice CM-5/54]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on container operations of the Subcommittee on Safety of Life at Sea (SOLAS) will hold an open meeting at 9:30 a.m. on Wednesday, June 18, 1975 in Room 8334 of the Department of Transportation, 400 7th Street, SW., Washington, D.C.

The purpose of this meeting will be to discuss United States positions for the 16th session of the Intergovernmental Maritime Consultative Organization's (IMCO) Subcommittee on Containers and Cargoes scheduled to meet June 30, 1975 in London.

The principal items on the agenda for the 16th session are:

Decisions of the IMCO Maritime Safety Committee related to the work of the Subcommittee
Carriage of Grain
Code of Safe Practice for Bulk Cargoes
International Convention for Safe Containers (CSC), 1972
Code of Safe Practice for Ships Carrying Timber Deck Cargoes
Safe Stowage and Securing of Cargo in non-container ships

The working group will also discuss a common American position on container standards for use in all foreign affairs forums; and problems concerning stowage of military explosives in commercial containers for overseas shipments.

Further information on this working group meeting may be obtained from Mr. M. H. Allen, Chairman of the working group on container operations. He may be reached by telephone on (area code 202) 426-1577.

Members of the public may submit written comments to the Chairman prior to June 12. The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

MAY 19, 1975.

[FR Doc.75-13758 Filed 5-27-75;8:45 am]

[Public Notice CM-5/55]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on radio communications of the Subcommittee on Safety of Life at Sea (SOLAS) will hold an open meeting at 9:30 a.m. on Thursday, June 19, 1975 in Room 847 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C.

The purpose of the working groups' meeting will be to discuss the agenda and preparations for the 15th session of the Intergovernmental Maritime Consultative Organization's Subcommittee on Radio Communications, scheduled to be held in London, September 15-19, 1975. Among the items on the agenda for the 15th session are:

Actions taken by the Maritime Safety Committee at its thirty-second session;
Operational standards for shipborne radio equipment;
Report on the outcome of the Conference on the Establishment of an International Maritime Satellite System.

Requests for further information on the meeting should be directed to Captain W. T. Adams, Chairman of the working group on radio communications, United States Coast Guard, 400 7th Street, SW., Washington, D.C. 20590. He may be reached by telephone on (area code 202) 426-1345.

Members of the public may submit written comments to the Chairman prior to June 12. The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

MAY 19, 1975.

[FR Doc.75-13759 Filed 5-27-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Meeting

MAY 22, 1975.

The USAF Scientific Advisory Board Electronics Panel on Prioritization of Electron Device Technology will hold a meeting on June 17 and 18, 1975 from 9:00 a.m. to 5:00 p.m. at the Air Force Avionics Laboratory, Wright Patterson Air Force Base, Ohio.

The meeting will be closed to the public in accordance with Title 5, U.S.C.

552(b) (1), (4) and (5). The Panel will receive classified and proprietary briefing on the present electron device technology base and anticipated Air Force development opportunities and requirements through FY 1981.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

JAMES L. ELMER,
Major, USAF Executive, Directorate of Administration.

[FR Doc.75-13831 Filed 5-27-75;8:45 am]

SCIENTIFIC ADVISORY BOARD

Meeting

MAY 22, 1975.

The USAF Scientific Advisory Board C-141 Independent Review Team will hold a meeting on June 17, 1975, from 8:30 a.m. to 5:00 p.m. and on June 18, 1975, from 8:30 a.m. to 2:45 p.m. at the Lockheed Georgia Company, Marietta, Georgia.

The meeting will be closed to the public in accordance with Title 5, U.S.C. 552(b) (1), (4) and (5). The Committee will receive classified and proprietary briefings on the proposed modification to stretch the C-141.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

JAMES L. ELMER,
Major, USAF Executive
Directorate of Administration.

[FR Doc.75-13832 Filed 5-27-75;8:45 am]

SCIENTIFIC ADVISORY BOARD

Meeting

MAY 22, 1975.

The USAF Scientific Advisory Board Committee on Gas Turbine Technology will hold a meeting on June 23, 1975 from 8:30 a.m. to 5:00 p.m. and on June 24, 1975 from 8:30 a.m. to 3:30 p.m. at the Air Force Aero Propulsion Laboratory, Wright-Patterson Air Force Base, Ohio.

The meeting will be closed to the public in accordance with Title 5, U.S.C. 552(b) (1), (4) and (5). The Committee will receive classified and proprietary briefings on contractors' gas turbine technology programs.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

JAMES L. ELMER,
Major, USAF Executive,
Directorate of Administration.

[FR Doc.75-13834 Filed 5-27-75;8:45 am]

SCIENTIFIC ADVISORY BOARD

Meeting

MAY 22, 1975.

The USAF Scientific Advisory Board Ad Hoc Committee on Laser Technology will hold a meeting on June 19 and 20, 1975 from 8:30 a.m. to 5:00 p.m. at the Air Force Weapons Laboratory, Kirtland Air Force Base, New Mexico.

The meeting will be closed to the public in accordance with Title 5, U.S.C. 552(b) (1), (4) and (5). The Committee will receive classified briefings and hold classified discussions on laser technology programs.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

JAMES L. ELMER,
Major, USAF Executive
Directorate of Administration.

[FR Doc.75-13833 Filed 5-27-75;8:45 am]

SCIENTIFIC ADVISORY BOARD

Meeting

MAY 22, 1975.

The USAF Scientific Advisory Board Committee on B-1 Structures will hold a meeting on June 25 and 26, 1975 from 8:30 a.m. to 5:00 p.m. at Rockwell International, Los Angeles, California.

The meeting will be closed to the public in accordance with Title 5, U.S.C. 552(b) (1), (4) and (5). The Committee will receive classified informational briefings on the structural aspects of the B-1 aircraft development program.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

JAMES L. ELMER,
Major, USAF Executive,
Directorate of Administration.

[FR Doc.75-13835 Filed 5-27-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on April 9, 1975, Regis Chemical Company, 8210 N. Austin Avenue, Morton Grove, Illinois 60053, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of mescaline, a basic class controlled substance listed in schedule I.

Any person registered to manufacture mescaline in bulk may, on or before July 1, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: May 20, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-13819 Filed 5-27-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Idaho Cooperative Wildlife Research Unit, College of Forestry, Wildlife and Range Science, University of Idaho, Moscow, Idaho 83843. Dr. Maurice Hornocker, Leader, Dr. Roderick C. Drewien, Research Wildlife Biologist.

OMB NO. 42-R1870

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To transplant whooping crane eggs from Ft.Smith, Alberta, Canada to Grays Lake National Wildlife Refuge, Idaho and place eggs into nests of Greater Sandhill cranes. The eggs will be hatched and the young reared by the sandhill crane foster-parents. Subsequent activity will consist of close observation of foster-parent family groups and possible capture and leg banding of whooping crane chicks.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Idaho Cooperative Wildlife Research Unit. The staff field investigator who will be handling the whooping cranes is Dr. Roderick C. Drewien, Research Wildlife Biologist. College FWR,Univ.of ID.,Moscow,ID. 83843. Phone:208-885-6434

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
Field Investigator Description

☐ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT
X	5' 8"	170 lbs.
DATE OF BIRTH	COLOR HAIR	COLOR EYES
30 July 1939	Brown	Brown
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
208-885-6434 208-574-2171	555-50-5042	

OCCUPATION
Research Wl. Biologist on staff of ICWRU

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Idaho Cooperative Wildlife Research Unit, College of Forestry, Wildlife and Range Sci., Univ. of Idaho, Moscow, Idaho 83843

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Idaho Cooperative Wildlife Research Unit (Univ. of Idaho and U.S. Fish &Wildlife Service Cooperating) headquartered at College of Forestry,Wildlife & Range Sciences, Univ. of Idaho,Moscow, ID.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Dr. Maurice Hornocker,Leader,ICWRU
Phone: 208-885-6434

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Foster-parent experiment will be at Grays Lake National Wildlife Refuge and vicinity, Wayan,Idaho 83285.

Follow-up field work with the foster-parent families will be conducted at Grays Lake NWR,Monte Vista NWR, Bosque NWR and at other points where the whooping cranes may occur.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
Fed. Banding Permit 5891

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document)
Canadian government. Permits being secured by the Canadian Wildl. Service for handling of whooper eggs by their personnel in Canada.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: 25 May 1975
11. DURATION NEEDED: 25 May 1975-30 June 1976

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.23 Zoological, educational, scientific, or propagation permits

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (IN INK) Maurice Hornocker — DATE 7 April, 1975

3-200
16/748

Maurice Hornocker

ATTACHMENT—50 CFR 13.12(b)

Section 17.23. Zoological, educational, scientific, or propagation permits.

17.23(a)(1). This permit request is for the importation of up to 15 eggs of the whooping crane (*Grus americana*) from Canada in 1975 and a similar number of whooping crane eggs in 1976.

17.23(a)(2). Written agreement between the United States and the Canadian governments covering this research experiment is being prepared by the Directorate of the U.S. Fish and Wildlife Service.

17.23(a)(3). The eggs are to be taken from wild whooping crane nests (one egg from each 2-egg nest) at Wood Buffalo National Park, Northwest Territories, Canada. Personnel of the Canadian Wildlife Service will pick up the eggs, handle by incubator and insulated carrying case in Canada, and transport them by jet aircraft to Idaho Falls or Pocatello, Idaho, where they will become the responsibility of the Idaho Cooperative Wildlife Research Unit.

The eggs, in their insulated carrying cases, will then be airlifted to Grays Lake National Wildlife Refuge where they will be placed in the nests of selected sandhill crane foster-parents for completion of incubation and hatching.

Continuous observational follow-up of the nests and the whooping crane chicks will be conducted. It is possible that whooping crane chicks will be color-banded by capturing chicks before they reach the flight stage.

Subsequent follow-up of the foster-parent crane families will be conducted as they migrate from Grays Lake in the fall, proceed to their migration stopping point in the San Luis Valley in Colorado and go on to their wintering area on and in the vicinity of Bosque del Apache National Wildlife Refuge parent families will be observed throughout the winter and during their northbound mi- in New Mexico. The activities of the foster-gration the following spring. Dispersal and summer activities of the yearling whooping cranes will be monitored. A second transplant of whooping crane eggs from Wood Buffalo National Park, Canada, to Grays Lake, Idaho will occur in 1976, utilizing the same procedures.

Date: April 7, 1975.

Director, U.S. Fish and Wildlife Service, Chief, Division of Law Enforcement, Chief, Division of Wildlife Research—from Leader, Idaho Cooperative Wildlife Research Unit.

Request for permit to conduct research on an endangered species

As required by the Endangered Species Act of 1973, attached find application from the Idaho Cooperative Wildlife Research Unit for a permit to conduct research on endangered wildlife.

We are requesting permission to receive whooping crane eggs from the Canadian Wildlife Service at Idaho Falls or Pocatello, Idaho, transport the eggs to Grays Lake NWR by helicopter, place eggs in the nests of foster-parent greater sandhill cranes and conduct follow-up observations on the foster-parent families, with possible capture and leg-banding of whooping crane chicks.

It is our understanding that we will not require permit from the Canadian government since their personnel will be handling the eggs in Canada.

Sincerely,

MAURICE HORNOCKER,
Unit Leader.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 27, 1975 will be considered.

Dated: May 20, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-13693 Filed 5-27-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Tarzan Zerbini, Route 2, Box 8, Sarasota, Florida 33580.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☑ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
CIRCUS. act. AND interstate. TRANSportation

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
TARZAN. ZERBINI.
Rt2. Box. 8.
SARASOTA. FLA. 33580

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☑ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6 WEIGHT: 195
DATE OF BIRTH: JUNE. 25. 1942. COLOR HAIR: BROWN COLOR EYES: BLUE.
PHONE NUMBER WHERE EMPLOYED: 813 371 3808. SOCIAL SECURITY NUMBER: 302. 38 8234
OCCUPATION: Wild. ANIMALS. TRAINER
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
CIRCUS. act. AND interstate. TRANSportation.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
United. States

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☑ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☑ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $50. 00.

10. DESIRED EFFECTIVE DATE: 3 27. 1975

11. DURATION NEEDED: LiFe.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Tarzan Zerbini DATE: 3 27. 1975.

3-200 11/70 Tarzan Zerbini

SUMMARY OF ATTACHMENTS TO PERMIT APPLICATION FROM TARZAN ZERBINT

Application for interstate transportation of circus act:

One male Siberian tiger, born March 14, 1971, in the Birmingham (Ala.) Zoo.

One male and two female Bengal tigers, born December 7, 1966, in the Cleveland (Ohio) Zoo.

15 lions, males and females.

The cages of the tigers are 7 ft. long, 7½ ft. wide, and 4 ft. high. The cages travel in a semi-truck/trailer. The semi has a door on the side for feeding during travel between engagements, and a 6000-pound freezer for the meat. The trailer is heated in the winter; in the summer all windows are open for air.

Five photographs, and a check for $50.00.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 27, 1975 will be considered.

Dated: May 20, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-13694 Filed 5-27-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Mr. T. A. Beckett III, Magnolia Gardens, Route 4, Charleston, South Carolina 29407.

OMB NO. 43-R1670.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)

☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.

2A Brown pelican
2B Red-cockaded woodpecker

See attachments

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)

T. A. Beckett, III
Magnolia Gardens-Route 4
Charleston, S. C. 29407
Phone: 766-8040 (Area Code 803)

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.

HEIGHT	WEIGHT
5' 9"	138 lbs.

DATE OF BIRTH	COLOR HAIR	COLOR EYES
Nov. 23, 1918	Brown	Brown

PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER
766-3462	247-20-5754

OCCUPATION
Nursery Manager-Magnolia Gardens

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:

EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED

Red-cockaded woodpecker (Francis Marion National Forest)
Brown pelican (Deveaux Bank)
Charleston, S. C.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL, FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)

Banding permit No. 6741
Collecting permit No. 4-SC-385

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)

S. C. Game Department

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

$

10. DESIRED EFFECTIVE DATE
May 1, 1975

11. DURATION NEEDED
Indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

See attachments for Item 2

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink)

DATE
April 9, 1975

3-200
(8/73)

ATTACHMENT 2A—BROWN PELICAN

I request permission to continue my work with the Brown pelican, P. occidentalis, which has been in progress for over 25 years. It was in part through my efforts that the species was placed on the endangered list. Indirectly it brought about visits to the West Coast nesting colonies where the species was said to be in excellent condition numerically. Initial vists disclosed soft shelled eggs and practically no reproduction.

To date I have banded about 11,000 pelicans, monitored the breeding success and carried out numerous studies regarding the species' life history. I have published my work on the Deveaux Bank site and worked for many years for its protection. On May 1 the site will be dedicated to the late Dr. Alexander Sprunt as a memorial to his many years of service to the Audubon Society.

It is my firm belief that it is only through banding that a true picture can be secured of the Brown pelican's breeding success and later mortality on the wintering grounds.

To date there has never been any form of harm occur from my efforts and I can secure statements from personnel in your enforcement division.

ATTACHMENT 2B—RED-COCKADED WOODPECKER

I request permission to continue my work with the Red-cockaded woodpecker, D. borealis, which has been in progress since 1969 and includes the color banding of about 200 individuals currently under study. It was in a large part my work and letters to the Secretary of the Interior that succeeded in acquiring the endangered species status.

My studies have been included in the Symposium Report—1971. I have published in Eastern Bird Banding—1974 acreage requirements of colonies in natural habitat areas.

I have been asked by the Forest Service and the Department of the Interior to assist in developing means of moving and introducing the species into habitat suitable but not in current use by the species.

I currently have enough information on the species to write a book on its life history, but in acquiring this information many more questions have been raised. I can easily see that another 10 years' work will still leave many voids regarding its habits and needs.

Above all I do not want to feel as have previous authors Lignon and Lay—that they have published prematurely.

EBBA News

Winter 1974 Volume 37, No. 1
Published by the Eastern Bird Banding Association

HABITAT ACREAGE REQUIREMENTS OF THE RED-COCKADED WOODPECKER BY T. A. BECKETT, III

The Red-cockaded woodpecker (*Dendrocopos borealis*) is one of numerous species of wildlife in habitat trouble. It is still considered common by some knowledgeable persons but it should remain on the endangered list. There is no species that we can more safely state is headed for extinction than this highly specialized and localized woodpecker. The main factor working against continuing this bird on the endangered list is the ease with which it may be found due to its habitat.

The Red-cockaded is a non-migratory species. It is sedentary in that individuals may be found for several years within a rather small area. My current studies indicate that the species has a relatively long life in favorable habitat. One of the most perplexing questions currently needing answering is—what is the minimum habitat in which the species can exist? This paper will not attempt to furnish any of these answers but will simply show that a certain number of clans of birds are found in an area that meets the need to isolate them from possible intrusions by adjacent birds.

This study represents a small segment of over 3 years' work in locating over 200 clans, study information from about 300 trees, and color banding about 200 birds. I know of no other North American species of bird that can be handled under wild conditions on a year-round basis as the need arises. I know of no other species about which so little information is in print and even that small amount is often in error.

The nomenclature used in this manuscript follows the proposed terms set forth in the published Symposium on the Red-cockaded Woodpecker, Bureau of Sport Fisheries and Wildlife, 1971, edited by R. L. Thompson.

To date there has been no factual information regarding the support timber and habitat needed by the Red-cockaded woodpecker in relatively "natural habitat." I know of no primitive areas, not altered by man, on which a study of this type might be based. It is true that possibly 1 or 2 colonies might be selected in isolated areas but these would be far from the type conditions under which the species came into existence.

This study is based on banding and observation periodically on a year-round basis covering a little over 3 years. Some first hand information regarding surrounding habitat and former clans dates back over 20 years. The tract limits itself to ready incursions by other members of the species by the surrounding vegetation. All highway and road names and numbers have been purposely deleted from the small scale map so that abnormal visits by birders might be kept to a minimum. They are available for any ornithologist seriously interested in the species for study purposes.

The study area is in a National Forest and follows most of the guide lines formulated by Melvin Hopkins and T. E. Lynn, Jr. in the previously mentioned symposium publication. Some suggestions are followed closely whereas others, such as raking around the base of hole trees, appear to be ignored. No attempt will be made to bring out changes that need to be made if the species is to

remain with us as a living bird. In fact we only know that changes must be made but have little knowledge of minimal needs.

The area receives prescribed burning, a necessity to maintain habitat, and periodic thinning. Logging is restricted in hole tree areas to the non-breeding seasons. In general the district foresters show a great deal of interest in preserving the Red-cockaded woodpecker. The loggers, "stumpers", and those holding "dead tree" permits are another matter. Their activities in and around hole trees need much greater control. Holders of "dead tree" permits have destroyed several clans.

Some critics may say that this study area is not normal habitat and should not be the basis for a population study, but I can assure them that the species, with very few exceptions, exists today over most of its present range under these rather artificial conditions. Due to ecological claims of air pollution even the needed periodic controlled burning is in danger of being banned. There can be little question that the current selective cutting has a tendency toward even aged management.

The area selected for this attempt to determine roughly the acreage needs was relatively isolated by the surrounding habitat. It contained 13 clans, composed of 70 Red-cockaded woodpeckers, 52 of which were color banded. To date there has been no evidence of any influx of birds from adjacent clans. From observations it was concluded that clans 12 and 13 spent roughly half of their feeding efforts across adjacent roads. They were both small clans, averaging over the 3 years period from 3 to 5 birds each. If we assume their habitat acreage requirements were equal we can eliminate one clan.

From current literature we can readily understand that any conclusions drawn from habitat acreage needed in this particular study site would not necessarily apply to other sites, such as some marginal areas of Florida or Texas. We do not, in fact, have a picture of what an optimum habitat consists. We can safely state that thinning of trees beyond a certain minimum will cause abandonment and abnormal predation in a clan.

One of the greatest problems in the study of the Red-cockaded woodpecker continues to be the fact that there is no species which approximates its life history. New questions continue to arise that have no parallel in the literature. Many of its current habits are possible relic in origin and no single answer will suffice in its current habitat utilization.

The greatest single need today is for our federal government to set aside, on public lands, areas to be manipulated for optimum use by the Red-cockaded woodpecker. These areas should be available for scientific study and possible manipulation to gain knowledge of minimal requirements of the species. If the Red-cockaded woodpecker is to survive in the current projected 25 to 30 year clear cut rotations that are in use on so much of our pine land in the south today, it needs help. I, for one, believe that this is highly possible and have some field observations that will support this line of thought.—Rt. 4, Charleston, S.C. 29407.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 27, 1975 will be considered.

Dated: May 20, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-13695 Filed 5-27-75;8:45 am]

DONALD B. SINIFF

Issuance of Permit for Marine Mammals

On March 20, 1975, a notice was published in the FEDERAL REGISTER (40 FR 12690), that an application had been filed with the Fish and Wildlife Service by Dr. Donald B. Siniff and Dr. John R. Tester, Bio Science Center, University of Minnesota, St. Paul, Minnesota, for a permit to engage in sea otter research.

Notice is hereby given that on May 19, 1975, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to Donald B. Siniff, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: May 22, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-13866 Filed 5-27-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Dr. F. Prescott Ward, Chief, Ecological Research Office, Biomedical Laboratory, Edgewood Arsenal, Aberdeen Proving Ground, Maryland 21010.

DEPARTMENT OF THE ARMY
HEADQUARTERS, EDGEWOOD ARSENAL
ABERDEEN PROVING GROUND, MARYLAND 21010

Mr. CLARK R. BAVIN,
Chief, Division of Law Enforcement
U.S. Fish and Wildlife Service
Washington, DC 20240

APRIL 16, 1975.

DEAR MR. BAVIN: The following information is submitted to be considered for publication in the FEDERAL REGISTER in applying for an Endangered Species Permit as required by Pub. L. 93-205 (Endangered Species Act of 1973).

The application is for a permit to band peregrine falcons (*Falco peregrinus tundrius* and *F. p. anatum*), and to salvage, for the purpose of donating to a public, scientific, or educational institution, peregrine falcons killed or found dead as a result of normal banding operations or peregrine falcon casualties from other causes.

Populations of peregrine falcons have experienced unprecedented declines during the last 25 years in many parts of the world. Biomagnifications of cumulative toxins such as DDT and polychlorinated biphenyls have been incriminated as the major cause of these declines. Indeed, no other species has been more decimated than the peregrine by chemical pollution of the biosphere; it is probably the best global indicator of this pervasive contamination. In this climate, it is imperative that population trends of peregrine falcons be monitored closely in order that informed management procedures can be accomplished. Traditional methods of studying peregrine falcon populations are varied:

a. Reproductive surveys at nest sites have been widely and successfully employed.

b. Population trends have been monitored by observing falcons on autumn migration at sites of concentration on flyways such as: Padre Island, Texas; Assateague Island, Maryland; Cedar Grove, Wisconsin; and Cape May, New Jersey.

c. Banding of falcons at nesting sites and migration foci with standard Fish and Wildlife Service tarsal bands has been practiced for about 40 years, and recoveries have provided some valuable information on peregrine movements, longevity, and demography.

d. Recently, biotelemetry has been employed successfully in detailed studies of the autumn migration of peregrine falcons.

It is the purpose of this study to establish a coordinated plan for ecological studies of peregrine falcons at selected sites on a global scale. Nesting, migration, biotelemetry, and banding investigations are planned. However, conventional banding of peregrine falcons suffers from several statistical and logistical shortcomings. Only a few individuals of this rare species are banded each year, and recovery rates usually average less than 10 percent; this results in extremely small samples to analyze statistically. Furthermore, nearly all conventional returns are from falcons that have been "shot" or "found dead" meaning that they have been removed from the population. Therefore, it is desirable to augment, not to replace, the standard banding regime with a system colored plastic tarsal bands. The basic color of the lightweight plastic band will indicate the geographic area where the band was applied, and a contrasting three-digit number inscribed into the plastic will individually identify the bird. This system has many advantages: It will permit casual observers to note the background color of the band and therefore supply general migration data; it will allow researchers to identify a bird individually in demographic studies without having to capture it and read the conventional band; and it will facilitate repeated observations and identifications on a falcon without removing it from the population.

The objectives of this program are:

a. To conduct basic ecological surveys of nesting peregrine falcons in selected areas of North America and Greenland including measures of reproductive success, prey selection, nesting behavior, and dynamics of pesticides, heavy metals, and polychlorinated biphenyls.

b. To establish standard observation, marking, and analytical techniques so that the results of these investigations can be used as baselines for interpreting future trends, and so that results of geographically separate studies will be compatible.

c. To gather migration statistics (abundance, age and sex ratios, correlation of movement with weather patterns) of peregrine falcons in spring and fall at sites of geographical concentration from records of sightings and captures, and to compare these data with observations from previous years.

d. To band with standard U.S. Fish and Wildlife Service metal bands and color-coded, lightweight, plastic tarsal bands peregrine falcons on a global scale to augment scanty information on population dynamics.

e. To implement international working agreements involving scientists from the United States, Canada, Greenland, Great Britain, Central America, and the Soviet Union.

This study has been incorporated as Subproject E, Problem Area VI, of the Agreement between the United States of America and the Union of Soviet Socialist Republics on Cooperation in the Field of Environmental Protection. The Sub-project is entitled, "A Cooperative Marking Program for Raptors with Emphasis on the Peregrine Falcon (*Falco peregrinus*)"; Dr. F. Prescott Ward is the scientific coordinator for the U.S. and Dr. Vladimir Glaushin is the scientific coordinator for the U.S.S.R.

Facets of this study have been in progress for several years. Dr. F. P. Ward and Mr. Robert B. Berry have conducted an autumn migration survey of peregrine falcons at Assateague Island, MD/VA since 1970, last year under the authority of Endangered Species Permit Number PRT-8-2-C. Dr. William G. Mattox has supervised an annual reproductive study of peregrine falcons in a small area of West Greenland since 1972. Dr. Ward and other investigators have studied peregrine movements in spring and fall in recent years in Panama, at Dry Tortugas, Florida, and on barrier islands in Virginia.

Plastic bands will be attached to one tarsus and a Fish and Wildlife Service metal bands to the other. Each plastic band will have a different three-digit letter/number inscribed into a contrasting background color to facilitate easy individual identification in the field. Background colors of the bands will be keyed generally to the following areas: Alaska, white; western Canada, black; eastern Canada, yellow; most of continental U.S., sky blue; Greenland, red; Great Lakes area, dark blue; east coast of U.S., green; Caribbean and Central America south of Mexico, gray; and Gulf Coast and Mexico, orange. Many years of experience with a similar style plastic tarsal band on whistling swans indicate that the bands are durable and safe; recaptures, resightings, and recoveries of color-banded peregrine falcons during the past two years indicate the same. No more than 500 falcons of various ages and sexes will be banded annually (107 peregrine falcons were so marked in 1973 and 140 in 1974 in North America/Greenland under authority of other permits, so the maximum number of 500 is very unlikely to be attained in any season). All peregrine falcons will be released immediately after banding, unless previous injury or substantial injury or death incident to the banding operation dictates that they be treated or salvaged (of 135 peregrine falcons banded at Assateague Island by Dr. F. P. Ward and Mr. R. B. Berry during the last five autumn surveys, none has ever been injured or killed, thus injury or death is highly unlikely).

The purpose of this permit application is to expand somewhat the limited scope of my original endangered species permit. This request for an amended permit is due to new information on peregrine biology which has become available since the original application. Authority is requested:

a. To observe, capture, and band migrating peregrine falcons at Assateague Island, MD/VA during spring and fall migrations. No more than two principal investigators will engage in this activity at one time.

b. To observe, trap, and band migrating peregrine falcons at no more than five additional sites or areas in the United States which include, but will not necessarily be limited to, sites or areas in Florida (Dry Tortugas and/or a barrier island along the Atlantic Coast), Georgia (coastal barrier island), Virginia (coastal barrier island and/or Cape Charles), and/or Alaska.

c. To radio-track telemetered peregrines (radios applied to a small sample of falcons in Greenland and/or Canada).

The primary applicant for an endangered species permit is: Dr. F. Prescott Ward, Chief, Ecological Research Office, Biomedical Laboratory, Edgewood Arsenal, Aberdeen Proving Ground, MD 21010; born 22 August 1940; male; 5'10" tall; 170 pounds; brown hair; brown eyes; business telephone (301) 671-2586; social security number 165-32-2200; occupation, research scientist for the United States Army.

Planned cooperators are listed below, but because of exigencies at survey times involving such things as illness, other personal business, or equipment malfunction, the principal investigator requests permission to name alternates by formally notifying the Chief of Law Enforcement, U.S. Fish and Wildlife Service. Because it is also impossible to obtain commitments from all potential cooperators at this time, additional persons who can demonstrate competence and ability will be named as assistants in this project at a later date. Names and a statement concerning the qualifications and extent of participation of these individuals will be provided in writing to the Chief of Law Enforcement, U.S. Fish and Wildlife Service.

Mr. Robert B. Berry, RD #1, Yellow Springs Road, Chester Springs, PA 19425 is identified as Dr. Ward's co-investigator in the Assateague Island study, and as potential principal investigator in other migration investigations in the U.S. listed above.

To band peregrine falcons at a barrier island in Virginia, Captain Kyle H. Woodbury (United States Navy), 1068 Rector Lane, McLean, Virginia 22101 is identified as principal investigator. He will band as a sub-permittee on Dr. Ward's federal bird banding permit (number 9448), but will need explicit endangered species authority, for he will not band under Dr. Ward's direct supervision.

To band peregrine falcons at a barrier island in southern Georgia and/or the east coast of Florida, Mr. Patrick R. Leary, 2453 South Fletcher Avenue, Fernandina Beach, Florida 32034 is named as principal investigator. He will band as Dr. Ward's subpermittee, but will not be under Dr. Ward's direct supervision.

The following individuals are identified as cooperators in banding of peregrine falcons at Dry Tortugas, Florida: Mr. C. William Harry, 9207 Drian Drive, Vienna, Virginia 22180; Mr. James L. Ruos, 7145 Deer Valley Road, Highland, Maryland 20777; and/or Mr. William S. Seegar; Hillside Road, Stevenson, Maryland 21153. Mr. Ruos and Mr. Harry have federal bird banding permits, and Mr. Seegar is Dr. Ward's subpermittee. Most banding on Dry Tortugas, Florida will not be under Dr. Ward's direct supervision.

To band peregrine falcons at nesting sites along the Colville River, Alaska, Dr. Thomas J. Cade, Cornell Laboratory of Ornithology, 159 Sapsucker Woods Road, Ithaca, New York 14850 is named as principal investigator. Dr. Cade holds federal bird banding permit number 7252, expires 28 February 1977, which authorizes him to color-band peregrine falcons in coordination with this program.

As research needs dictate shifting a banding site within a given geographical area, or naming alternate investigators, the Chief of Law Enforcement, U.S. Fish and Wildlife Service will be notified by letter. If the general thrust, scope, or intent of this project changes substantially, or if the likely impact of this research upon the endangered species changes sufficiently so that activities would have a greater adverse impact on the survival potential or reproductive ability of peregrine falcons, then application will be made for a new endangered species permit.

I currently hold the following valid U.S. Fish and Wildlife Service permits:

a. Endangered Species Permit Number PRT-8-2-C, effective 25 November 1974 and which expires 31 December 1976.

b. Federal bird banding permit number 9448 with salvage, mist-net, and color-marking riders, which expires 30 November 1976.

c. Federal migratory bird permit number 5-SC-530 with amendment, which expires 31 December 1975.

d. Special-use permit for studies on the Chincoteague National Wildlife Refuge.

These permits are in addition to: a Maryland state endangered species permit; state bird banding permits for Maryland, Virginia, New Jersey, and Florida; special-use permits for Assateague Island National Seashore and Everglades National Park (Dry Tortugas); an Assateague Island National Seashore collecting permit and a Maryland State collecting permit (for peregrine prey species); and authorization from the U.S. Coast Guard to band birds of prey on Loggerhead Key, Dry Tortugas, Florida. In addition, permits germane to international banding activities have been applied for or have been provided by the Republic of Panama, the Republic of Mexico, Canada, and Denmark (Greenland).

The desired effective date of this permit is July 1, 1975; the duration needed is five years, at which time results will be evaluated and a new application will be submitted if necessary.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely yours,

DR. F. PRESCOTT WARD,
Chief, Ecological Research Office, Biomedical Laboratory.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 27, 1975 will be considered.

Dated: May 22, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement U.S. Fish and Wildlife Service.

[FR Doc.75-13867 Filed 5-27-75;8:45 am]

National Park Service

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Monday, June 16, 1975, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive, SW., Washington, D.C. 20242.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Mr. Gary Everhardt, Chairman
Director, National Park Service
Washington, D.C.

Mr. George M. White
Architect of the Capitol
Washington, D.C.

General Mark W. Clark
Chairman, American Battle Monuments Commission
Washington, D.C.

Mr. J. Carter Brown
Chairman, Fine Arts Commission
Washington, D.C.

Chairman, National Capital Planning Commission
Washington, D.C.

Honorable Walter E. Washington
Mayor of the District of Columbia
Washington, D.C.

Commissioner, Public Buildings Service
Washington, D.C.

The purpose of this meeting is to review the subarea plans for the FDR Memorial.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at area code 202-426-6715. Minutes of the meeting will be available for public inspection and copying 2 weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive SW., Washington, D.C.

Dated: May 20, 1975.

JOHN A. TOWNSLEY,
Acting Director, National Capital Parks.

[FR Doc.75-13821 Filed 5-22-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

ALPINE LAKES AREA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for a recommended Land Use Plan for the Alpine Lakes Area in the State of Washington.

The environmental statement concerns a proposed plan for the management of lands including wilderness in the Alpine Lakes Area on portions of the Mt. Baker-Snoqualmie and Wenatchee National Forests in the State of Washington. USDA-FS-FES-(Leg.) 74-16.

This final environmental statement was transmitted to CEQ on May 21, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 SW. Pine Street
Portland, Oregon 97204

Mt. Baker-Snoqualmie National Forest
1601 Second Avenue Building
Seattle, Washington 98101

Wenatchee National Forest
301 Yakima Street
Wenatchee, Washington 98801

A limited number of single copies are available upon request to the same offices listed above.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

R. MAX PETERSON,
Deputy Chief, Forest Service.

MAY 16, 1975.

[FR Doc.75-13814 Filed 5-27-75;8:45 am]

CASCADE HEAD SCENIC-RESEARCH AREA ADVISORY COUNCIL

Meeting

The Cascade Head Scenic-Research Area Advisory Council will meet at 1:00 pm on June 27 and 28 at the Dunes Motel in Lincoln City, Oregon.

The purpose of this meeting is to familiarize the Advisory Council with Pub. L. 93-535 and the Cascade Head Scenic-Research Area. A second purpose is to review the draft guidelines on substantial change required by section 5b of Pub. L. 93-535.

The meeting will be open to the public. Persons who wish additional information or plan to attend should contact Pamela D. Wilson, Siuslaw National Forest, at 545 SW Second Street, Corvallis, Oregon, 97330, phone 752-4211, Extension 502.

The public may participate in the meeting by either submitting written comments to the Chairman or speak to the Counsel when recognized by the Chairman.

F. DALE ROBERTSON,
Forest Supervisor.

MAY 20, 1975.

[FR Doc.75-13823 Filed 5-27-75;8:45 am]

EIGHTMILE-BLUE CREEK UNITS-SIX RIVERS NATIONAL FOREST LAND USE PLANS

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plans, Eightmile and Blue Creek Units, Six Rivers National Forest, California, USDA-FS-R5-FES(Adm)-75-9.

The environmental statement concerns proposed land use management plans for the 94,000 acres of National Forest lands known as the Eightmile-Blue Creek Units of the Six Rivers National Forest, in Del Norte and Humboldt Counties, California. Fifty-nine thousand, eight hundred acres within these Units have been inventoried as "roadless."

This final environmental statement was transmitted to the Council on Environmental Quality (CEQ) on May 20, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C.

Regional Forester
U.S. Forest Service, Rm. 529
630 Sansome Street
San Francisco, California

Forest Supervisor's Office
Six Rivers National Forest
710 E Street
Eureka, California

Forest Service
District Ranger
Gasquet, California

Forest Service
District Ranger
Orleans, California

A limited number of single copies are available, upon request, from Forest Supervisor George Roether, Six Rivers National Forest, 710 E Street, Eureka, California 95501.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

A modification is made of the review period for the statement. A decision will be made regarding proposed land uses in the Units and announced after June 9, 1975.

JOHN A. VANCE,
Deputy Regional Forester.

MAY 20, 1975.

[FR Doc.75-13825 Filed 5-27-75;8:45 am]

LANDOWNERSHIP ADJUSTMENT PLAN BETWEEN WEYERHAEUSER CO. AND GIFFORD PINCHOT NATIONAL FOREST, WASH.

Availability of Addendum to Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Landownership Adjustment Plan Between Weyerhaeuser Company and Gifford Pinchot National Forest, Washington. USDA–FS–FES–(Adm) 73–70

The environmental statement concerns a proposed landownership adjustment plan between Weyerhaeuser and the Forest Service. Weyerhaeuser is offering 13,674 acres of their land to the Forest Service in exchange for 16,155.0 acres of National Forest lands, all in the State of Washington. The exchange will consolidate public and private lands and will increase the number of land management alternatives, reduce management costs, and make several thousand acres of public land available primarily for recreation use.

This addendum to the final environmental statement was transmitted to CEQ on May 21, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, OR 97204

Gifford Pinchot National Forest
500 West 12th Street
Vancouver, WA 98660

A limited number of single copies are available upon request to Regional Forester, T.A. Schlapfer, Pacific Northwest Region, PO Box 3623, Portland, Oregon 97208, or Forest Supervisor Spencer T. Moore, 500 West 12th Street, Vancouver, Washington 98660.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ Guidelines.

R. Max Peterson,
Deputy Chief, Forest Service.

May 12, 1975.

[FR Doc.75-13815 Filed 5-27-75;8:45 am]

NEBRASKA NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Meeting

Correction

In FR Doc. 75–13304, appearing on page 22160, of the issue of Wednesday, May 21, 1975, the word "members" in the second paragraph, second line, should be changed to read "officers".

PALOMAR MOUNTAIN UNIT, CLEVELAND NATIONAL FOREST, CALIFORNIA

Extension of Comment Period

On February 7, 1975, the Forest Service, Department of Agriculture, transmitted to the Council on Environmental Quality a draft environmental statement for the proposed Land Use Plan for the Palomar Mountain Unit, Cleveland National Forest, California, USDA–FS–R5–DES(Adm)–75–8, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Notice of availability of this draft environmental statement was published in the Federal Register on February 13, 1975 (40 FR 6995). Comments were requested within 90 days after transmittal to CEQ.

Because of numerous requests for an extended opportunity for public review, the comment period for this draft environmental statement is being extended an additional 90 days.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3230
14th Street & Independence Ave. SW.
Washington, D.C. 20250

USDA, Forest Service
California Region
630 Sansome Street, Room 531
San Francisco, California 94111

Forest Supervisor's Office
Cleveland National Forest
3211 Fifth Avenue
San Diego, California 92103

Forest Service
District Ranger
732 North Broadway
Escondido, California 92025

A limited number of single copies are available, upon request, from Forest Supervisor, Cleveland National Forest, 3211 Fifth Avenue, San Diego, California 92103.

Comments concerning the proposed action should be addressed to Forest Supervisor, Cleveland National Forest, 3211 Fifth Avenue, San Diego, California 92103. Comments must be received by August 11, 1975, in order to be considered in the preparation of the final environmental statement.

T. W. Koskello,
Acting Regional Forester, California Region.

May 20, 1975.

[FR Doc.75-13824 Filed 5-27-75;8:45 am]

Rural Electrification Administration

DAIRYLAND POWER COOPERATIVE, LA CROSSE, WISCONSIN

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan guarantee issued to Dairyland Power Cooperative of LaCrosse, Wisconsin, from the Rural Electrification Administration. The financing will provide funds for the purchase and installation of a 70 percent share of a 350 MW steam generating plant near Alma, Wisconsin, and related 161 kV transmission facilities. Northern States Power Company of Minnesota will provide the remaining 30 percent share of funds.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 21st day of May 1975.

David H. Askegaard,
Acting Administrator, Rural Electrification Administration

[FR Doc.75-13816 Filed 5-27-75;8:45 am]

Soil Conservation Service

LONG CREEK WATERSHED, MISSISSIPPI

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and Part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and Part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Long Creek Watershed, Attala County, Mississippi.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. W. L. Heard, State Conservationist, Soil Conservation Service, Room 590, Milner Building, P.O. Box 610, Jackson, Mississippi 39205, has determined that the preparation and review of an environmental impact statement is not needed at this time for this project.

The project concerns a plan for watershed protection, flood prevention, and recreation. The remaining planned works of improvement as described in the negative declaration include conservation

land treatment supplemented by two floodwater retarding structures and one multiple purpose structure with basic recreation facilities.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
Room 590, Milner Building
P.O. Box 610
Jackson, Mississippi 39205

The Negative Declaration is available for single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until June 12, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: May 19, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-13756 Filed 5-27-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

CANCER RESEARCH EMPHASIS GRANTS

Program Announcement

The National Cancer Institute under authority of Section 301 and Title IV Part A of the Public Health Service Act, as amended (42 U.S.C. 241, 281 et seq.), will establish grant-supported Cancer Research Emphasis Grants programs (CREG) to promote research in areas of concern to the National Cancer Program. The purpose of CREG programs is to promote cancer research in areas where (a) knowledge gaps are not being sufficiently addressed by on-going research, (b) there is a need for independent efforts to verify and corroborate on-going research, or (c) there is a need to stimulate or intensify effort in promising research areas. Research areas and research projects suitable for CREG's will be identified by NCI with the help of outside consultants and advisory groups.

The general characteristics of the CREG program include the following. NCI Program Directors will develop a detailed statement announcing the purpose, objectives, rationale and significance to program goals for each research project area which is appropriate for CREG. Each announcement will contain a date for receipt of applications for the specific program area. The approaches and methodology will be left to the creativity and initiative of the scientists who apply. Direction of the research or technical supervision by NCI will be neither necessary nor desirable. Cancer Research Emphasis program announcements will be published in the NIH Guide for Grants and Contracts and in other appropriate publications. The NIH Guide for Grants and Contracts may be obtained from the Division of Research Grants, National Institutes of Health, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Cancer Research Emphasis Grants will be awarded only to nonprofit organizations and institutions, state and local governments and their agencies, authorized Federal institutions and, occasionally to individuals, in accordance with NIH and PHS policy. Receipt, review and referral of applications will be accomplished according to the policies and procedures contained in 42 CFR Part 52 and the Public Health Service Grants Policy Statement which may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Investigators will send applications to the Division of Research Grants (DRG), National Institutes of Health, on NIH Form 398 and must identify in a covering letter the single Cancer Research Emphasis announcement to which the application responds. The DRG Referral Officer with the NCI Program Director will determine if the application is responsive or unresponsive to the announcement. An applicant whose application is judged unresponsive to the announcement will be notified by DRG and will be given the opportunity to withdraw the application or submit it for consideration in the other grant programs of NIH.

Competitive applications may elaborate on the statement of purpose, objectives, rationale, and significance contained in the soliciting announcement, and the applicant must complete portions of the application pertaining to procedural details, the investigator's research experience, facilities available, specific budgets for all years of support requested, and biographical sketches for professional personnel.

Applications will be reviewed in accordance with the normal peer review system of the NIH utilizing the Study Sections of the Division of Research Grants. Applications with direct costs in excess of $35,000 will receive a secondary review by the National Cancer Advisory Board.

NCI Program Directors will have authority and responsibility for monitoring scientific progress and administration of Cancer Research Emphasis Grants. Each year, preceding the anniversary date of the award, the investigator will submit a comprehensive scientific report as an integral part of his noncompetitive continuation application. More frequent reports may be requested in the announcement.

If the research is to be continued, applications for the renewal of Cancer Research Emphasis Grants beyond the project period as defined in appropriate CREG announcement must be competitively reviewed by study sections. Cancer Research Emphasis Program Directors must notify grantees twelve months before a project period ends whether or not the specific CREG program is to be continued. If the program is to be continued, the Program Director will prepare an announcement for publication in the NIH Guide to Grants and Contracts. If the program is to be discontinued, grantees may, of course, respond to other published announcements or apply for a regular research grant.

For further information contact the Director, Division of Cancer Research Resources and Centers, National Cancer Institute, 9000 Rockville Pike, Bethesda, Maryland 20014.

(Catalogue of Federal Domestic Assistance Program No. 13.393, No. 13.394, No. 13.395, No. 13.396, and No. 13.399)

Dated: May 13, 1975.

R. W. LAMONT-HAVERS,
Acting Director, National Institutes of Health.

[FR Doc.75-13800 Filed 5-27-75;8:45 am]

EXPERIMENTAL VIROLOGY STUDY SECTION ET AL.

Establishment

The Director, National Institutes of Health, announces the establishment on April 25, 1975, of the advisory committees indicated below by the Secretary of Health, Education, and Welfare under the authority of 42 U.S. Code 217a (section 222 of the Public Health Law, as amended). These advisory committees shall be governed by the provisions of the Public Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

Name. Experimental Virology Study Section

Purpose. This Committee reviews applications for grants-in-aid for research projects, and for grants and awards for research and training activities dealing with experimental virology, rickettsiology, and cell structure studies relating to basic and applied studies in pathogen-host cell interaction, genetics, morphology, diagnosis, therapeutic agents, immunology, mechanisms of replication and pathogenesis.

Name. Immunological Sciences Study Section

Purpose. This Committee reviews applications for grants-in-aid for research projects, and for grants and awards for research and training activities dealing with immunopathology, immunotherapy, hypersensitivity and problems of the immune response.

Name. Molecular Cytology Study Section

Purpose. This Committee reviews applications for grants-in-aid for research projects, and for grants and awards for research and training activities dealing with studies of the molecular basis of disease, cell structure and function (nucleus, cytoplasm, membranes and organelles).

Name. Pathobiological Chemistry Study Section

Purpose. This Committee reviews applications for grants-in-aid for research projects, and for grants and awards for research and training activities dealing with the biochemistry of disease (chemical pathology) enzymology, protein

chemistry, immunochemistry (chemical immunology), and membrane chemistry.

These Committees will terminate on April 25, 1977.

Dated: May 19, 1975.

R. W. LAMONT-HAVERS,
Acting Director,
National Institutes of Health.

[FR Doc.75-13798 Filed 5-27-75;8:45 am]

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES COUNCIL

Amended Notice of Meeting

Notice is hereby given of an addition to the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, which was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18829-30).

The Allergy and Immunology Subcommittee of the National Advisory Allergy and Infectious Diseases Council will meet on June 18, 1975, at 8:00 p.m., Conference Room 7A24, Building 31, National Institutes of Health, Bethesda, Maryland, for the review, discussion, and evaluation of individual initial pending, supplemental and renewal grant applications, and applications for National Research Service and Institutional Research Service Awards. This meeting is necessary because more time is required to review the volume of applications assigned to this subcommittee than has already been provided for during the closed portion of the Council meeting on June 19, 1975.

The meeting will be closed to the public.

Dated: May 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-13799 Filed 5-27-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition No. HS-75-11]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Petition for Exemption From Hours of Service Act

The St. Johnsbury & Lamoille Railroad has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. 61, 62, 63, and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-75-11, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before June 13, 1975, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C., on May 19, 1975.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.75-13754 Filed 5-27-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27764]

FGH FINANCIAL CORP. AND McCULLOCH INTERNATIONAL AIRLINES, INC.

Stock Acquisition; Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on June 18, 1975, at 9:30 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., May 21, 1975.

[SEAL] BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.75-13841 Filed 5-27-75;8:45 am]

[Docket No. 26977]

NEW YORK-RIO-JOHANNESBURG CASE

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on June 4, 1975, at 2 p.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., May 21, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.13840 Filed 5-27-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

VOLUNTARY STANDARDS FOR FLAME-FIRED APPLIANCE

Meeting

Calspan Corporation, under contract to the Consumer Product Safety Commission, Bureau of Engineering Sciences, will conduct a conference to discuss the results of its review, under that contract, of existing voluntary standards for flame-fired furnaces, water heaters, ranges and clothes dryers. The conference will be held June 5, 1975 at Calspan Corporation, Buffalo, New York.

Topics to be presented include identified equipment hazards, safety criteria deficiencies and potential remedial action

The meeting is open, but attendance will be limited because of facility limitations. Persons desiring to attend should contact Mr. Al Bullerdiek, Calspan Corporation, (716) 632-7500. An agenda is available from Mr. Bullerdiek. Questions may also be directed to James P. Talentino, Bureau of Engineering Sciences, Consumer Product Safety Commission, (301) 496-7588.

Dated: May 22, 1975.

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

[FR Doc 75-13813 Filed 5-27-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 375-8]

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Waiver of Federal Preemption

I. *Introduction.* On April 10, 1975, the Environmental Protection Agency, by notice published in the FEDERAL REGISTER (40 FR 16234), announced a public hearing pursuant to section 209(b) of the Clean Air Act (the "Act") as amended (42 U.S.C. 1857f-6a(a), 81 Stat. 501, Pub. L. 91-604), to consider a request by the State of California that the Administrator waive application of the prohibitions of section 209(a) of the Act to the State of California with respect to State emission standards applicable to 1977 model year light duty motor vehicles. Section 209(b) of the Act requires the Administrator to grant such waiver, after public hearing, unless he finds that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed to be consistent with section 202(a) if adequate technology exists with which to meet them, and if adequate lead time is available in which to implement that technology.

The public hearing was held in Los Angeles, California, on April 29, 1975. The record was kept open until May 2, 1975, for the submission of written material, data or arguments by interested persons. I have determined that the statutory criteria of section 209(b) of the Act have been met, and therefore that I am compelled to grant the requested waiver of Federal preemption. The record of the hearing and the other evidence available to me clearly reveal that compelling and extraordinary conditions exist in the State of California, and that adequate technology and lead time are available to meet the 1977 model year California standards.

In addition to the action taken with respect to light duty vehicles, I am announcing today the disposition of several other questions regarding waiver of Federal preemption for the State of California concerning the 1976 assembly-line

test procedures and the 1977 model year light duty truck and heavy duty engine standards. These questions were not at issue in the April 29 hearing. The action taken in each case is described fully in Part IV of this decision.

II *Background.* I believe that it is appropriate at this time to trace the more recent past events connected with the California waiver question, in order to give a better understanding of the circumstances surrounding the waiver request being granted today.

Under the Clean Air Amendments of 1970, the Administrator was required to set standards for the 1975 model year for hydrocarbons (HC) and carbon monoxide (CO) to achieve a 90 percent reduction of those pollutants from the emission levels allowed under regulations then applicable to the 1970 model year, and also to set a standard for the 1976 model year for oxides of nitrogen (NOx) to achieve a similar reduction, as measured against 1971 model year vehicles. As a result, standards of .41 gram/mile HC, 3.4 grams/mile CO and .4 gram/mile NOx were promulgated as the ultimate statutory standards for those pollutants.

The 1970 amendments also provided that motor vehicle manufacturers could apply for a one-year suspension of these standards. Application was made in March of 1972 to suspend the HC and CO standards. After an initial denial and a court appeal resulting in a remand (see "International Harvester Co. v. Ruckelshaus," 478 F.2d 615 (D.C. Cir. 1973)), a suspension was granted for the 1975 model year on April 11, 1973, (see 38 FR 10317), and interim standards of 1.5 gm/mi HC and 15 gm/mi CO were established. On July 30, 1973, the 1976 model year statutory NOx standard of .4 gm/mi was suspended for one year and an interim standard of 2.0 gm/mi was established.

In the April 11 suspension decision, the Administrator also took action which resulted in emission standards applicable in California of .9 gm/mi HC, 9.0 gm/mi CO and 2.0 gm/mi NOx for the 1975 model year.

In June of 1974, the Act was amended to provide that (1) the 1975 Federal and California interim standards shall also be applicable to the 1976 model year, (2) the original statutory standards for HC and CO of .41 and 3.4 gm/mi respectively shall be applicable to the 1977 and subsequent model years, (3) an interim NOx standard of 2.0 gm/mi shall be applicable to the 1977 model year, (4) the original statutory NOx standard of .4 gm/mi shall be applicable to the 1978 and subsequent model years, and (5) any motor vehicle manufacturer may, at any time after January 1, 1975, apply for a one-year suspension of the imposition of the statutory HC and CO standards to the 1977 model year.

On January 2, 1975, application was made to EPA by three motor vehicle manufacturers for a one-year suspension of the 1977 HC and CO standards. On March 5, 1975, I granted the suspension and simultaneously established interim standards of 1.5 gm/mi HC and 15 gm/mi CO. On March 17, 1975, California adopted 1977 standards of .41 gm/mi HC, 9.0 gm/mi CO and 1.5 gm/mi NOx, and on March 26, 1975, they requested a waiver of Federal preemption for these standards and for the accompanying test and enforcement procedures, including the assembly-line test procedures. It is that waiver request which is the subject of this decision.

III *Discussion—Legal Criteria.* Section 209 of the Clean Air Act was added to that statute by the Air Quality Act of 1967, Pub. L. 90-148, 81 Stat. 501, and has been preserved in the statute essentially unamended since then. It prohibits any state from establishing or enforcing emission standards for new motor vehicles unless it had adopted such standards prior to March 30, 1966. Only California meets this test. California, however, may establish and enforce such standards unless the Administrator of EPA, after notice and opportunity for hearing, finds either that California has not adopted more stringent standards "to meet compelling and extraordinary conditions" or that the "standards and accompanying enforcement procedures are not consistent with section 202(a)" of the Act.

These provisions must be read in the light of their unusually detailed and explicit legislative history. Three major points emerge from such a reading.

1. At the time the California waiver provision was adopted, Congress believed that "compelling and extraordinary conditions" existed in California. S. Rep. No. 403, 90th Cong., 1st Ses. 33 (1967) ("Senator Murphy convinced the committee that California's unique problems * * * justified a waiver"). 113 Cong. Rec. H 14404 (daily ed. Nov. 2, 1967) (Cong Herlong) ("These are conditions specially tailored for California which California clearly meets").

2. Congress meant to ensure by the language it adopted that the Federal government would not second-guess the wisdom of state policy here. This appears most dramatically from the debates on the floor of the House over two alternative versions of the statutory language. One, sponsored by the relevant legislative committee, would have required the Federal government, upon application, to set special California standards if the two conditions set forth above were met; the second, which was sponsored by the entire California delegation, see 113 Cong. Rec. H 14428 (Cong. Moss) (daily ed. Nov. 2, 1967), and eventually adopted on the floor, would have required a waiver to be granted if the same two conditions were met.

Despite the understandable efforts of some sponsors of the committee language to portray the differences between the two versions as purely verbal, 113 Cong. Rec. H 14404 (Cong. Herlong); H 14432 (Cong. Rogers) (daily ed. Nov. 2, 1967), the majority of the House clearly disagreed. Sponsors of the language eventually adopted referred repeatedly to their intent to make sure that no "Federal bureaucrat" would be able to tell the people of California what auto emission standards were good for them, as long as they were stricter than Federal standards. 113 Cong. Rec. H 14393 (Cong. Sisk); H 14395 (Cong. Smith); H 14396 (Cong. Holifield); H 14399 (Cong. Hosmer); H 14408 (Cong. Roybal); H 14409 (Cong. Reinicke); H 14429 (Cong. Wilson) (daily ed. Nov. 2, 1967). They also viewed the change as necessary to their intent to preserve the California state auto emission control program in its original form, see H.R. Rep. No. 728, 90th Cong. 1st Sess. 96-97 (1967) (separate views of Congressmen Moss and Van Deerlin), 113 Cong. Rec. H 14415 (daily ed. Nov. 2, 1967) (Cong. Van Deerlin) and to continuing the national benefits that might flow from allowing California to continue to act as a pioneer in this field. 113 Cong. Rec. H 14407 (Cong. Moss) (daily ed. Nov. 2, 1967); S 16395 (daily ed. Nov. 14, 1967) (Senator Murphy).

These points had also previously been made by the Senate Public Works Committee in reporting out waiver language identical to that eventually adopted by the House. S. Rep. No. 403, 90th Cong. 1st Sess. 32-33 (1967).

3. Even in the two areas concededly reserved for Federal judgment by this legislation—the existence of "compelling and extraordinary" conditions and whether the standards are technologically feasible—Congress intended that the standard of EPA review of the state decision be a narrow one. This is implicit, of course, in the many statements in favor of state autonomy referred to above. More directly, Congressman Moss, the main sponsor of the language which the House adopted, asserted that under his language the burden of proof in denying a waiver would be on the Federal government, see H.R. Rep. No. 728, 90th Cong. 1st Sess. 96 (1967) (Separate views of Congressman Moss and Van Deerlin). See also 113 Cong. Rec. H 14398 (Cong. Hanna) (daily ed. Nov. 2, 1967) (Senate language says "You may go beyond the Federal statutes unless we find that there is no justification for your progress").[1]

One Congressman indicated that a decision to deny waiver should be subject to considerably less deference on judicial review than the Administrative Procedure Act normally provides, a view which would necessarily imply that the agency discretion to deny waiver is considerably narrower than is its discretion to act or not act in other contexts. 113 Cong. Rec. H 14405 (Cong. Holifield) (daily ed. Nov. 2, 1967).

EPA's approach to California waiver decisions in the past has been shaped by this Congressional intent. Thus, in grant-

[1] The legislative history does contain one statement that under the language adopted, the burden of proof would be on California. 113 Cong. Rec. H 14432 (daily ed. Nov. 2, 1967) (Cong. Harvey). However, since the statement was made by an opponent of that language and was designed to win votes by portraying the change it would make from the committee version as negligible, it is entitled to little weight under the normal rules of statutory construction.

ing a waiver to California in August of 1971 to establish an assembly-line test program, Mr. Ruckelshaus said:

> The law makes it clear that the waiver request cannot be denied unless the specific findings designated in the statute can properly be made. The issue of whether a proposed California requirement is likely to result in only marginal improvement in air quality not commensurate with its cost or is otherwise an arguable unwise exercise of regulatory power is not legally pertinent to my decision under section 209, so long as the California requirement is consistent with section 202(a) and is more stringent than applicable Federal requirements in the sense that it may result in some further reduction in air pollution on California. 36 FR 17458 (August 31, 1971)

Accordingly, I do not view the arguments of increased cost[*] or fuel economy penalties, or only marginal improvements in air quality, advanced by some as arguments against the waiver, as controlling in my decision here. For similar reasons, I do not view the question whether the proposed California standards may result in an increase in emissions of sulfuric acid mist as controlling given the current state of our knowledge. The structure and history of the California waiver provision clearly indicate both a Congressional intent and an EPA practice of leaving the decision on ambiguous and controversial matters of public policy to California's judgment. As I indicated in my suspension decision, any assessment of the magnitude of the automobile sulfate risk and measures to deal with it clearly falls under that heading.

The core issue, then, is whether automobile companies—by whatever technology—will be able to satisfy the formal requirements of the regulations which California seeks to place upon them in the 1977 model year. Our discussion of that point is contained in the next section.

It is worth noting here, however, that even on this issue I would feel constrained to approve a California approach to the problem which I might also feel unable to adopt at the Federal level in my own capacity as a regulator. The whole approach of the Clean Air Act is to force the development of new types of emission control technology where that is needed by compelling the industry to "catch up" to some degree with newly promulgated standards. Such an approach to automotive emission control may be attended with costs, in the shape of a reduced product offering, or price or fuel economy penalties, and by risks that a wider number of vehicle classes may not be able to complete their development work in time. Since a balancing of these risks and costs against the potential benefits from reduced emissions is a central policy decision for any regulatory agency, under the statutory scheme outlined above I believe I am required to give very substantial deference to California's judgment on this score.

Findings. Having given due consideration to the record of the public hearing, all material submitted for that record, and other relevant information, I hereby make the following findings of fact.

1. The State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles and new motor vehicle engines.

2. The California State emission standards applicable to 1977 model year light duty vehicles, when considered as a total regulatory program, including related assembly-line testing and enforcement procedures, are more stringent than the applicable Federal standards.

3. Compelling and extraordinary conditions continue to exist in the State of California. The testimony of the representatives of the Air Resources Board revealed that the State oxidant pollution problem, and particularly that of the South Coast Air Basin, continues to be the worst in the nation. The data presented demonstrates that the National Ambient Air Quality Standard for photochemical oxidant has been violated in the South Coast region at a substantially greater frequency and at significantly higher levels of concentration than in other major metropolitan areas of the country. Furthermore, the latest data reveal that, following an improvement between the years of 1967 and 1972, the trend reversed and the oxidant concentrations in the South Coast area have actually worsened during 1973 and 1974. The evidence thus graphically demonstrates that California is struggling with an air pollution problem of unique proportions, and that it is one which is not necessarily improving.

4. The California standards are consistent with section 202(a) of the Act, in that technology exists with which to meet them and adequate lead time is available in which to implement that technology. The testimony at the hearing on this issue varied somewhat from witness to witness.

General Motors stated that the standards as proposed could be met and that they were prepared to introduce and market a representative product line conforming with those standards in the California market in 1977. Ford, though somewhat less optimistic, said in its testimony that they opposed granting the waiver

> not because the standards cannot be met on some cars. Particularly with a catalyst change, Ford believes that low standards at these levels are achievable

but at a penalty in first cost and fuel economy which they asserted was not justified. Some other manufacturers, such as Chrysler and American Motors, were in varying degrees more pessimistic about their ability to achieve these standards. All manufacturers asserted that compliance with the California standards could be accomplished only by paying penalties in the form of increased costs, restricted model lines, poorer fuel economy, and reduced driveability. However, no manufacturer stated that it would be forced out of the California market by the new standards.

On the other side, the California Air Resources Board presented a list of 29 engine families from the 1975 model year which, though not aimed at meeting standards as low as the ones for which waiver was sought, nevertheless did meet or almost meet them. Though most of these cars were imports (which account for some 30 percent of the market in California), Chrysler, Ford and GM were also represented. The Air Resources Board also presented a statement by one of its members, Dr. Robert Sawyer, Professor of Mechanical Engineering at Berkeley and a leading contributor to the latest report of the National Academy of Sciences on motor vehicle emissions, stating his conclusion that the standards could be met.

I have already determined in the March 5 suspension decision that emission standards of .41 gm/mi HC and 2.0 gm/mi NOx could be met nationwide in 1977. Since the legal test for California waiver is easier to satisfy, I believe I am at a minimum compelled to grant a waiver at these levels as a matter of law.

The question then centers around the California 1.5 gm/mi NOx requirement. The record reveals that no manufacturer disputed the fact that 1.5 gm/mi NOx could be met. The problem was meeting it together with the other standards. General Motors testified that both the .41 gm/mi HC and the 1.5 gm/mi NOx standards could be met through system optimization (i.e., achieving the proper balance between exhaust gas recirculation (EGR), spark advance and fuel/air ratio). Some manufacturers indicated, with lesser degrees of certainty, that they would employ similar system changes involving reoptimized EGR, spark control and air/fuel ratio to certify their vehicles to these standards. Other manufacturers indicated that systems utilizing start catalysts or three-way catalysts are under consideration. Ford did express concern that there may not be sufficient time remaining to perform the required recalibrations and still certify in time for the normal introduction date. However, they did not say that such recalibrations were not technically feasible.

On this record, and against the background of our suspension hearings, I cannot conclude that the California standards cannot be met. I am strengthened in this conclusion by two subsidiary factors.

(i) "Basic demand" can be met more easily in California, because California

[*] The issue was raised whether EPA is required to file an Inflation Impact Statement, pursuant to Executive Order 11821 and OMB Circular No. A-107, in conjunction with this decision. We have determined that none is required, for the waiver granted herein falls under the category of "Approval of State Actions," one of four categories of action which do not require IIS's under the Interim Procedures for Inflation Impact Statements issued internally within EPA on February 24, 1975, implementing section 6(b) (Interim Provision) of OMB Circular No. A-107. Approval of these exempt categories has been given by OMB and they are included in the final draft Guidelines now pending before OMB.

sales comprise but 10 percent of the national total and thus there exists greater potential for "model switching." That is, there is a high probability that at least one model of one manufacturer's product line for each class of vehicle will be certified at the California standards. Since California's share of the national market is limited, manufacturers of certified vehicles will in all probability have enough production capacity available to satisfy California consumer demand for that class. Manufacturers of corresponding models which could not meet the California standards would then sell a higher percentage of their vehicles in the other 49 states because of the increased demand caused by the cars switched to California. (I am not deciding here that the "basic demand" test, as set out in the "International Harvester" decision, is applicable in the case of California waiver. However, I do believe that if the test were to be applied, it would not be applicable to its fullest stringency due to the degree of discretion given to California in policy areas, as discussed in the "Legal Criteria" section above.)

(ii) The lead time restrictions are not necessarily as severe as the manufacturers stated, for under California law, manufacturers may delay the introduction of 1977 model year vehicles until January 1, 1977. This could provide up to an additional four months of lead time, depending on presently planned introduction dates, in which to complete the certification procedures.

5. The hearing record allows several other findings which, while not controlling in this decision, do show some of its probable effects and therefore are included for informational purposes.

(i) According to the manufacturers' testimony, 1977 California cars can be expected to have increased initial and catalyst replacement costs over the 1975 California cars of from $65 to $275, depending on manufacturer and model.

(ii) The manufacturers also claimed that 1977 California cars can also be expected to achieve from 8 percent to 24 percent poorer fuel economy than the comparable 1975 versions.

(iii) Most, if not all manufacturers indicated that they will market a more restricted model line in California in 1977 than they presently can provide for the 1975 model year.

(iv) Most manufacturers believe that the system changes necessary to meet the 1977 California standards will result in poorer driveability.

(v) Representatives of the California automobile dealers believed that their business would suffer substantially as a result of a waiver. They felt that, because of increased cost, restricted product offering, and reduced performance and fuel economy, potential customers will be inclined to either purchase their 1977 vehicles in other states, or forego a purchase entirely and retain their older models.

IV *Decision.* Based upon the above stated findings, I hereby waive the application of section 209(a) to the State of California with respect to the following identified State standards and test procedures, insofar as they apply to the 1977 and subsequent model years.

1. Section 1955.1, Title 13, California Administrative Code, as amended March 17, 1975, entitled "Exhaust Emission Standards and Test Procedures—1975 and Subsequent Model-Year Passenger Cars"; and

2. Section 2054, Title 13, California Administrative Code, as amended December 11, 1974, entitled "Assembly-Line or Pre-Delivery Test Procedures—1976 and Subsequent Model-Year Gasoline-Powered Passenger Cars and Light Duty Trucks".

In addition, I have made the following determinations with respect to other issues involving a California waiver question:

1. The waiver previously granted for 1976 model year light duty trucks (38 FR 30136, November 1, 1973) is deemed to extend to 1977 and subsequent model years inasmuch as the California 1976 and 1977 standards are identical;

2. The waiver previously granted for the California assembly-line test procedures, as they apply to the 1975 model year (38 FR 10317, April 26, 1973) is deemed to extend to the 1976 model year, inasmuch as the 1975 and 1976 California standards are identical;

3. The waiver previously granted for the original 1975 California heavy duty engine standards (36 FR 8172, April 30, 1971) is deemed to extend to the 1977 model year, inasmuch as the 1975 and 1977 standards are identical; and

4. The waiver referred to in 3. is deemed to extend to the alternative set of heavy duty engine standards of 1.0 HC, 25 CO and 7.5 NO_x, all in grams per brake horsepower-hour, for which waiver was requested on April 25, 1975, inasmuch as we find those standards to be more stringent than the comparable Federal standards.

Copies of the above standards and procedures are available for inspection at the Freedom of Information Center, Room 207, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Copies of the standards and procedures may also be obtained from the California Air Resources Board, 1025 P Street, Sacramento, California 95814.

Dated: May 20, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-13752 Filed 5-27-75;8:45 am]

[FRL 379-4]

EDWARDS AQUIFER, SAN ANTONIO, TEXAS

Public Hearing

On Thursday, March 6, 1975 there was published in the FEDERAL REGISTER (40 FR 10514) a notice that a petition had been received pursuant to section 1424 (e) of the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523. The petition requested the Administrator of the Environmental Protection Agency to determine that the Edwards Aquifer is the sole or principal source of drinking water for the San Antonio, Texas area which, if contaminated, would create a significant hazard to public health. Public comments, data, and references to relevant sources of information were requested to be submitted not later than May 5, 1975. The Agency indicated that it would consider holding a public hearing if there were significant public interest in such a hearing.

Since the publication of that notice, requests for a public hearing have been received, including a request from the Attorney General of the State of Texas. The Agency believes that there is significant public interest, and accordingly will hold a public hearing to consider whether or not the Administrator should make the requested determination. The hearing will be held at the following time, date and location:

June 4, 1975, 9:30 a.m., C.d.t.	Mission Room San Antonio Convention Center Hemisfair Grounds San Antonio, Texas

Persons who wish to make statements at this hearing are urged to submit three written copies of their remarks at the time they are presented for inclusion in the record.

In order to ensure that all interested persons, including those who wish to appear at the hearing, have a full opportunity to present views and information, and to ensure as complete a record as possible, the Agency hereby extends the final date for the submission of written comments until June 18, 1975.

Dated: May 23, 1975.

CHARLES L. ELKINS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-13933 Filed 5-27-75;8:45 am]

[FRL 374-7]

IDENTIFICATION OF PRODUCTS AS MAJOR SOURCES OF NOISE

Report

The Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234) established, by statutory mandate, a national policy "to promote an environment for all Americans free from noise that jeopardizes their health and welfare." The Act provides for a division of powers between the Federal and state and local governments in which the primary Federal responsibility is for noise source emission control. The states and other political subdivisions retain rights and authorities to establish and enforce controls on environmental noise through licensing, regulation, or restriction of the use, operation, or movement of noise sources and on the levels of noise permitted in their environments. As specified in the Noise Control Act of 1972, the first step toward promulgation of noise standards for new products is identification of those

products that are major sources of noise. Section 5(b) of the Act provides as follows:

"The Administrator shall, after consultation with appropriate Federal agencies, compile and publish a report or series of reports (1) identifying products (or classes of products) which in his judgment are major sources of noise, and (2) giving information on techniques for control of noise from such products, including available data on the technology, costs, and alternate methods of noise control. The first such report shall be published not later than eighteen months after the date of enactment of this Act."

Section 6(a)(1)(C) sets out four categories of products that must be considered by the Administrator for noise regulation.

1. Construction equipment.
2. Transportation equipment (including recreational vehicles and related equipment).
3. Any motor or engine (including any equipment of which an engine or a motor is an integral part).
4. Electrical or electronic equipment.

On June 21, 1974 (39 FR 22297), the Administrator published the first report under section 5(b) identifying two products as major sources of noise: Medium and heavy duty trucks and portable air compressors. Proposed regulations have been published that would provide for the control of noise produced by these products. That report also listed a number of other candidates for possible future identification.

Approach used to assess environmental impact. To accomplish the broad intent of the Noise Control Act of 1972, the EPA has developed an overall framework for assessing the environmental impact of all the sources of environmental noise. The first step of this development was the Title IV report ("Report to the President and Congress on Noise," Doc. No. 92-63, 92nd Congress 2nd Session, February 1972), which provided an initial data base on noise reduction technology appropriate to various product types, environmental noise levels, and criteria related to public health and welfare. The second step was the publication of the "Criteria Document" ("Public Health and Welfare Criteria for Noise," EPA, July 27, 1973) as required by section 5(a)(1) of the Noise Control Act of 1972. The third step was the publication of the "Levels Document" ("Information on Levels of Environemntal Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety," EPA, March 1974) as required by section 5(a)(2).

The levels identified in the "Levels Document" are baseline target goals based on the risks to public health and welfare from noise pollution without regard for cost or technical feasibility. To identify the levels, EPA selected two cumulative energy measures for quantifying noise exposures that can be related to human response.

1. Leq, the A-weighted equivalent sound level (the source level in dBA conveying the same sound energy as the actual time-varying sound during a given period) was selected as a descriptor of noise relative to long-term hazard to hearing.

2. Ldn, the day-night sound level (the 24 hour Leq with a 10 dBA penalty applied to the period from 10 p.m. to 7 a.m.) was selected as a descriptor of noise relative to interference with human activities, e.g., speech communication, sleep, and other factors that may lead to annoyance.

An abbreviated summary of the identified levels is given in Table 1.

TABLE 1.—*Noise levels protective of health and welfare*

Human response	Leq	Ldn
Hearing loss (8 hr)	75	.....
Hearing loss (24 hr)	70	.....
Outdoor interference and annoyance	.....	55
Indoor interference and annoyance	.....	45

Analytic procedures. The impact of an environmental noise has two basic dimensions: extensity and intensity. Extensity of impact is measured in terms of the numbers of people impacted regardless of the severity of the impact. Intensity, or severity, of an individual's impact is measured in terms of the level of the environmental noise.

For analytic purposes, it is desirable to have a single number representing the magnitude of the total noise impact in terms of both extensity and intensity in a specific environmental situation. With a single noise impact scale, changes in impact can be evaluated in terms of simple percentage changes from the initial value. This need led to the use by EPA of the Equivalent Noise Impact Analysis Method. An example showing the nature and use of the method is EPA's "Project Report, Noise Standards for Civil Subsonic Turbojet Engine-Powered Airplanes (Retrofit and Fleet Noise Level)", 16 December 1974, obtainable from the Environmental Protection Agency, Office of Noise Abatement and Control, 1921 Jefferson Davis Highway, Arlington, Va. 20460. In this method, the intensity of an environmental noise impact at a specific location is characterized by the Fractional Impact (FI).

The fractional impact of a noise environment on an individual as used by EPA is proportional to the amount (in decibels) that the noise level exceeds the appropriate level identified in the "Levels Document" as shown in Table 1. The fractional impact is zero when the noise level is at or below the identified level. The fractional impact rises to 1.0 at 20 decibels above the identified level and can exceed unity in situations in which the noise level exceeds 20 decibels above the identified level. The range from zero to 20 decibels above the criterion level represents the range between those noise levels that are totally acceptable and those noise levels that are totally unacceptable to the individual in terms of annoyance response and speech interference. The total Equivalent Noise Impact (ENI) is then determined by summing the individual fractional impacts for all people affected by the environment. In this counting, then, two people exposed to 10 decibels above the identified level (fractional impact = 0.5) would be equivalent to one person exposed to 20 decibels above the identified level (fractional impact = 1.0). The ENI can thus be considered as the equivalent number of people 100 percent impacted by the noise environment.

To determine which sources ought to be identified for regulation, EPA considers their fractionally weighted noise impact. This measure includes both the intensity (loudness) and extensity (population affected) of noise source impact. Nevertheless, it cannot completely supplant the Administrator's judgment as to an appropriate sequence of noise source regulation. In addition, other factors such as necessary lead time for development of a regulation, voluntary industry noise standards, interrelationship of regulations, and relative availability of data can affect the sequence of identification.

Candidates for major noise sources. The noise impact method has been applied in analyses using available noise data on products and classes of products distributed in commerce, population exposure data in various locations, and "Levels Document" criteria to develop a list of product types for possible consideration for regulatory action. This list is reflected in Table 2. In applying judgment, as prescribed in section 5(b) of the Act, as to which of these product types warrant identification as major sources of noise, those candidates having cumulative noise levels in normal use contributing to environmental noise levels in excess of "Levels Document" criteria are considered major noise source candidates. Using the fractional noise impact technique and available data, further consideration is given to those candidates contributing the greatest impact. Both the contribution to outdoor environmental noise and the impact on passengers and operators are included in the analysis.

TABLE 2—POSSIBLE CANDIDATES FOR NOISE SOURCES

SURFACE TRANSPORTATION

Automobiles (including sports cars, compacts, and standard passenger cars)
Buses
Medium and Heavy Duty Trucks (already identified)
Light Trucks
Motorcycles
Railroad locomotives
Rapid Transit-rail
Special auxiliary equipment on trucks
Tires

AIR TRANSPORTATION (NOT CANDIDATES FOR SECTION 6 REGULATION

Business jet aircraft
Commercial subsonic jet aircraft
Commercial supersonic jet aircraft
Helicopters
Propeller driven small airplanes
Short haul aircraft.

CONSTRUCTION/INDUSTRIAL EQUIPMENT

Air compressors (already identified)
Backhoes
Chain saws
Concrete vibrators
Cranes, derrick
Cranes, mobile
Dozers (track and wheel)

Engine driven industrial equipment
Generators
Graders
Loaders (track and wheel)
Mixers
Pavement breakers
Pavers
Pile drivers
Pneumatic and hydraulic tools
Power saws
Pumps
Rock drills
Rollers
Scrapers
Shovels

RECREATIONAL VEHICLES

Snowmobiles
Motorboats
Offroad motorcycles (including minicycles)
Other off highway vehicles

LAWN CARE

Edgers
Garden tractors
Hedge clippers
Home tractors
Lawn mowers
Snow and leaf blowers
Tillers
Trimmers

HOUSEHOLD APPLIANCES

Air conditioners
Clothes dryers
Clothes washers
Dehumidifiers
Dishwashers
Electric can openers
Electric heaters
Electric knives
Electric knife sharpeners
Electric shavers
Electric toothbrushes
Exhaust fans
Floor fans
Food blenders
Food disposals (grinders)
Food mixers
Freezers
Hair clippers
Hair dryers
Home shop tools
Humidifiers
Refrigerators
Sewing machines
Slide/movie projectors
Vacuum cleaners
Window fans

Identification of major noise sources. EPA hereby identifies the following products as major sources of noise in accordance with section 5(b) of the Noise Control Act of 1972: motorcycles, buses, wheel and track loaders and wheel and track dozers (earth moving equipment), truck transport refrigeration units, and truck-mounted solid waste compactors (special auxiliary equipment on trucks). Additional information, as prescribed in section 5(b)(2) of the Act, will be published in advance of rulemaking. For the products identified, this will include information on techniques for control of noise, available data on technology, costs, and alternate methods of noise control.

Motorcycles, buses, wheel and track loaders and wheel and track dozers contribute significant impacts to outdoor environmental noise and on passengers/operators. Identification of special purpose truck equipment, such as transport refrigeration units and solid waste compactor units, provides for noise control standards consistent with standards already proposed for new medium and heavy duty trucks. It is recognized that the noise impact from such special purpose equipment alone is of a lower order of magnitude. However, in view of the actions already taken to control noise emissions from medium and heavy duty trucks, control of these sources is required to avoid reducing the effectiveness of those regulations.

In the development of regulations for those products identified as major sources of noise, possible labeling requirements will be examined as well as noise control standards.

EPA will be selecting other products for future identification from among the large number of possible candidates listed in Table 2. The order in which they are identified will depend upon the various considerations discussed above, of which fractional noise impact is the major, but not exclusive, consideration. Automobiles and snowmobiles are currently under study. The size and complexity of the automotive industry and the extensive effort necessary to adequately evaluate cost and available technology make immediate regulation of automobile noise impossible. The EPA judgment to temporarily defer identification of snowmobiles takes into account consideration of voluntary standards being developed by the snowmobile industry. Major progress has been made in that regard, and continuing action is underway. EPA is in the process of evaluating this voluntary industry effort. In so doing, EPA is taking into account the fact that much of the noise impact associated with snowmobiles affects operators and passengers in recreational and other voluntary activities. EPA also is developing information on the need for labeling of snowmobiles under section 8 of the Act, working in conjunction with the Consumer Product Safety Commission.

EPA also intends to study during Fiscal Year 1976 light trucks, motorboats, chain saws, tires, pneumatic and hydraulic tools, pile drivers, lawn care equipment, and other special auxiliary equipment on trucks for possible future identification.

This report is issued under the authority of the Noise Control Act of 1972, section 5(b)(1), 86 Stat. 1236 (42 U.S.C. 4904(b)(1)).

Dated: May 20, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-13753 Filed 5-27-75;8:45 am]

[FRL 379-8]

MUNICIPAL WASTE TREATMENT GRANTS

Public Hearings on Potential Legislative Amendments to the Federal Water Pollution Control Act

Notice was published in the FEDERAL REGISTER on May 2, 1975, (40 FR 19236), of a series of four public hearings to discuss possible Administration proposals to amend the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et seq.

The notice indicated that five papers would be prepared for public review prior to the public meetings. These papers are presented here with the intent that they assist in focussing discussion at the meetings. The papers do not encompass all the points that might be made on these candidate proposals and are not meant to confine the discussion.

Several background points should be considered when reviewing each of the five papers.

Papers 1, 2, 3. These papers discuss possible modifications to the present provisions of Title II of the Act which authorizes the construction grants program. They were developed after the 1974 Survey of State Needs indicated that approximately $350 billion in municipal facility construction is needed to meet the requirements of the Act. The magnitude of this indicated need appears to be beyond the funding capability of the Federal budget, and proposals have been made to selectively reduce the need for Federal funds, without negating the major water quality objectives of the Act. These papers, in a summary fashion, present these proposals. These proposals have been previously discussed, in a preliminary way, with selected groups with whom the Agency frequently meets to discuss the implementation of the Act.

A groundrule observed in preparing these discussion papers has been that none of the proposals would retroactively apply to the $18 billion presently authorized and allotted.

Paper 4. This paper discusses a proposed extension of the July 1977 date for compliance by municipal dischargers with the secondary treatment requirement established by section 301(b)(1)(B) of the Act. This proposal has been suggested previously and discussed with representatives of State agencies and several public groups.

Paper 5. This paper discusses a proposed amendment to the Act to authorize an increased delegation of responsibility to the States for managing the construction grants program. Amendments to achieve this objective have been introduced in the House of Representatives as H.R. 2175 and H.R. 6991 which are identical bills. EPA has generally endorsed these Amendments.

Dated: May 22, 1975.

EDWIN L. JOHNSON,
Acting Assistant Administrator for Water and Hazardous Materials.

PAPER NO. 1—REDUCTION OF THE FEDERAL SHARE

Statement of Issue. This paper deals with the issue of whether Pub. L. 92-500 should be amended to reduce the Federal share for construction grants from the current level of 75 percent to a level as low as 55 percent.

The objectives of such an amendment would be twofold. The first is to permit the limited funding available to go further in assisting needed projects. The second objective is to encourage greater accountability for cost effective design and project management on the part of

the grantee by virtue of his greater investment in the project.

BACKGROUND

Statutory Reference. Section 202(a) of Pub. L. 92–500 sets the current Federal grant share at 75 percent. Under legislation in effect from 1966 to 1972, the Federal grant share ranged from 30 to 55 percent. From 1956 to 1966, the Federal share was 30 percent, with restrictions that effectively reduced the grant share for large projects to less than 30 percent.

1974 Needs Survey. The recently completed 1974 Needs Survey reports total needs of $342 billion for facilities eligible for construction grants under Pub. L. 92–500. At a 75 percent Federal share, these needs, if satisfied, would require almost $260 billion in Federal funding. The most critical categories reported in the Survey—secondary treatment, advanced treatment, and interceptor sewers—need over $46 billion, which would require Federal funding of nearly $35 billion. The question is raised as to whether these needs—the total amount or even the amount for the critical categories—can be accommodated in the Federal budget in time to meet the 1977 and 1983 municipal pollution control requirements of Pub. L. 92–500.

Incentives. It has been traditionally held that a community's incentives for building treatment plants are relatively low because the primary beneficiary is not the community itself but, instead, downstream communities. More recently, the environmental ethic and the enforceable effluent standards issued under Pub. L. 92–500 appear to have significantly strengthened these incentives. A community has traditionally had more incentive to build collection and interceptor sewers, since the beneficiaries reside within the community. In considering these factors, a reduction of the Federal grant share would reduce incentives to construct needed facilities. However, there is no way of quantifying this effect, especially because of the short history of municipal effluent standards.

Increased Local Share. Reduction of the Federal share will require an increase in local or State funding. With recent changes in the economy, including both inflation and recession, it is not possible to predict the effect of a reduced Federal share on local financing capabilities.

ISSUES TO BE DISCUSSED

The following questions will be discussed in the public hearings:

1. Would a reduced Federal share inhibit or delay the construction if needed facilities?
2. Would the States have the interest and capacity to assume, through State grant or loan programs a larger portion of the financial burden of the program?
3. Would communities have difficulty in raising additional funds in capital markets for a larger portion of the program?
4. Would the reduced Federal share lead to greater accountability on the part of the grantee for cost effective design, project management, and postconstruction operation and maintenance?
5. What impact would a reduced Federal share have on water quality and on meeting the goals of Pub. L. 92–500?

PAPER NO. 2—LIMITING FEDERAL FUNDING OF RESERVE CAPACITY TO SERVE PROJECTED GROWTH

Statement of issue. This paper deals with the issue of whether Pub. L. 92–500 should be amended to limit the amount of reserve capacity of facilities that would be eligible for construction grant assistance. Reserve capacity is defined as that portion of the capacity of sewers, treatment plants, and other facilities designed to serve future population, industrial, and commercial growth. Under a proposed amendment, eligible reserve capacity could range from zero to some specified finite value such as that needed to serve 10 or 20 years of estimated growth. A zero limit would prohibit Federal funding of reserve capacity to serve growth occurring after construction of the facilities is completed. A 10- and 20-year limit would permit Federal funding of reserve capacity to serve 10 years of growth for treatment plants and 20 years for sewers.

The limiting of eligibility for reserve capacity is not intended to preclude the cost-effective sizing and design of the facilities. The grantee would be permitted and, in fact, encouraged to provide cost effective reserve capacity, but he would be required to fund 100 percent of this capacity.

The objectives to be achieved by limiting eligibility for reserve capacity are twofold. The first objective is to permit limited Federal authorizations for the construction grant program to go further in funding the backlog of projects. The estimates in the recently completed 1974 Needs Survey appear to exceed any reasonable capacity for funding within the Federal budgets for the next several years. The second objective is to induce more careful sizing and design of capacity to serve future growth; this will alleviate tendencies to provide excessive growth-related reserve capacity and reduce the secondary environmental impacts of growth that could result from such capacity.

BACKGROUND

Statutory References. Section 204(a)(5) of Pub. L. 92–500 specifically authorizes Federal funding of reserve capacity in facilities eligible for construction grant assistance. This Section provides that the EPA Administrator must determine "that the size and capacity of such works relate directly to the needs to be served by such works, including sufficient reserves as a part of the works to be capacity provided shall be approved by the Administrator on the basis of a comparison of the cost of constructing such reserves as a part of the works to be funded and the anticipated cost of providing expanded capacity at a date when such capacity will be required."

Definition. In the broadest sense, reserve capacity includes several components: (1) Capacity required to serve estimated population growth within the service area, (2) capacity to serve anticipated new industrial and commercial sources, (3) capacity required to handle, fully or partially, wet-weather flows, (4) capacity required to handle flows from existing sources in a service area which are not connected to the system but will be connected during the life of the system, (5) capacity included in the system as a hydraulic safety factor to accommodate daily and seasonal fluctuations, and (6) capacity included to provide for projected increases in per capita flow rates. In this paper, reserve capacity includes only components (1) and (2).

Present Practice. Under current regulations, eligible reserve capacity is determined on the basis of cost-effective analysis performed by the grantee in the Step I, facilities planning stage of the grant. This analysis is reviewed by the States and/or EPA and, if it conforms to good analytical practices as defined by EPA guidelines, the reserve capacity determined by the analysis is found to be eligible. Basically, the analysis encompasses a projection of population, industrial, and commercial growth and a comparison of total present monetary worth of various sizings of the facilities designed to serve alternative periods of growth. In addition, the nonmonetary impacts (the secondary impacts of growth) of the alternatives are compared.

The adequacy of the cost-effective analysis varies from "rule of thumb" designs to fairly sophisticated evaluations. Generally, these analyses have resulted in approved eligible reserve capacities of up to 20 years for treatment plants and 30 to 50 years for interceptor sewers.

Recent studies. Two recent studies have addressed the problems associated with current practices in basing eligible reserve capacity on cost-effective analyses. The first is a study on interceptor sewers conducted for the Council on Environmental Quality; This study was critical of EPA's present practice in that it occasionally permits excessive reserve capacity for interceptors, which facilitates growth and its attendant secondary environmental impacts.

The second is an unpublished EPA study analyzing 68 treatment plants and interceptors. Recent construction projects which had received Federal grants were selected at random from around the country. Each project was evaluated to determine the amount of reserve capacity provided. The EPA study found that reserve capacity in 53 treatment plants provided for an average of 18 years of increased flow, and reserve capacity in 15 interceptors, for 47 years of increased flow. There are two partial explanations for the large amount of reserve capacity found in this small sample of interceptors. First, large economies-of-scale are realized in interceptor construction—for example, a 10 percent increase in capacity represents only a 3 to 5 percent increase in cost. Second, traditional design periods are very long, usually about 50 years.

California experience. In 1973, California instituted its own policies on reserve capacity. The State certifies, as eligible, the costs of treatment plant

capacity required to serve projected residential and commercial flows within 10 years of commencement of construction, but only industrial flows existing at the commencement of construction are eligible. For interceptors, outfalls, and sewer lines, the cost of capacity for 20 years of growth is allowed.

California's system does not limit the amount of capacity which the grantee may build, but simply limits the capacity the State will certify as eligible for construction grant funds. For every grant, the State Department of Finance and the State Water Quality Control Board determines the population projections to be used in calculating eligible reserve capacity.

This so-called "10/20" program was chosen by California because it did not have enough construction funds to provide grants for every eligible project. The State felt too much money was being used for reserve capacity to serve population growth, thus delaying the funding of needed project and inducing adverse environmental impacts. The plan was the subject of public hearings before its enactment.

One result of California's approach was an increase in the administrative task of determining the eligible portion of the total project cost. For projects funded in FY 1973 and 1974, the State allocated costs between eligible and ineligible portions on a straight-line, or pro rata basis. For FY 1975 projects, costs are separated using a marginal cost, or incremental cost analysis. The difference between the two types of allocation is that the incremental analysis reflects the actual costs of reserve capacity by taking into account economies-of-scale, while the pro rata system does not.

Reserve Capacity Included in 1974 Needs Survey. One of the reasons for considering the limitation of eligibility for reserve capacity is that it conserves Federal funds authorized for construction grants and enables more, if not all, of these funds to be used to correct the "backlog" of facilities needs. To address this point, the recently completed 1974 Needs Survey was examined to determine the amount of growth related reserve capacity included in future needs. In Category I, secondary treatment, growth related reserve capacity appears to represent about 20 percent of the $12.6 billion needs reported in the 1974 Needs Survey. For Category II, advanced treatment, the 1974 Needs Survey reported needs of $15.7 billion. At this time it is impossible to estimate what portion of this need is for growth, although the ratio of growth to backlog is probably rather small. It is also difficult to estimate what part of interceptor needs — Category IVB — is for growth, without making a case-by-case investigation. However, on the basis of a small random sample of interceptors, growth needs are estimated to represent from 30 to 50 percent of reported needs, which the 1974 survey set at $17.9 billion. In summary, of the $46.2 billion in needs reported for treatment plants and interceptors in the 1974 Needs Surveys, $12 billion or more appears to represent needs to serve population growth.

ISSUES TO BE DISCUSSED

The public hearings will address at least the following questions on this issue of limiting eligibility for growth-related reserve capacity.

1. *Does current practice lead to overdesign of treatment works?* Studies suggest that current practices permit substantial capacity to serve population growth. If true, this results in secondary environmental impacts and monetary inefficiencies. The 75 percent Federal grant rate appears to introduce an incentive for overdesign.

2. *What could be done to eliminate problems with the current program, short of a legislative change?* Population projections could be coordinated on a statewide basis and limited to the lowest of the Census Bureau's projected fertility rates. EPA and the States could give greater emphasis to overseeing better cost effective analyses in facilities planning; however, this would require more manpower than now available and could lead to project delays.

3. *What are the merits and demerits of prohibiting eligibility of growth-related reserve capacity?* Would this elevate overdesign and its attendant monetary inefficiencies and secondary environmental impacts? Would municipalities, particularly rapidly growing communities, be able to accommodate 100 percent funding of necessary, cost-effective growth-related reserve capacity? Would this lead to underdesign and create a backlog problem for the future?

4. *What are the merits and demerits of limiting eligibility for growth-related reserve capacity to 10 years for treatment plants and 20 or 25 years for sewers?* Would this be sufficient to eliminate over-design? Could this be efficiently and effectively administered? Can the California experience be achieved in other States?

5. *Are there other alternatives?*

PAPER NO. 3—RESTRICTING THE TYPES OF PROJECTS ELIGIBLE FOR GRANT ASSISTANCE

Statement of Issue. This paper deals with the issue of whether Pub. L. 92-500 should be amended to restrict the types of projects eligible for construction grants funding. Pub. L. 92-500 authorizes funding of the following types of projects:

I	Secondary treatment plants
II	Tertiary treatment plants as needed to meet water quality standards
IIIA	Correction of sewer infiltration/inflow
IIIB	Major sewer rehabilitation
IVA	Collector sewers
IVB	Interceptor sewers
V	Correction of combined sewer overflows
VI	Treatment or control stormwaters

The above classification is the same as that used in the 1974 Needs Survey. The issue is whether any of these categories should be eliminated from eligibility.

The principal purpose to be achieved in limiting eligibilities is to reduce the Federal burden in financing the construction grants program. A secondary purpose is to limit Federal participation to those types of projects that are most essential to meet the water quality goals of Pub. L. 92-500 and to require that some projects be fully financed by local and State authorities where such projects are clearly within their responsibilities and capabilities. A proposal to limit eligibilities to categories I, II and IVB is being considered; however, other combinations are also being evaluated.

Background. Many types of actions may be involved in efforts to reduce water pollution. Certain of these actions, such as installation of treatment plants and interceptor lines, involve large amounts of capital for construction of facilities. Other actions, relying little if at all on construction of facilities, involve the extent and timing of pollutant loadings to the actual treatment and-collection system by which such methods as frequent street sweeping or direct reduction of wastewater generation through legal or pricing mechanisms.

Prior to Pub. L. 92-500, Federal financial support was limited to treatment plants and interceptors. Other facilities were considered the responsibility of local governments, although specific Federal and State programs provided assistance in some cases. These limitations encouraged local governments to favor the few eligible types of projects, such as large treatment plants, rather than to bear the full cost for more effective solutions such as correction of infiltration/inflow problems.

Pub. L. 92-500 permitted funding of many previously ineligible construction-oriented approaches to water pollution control, increasing the incentive for local governments to develop projects economically efficient with respect to all construction-oriented approaches. Pub. L. 92-500 did not provide assistance for operating and maintenance costs, for most management alternatives to construction facilities, or for most nonpoint source control measures such as sediment catchments. Therefore, although the current grant program may have fewer biases than its predecessor programs, it has not eliminated all of the biases in local governments' incentive.

Any restrictions in eligibilities might produce some of the same biases that the Amendments worked to eliminate. However, section 313 of Pub. L. 92-500 explicitly requires applications for construction grants to be accompanied by a demonstration that the proposed project is "over the life of such works, the most cost-efficient alternative." In theory, this compels a locality to select the least costly actions, whether management- or construction-oriented, whether eligible or not eligible for Federal financial assistance. In fact, cost-effectiveness analysis seldom generates irrefutable conclusions. Since the most cost-efficient solution may be one for which there is little State or Federal assistance, there is a clear incentive for local governments in their cost-effectiveness analyses to favor actions that are eligible for assistance. The areawide planning program may in the future provide greater reliability in determining cost-effective solutions than an individual facilities plan currently does. However, areawide planners, like facilities planners, may hesitate to produce a plan that identifies means which are ineligible for Federal cost-sharing as the most cost-effective.

Several arguments have been advanced for restricting existing eligibilities in some manner:

Ensure that Federal funds provide greatest water quality benefits. Effective use of Federal resources requires that the limited funds available be allocated to obtain the greatest water quality benefits relative to costs, taking into account local willingness and capacity to invest in facilities. Because of this, States, in conjunction with EPA, have developed a system of priorities for funding projects. In an effort to structure these priorities so that they reflect anticipated project benefits, projects have been ranked in large part according to the type of facility to be built. As a result, treatment plants and interceptors have high priority, while collector sewers, correction of wet weather overflows, and stormwater treatment and control generally have low priority. Congress, however, has allocated available funds among States partly according to total needs for all eligible facilities, including both low and high priority facilities. Relative needs for these facilities vary widely among States and EPA Regions. It will become increasingly difficult therefore to ensure on a national basis that high-priority projects are funded before low-priority projects, and thus ensure that maximum water quality benefits are being derived from Federal expenditures. A statutory elimination of certain eligibilities, this argument runs, would have three closely-related effects: (1) Legislate greater adherence throughout the nation to priorities, promoting maximum benefits; (2) simplify administration of the program by giving clearer statutory authority to established priorities; and (3) simplify Congressional allocation of funds among States in an equitable, efficient manner more closely in accord with established priorities by eliminating those facilities for which needs can be least reliably ascertained.

Reduce Federal budgetary commitments. In 1974, States estimated their eligible needs for all these facilities at $356 billion, including $235 billion for storm water treatment and/or control. Since Congress is unlikely ever to appropriate this amount, explicit restrictions would clarify the nature and extent of Federal commitment over the next few years and facilitate the budget-making process.

Encourage State and local self-sufficiency. Restrictions in eligibility would encourage State and local governments to assume increased responsibility both in determining environmental needs and financing pollution-control facilities. Greater self-sufficiency, in turn, would probably result in States and localities setting water quality goals that more accurately reflect their perceived benefits.

Encourage wiser investment decisions. Reduction in eligibility might discourage construction-oriented solutions for certain problems, such as stormwater runoff, that may better be handled by management techniques. Reduction in eligibility for facilities with a high proportion of local benefits and for which there is adequate local willingness and ability to finance, such as collection sewers, would prevent the expenditure of Federal funds which could finance projects with higher water quality benefits. Similarly, elimination of eligibility for certain elements would reduce the tendency for localities to delay needed or desired investment in hopes of receiving a grant.

On the other hand, there are several arguments for retaining or even broadening current eligibilities.

Encourage examination of broad options. Among construction-oriented elements, broad eligibilities encourage selection of the most cost-effective system. Rather than focusing attention on one or two types of construction solutions, such as a larger treatment plant instead of less-costly correction of infiltration/inflow, or advanced treatment for sanitary wastes rather than treatment or control of stormwater runoff, all major construction approaches would be encouraged.

Preserve administrative flexibility. Facilities integral to an effective wastewater management system, such as collector sewers, can be supported by Federal funds when they are beyond local financial capability. By allowing such selective funding, broad eligibilities preserve program flexibility and allow EPA to overcome obstacles which might otherwise delay construction of high-priority facilities.

Increase incentive to achieve the goals and requirements of the Act. Pub. L. 92-500 set very high goals, including waters suitable for swimming by 1983 and the elimination of discharge of pollutants by 1985. Broad eligibilities—coupled with adequate resources—provide greater support to the efforts of local government to meet these goals.

Prevent inequitable changes. Some communities may have received financial assistance for facilities which a legislative amendment would make ineligible, thereby denying similar grants to other municipalities with equal qualifications.

Considerations. Any proposal must be judged, primarily by how it will affect attainment of the Act's objective "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Along with the environmental impact, however, consideration must be given to economic impacts such as employment, inflation, and efficient allocation of resources, as well as to considerations such as ease and equity of administration. The basic questions which must be explored in evaluating alternative proposals are the following:

1. What would the net environmental impacts be of the major alternatives under consideration? Upon what specific premises should an evaluation of the environmental impact be based?

2. How would the various changes affect administration of the program? What are the major differences between administrative problems resulting from restricting, as opposed to eliminating, certain types of eligibilities? What sorts of restriction could most easily be enforced?

3. What changes in investment and employment in wastewater pollution control would result from adoption of any of the major alternatives? What changes in total employment in the entire economy? What are the probable impacts on inflation in costs for pollution control facilities and in costs of other goods and services?

In examing these basic questions, it may be useful to consider other closely related questions:

1. *What impact do different eligibility structures have on the determination of need for a particular facility?* A need may be perceived for a facility for a variety of reasons—a secondary treatment plant to meet the requirement of the Act, a stormwater treatment plant to allow high water quality standards to be achieved throughout the year, collector sewers to replace failing septic tanks, etc. Since all needed facilities cannot be built at once, a grant system ideally should seek to provide the greatest improvement in water quality.

Would restricted eligibilities facilitate or hinder the achievement of this objective? Are the differences in benefits accruing from different types of facilities sufficient to justify restriction by category? What problems are currently and would in the future be associated with accomplishing this objective if, in order to preserve flexibility, it is done administratively rather than by legislative amendment?

Eligibility for certain elements may lead a local agency to construct such a facility when, in fact an equally effective management alternative to the problem is less expensive, in terms of all Federal, State, and local costs. It has been argued that this problem is especially evident in ameliorating the impact of urban stormwater runoff.

Do certain eligibilities in fact create this difficulty, and if so, how might it be alleviated?

2. *Is there adequate local incentive to undertake needed investment in certain types of facilities, even in the absence of Federal financial assistance?* Where a high proportion of the benefits of pollution abatement actions accrue to an individual locality, it would be expected that the locality would have adequate incentive to undertake investment without Federal assistance. But when Federal funds support such projects, (thereby substituting for local funds which would have been invested anyway), fewer Federal funds are available for projects with more nonlocal benefits thus less local incentive to invest. The result, would be less total investment in wastewater pollution control facilities.

How does the proportion of local benefits, and thus local incentive to undertake investment without financial assistance, vary among types of facilities?

The concept of benefits, of course, implies that localities receive positive gains from their actions. There is also the possibility that enforcement actions brought against localities for not complying with specific requirements of the Act would serve as a major incentive to undertake investment without assistance. This might raise serious questions of equity, of course, but does suggest one means of increasing local incentive to invest in the absence of Federal assistance.

How do, or might, enforceable provisions of the law affect incentive to construct different types of facilities?

3. *Is there adequate local financial capability to undertake investment in different types of facilities?* If there is a definite need for a facility, but inadequate local financial capability, it is unlikely to be constructed without financial assistance, even if there is considerable local incentive. As a result,

a grant program oriented toward financial assistance may be needed to ensure that appropriate levels of investment are attained. Financial constraints on local governments resulting from the current recession may be significantly reduced by the time any amendment would become effective, presumably after FY 1976. Other Federal grant programs, such as the community development block grant program of the Department of Housing and Urban Development, might provide local governments with funds needed for certain types of facilities even if eligibility under the Act were eliminated. In addition, different ways to finance different types of facilities—for example, special bonds for collector sewers—may facilitate financing when the local government has encountered difficulties financing other types of facilities.

Are there differences—such as cost or financing methods—among types of facilities eligible for assistance that would lead to different impacts on local financial capability if certain eligibilities were reduced or eliminated?

PAPER NO. 4—EXTENDING 1977 DATE FOR THE PUBLICLY OWNED PRETREATMENT WORKS TO MEET WATER QUALITY STANDARDS

Statement of issue. This paper deals with the issue of whether Pub. L. 92–500 should be amended to extend the date by which publicly owned treatment works are to achieve compliance with requirements of section 301 of the statute. Sections 301(b)(1)(B) and 301(b)(1)(C) of Pub. L. 92–500, require that publicly owned treatment works (POTW's) achieve effluent limitations based upon secondary treatment or a more stringent level of treatment, if necessary, to meet water quality standards. These effluent limitations are to be attained no later than July 1, 1977. The only exception is where grants to POTW's were approved before July 1, 1974. These POTW's are required to complete construction within four years of the construction grant approval date.

It is currently estimated that 50 percent or 9,000 municipalities serving 60 percent of the 1977 population will not be able to comply with the above requirements. This stems almost exclusively from the fact that municipalities have depended, with EPA acquiescence, on construction grants to assist them in constructing the necessary facilities to enable them to meet these requirements. This dependence has encountered two problems. First, the amount of construction grant funds thus far authorized—$18 billion—is not sufficient to cover the 1977 needs which are estimated by the 1974 Needs Survey to be at least $46 billion (based on categories I, II and IVB which are secondary treatment plants, tertiary treatment plants when required to meet water quality standards, and interceptor sewers, respectively). As a result, a part of the 9,000 municipalities have not received a grant to construct the facilities needed to comply with the 1977 requirement.

Second, a great many of the projects funded under the construction grants program cannot be feasibly completed by 1977 to enable compliance with the section 301 requirements. Because of a variety of problems and delays in revising the construction grants program to incorporate the many new requirements of Pub. L. 92–500, because of the longer project planning and design periods required to meet these new requirements and because of other factors, only $4.8 billion of the $18 billion has been obligated. Consequently, only a small portion of the projects that will be constructed under the $18 billion have been started and a majority of these have not yet reached construction stage. Moreover, the time period to bring a project to completion is typically 2 to 5 years and occasionally exceeds 5 years. Accordingly, even some of the projects initiated about the time of, or shortly after the passage of, Pub. L. 92–500 cannot be completed within the Section 301 time period.

Alternatives. Five principal alternative solutions to the problem of noncompliance have been identified. In cases where a proposed extension of secondary treatment requirements results in a violation of water quality standards, EPA is assuming that Congress would provide an exemption from compliance with water quality standards.

The five alternatives are:

1. Retain the 1977 date and enforce against violators.

2. Retain the 1977 date without enforcing against those dischargers that cannot realistically be expected to meet the deadline due solely to funding problems.

3. Seek statutory amendments that would maintain the 1977 date but would provide the EPA Administrator with discretion to grant compliance schedule extensions on an ad hoc basis, based upon actual time required with the expenditure of good faith efforts to build the necessary facilities.

4. Seek statutory amendments that would maintain the 1977 date but would provide the Administrator with discretion to grant compliance schedule extensions on an ad hoc basis based upon the availability of Federal funds.

5. Seek a statutory extension of the 1977 deadline to 1983 and require compliance regardless of Federal funding.

Alternative (1) implicitly denies any connection between the availability of construction grant funds and EPA's compliance/enforcement of municipal permits. This appears to be politically unrealistic, few if any communities are expected to finance their own POTW's and thereby jeopardize Federal support, whether confronted by an enforcement threat or not. Under most circumstances, the community would probably take the issue to court rather than attempt to raise its own funds. In fact, the State of Virginia, in anticipation of possible EPA enforcement activity, has challenged EPA's enforcement authority claiming "a Federal share" of the cost of compliance with Section 301 and thereby arguing that enforcement is viable only where funds have been made available in sufficient time to comply with the deadline. The United States District Court (Eastern District, Virginia) is expected to rule on this issue in approximately 60 days.

The policy supported by Alternative (1) has the added consequence of aggravating existing equity problems created by limited funding capabilities and the inability to spread available funds among the needed facilities in the State since the statute requires that the Federal government pay 75 percent of the construction costs. This effectively prevents the Administrator from making grants in amounts less than 75 percent and thereby providing funding of all needed facilities at lesser levels of Federal participation.

Furthermore, the logic of taking enforcement action against a facility that is physically unable to meet 1977 requirements because of construction limitations can be questioned. However, the EPA does not feel constrained to take specific remedial action such as sewer moratoriums where appropriate.

On the other hand, the aggressive enforcement program supported by Alternative (1) might motivate reluctant communities to speed construction where possible to avoid severe penalties for violation of permits.

Alternative (2) reflects current EPA policy in part. This policy has been to issue five-year permits providing for full compliance with 1977 requirements to all publicly owned treatment works where no major construction is needed to achieve compliance with section 301, where construction scheduled for completion by the 1977 deadline is presently underway, or where the source is sufficiently high on the State's priority list for funding and the proposed construction schedule is such that compliance with the 1977 requirements is probable.

Short-term permits (expiring prior to the section 301 deadline) are issued to municipal facilities that cannot realistically be expected to meet required discharge limitations by the 1977 deadlines. These permits include effluent limitations established so as to require optimum operation and maintenance of existing facilities and completion of any modifications to facilities which could reasonably be undertaken with State and local monies or revenue sharing funds in the absence of a Federal construction grant.

Following this policy, EPA strictly monitors and enforces compliance schedules and requirements established in permits. As a result, EPA has not initiated enforcement action against municipalities whose violations of the statutory deadline can be shown to have resulted solely from the lack of Federal funds, and their discharge is in compliance with an issue permit.

The inherent weakness of this option lies in the potential loss of a very effective tool—permits and enforcement rather than grants—for achieving compliance with section 301 requirements. Furthermore, this option does not prevent possible citizen suits on the matter nor does it limit potential State enforcement activity. Twenty-two States have already received National Pollutant Discharge Elimination System (NPDES) program approval and thus have independent enforcement authority. Municipalities may thus be vulnerable to differing standards of compliance.

Alternative (3) enables EPA to grant extensions to municipalities based upon physical construction limitations that cannot, under any circumstances, be overcome, but without any full commitment to Federal funding support. Under this alternative EPA could still mandate construction without Federal funds, although it is unlikely to do so. By granting the Administrator discretion to extend compliance deadlines on a project-by-project basis, this alternative provides for a more uniform and aggressive enforcement policy than those possible under alternative (2). Facilities capable of meeting the 1977 deadline are required to do so, and strong enforcement action is taken when they fail. Facilities granted extensions are placed on specific compliance schedules subject to a vigorous monitoring program to alert the EPA Regional Offices to slippage. Enforcement action would then be taken as appropriate.

However, it may be difficult to limit the application of this alternative to municipal dischargers, since industrial dischargers who have also experienced construction delays could make similar arguments. This problem is aggravated by the dependence of some industrial dischargers upon the successful construction of municipal plants to complete their treatment requirements. Current EPA policy expects the industrial facility to satisfactorily treat its wastes until such time as it can hook up into a municipal system, even if such treatment might require construction of a treatment plant to be utilized for a very short time period.

Alternative (4) seeks Congressional agreement to provide 75 percent funding for the construction of facilities needed to comply with the 1977 deadline. This alternative links the availability of Federal funding with the enforcement provisions contained in section 309.

A significant problem in adopting this alternative is the fact that eligible construction costs, as now defined in the Act, would provide 75 percent funding for "eligible projects." Eligible projects may achieve effluent reductions far greater than required for the 1977 deadline. As the Needs Survey observed, the cost of eligible facilities under Pub. L. 92-500 is $342 billion dollars, a significantly greater figure than that required for compliance with the 1977 deadline.

Thus, it becomes apparent that should alternative (4) be adopted, eligibility would need to be redefined in such a manner as to prevent the Federal share from being used to construct facilities more sophisticated than necessary to achieve the 1977 deadline. This alternative has significant Federal budgetary implications not found in other options. If the Federal government assumed responsibility for construction of all publicly owned treatment works required to provide secondary treatment, current Federal funding levels would probably be more than tripled.

Alternative (4) also carriers the same compliance ramifications evident under Alternative (3), since responsiveness to the problem of construction delays is implicit in this option.

Alternative (5), which changes the municipal compliance date to 1983, offers an across-the-board extension regardless of the problems of any given POTW. It could possibly jeopardize the entire NPDES program. Industrial facilities would insist on similar extensions, particularly those under great financial strain to comply with their effluent limitations. Water quality standards would be violated unless new regulations were written providing for some sort of exemption.

However, this alternative is somewhat responsive to the national economic situation. Furthermore, it allows for more flexibility in local decision making procedures. It is also unambiguous, requiring compliance regardless of Federal funding. Thus it eliminates the problem of administrative subjectivity as well as compliance uncertainty inherent under alternatives (2), (3), and (4).

Furthermore, alternative (5) would also accommodate the suggestion of an EPA task force to allow the postponement of construction of the municipal treatment works with an ocean discharge, pending environmental assessments of specific outfall sites to determine the most effective technology.

Considerations. EPA is interested in a public response to these alternatives. It is important that policy formulation reflect the relative priorities and tradeoffs of affected communities. Apart from the obvious question of which alternative is preferred, there are other considerations:

1. Should Pub. L. 92-500 be amended to permit prefinancing of POTW's subject to Federal reimbursement?

2. Is it fair to require industry to meet the 1977 deadline while extending it for municipalities?

3. Is it fair to make industrial requirements more stringent pending municipal compliance, as is the case with joint systems?

4. Should an outside limit be provided to the Administrator granting extensions, for example five years from date of amendment, or should the possible compliance deadlines be open-ended?

5. Will EPA lose credibility supporting an across-the-board extension for municipal compliance, especially in cases where it is unnecessary? Or are the current economic priorities such that such an extension is only reasonable?

6. How big a difference would these alternatives make on local funding or State financing?

7. Should EPA consider changing the definition of secondary treatment to allow for classifications according to size, age, equipment, and process employed? Extensions of the 1977 deadline might therefore be unnecessary, since the amended secondary treatment requirements could be responsive to many of the construction problems causing current compliance delays.

8. Would a two-year extension for compliance be preferrable to the six-year extension promoted under Alternative (5)? Is this alternative unnecessarily lenient?

9. Until such a time when a solution to current compliance delays is adopted, should EPA issue letters of authorization to those POTW's that cannot achieve compliance with the 1977 deadline instead of issuing short-term permits? Letters of authorization are administratively simpler than short-term permits.

PAPER NO. 5—DELEGATING A GREATER PORTION OF THE MANAGEMENT OF THE CONSTRUCTION GRANTS PROGRAM TO THE STATES

A. *Background.* With the recent release of the full $18 billion in construction grant funds, it is important that all construction grant applications be processed as efficiently as possible, while maintaining financial and environmental integrity. One current proposal for improving the performance of the program is to delegate a greater number of functions and responsibilities directly to the States with EPA assuming more of an overview role. If States were able to assume a greater degree of program management, it might be possible to expedite the flow of funds into necessary construction projects, thereby obtaining both environmental and economic benefits.

A bill, H.R. 2175, has been introduced which would permit the Administrator to delegate to the States the broad range of grant processing functions, including those that go beyond just the review and approval of documents. Included also is a provision to compensate the States directly out of State allotments for administrative costs which they incur—up to a maximum of 2 percent of a State's yearly allotment. Under the H.R. 2175, EPA activities would be largely confined to overall policy making and to auditing and monitoring the grant activities performed by the States. However, EPA would remain responsible for any Environmental Impact Statements necessary on individual projects.

Current procedures authorize States to certify that such key documents as construction plans and specification and operation and maintenance manuals fulfill all legal and administrative requirements. EPA can then approve them without further review.

The bill would authorize the State agency to certify that plans, specifications, and estimates for a proposed project meet the requirements of the Act, and that the proposed project conforms to applicable areawide and State plans, is entitled to priority, and relates directly to the needs to be served by such works, including sufficient reserve capacity. Finally, the State agency would be able to certify as to such matters as bidding procedures, cost sharing requirements, cost effectiveness, and user charge and industrial cost recovery requirements, as well as legal, institutional, managerial, and financial capabilities.

The proposed measure would also provide for State certification of the fulfillment of various requirements for facilities grants under Title II of the Pub. L. 92-500 is intended to (1) reduce duplication of efforts by the States and the Federal government, (2) avoid substantially enlarging the number of Federal personnel needed to carry out the provisions of the Act, and (3) enhance the policy expressed in Pub. L. 92-500 to

"recognize, preserve, and protect the primary responsibilities and rights of States" in the prevention, reduction, and elimination of pollution. EPA has had a continuing policy of delegating to the States, to the extent possible, responsibility for conducting functions related to the Act—provided that the quality of the State's performance will equal or exceed requirements for fulfilling these functions. The proposed amendment would allow the States, as they become ready, to assume responsibilities commensurate with their capabilities, and would, as well provide funds to reimburse them for the responsibilities assumed.

B. *Alternatives.* The general intent of the proposed legislation is to process grants more effectively and efficiently and to give more attention to activities and problems at the State level. Alternative course for making the processing of grants more effectively and efficiently tering all of the responsibilities in EPA or, (2) continuing the present mix of EPA/State grant activities, but improving the overall procedures. With greater delegation of responsibility to the States, some time will be necessary for the States to organize and acquire adequate staff.

C. *Considerations.* In considering this issue, the public may wish to discuss the following questions: (1) Exactly what functions in the review and approval of construction grant applications should be delegated, (2) should all parts of the construction grants process be delegated, (3) in addition to ordinary staffing problems, what difficulties may be encountered in State staffing when a Federal financial commitment is involved, (4) will the funding level suggested in the proposed bill be adequate, (5) in actual practice, will greater delegation of program responsibility to the States make the program more efficient without compromising environmental concerns, (6) how much time would be required for individual States to assume additional responsibilities, and (7) are there alternative funding schemes, either Federal or non-Federal.

H.R. 2175

A BILL

To amend title II of the Federal Water Pollution Control Act to provide for State certification.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end thereof the following new section:

CERTIFICATION

Sec. 213. (a) The Administrator may discharge any of his responsibilities for actions, determinations, or approvals under sections 201(g) (2) and (3), 203 (a) and (d), 204 (a), (b)(1), and (b)(3), and 212(2)(B) of this Act with respect to projects or proposed projects for treatment works by accepting a certification by the State water pollution control agency of its performance of such responsibilities.

(b) The Administrator shall not accept any certification provided for in subsection (a) of this section unless the Administrator determines that the State water pollution control agency has the authority, responsibility, and capability to take all of the actions, determinations, or approvals for which certification is submitted under subsection (a) of this section.

(c) If the Administrator determines after public hearings that a State water pollution control agency, with respect to any requirement, condition, or limitation for which he has accepted a certification under subsection (a), fails to meet the requirements of this Act, he may suspend his acceptance of certification as to such requirement, condition, or limitation with respect to any project, or with respect to all projects in such State, as he determines necessary, and during such suspension he shall be responsible for such requirement, condition, or limitation.

(d) (1) The Administrator is authorized to conduct interim and final inspections and audits, and to require such information, data, and reports as he may determine necessary to carry out this section.

(2) Nothing in this section shall affect or discharge any responsibility or obligation of the Administrator under any other Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e)(1) The Administrator shall reserve an amount not to exceed 2 per centum of the allotment made to each State for each fiscal year under section 205, after the date of enactment of this section. Sums so reserved shall be available for making grants to such State under paragraph (2) of this subsection for the same period as sums are available from such allotment under subsection (b) of section 205, and any such grant shall be available for obligation only during such period. Any grant made from sums reserved under this subsection which has not been obligated by the end of the period for which available shall be added to the amounts last allotted to such State under section 205, and shall be immediately available for obligation in the same manner and to the same extent as such last allotment.

(2) The Administrator is authorized to grant to any State exercising, or proposing to exercise certification authority under this section, from amounts reserved to such State under this subsection, the reasonable costs, as determined by the Administrator, of carrying out such authority.

(f) The Administrator shall promulgate such rules and regulations as may be necessary to carry out this section. The initial rules and regulations necessary to carry out this section shall be promulgated not later than the ninetieth day after date of enactment of this section.

[FR Doc.75-13865 Filed 5-27-75;8:45 am]

[FRL 378-2; OPP-33000/256]

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 applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before July 28, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after July 28, 1975.

Dated: May 16, 1975.

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

APPLICATIONS RECEIVED (OPP-33000/256)

EPA File Symbol 3862-LI. ABC Compounding Co., Inc., P.O. Box 932, Atlanta GA 30301. BROMA-KIL 1.25 WEED KILLER. Active Ingredients: Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 1.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 10807-LN. Aero Mist, Inc., 990 Industrial Park Dr., Marietta GA 30062. MISTY HOSPITAL DISINFECTANT DEODORANT. Active Ingredients: Orthophenylphenol 0.177%; Para-tertiary-amylphenol 0.045%; Alcohol 53.508%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 4876-LI. AG Supply Co., Div. of Seedkem Inc., Industrial Dr., Hopkinsville KY 42240. CHLORDANE-8 TERMITE CONTROL. Active Ingredients: Technical Chlordane 72%; Aromatic petroleum Derivative Solvent 21%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA Reg. No. 1730-36. American Cyanamid Co., 859 Berdan Ave., Wayne NJ 07470. PINE SOL. Active Ingredients: Pine Oil 30.0%; Isopropanol 10.9%; Soap 10.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Additional uses. PM32

EPA File Symbol 14451-E. Antiseptol Chem. Corp., 141 Central Ave., Farmingdale NY 11735. A TO Z SANNI RINSE. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 18533-2. Ashland Chem. Co., Div. of Ashland Oil, Inc., PO Box 2219, Columbus OH 43216. VARIQUAT 50MC. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethylbenzyl ammonium chlorides 50.0%. Isopropyl alcohol 7.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 35909-R. Associated Water Conditioners, Inc., Route 202, Mt. Kemble Ave., Morristown NJ 07960. BIOCIDE 467. Active Ingredients: Sodium Dimethyldithiocarbamate 15%; Nabam (Disodium Ethylene Bisdithiocarbamate) 15%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 12455-RL. Bell Labs., Inc., Box 5133, Madison WI 53705. "RAZE" RAT AND MOUSE BAIT PELLETED READY TO USE BAIT FOR RATS AND MICE. Active Ingredients: Warfarin, (3-(Alpha-AcetonylBenzyl) - 4 - Hydroxycoumarin) 0.025%; N1-(2-Quinoxalinyl) Sulfanilamide (Sulfaquinoxaline) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 1757-AE. Drew Chem. Corp., 701 Jefferson Rd., Parsippany NJ 07054. BIOSPERSE 216. Active Ingredients: Dioctyl dimethyl ammonium chloride 50%; Ethyl alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35941-R. Edwards Industrial Center, 740 Lloyd Rd., Matawan NJ 07747. EDWARD'S INSECT CONTROL. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl - 3 - (2 - methylpropenyl)cyclopropanecarboxylate 0.100%; Related compounds 0.014%; Aromatic petroleum hydrocarbons 0.132%; Petroleum distillate 99.750%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 35941-E. Edwards Industrial Center, 740 Lloyd Rd., Matawan NJ 07747. BUG-OUT INSECTICIDE. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl -3 - (2 - methylpropenyl)cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 99.375%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 3286-UA. The Ferd Staffel Co., 331 Burnet St., San Antonio TX 78202. STAFFEL'S BIO DUST. Active Ingredients: Bacillus thuringiensis, Berliner, Potency of 320 International Units per mg. (at least 0.5 billion viable spores per g.) 0.064%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 7001-144. Occidental Chem. Co., PO Box 198, Lathrop CA 95330. 50% MALATHION SPRAY. Active Ingredients: Malathion 50.0%; Xylene 35.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 892-GN. Pioneer Mfg. Co., 3053 E. 87th St., Cleveland OH 44104. PIONEER KO WEED KILLER WITH DRIFT CONTROL. Active Ingredients: Petroleum oil 94.94%; 2,4-Dichlorophenoxy-acetic acid, isooctyl ester 1.09%; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 0.98%; Pentachlorophenol 0.80%; Other Chlorophenols 0.09%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 37022-R. Pro-Chem, Inc., 16536 Broadway, Cleveland OH 44137. PROCIDE 7. Active Ingredients: Poly[oxyethylene - (dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35939-G. R-Square Chem. & Coating, Inc., PO Box 1919 WSB, Gainesville GA 30501. R-QUAT-15. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl (C8 7%, C10 8%, C12 46% C14 24%, C16 10%, C18 5%) amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 201-G10. Shell Chem. Co., Suite 200, 1025 Conn. Ave., NW., Washington DC 20036. BLADEX 80 WETTABLE POWDER HERBICIDE FOR USE IN WITCHWEED CONTROL. Active Ingredients: 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino[-2 - methylpropionitrile 80%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

[FR Doc.75-13487 Filed 5-27-75;8:45 am]

[FRL 378-5; OPP-33000/258]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

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On or before July 28, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

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Dated: May 19, 1975.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/258)

EPA File Symbol 5481-RII. Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angeles CA 90023. DURHAM MONURON 22% CONCENTRATE. Active Ingredients: Monuron [3-(p-chlorophenyl)-1,1-dimethylurea] 22.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 2986-EE. Atlantic Chemicals, Inc., PO Box 8035, Orlando FL 32806. ATAMINE SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Originally 2(c). PM24

EPA File Symbol 3876-RRI. Betz Lab., Inc., 4636 Somerton Rd., Trevose PA 19047. SLIME-TROL RX-56. Active Ingredients: 4-(2-nitrobutyl) morpholine 95.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 3286-UG. Ferd Staffel Co., 321 East Commerce, San Antonio TX 78298. MALATHION 25% WETTABLE POWDER. Active Ingredients: Malathion 25.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 3286-UU. Ferd Staffel Co. 5% MALATHION DUST. Active Ingredients: Malathion 5.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 34688-RA. Interstab Chemicals, Inc., 1287 Air City Ave., Dayton OH 45404. CUPRI-GUARD. Active Ingredients: Cupric Salt of Gluconic Acid 25.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 3468-RA. Interstab Chemicals, Inc., 500 Jersey Ave., New Brunswick NJ 08903. INTERCIDE SE. Active Ingredients: Bis (Tri-n-butyltin) Oxide 50.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 36301-E. J Chem. PO Box 5421, Houston TX 77012. SYNERGIZED PYRETHRINS AREA SPRAY. Active Ingredients: Pyrethrins 0.30%; Piperonyl Butoxide Technical 1.50 ; Petroleum distillate 98.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 635-383. E-Z Flow Chemical Co., Div. of Kirsto Co., PO Box 808, Lansing MI 48903. E-Z FLOW CYTHION. Active Ingredients: Malathion (0, 0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 57.0%; Xylene 35.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA Reg. No. 1719-66. Mobile Paint Mfg. Co., Inc., PO Box 2567, Mobile AL 36601. JACK TAR NO-COP VINYL BLUE ANTI-FOULING 473-31 MARINE FINISHES. Active Ingredients: Tributyltin fluoride 11.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol No. 1969-REN. Parsons Chemical Works, Inc., PO Box 146, Grand Ledge MI 48837. PARSONS 2,4-D WEED KILLER NO. 40. Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid 49.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 36330-R. Ron Bar Lab., 32-02 Greenpoint Ave., Long Island City NY 11101. RONCHLOR. Active Ingredients: Sodium Hypochlorite 3.25%; Tri-sodium Phosphate expressed as Na3PO4-12H20 91.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA Reg. No. 11273-3. Sandoz-Wander, Inc., PO Box 1489, Crop Protection Dept., Homestead FL 33030. THURICIDE-HPC. Active Ingredients: Bacillus thuringiensis Berliner, potency of 4,000 International Units (at least 6 million viable spores) per milligram 0.8%; Petroleum hydrocarbon solvent 3.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 400-104. Uniroyal Chemical, Bethany CT 06525. COMITE AGRICULTURAL MITICIDE. Active Ingredients: Propargite 2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite 75.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM13

CORRECTED ITEM

The following is a correction to the list of Applications Received previously published in the FEDERAL REGISTER.

EPA File Symbol 2398-ETU. Hopkins Agricultural Chem. Co., PO Box 584, Madison WI 53701. HOPKINS DIAZINON 14G GRANULAR INSECTICIDE. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) Phosphorothioate 14.3%. Method of Support: Application proceeds under 2(c) of interim policy. Originally published with incorrect file symbol. PM15 (40 FR 18031)

[FR Doc.75-13662 Filed 5-27-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. 75-444]

DE NOVO BRANCHING IN HAMILTON COUNTY, OHIO

Termination

MAY 19, 1975.

Notice is hereby given that the Federal Home Loan Bank Board has terminated the moratorium on *de novo* branching by Federal savings and loan associations in Hamilton County, Ohio, by the following resolution adopted by the Board on May 19, 1975:

Resolved that section III ("Hamilton County, Ohio") of the "Working Understanding between the Federal Home Loan Bank Board and the Ohio Division of Building and Loan Associations for Coordination of Prerequisite Requirements and Administrative Treatment of Applications for New Facilities", approved by Board Resolution No. 74-1018, dated December 18, 1974, is hereby terminated with respect to Federal associations effective June 30, 1975 or on such earlier date as said Ohio Division may terminate said Section III with respect to Ohio-chartered associations; and after such termination the Board will accept branch office applications in Hamilton County by Federal associations.

Resolved further That the remainder of said Understanding is hereby reaffirmed.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75-13836 Filed 5-27-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75-18]

PUERTO RICO MARITIME SHIPPING AUTHORITY

Order of Investigation and Suspension of Reduced Rates From Florida to Puerto Rico

Effective May 25, 1975, the Puerto Rico Maritime Shipping Authority (hereinafter PRMSA) proposes to reduce rates on certain tariff items set forth in its tariff, FMC-F, No. 1.[1] PRMSA, currently serving the Continental U.S. ports of New York, Baltimore, Charleston, Jacksonville and New Orleans, would by these provisions reduce the above-noted rates applicable to Jacksonville, Florida and extend service to the Port of Miami, Florida, with the reduced rates applicable. The prospective service, to triangulate between San Juan, Jacksonville and Miami, would be facilitated by one of PRMSA's Roll-on/Roll-off (Ro/Ro) vessels that would otherwise be serving the Port of New York.

TMT Trailer Ferry, Inc. (hereinafter TMT), a barge carrier serving Jacksonville and Miami, and Puerto Rico, and the only carrier affording substantial competition to the recently consolidated service maintained by PRMSA, protested the proposed reduction in rates. TMT's protest alleges in substance, that: (1) The reduced rates are exclusive to Jacksonville and Miami and therefore correspondingly below the rates for service rendered by PRMSA from the Ports of New York, Baltimore and New Orleans, and could result in an unlawful diversion of cargo to PRMSA's prospective service; (2) the reduced rates would be non-compensatory given PRMSA's currently unprofitable operation; (3) the reductions would be to levels identical with those rates on commodities vital to TMT, causing irreparable harm to TMT, and eventually resulting in monopolization of that trade by PRMSA, and (4) the elimination of the rate differential between TMT's rates and PRMSA's rates violates the principles stated by the Commission in Docket No. 1182, "Rates from Jacksonville, Florida to Puerto Rico," 10 FMC 376 (1967), where the Commission allowed a rate differential based on cost differences in the value of service.

The General Electric Company protested the proposed redeployment of the Ro/Ro vessel from New York to Florida, stating in substance that such would seriously impair its shipments and cause detriment to the economy of Puerto Rico.

PRMSA replied to the protests, disputing the allegations set forth, and averred in substance that: 1. It desired to provide an alternative source of transportation to shippers from Jacksonville and Miami, 2. Additional capacity southbound was sorely needed, 3. Four of the proposed reductions were to levels previously charged by Sea-Land Service, Inc. when it served Puerto Rico from Jacksonville and Miami in competition with TMT, and 4. A regulated carrier has a right to initiate rates to meet competition provided the rates are compensatory and not lower than necessary to meet the competition.

Upon consideration of the above matter, the Commission is of the opinion that the proposed reductions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under sections 16, First and 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing:

Therefore, it is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of PRMSA's proposed reductions for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matter hereby placed under investigation is further changed, amended, or reissued such changes are hereby ordered to be made a part of this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the tariff items above-noted from the Puerto Rico Maritime Shipping Authority's Tariff FMC-F No. 1 are hereby suspended and the use thereof deferred to and including September 24, 1975, unless otherwise ordered by the Commission;

[1] See the following table:

Item No.		Effective date
2300	2d revised page 201	May 25, 1975
2540	5th revised page 203	Do.
2600	do	Do.
3520	3d revised page 218	Do.
3330	do	Do.
5253	3d revised page 249	June 9, 1975
6350	4th revised page 271	May 25, 1975
7170	6th revised page 284	June 9, 1975
7180	do	Do.
8700	2d revised page 311	May 25, 1975
8704	Original page 311-A	Do.
10120	4th revised page 332	Do.
14530	2d revised page 400	Do.
14040	4th revised page 406	Do.
14060	do	Do.
14070	do	Do.
15030	6th revised page 407	Do.
15040	4th revised page 419	June 9, 1975
Note 8	3d revised page 420	Do.

It is further ordered, That there shall be filed immediately by PRMSA a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 25, 1975, unless otherwise authorized by the Commission and that the rates and charges heretofore in effect and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended nor the matter continued in effect as a result of suspension may be changed until this proceeding has been disposed of or until the period of suspension has expired, whichever comes first, unless otherwise ordered by the Commission;

It is further ordered, That pursuant to section 18(a) of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, a determination shall be made as to whether the proposed reductions are just and reasonable;

It is further ordered, That pursuant to section 16 First of the Shipping Act, 1916, a determination shall be made as to whether PRMSA's proposed reductions are likely to result in undue or unreasonable preference or advantage to shippers using the ports of Jacksonville and Miami or undue or unreasonable prejudice or disadvantage to shippers using other Atlantic and Gulf Coast ports.

It is further ordered, That copies of this order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That pursuant to section 21 of the Shipping Act, 1916, the respondent shall submit schedules showing vessel utilization, on a voyage-by-voyage basis, between Charleston, South Carolina, Jacksonville and Miami, Florida on the one hand, and San Juan, Puerto Rico on the other hand. The report shall clearly show the number of container-trailer spaces and automobile spaces available for each port on each vessel on each voyage, and the number of these spaces utilized by revenue producing units both southbound and northbound. These reports shall be submitted to the Director, Bureau of Compliance not later than five normal working days after the completion of each vessel's voyage, after the commencement of the service extension to Miami;

It is further ordered, That PRMSA be named as Respondent in this proceeding and that TMT Trailer Ferry, Inc. and the General Electric Company be named as Complainants;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, the hearing shall commence not later than July 29, 1975;

It is further ordered, That (I) a copy of this order be forthwith served upon the respondent, complainants and upon the Commission's Bureau of Hearing Counsel and published in the FEDERAL REGISTER; and (II) the respondent, complainants and Hearing Counsel be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-13843 Filed 5-27-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8360]

ALABAMA POWER CO.

Revisions in Interconnection Agreement

MAY 20, 1975.

Take notice that Alabama Power Company (Applicant) on May 12, 1975 filed with the Federal Power Commission Revised Exhibit B to the Interconnection Agreement between Applicant and Alabama Electric Cooperative, Inc., which was accepted for filing by the Commission and designated as Applicant Rate Schedule FPC No. 133. Revised Exhibit B is stated to be submitted pursuant to Section 5.05 of said Interconnection Agreement and reflects agreement between the parties to the estimated maximum integrated peak hour demands as reflected therein. Applicant further filed in the form of Statement O, pursuant to § 35.13 of the Commission's regulations, a change in the fuel cost adjustment factor to be used under the Interconnection Agreement in the ensuing contract year. The application states, however, that the billing under the new fuel cost adjustment factor is subject to the decision of this Commission in Docket No. E-8360 now pending before this Commission for decision. That docket involves a controversy between Applicant and Alabama Electric Cooperative, Inc. regarding the use of a transmission loss multiplier in the calculation of the fuel cost adjustment factor.

A copy of this filing was served upon Alabama Electric Cooperative, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13771 Filed 5-27-75;8:45 am]

[Docket No. E-9436]

CENTRAL TELEPHONE AND UTILITIES CORP.

Filing of Addendum to Contract

MAY 20, 1975.

Take notice that on May 8, 1975, Central Telephone and Utilities Corporation (CTU), tendered for filing an Addendum, dated April 1, 1975, to the contract of October 31, 1973, between Central Telephone and Utilities Corporation and the Victory Electric Cooperative Association, Inc.

The Addendum, agreed to between the parties, modifies in part Article II, Paragraph 2.4 of said Contract. The Contract remains in full force and effect except as to this modification.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13772 Filed 5-27-75;8:45 am]

[Docket No. E-9338]

CENTRAL TELEPHONE & UTILITIES CORP.

Addendum to Rate Contract

MAY 20, 1975.

Take notice that on March 24, 1975, Central Telephone & Utilities Corp. filed an Addendum to their contract with C.M.S. Electric Cooperative, Inc., dated October 19, 1973. The Addendum sets forth several revised delivery points and the appropriate descriptions thereof.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure

(18 CFR 1.8 or 1.10). All 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.75-13773 Filed 5-27-75;8:45 am]

[Docket No. E-9445]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Filing of Rate Schedule

MAY 20, 1975.

Take notice that on May 15, 1975 the Central Vermont Public Service Corporation (Central Vermont) tendered for filing the following rate schedule:

Purchase Agreement for the sale of sixty thousand kilowatts (60,000 KW) and related energy from certain Vermont gas turbines to the Central Maine Power Company, dated as of February 21, 1975.

Central Vermont states that service under this Agreement began at 11:59 p.m. on February 28, 1975 and terminated at 11:59 p.m. on April 30, 1975. Service to Central Maine under this rate schedule is stated to consist of the sale of 60,000 KW capacity and related energy for delivery as emergency reserve, and is to be provided on the basis of a capacity charge at $69,000 per month. This capacity charge includes $1.50 KW per year to cover the estimated cost of charges by Vermont Electric Power Company (Velco) to Central Vermont under other contracts between Central Vermont and Velco for the transmission of power by Velco. Central Vermont further states that the proposed rate schedule also includes a maintenance charge of one mill per KWH and an energy charge equal to fuel expense actually incurred to operate the gas turbines necessary to serve Central Maine.

Central Vermont requests a waiver of § 35.3 of the Commission's rules and regulations to allow an effective date of March 1, 1975, citing extensive contract negotiations with Central Maine, and no effect upon purchasers of Central Vermont's gas turbine power under other rate schedules if granted.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the preceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13774 Filed 5-27-75;8:45 am]

[Docket No. E-7631]

CLEVELAND ELECTRIC ILLUMINATING CO.

Filing of Interconnection Agreement

MAY 20, 1975.

Take notice that on April 28, 1975, Cleveland Electric Illuminating Company (CEI) filed with the Commission an interconnection agreement between CEI and the City of Cleveland, Ohio (City) pursuant to Opinion No. 644, issued January 11, 1973 (49 F.P.C. 118) in Docket Nos. E-7631, et al.

Specifically the agreement, dated April 17, 1975, provides for the installation and operation of a 138 kv synchronous interconnection for emergency service which is expected to become effective April 29, 1975. Due to the nature of the service to be rendered, CEI is presently unable to estimate the revenues from any emergency service.

Pursuant to § 35.11 of the Commission's regulations, CEI requests waiver of the notice requirement in order that the agreement may become effective upon the date the interconnection facilities become available to provide emergency service.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13775 Filed 5-27-75;8:45 am]

[Docket No. RP74-77]

COLORADO INTERSTATE GAS CO.

Proposed Settlement Agreement

MAY 20, 1975.

Take notice that on May 12, 1975, Colorado Interstate Gas Company (CIG) filed with the Commission a proposed Stipulation and Agreement of Settlement in the above-captioned docket. CIG states that it, all Intervenors, and the Commission Staff have agreed to the substance of this agreement, and that no person has expressed any opposition or disagreement with the proposed settlement.

CIG also states that copies of the proposed Settlement Agreement were mailed to each of its customers, all parties to the instant proceeding, and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13776 Filed 5-27-75;8:45 am]

[Docket No. RP72-89]

COLUMBIA GAS TRANSMISSION CORP.

Compliance Filing

MAY 20, 1974.

Take notice that on May 5, 1975, Columbia Gas Transmission Corporation (Columbia) tendered for filing certain revised tariff sheets. Third Revised Sheet No. 62A and Third Revised Sheet No. 62B, excluding the compensation features from the curtailment provisions of the General Terms and Conditions contained in its FPC Gas Tariff, Original Volume No. 1, to be effective May 1, 1975, in accordance with the Commission's order issued April 25, 1975, in the above-captioned proceeding.

Copies of the filing were served upon Columbia's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. Persons that have previously filed a notice or petition for intervention in this proceeding need not file additional notices or petitions to become parties with respect to the instant filing. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13777 Filed 5-27-75;8:45 am]

[Docket No. CP74-104]

COLUMBIA GULF TRANSMISSION CO.

Petition To Amend

MAY 20, 1975.

Take notice that on May 7, 1975, Columbia Gulf Transmission Company (Petitioner), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP74-104 a petition to amend the order of the Commission issued in the subject docket on January 31, 1974 (51 FPC 383), pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(g) of the regulations thereunder (18 CFR 157.7 (g)), by increasing the single project installation cost limitation from $500,000 to $714,558, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By order issued January 31, 1974, Petitioner was granted a budget-type certificate authorizing construction, and permitting and approving the abandonment, for calendar year 1974, and operation of field gas compression and related facilities. Construction authorization was limited to a total cost of $2,000,000 and a maximum of $500,000 for any one project.

Applicant states that it constructed a compressor unit pursuant to such authorization and that the actual cost of such construction was $714,558. Applicant explains that although it had originally estimated the cost of the compressor unit to be $466,000, a change in location and inflation caused the cost overrun substantially as follows:

(1) The cost of the compression package, installed, increased from $391,000 to $530,200, for an increase of $139,200. This increase is said to have been caused by unanticipated increases in the cost of the unit itself and in associated marsh dredging costs and installation costs.

(2) The cost of an electric generator package, installed, increased $2,900, from $75,000 to $77,900.

(3) For safety reasons the compression was not installed adjacent to an existing producer separation platform as originally planned but over 100 feet away from it. Petitioner states that this change of site necessitated construction of a separate boat landing, separators and sump, at a cost of $20,600.

(4) For the reason described in (3) above, elevated walkways were installed to connect the new unit with existing installations, at a cost of $23,300.

(5) Inspection, supervision and transportation costs increased $21,500 along with the increased work done.

(6) As a result of increased material costs, state and parish sales taxes increased $20,500. Thus, total direct costs increased from $466,000 to $694,558, or $228,000 (Items (1) through (6)).

(7) Labor overheads associated with the increased construction increased $20,558.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13778 Filed 5-27-75;8:45 am]

[Docket No. ID-1547]

W. E. CORNELIUS

Supplemental Application

MAY 20, 1975.

Take notice that on April 30, 1975, W. E. Cornelius (Applicant), filed a supplemental application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act, seeking authority to hold the following position:

Director, Missouri Utilities Company, Public Utility

Missouri Utilities is engaged in the generation, purchase and sale of electric energy and in the purchase and sale of natural gas within portions of the State of Missouri. It also provides water service in Cape Girardeau, Missouri.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13779 Filed 5-27-75;8:45 am]

[Docket No. E-8947]

DELMARVA POWER AND LIGHT CO.

Extension of Procedural Dates

MAY 20, 1975.

On May 15, 1975, the Municipal Intervenors filed a motion to extend the procedural dates fixed by order issued March 14, 1975, as most recently modified by notice issued May 2, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, June 13, 1975.
Service of Company Rebuttal, June 27, 1975.
Hearing, July 7, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13780 Filed 5-27-75;8:45 am]

[Docket No. E-9361]

IOWA POWER AND LIGHT CO.

Cancellation

MAY 20, 1975.

Take notice that on April 7, 1975, Iowa Power and Light Company (Iowa Power) tendered for filing a notice of cancellation of a wholesale rate schedule for the Town of Imogene, Iowa, designated Iowa Power Rate Schedule FPC No. 10, as amended. Iowa Power states that effective March 27, 1975, it will acquire the electric distribution system within the Town of Imogene and will furnish electricity to the Town on a retail basis.

Iowa Power states that copies of the notice of cancellation have been mailed to the Town of Imogene, Iowa and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Notice are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13781 Filed 5-27-75;8:45 am]

[Docket No. E-9441]

LAKE SUPERIOR DISTRICT POWER CO.

Filing of Superseding Wheeling Agreement

MAY 20, 1975.

Take notice that on May 5, 1975, Lake Superior District Power Company (LSDP) tendered for filing a contract to provide wheeling services for Dairyland Power Cooperative (DPC). LSDP concurrently filed a notice of termination of the previous contract. LSDP requests waiver of the Commission's 30 day advance filing requirement in order that an effective date of May 1, 1975 may be established. The contract is an interim agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and pro-

cedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13782 Filed 5-27-75;8:45 am]

[Docket Nos. RP73-109 and RP74-95]

NORTHWEST PIPELINE CORP.

Extension of Procedural Dates

MAY 20, 1975.

On May 16, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 28, 1974, as most recently modified by order issued February 13, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, July 7, 1975.
Service of Intervenor's Testimony, July 23, 1975.
Service of Company Rebuttal, August 8, 1975.
Hearing, September 3, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13783 Filed 5-27-75;8:45 am]

[Docket No. E-9429]

OHIO POWER CO.

Filing of Initial Rate Schedule

Take notice that on May 6, 1975, Ohio Power Company (Ohio Power), tendered for filing copies of an Agreement dated April 1, 1974, between American Municipal Power-Ohio, Inc. (AMP-Ohio), and Ohio Power Company, as supplemented by letter agreement dated April 24, 1975. The Agreement sets forth terms pursuant to which (1) Ohio Power proposes to render to AMP-Ohio, transmission service, and may render emergency service, short-term service and limited term service, for the benefit of Patrons of AMP-Ohio, and (2) AMP-Ohio may render emergency service, short-term service and limited term service to Ohio Power. The Company states the purposes of the AMP-Ohio Power Agreement are to enable AMP-Ohio to achieve for the benefit of the municipal electric systems in Ohio which are from time to time Patrons of AMP-Ohio benefits derived from economies of scale and the coordination of programs and operations of its Patrons, through the services provided under the AMP-Ohio Agreement.

The rate for transmission service rendered by Ohio Power to AMP-Ohio, is $1.00/kw/month, resulting in a monthly charge, assuming a load factor of 70 percent, of approximately 1.86 mills per kwh. The rate contained in the Agreement for emergency service on a reciprocal basis is 110 percent of out-of-pocket costs of the supplier or 17.5 mills per kwh. The rates relative to short-term service and limited term service on a reciprocal basis, the Company states, are substantially the same as those for such services in 1975 reflected in interconnection agreements between Ohio Power and other systems, and which, on March 24, 1975 in Docket No. E-9241, were accepted for filing by the Commission.

The Company states that the AMP-Ohio Power Agreement has an effective date contingent on the occurence of the last of certain events specified in § 12.04 of said Agreement. The Company requests the Commission accept said Agreement as promptly as possible and fix as an effective date, one consistent with the provisions of § 12.04 of which the Commission will then be notified.

The Company further requests the Commission to find that good cause exists to waive any otherwise applicable requirements of Part 35 of its Regulations including, in particular, a requirement that rate schedules be filed not more than ninety days prior to the date on which electric service is to commence.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before May 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13784 Filed 5-27-75;8:45 am]

[Docket No. E-9439]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Filing of Proposed Transmission Contract

MAY 20, 1975.

Take notice that Public Service Company of New Hampshire (PSNH), on May 12, 1975, tendered for filing Transmission Contract dated April 15, 1975, between it and City of Holyoke, Massachusetts, Gas and Electric Department. This Contract, together with supporting materials, is submitted in accordance with Part 35 of the Commission's regulations.

The Contract provides for transmission of power from Seller, Vermont Electric Power Company, Inc. (VEPC) to Buyer, City of Holyoke Gas and Electric Department. Transmission will cover a 10.8 mile distance from a point at the Vermont-New Hampshire state line to a point at the Massachusetts-New Hampshire state line. The Contract period is from May 1, 1975, through October 31, 1975.

PSNH states that 5,000 KW of power will be entitled monthly to Buyer at a charge of $135.00 per month. No new facilities are needed to be installed or modified for this contract.

PSNH requests waiver of the normal 30 day notice requirement due to the late date it received notice of such transmission request, and the immediate needed capacity of the Buyer. Accordingly, PSNH further requests said Transmission Contract to become effective May 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13785 Filed 5-27-75;8:45 am]

[Docket No. CP75-254]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

MAY 20, 1975.

Take notice that Texas Eastern Transmission Corporation on May 2, 1975 tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 2. The proposed changes consist of an Amendment dated February 17, 1975 to Rate Schedule X-14, an exchange agreement with Transcontinental Gas Pipe Line Corporation (Transco) dated November 1, 1960 as amended on July 14, 1972.

Rate Schedule X-14 will be amended such that during the period from April 16, 1975 through November 15, 1975, Transco will deliver up to 60,000 Mcf of gas per day to Texas Eastern at presently authorized points of exchange in the Pennsylvania-New Jersey-New York area, and Texas Eastern will concurrently deliver equal quantities to Transco by delivering same to Texas Gas Transmission Corporation (Texas Gas) for the account of Transco at Lebanon, Ohio. The quantity of gas delivered to Texas Gas for the account of Transco will be balanced with the quantity of gas delivered to Texas Eastern by Transco on a Btu basis. The purpose of the exchange is to assist in effectuating a temporary underground storage ar-

rangement between Transco and Texas Gas.

The proposed effective date of this filing is April 21, 1975.

A copy of this filing was served upon Transcontinental Gas Pipe Line Corporation and Texas Gas Transmission Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13786 Filed 5-27-75;8:45 am]

[Docket No. E-9437]

VERMONT ELECTRIC POWER CO., INC.

Notice of Filing of Agreement

MAY 20, 1975.

Take notice that on May 12, 1975, Vermont Electric Power Company, Inc. (Velco) tendered for filing a purchase agreement for the sale of thirty thousand kilowatts (30,000 KW) and related energy from the Vermont Yankee Nuclear Electric Generating Unit in Vernon, Vermont, to the New Bedford Gas and Edison Light Company by the Vermont Electric Power Company, Inc., dated April 1, 1975.

Velco states that service to New Bedford under this rate schedule is being provided at the monthly rate of $270,000/month. According to the Company, these charges, inclusive of all relevant capacity, maintenance, and net energy charges by Vermont Yankee, are the same as those reimbursed by Velco for capacity and energy under this rate schedule; and, therefore, there will be no change in the overall rate of return of Velco. The Company adds that no cost of service studies were prepared in connection with the derivation of the rate.

Velco is requesting waiver of the thirty day notice requirement prior to the effective date of service pursuant to § 35.3 of the regulations. Velco submits that good cause exists for the waiver of the notice requirement under § 35.11 and requests the date of May 1, 1975, as the effective date of this rate schedule.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before May 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13787 Filed 5-27-75;8:45 am]

[Docket No. E-9438]

VERMONT ELECTRIC POWER CO., INC.

Filing of Agreement

MAY 20, 1975.

Take notice that on May 12, 1975, Vermont Electric Power Company, Inc. (Velco) tendered for filing a purchase agreement for the sale of five thousand kilowatts (5,000 KW) and related energy from the Vermont Yankee Nuclear Electric Generating Unit in Vernon, Vermont, to the City of Holyoke, Massachusetts, Gas and Electric Department, by the Vermont Electric Power Company, Inc., dated April 1, 1975.

Velco states that service to Holyoke under this rate schedule is being provided at the monthly rate of $45,000/month. According to the Company, these charges, inclusive of all relevant capacity, maintenance, and net energy charges by Vermont Yankee, are the same as those reimbursed by Velco for capacity and energy under this rate schedule; and, therefore, there will be no change in the overall rate of return of Velco. The Company adds that no cost of service studies were prepared in connection with the derivation of this rate.

Velco is requesting waiver of the thirty day notice requirement prior to the effective date of service pursuant to § 35.3 of the regulations. Velco submits that good cause exists for the waiver of the notice requirement under § 35.11, and requests the date of May 1, 1975, as the effective date of this rate schedule.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before May 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13788 Filed 5-27-75;8:45 am]

[Docket No. CP75-331]

UNITED GAS PIPE LINE CO.

Application

MAY 20, 1975.

Take notice that on May 8, 1975, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP75-331 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon in place approximately 5,187 feet of 6-inch pipeline located in sections 16 and 17, Township 8 North, Range 15 West, Covington County, Mississippi, serving Colonial Pipeline Company (Colonial), and to abandon and remove meter, regulating and appurtenant facilities, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that it has discontinued gas service to Colonial's Collins, Mississippi, pump station as of November 18, 1974. Applicant further states that Colonial has no potential need for future emergency deliveries of gas. The application indicates that Colonial has conveted its Collins station to use electric rather than gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-13789 Filed 5-27-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO on May 21, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed report form are invited from all interested persons, oganizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before June 16, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of a new FEA Form P315-M-O entitled, "Monthly Survey of Propane Sales Volume to Ultimate Consumers". This form will be completed by all (approximately 250) refiners/importers and independent gas processing plant operators, pursuant to section 4(c)(2)(A), Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159), and sections 5 and 13, Federal Energy Administration Act of 1974 (Pub. L. 93-275). The average monthly compliance burden is estimated to be 16 manhours per respondent, but it could be as high as 160 manhours, depending on the size of the reporting firm.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75-13839 Filed 5-27-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-134/135]

PRIMARY LEAD METAL FROM AUSTRALIA AND CANADA

Hearing

Having received a letter dated April 9, 1975, from the Assistant Secretary of the Treasury David R. Macdonald forwarding a petition requesting revocation of the dumping findings on Primary Lead Metal from Australia and Canada published in the FEDERAL REGISTER of April 17, 1974 (39 FR 13783), the United States International Trade Commission on May 20, 1975, ordered a public hearing to be held July 22, 1975, in the U.S. International Trade Commission's Hearing Room, 8th and E Streets, NW., Washington, D.C. 20436, at 10:00 a.m., e.d.t., to determine whether the Commission should reopen and review its determination of January 10, 1974, in investigations Nos. AA1921-134 and 135 relating to Primary Lead Metal from Australia and Canada. All interested parties will be given an opportunity to show cause why the Commission should grant or deny the petition to reopen and review its determinations of January 10, 1974. Requests to appear at the public hearing should be received by the Secretary of the International Trade Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, July 17, 1975.

Issued: May 21, 1975.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.75-13769 Filed 5-27-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSIC ADVISORY PANEL

Meeting

Due to unforeseen circumstances, the open meeting of the Music Panel of the National Endowment for the Arts to be held on May 29 and 30, 1975, and announced in the FEDERAL REGISTER of Monday, May 12, 1975, will be closed for purposes of application review during the May 30th portion of the meeting.

This session is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-14039 Filed 5-27-75;10:41 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-1729]

ALLIED-GENERAL NUCLEAR SERVICES, ET AL.

Availability of Draft Environmental Statement for Barnwell Fuel Receiving and Storage Station

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards related to the proposed issuance of a materials license to receive and store irradiated fuel and related materials in the Fuel Receiving and Storage Station at the Barnwell Nuclear Fuel Plant near Barnwell, South Carolina, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and Office of the Barnwell County Board of Commissioners, P.O. Box 443, Barnwell, South Carolina 29812. The Draft Statement is also being made available at the State Clearinghouse, Division of Administration, 1205 Pendleton Street, 4th Floor, Columbia, South Carolina 29201 and at the Regional Clearinghouse, Lower Savannah Regional Planning and Development Commission, P.O. Box 850, Aiken, South Carolina 29801.

Requests for copies of the Draft Environmental Statement, identified as NUREG-75/026, should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Materials and Fuel Cycle Facility Licensing.

The Applicant's Environmental Report for the Barnwell Nuclear Fuel Plant, as supplemented, which includes consideration of the Fuel Receiving and Storage Station, is also available for public inspection at the above designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on November 27, 1971.

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Draft Environmental Statement (local agencies may obtain this document upon request). Comments are due by July 21, 1975. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Local Public Document Room in Barnwell, South Carolina. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final

Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Materials and Fuel Cycle Facility Licensing.

Dated at Bethesda, Md., this 19th day of May, 1975.

For the Nuclear Regulatory Commission.

PETER LOYSEN,
Acting Chief, Fuel Cycle Licensing Branch 2, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-13763 Filed 5-27-75;8:45 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-61 issued to Connecticut Yankee Atomic Power Company which revised Technical Specifications for operation of the Haddam Neck Plant, located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

This amendment changes the containment integrated leakage rate tests of the Technical Specifications to conform to the requirements of 10 CFR Part 50, Appendix J, Type A tests.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since this amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated March 14, 1975, (2) Amendment No. 2 to License No. DPR-61, with Change No. 2, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of May 1975.

For the Nuclear Regulatory Commission.

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

[FR Doc.75-13793 Filed 5-27-75;8:45 am]

[Docket No. 50-341]

DETROIT EDISON CO. (ENRICO FERMI ATOMIC POWER PLANT, UNIT 2)

Receipt of Application for Facility Operating License; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for facility operating license from the Detroit Edison Company (the applicant) to possess, use, and operate the Enrico Fermi Atomic Power Plant, Unit 2, a boiling water nuclear reactor (the facility), located on the applicant's site in Frenchtown Township, Monroe County, Michigan, at a steady-state power level of 3292 megawatts thermal.

The applicant has also filed an Environmental Report, Operating License Stage, in accordance with the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51. This report updates the discussion of environmental considerations relating to the proposed operation of the facility, as well as the results of the ongoing monitoring programs, which were previously discussed in the Environmental Report as amended, Construction Permit Stage, dated September, 1970. Both Environmental Reports are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161. The reports are also being made available at the State Clearinghouse, Division of Intergovernmental Relations, Bureau of Management and Budget, Lewis Cass Building, Lansing, Michigan 48913, and the Metropolitan Clearinghouse, South East Michigan Council of Governments, 810 Book Building, 1249 Washington Boulevard, Detroit, Michigan 48226.

After the Environmental Report, Operating License Stage, has been analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus on any relevant conditions and/or considerations which were not addressed in, or which have changed since preparation of, the final environmental statement prepared in connection with the issuance of the construction permit. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, notice of the availability of which will be published in the FEDERAL REGISTER.

The Commission will consider the issuance of a facility operating license to The Detroit Edison Company which would authorize the applicant to possess, use, and operate the Enrico Fermi Atomic Power Plant, Unit 2, in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation on the application by the Office of Nuclear Reactor Regulations; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for a facility operating license by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Ch. I. Construction of the facility was authorized by Construction Permit No. CPPR-97, issued by the Commission on September 26, 1972. Construction of the facility is anticipated to be completed by April, 1979.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the Construction Permit. In addition, the license will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The Commission has commenced the radiological safety review of the application. However, since the construction permit has been extended until April 1979, the Commission has postponed commencement of its environmental review so as to enable the Commission's Staff to utilize the information which will be more current when the facility is ready for operation. It is anticipated that the Commission's radiological safety and environmental review of the application will not be completed for approximately three years. Under these circumstances, it has been determined that the soonest practicable time for issuance of the

Notice of Opportunity for Hearing is about January 1976.

For further details, see the application for the facility operating license, dated April 4, 1975, and the applicant's Environmental Report, Operating License Stage, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report prepared by the Office of Nuclear Reactor Regulation; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating license; and (6) the technical specification which will be attached to the proposed facility operating license.

Copies of the proposed operating license and the ACRS report, when available, may be obtained by request to the Director, Division of Reactor Licensing, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Division of Reactor Licensing's safety evaluation and final environmental statement, when available, may be obtained from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 21st day of May 1975.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors, Branch 2-2, Division of Reactor Licensing.

[FR Doc.75-13794 Filed 5-27-75;8:45 am]

[Docket No. 50-536]

GENERAL ELECTRIC TECHNICAL SERVICES CO.

Application for and Consideration of Issuance of Facility Export License

Please take notice that General Electric Technical Services Co., Inc. has submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of a boiling water reactor with a thermal power level of 3012 megawatts to Kernkraftwerk Leibstadt AG, Zurich, Switzerland and that the issuance of such license is under consideration by the Nuclear Regulatory Commission.

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

(a) The application complies with the requirements of the Act, and the Commission's regulations set forth in 10 CFR Ch. I, and

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

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

Unless on or before June 12, 1975, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of Nuclear Material Safety and Safeguards may, upon the determinations and findings noted above, cause to be issued to General Electric Technical Services Company a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Nuclear Regulatory Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Md., this 9th day of May 1975.

For the Nuclear Regulatory Commission.

G. WAYNE KERR,
Chief, Agreements & Exports Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-13795 Filed 5-27-75;8:45 am]

[Docket Nos. 50-461, 50-462]

ILLINOIS POWER CO. (CLINTON POWER STATION, UNITS 1 AND 2)

Hearing on Application for Construction Permits

Please take notice that in accordance with the "Notice of Hearing on Application for Construction Permits," published by the Atomic Energy Commission[1] in the FEDERAL REGISTER on December 7, 1973 (38 FR 33789), a public hearing will be held before an Atomic Safety and Licensing Board, pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice," to consider the application filed under the Act by Illinois Power Company (the Applicant) for construction permits for two boiling water nuclear reactors designated as the Clinton Power Station, Units 1 and 2, proposed to be located at Applicant's site in DeWitt County, approximately six miles east of Clinton, Illinois.

The public hearing in this proceeding shall be convened on Tuesday, June 17, 1975, at 1:30 p.m. local time, at the following location:

Clinton Junior High School Gymnasium
401 North Center Street
Clinton, Illinois 61727

Morning and afternoon sessions of the hearing also will be held at the above location on Wednesday, June 18, 1975, commencing at 10 a.m. and 1:30 p.m., respectively. The hearing will reconvene in Champaign, Illinois, for the remaining sessions, beginning on Thursday, June 19, 1975 at 10 a.m., at the following location:

Brundage Room
Ramada Inn Convention Center
1501 South Neil Street
Champaign, Illinois 61820

Members of the public are invited to attend the hearing. Limited appearances by any persons wishing to state their views orally, or to file a written statement in this proceeding will be received at the commencement of the first day of hearing. In addition, for the convenience of members of the public who are unable to attend sessions during regular business hours of the day, the Board has scheduled an evening session from 7 to 9 p.m. on the first day of the hearing on June 17, 1975, at which time limited appearance statements also will be received.

Issued at Bethesda, Md., this 21st day of May 1975.

It is so ordered.

The Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.75-13838 Filed 5-27-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.96, "Design of Main Steam Isolation Valve Leakage Control Systems for Boiling Water Reactor Nuclear Power Plants," describes a basis acceptable to the NRC staff for implementing the criterion regarding the design of a leakage control system for the main steam isolation valves of boiling

[1] In accordance with the Energy Reorganization Act of 1974, Pub. L. 93-438, the Nuclear Regulatory Commission (NRC) was established on January 19, 1975. The NRC assumed the licensing and regulatory functions of the former Atomic Energy Commission.

water reactor nuclear power plants to ensure that total site radiological effects do not exceed Commission guidelines in the event of a postulated design-basis loss-of-coolant accident.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.96 will, however, be particularly useful in evaluating the need for an early revision if received by July 25, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.
Protection Against Postulated Events and Accidents Outside of Containment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
Design Load Combinations for Component Supports.
Interim Guide on Tornado Missiles.
Criteria for Plugging Steam Generator Tubes.
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
Overhead Crane Handling Systems for Nuclear Power Plants.
Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.
Tornado Design Classification.
Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.
Protective Coatings for Light-Water Reactor Containment Facilities.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.
Fire Protection Criteria for Nuclear Power Plants.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fuel Oil Systems for Standby Diesel Generators.
Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Containment Isolation Provisions.
Instrument Spans and Setpoints.
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.
Periodic Testing of Diesel Generators.
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.
Quality Assurance Program Requirements for Nuclear Power Plant Fuels.
Testing of Nuclear Air Cleaning Systems.
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.
Design Criteria for Overload Protection of Motor-Operated Valves.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Protection of Nuclear Power Plants Against Industrial Sabotage.
Emergency Planning for Nuclear Power Plants.
Control Room Manning.
Flood Protection for Nuclear Power Plants.
Hydrologic Design Criteria for Water Control Structures and Constructed for Nuclear Power Plants.
Spill Analysis—Dispersion and Dilution in Surface and Ground Water.
Design Objectives for LWR Spent Fuel Facilities.
Design Objectives for LWR Fuel Handling Systems.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 20th day of May 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director,
Office of Standards Development.

[FR Doc.75-13797 Filed 5-27-75;8:45 am]

[Docket No. 50-533]

WESTINGHOUSE ELECTRIC CORP.

Application for and Consideration of Issuance of Facility Export License

Please take notice that Westinghouse Electric Corporation has submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of a pressurized water reactor with a thermal power level of 2783 megawatts to Statens Vattenfallsverk, Stockholm, Sweden and that the issuance of such license is under consideration by the Nuclear Regulatory Commission.

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

(a) The application complies with the requirements of the Act, and the Commission's regulations set forth in 10 CFR Ch. I, and

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

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

Unless on or before June 12, 1975, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of Nuclear Material Safety and Safeguards may, upon the determinations and findings noted above, cause to be issued to Westinghouse Electric Corporation a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Nuclear Regulatory Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 9th day of May 1975.

For the Nuclear Regulatory Commission.

G. WAYNE KERR,
Chief, Agreements & Exports Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-13796 Filed 5-27-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 22, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an

indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL ACADEMY OF SCIENCES

Guide for Interviewing Research Patients, DMS-BRVA-OO, single-time, VA patients on research protocols, Human Resources Division, Dick Eisinger, 395-3532.

DEPARTMENT OF COMMERCE

Bureau of the Census, Task II—Interviewing the Industry, single-time, institutions; selected experts, Economics and General Government Division, 395-3451.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Health Insurance Survey—Semi-Annual Survey I, OS-32-75, other (see SF-83), individuals, Caywood, D. P., Reese, B. F., 395-3443.

DEPARTMENT OF THE INTERIOR

National Park Service, Guadalupe Mountains National Park—Visitor Preference Survey, single-time, park visitors, Planchon, P., 395-3898.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of East-West Trade, Single Transaction Statement by Consignee and Purchaser, DIB-626P, on occasion, foreign commercial importers, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Evaluation of Regional Medical Program Activities Affecting the Health of Children, HRAOPEL 0516, single-time, regional health programs, Human Resources Division, Reese, B. F., 395-3532.

OFFICE OF THE SECRETARY

Baseline Interview—Health Insurance Study, OS-24-75, single-time, sample-HH's in urbanized area of Seattle SMSA, Reese, B. F., 395-5630.

Bureau of East-West Trade, Multiple Transactions Statement by Consignee and Purchaser, DIB-627P, annually, foreign commercial importers, Caywood, D. P., 395-3443.

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation, Age, Sex and Race of Persons Arrested 18 Yrs. of Age and Over; Under 18 Yrs. of Age, 12-90, 12-90A, monthly, all law enforcement agencies, Hall, George, 395-4697.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and conservation service:

Application for Small Farm Payment—Upland Cotton Program, ASCA-453, annually, cotton farmers, Marsha Traynham, 395-4529.

Food and Nutrition Service:

Special Milk Program Application, FNS-826, on occasion, nonprofit private service institutions, Marsha Traynham, 395-4529.

Producer Identification of Cotton, ASCS-503, annually, farmers, Lowry, R. L., 395-3772.

Agreement — National School Lunch, School Breakfast and Special Milk Programs, FNS-67, on occasion, governing body of nonprofit private schools, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-13918 Filed 5-27-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

CONCORD DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Concord District Advisory Council will meet at 11:00 a.m., (e.d.t.), Wednesday, June 11, 1975, in the Knox Room of the New Hampshire Highway Hotel, Traffic Circle, Concord, New Hampshire, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Bert F. Teague, Small Business Administration, 55 Pleasant Street, Concord, New Hampshire 03301, (603) 224-7724.

Dated: May 19, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-13826 Filed 5-27-75;8:45 am]

[Delegation of Authority No. 12-B; Rev. 1]

DEPUTY ASSOCIATE ADMINISTRATOR FOR INVESTMENT

Delegation of Authority Regarding Investment Activities

Delegation of Authority No. 12-B (38 FR 13787) is hereby revised to delete reference to audit and investigatory powers under section 310 of the Small Business Investment Act of 1958, as amended. Audit and investigatory functions have been transferred to the Office of the Assistant Administrator for Administration.

Delegation of Authority No. 12-B, Revision 1, is revised to read as follows:

I. Pursuant to the authority delegated to the Associate Administrator for Finance and Investment in Delegation of Authority No. 12, (Revision 1), (38 FR 13063), as amended (38 FR 16001, 38 FR 26509, 40 FR 8398, and 40 FR 18054), the following authority is hereby delegated:

A. *Deputy Associate Administrator for Investment.* To take any and all actions necessary to carry out the provisions of Titles I, II, and III (with the exception of section 310 of Title III) of the Small Business Investment Act of 1958, as amended, and of the regulations thereunder as amended from time to time, including without limitation all necessary action in connection with the servicing, administration, collection, sale and liquidation of partially or fully disbursed loans, obligations and property (real, personal or mixed, tangible or intangible) held by or assigned to SBA and arising out of activities under said Act, and, in connection therewith, to accept or reject offers of settlement or of compromise for cash, credit, or property (real, personal, or mixed, tangible or intangible).

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee officially designated as Acting Deputy Associate Administrator for Investment.

Effective date: May 28, 1975.

Dated: May 20, 1975.

EDWIN T. HOLLOWAY,
Acting Associate Administrator for Finance and Investment.

[FR Doc.75-13827 Filed 5-27-75;8:45 am]

[Delegation of Authority No. 15-A; Amdt. 2]

DIRECTOR, OFFICE OF AUDITS AND INVESTIGATIONS

Delegation of Administrative, Financial and Investigation Activities

Delegation of Authority No. 15-A (37 FR 24716), as amended (38 FR 19294), is hereby further amended to delegate certain investigatory authority to the Director, Office of Audits and Investigations. Actions taken by the Director, Office of Audits and Investigations under the provisions of Section 310 of the Small Business Investment Act of 1958, as amended, and section 5(b)(11) of the Small Business Act, as amended, prior to the date hereof are hereby ratified.

Section C is therefore added to Delegation of Authority No. 15-A as follows:

C. *Investigation Authority*—1. *Director, Office of Audits and Investigations.* a. To exercise in the name of the Administrator the powers conferred on the Administration by section 310 of the Small Business Investment Act of 1958, as amended, and section 5(b)(11) of the Small Business Act, as amended.

Effective date: May 28, 1975.

Dated: March 20, 1975.

HERBERT T. MILLS,
Acting Assistant Administrator for Administration.

[FR Doc.75-13828 Filed 5-27-75;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket No. 75-17]

PENN CENTRAL TRANSPORTATION CO.

Abandonment of Portion of Norwalk Branch, Huron and Sandusky Counties, Ohio

Order. The Trustees of Penn Central Transportation Company, debtor, a railroad in reorganization under the Regional Rail Reorganization Act of 1973

(45 U.S.C. 701 et seq.), applied to the United States Railway Association for the authorization required by section 304(f) of that Act to abandon a portion of a line of railroad known as the Norwalk Branch, between milepost 250.7 near Bellevue and milepost 257.7 near Clyde, a distance of 7.0 miles in Huron and Sandusky Counties, Ohio.

Section 304(f) provides that a railroad in reorganization may not abandon a line of railroad "unless it is authorized to do so by the Association and unless no state or local or regional transportation authority reasonably opposes such action."

No state or local or regional transportation authority opposes this application. The Congress of Railway Unions and the Brotherhood of Locomotive Engineers request the imposition of labor protective conditions for any employees who may be affected by this abandonment. Abandonment of this line would not otherwise be inconsistent with the purposes of the Act.

Accordingly, the application will be granted on the condition that adversely affected employees receive, until the effective date of mandatory offers to "protected employees" under section 502(b) of the Act, the labor protection customarily imposed by the Interstate Commerce Commission, as in Chicago, B&Q R. Co., Abandonment, 257 I.C.C. 700.

This order shall be effective on June 17, 1975.

Dated this 21st day of May 1975.

[SEAL] EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.75-13801 Filed 5-27-75;8:45 am]

[Docket No. 75-66]

PENN CENTRAL TRANSPORTATION CO.

Abandonment of Portion, Lansing Branch

Order. On October 31, 1974, the Trustees of the Penn Central Transportation Company, debtor, a railroad in reorganization under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), applied to the United States Railway Association for the authorization required by section 304(f) of that Act to abandon a portion of a line railroad known as the Albion segment of the Lansing Branch between milepost 23.6 at Albion, Michigan, and its terminus at milepost 23.8, a distance of 0.2 miles, in Calhoun County, Michigan.

Section 304(f) provides that a railroad in reorganization may not abandon a line of railroad "unless it is authorized to do so by the Association and unless no state or local or regional transportation authority reasonably opposes such action."

No state or local or regional transportation authority opposes this application. The Brotherhood of Locomotive Engineers, the Railway Labor Executives Association, and the Congress of Railway Unions have requested the Association impose conditions for the protection of employees who may be affected by this abandonment. Abandonment of this line would not otherwise be inconsistent with the purposes of the Act.

Accordingly, the application will be granted on the condition that adversely affected employees receive, until the effective date of mandatory offers to "protected employees" under section 502(b) of the Act, the labor protection customarily imposed by the Interstate Commerce Commission, as in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700.

This Order shall be effective on June 17, 1975.

Dated this 21st day of May 1975.

[SEAL] EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.75-13806 Filed 5-27-75;8:45 am]

[Docket No. 75-68]

PENN CENTRAL TRANSPORTATION CO.

Abandonment of Portion, Lansing Branch

Order. On October 31, 1974, the Trustees of the Penn Central Transportation Company, debtor, a railroad in reorganization under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), applied to the United States Railway Association for the authorization required by section 304(f) of that Act to abandon a portion of a line railroad known as the Lansing segment of the Lansing Branch between milepost 59.7 near Lansing to its terminus at milepost 60.4, a distance of 0.7 mile, in Ingham County, Michigan.

Section 304(f) provides that a railroad in reorganization may not abandon a line of railroad "unless it is authorized to do so by the Association and unless no state or local or regional transportation authority reasonably opposes such action."

No state or local or regional transportation authority opposes this application. The Brotherhood of Locomotive Engineers, the Railway Labor Executives Association, and the Congress of Railway Unions have requested the Association impose conditions for the protection of employees who may be affected by this abandonment. Abandonment of this line would not otherwise be inconsistent with the purposes of the Act.

Accordingly, the application will be granted on the condition that adversely affected employees receive, until the effective date of mandatory offers to "protected employees" under section 502(b) of the Act, the labor protection customarily imposed by the Interstate Commerce Commission, as in Chicago, B.&Q. R. Co., Abandonment, 257 I.C.C. 700.

This order shall be effective on June 17, 1975.

Dated this 21st day of May 1975.

[SEAL] EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.75-13807 Filed 5-27-75;8:45 am]

[Docket No. 75-70]

PENN CENTRAL TRANSPORTATION CO.

Abandonment of Olean Branch, Sixteenth Street Track

Order. On December 16, 1974, the Trustees of the Penn Central Transportation Company, debtor, a railroad in reorganization under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), applied to the United States Railway Association for the authorization required by section 304(f) of that Act to abandon the Olean Branch, Sixteenth Street Track between Valuation Station 9+15 and Valuation Station 68+20, a distance of 1.1 miles, all in the City of Olean, Cattaraugus County, New York.

Section 304(f) provides that a railroad in reorganization may not abandon

a line of railroad "unless it is authorized to do so by the Association and unless no state or local or regional transportation authority reasonably opposes such action. The Brotherhood of Locomotive Engineers, the Railway Labor Executives Association, and the Congress of Railway Unions, have requested that the Association impose conditions for the protection of employees who may be affected by this abandonment. Abandonment of this line would not otherwise be inconsistent with the purposes of the Act.

Accordingly, the application will be granted on the condition that adversely affected employees receive, until the effective date of mandatory offers to "protected employees" under section 502(b) of the Act, the labor protection customarily imposed by the Interstate Commerce Commission, as in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700.

This Order shall be effective on June 17, 1975.

Dated this 21 day of May 1975.

[SEAL] EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.75-13808 Filed 5-27-75;8:45 am]

[Docket No. 75-42]

PENN CENTRAL TRANSPORTATION CO.

Discontinuance of Service, Evansville Secondary Track

Order. On May 17, 1974, the Trustees of the Penn Central Transportation Company, debtor, a railroad in reorganization under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), applied to the United States Railway Association for the authorization required by section 304(f) of that Act to discontinue service over a portion of a line of railroad known as the Evansville Secondary Track between milepost 132.0 at Skelton and milepost 154.1 at Evansville, 22.1 miles in length in Gibson, Posey, and Vanderburgh Counties, Indiana.

Section 304(f) provides that a railroad in reorganization may not discontinue service or abandon a line of railroad "unless it is authorized to do so by the Association and unless no state or local or regional transportation authority reasonably opposes such action. The Congress of Railway Unions and the Railway Labor Executives Association have requested that the Association impose conditions for the protection of employees who may be affected by this abandonment. M. M. Reaves, Secretary-Treasurer of Local #1431 of the United Transportation Union and R. K. Hockgeiger, Division Chairman, R.R. #3, Brotherhood of Railway Airline and Steamship Clerks, oppose the application on more general grounds. Discontinuance of this service would not otherwise be inconsistent with the purposes of the Act.

Accordingly, the application will be granted on the condition that adversely affected employees receive, until the effective date of mandatory offers to "protected employees" under section 502(b) of the Act, the labor protection customarily imposed by the Interstate Commerce Commission, as in Chicago, B & Q. R. Co., Abandonment, 257 I.C.C. 700.

This Order shall be effective on June 17, 1975.

Dated this 21st day of May 1975.

[SEAL] EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.75-13802 Filed 5-27-75;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

AFFECTED CLASS AND BACK PAY GUIDELINES

Extension of Comment Period

On March 26, 1975, the Office of Federal Contract Compliance published proposed Affected Class and Back Pay Guidelines at 41 CFR Part 13311. The proposed Guidelines would amend 41 CFR Part 60-60, known as Revised Order 14, by clarifying the means of identifying an affected class, resolving affected class problems and setting forth the principles applicable in awarding back pay relief to identifiable victims of discrimination including affected class members.

Interested persons were invited to comment upon the proposal by submitting written data, views or arguments to the Department of Labor on or before April 25, 1975. That comment period has expired, and many persons have submitted requests asking for an extension of the time to comment. In consideration of these requests, the comment period is hereby extended until June 27, 1975.

Interested persons may submit their comments to Mr. Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N3402, Washington, D.C. 20210.

JOHN T. DUNLOP,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

MAY 22, 1975.

[FR Doc.75-13846 Filed 5-27-75;8:45 am]

Office of the Secretary

ALLEN QUIMBY VENEER CO.

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 9, 1975 in response to a worker petition received on April 8, 1975 which was filed on behalf of workers formerly engaged in the production of birch plywood doorskins at the Allen Quimby Veneer Co., Bingham, Maine, a Division of Columbia Plywood Corp., Division of Columbia Corp., Portland, Oregon.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 17089) on April 16, 1975. No public hearing was requested and none was held.

The information upon which the determination is made was obtained principally from officials of Allen Quimby Veneer Co., its major customers, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. All hourly workers and most salaried workers of the Allen Quimby Veneer Co. were separated in September–November 1974 when the company was phasing out production prior to closing.

Sales or production, or both, have decreased absolutely. Sales and production of birch plywood doorskins manufactured at the Allen Quimby Veneer Co. decreased absolutely in the second and third quarters of 1974. All production of birch plywood doorskins ceased in November 1974.

Increases of imports contributed importantly. Imports of articles like or directly competitive with the birch plywood doorskins produced at the Allen Quimby Veneer Co. increased as a percent of domestic consumption and production from 75 percent and 307 percent respectively in 1973 to 78 percent and 335 percent respectively in 1974. In the fourth quarter of 1974 the ratios of imports to consumption and imports to production were 83 percent and 500 percent respectively. Import levels of birch plywood doorskins declined from 126 million square feet in 1973 to 87 million square feet in 1974.

The evidence developed in the Department's investigation indicates that increased import competition was an important factor contributing to the closing of the Allen Quimby Veneer plant. In recent years imports held a dominant share of the domestic market for birch plywood doorskins and significantly influenced the prices which domestic producers could obtain for their products.

During 1974, as doorskin sales declined sharply due to cutbacks in housing construction, imports of birch plywood doorskins increased their share of the domestic market. Major customers of Allen Quimby Veneer stated that in the last 6 months of 1974 birch plywood doorskins from Japan, the largest supplier in the domestic market, were available at prices substantially below those of domestic producers. Allen Quimby Veneer could not meet the lower import prices without incurring substantial losses on its doorskin operations. In these circumstances Columbia Plywood Corp., the parent company of Allen Quimby Veneer, concluded that continued doorskin production would not be profitable and that the Allen Quimby Veneer plant should be closed.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like and directly competitive with the birch plywood doorskins produced at the Allen Quimby Veneer Co. contributed importantly to the total or partial separation of the workers of that firm. Section 223 (b) (2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker who was last separated from the firm or subdivision more than 6 months before the effective date of the new program (i.e. October 3, 1974). In accordance with this provision of the Act I make the following certification:

All hourly and salaried workers of the Allen Quimby Veneer Co., Bingham, Maine, a Division of Columbia Plywood Corp., Division of Columbia Corp., Portland, Oregon, who became totally or partially separated from employment on or after October 7, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of May 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-13847 Filed 5-27-75;8:45 am]

[TA-W-26]

ROHR INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On May 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers on behalf of the workers and former workers of the Chula Vista, California plant of Rohr Industries, Inc., Chula Vista, California.

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with door frame weldments for transit cars and detailed sheet metal parts and subassemblies for aircraft engine nacelles produced by the Chula Vista, California plant of Rohr Industries, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing: *Provided*, Such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 7, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of May 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-13848 Filed 5-27-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 776]

ASSIGNMENT OF HEARINGS

MAY 22, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 139721, All World Travel, Inc., now assigned June 10, 1975 at Philadelphia, Pennsylvania is postponed indefinitely.

MC-F-12443, Jerry Lipps, Inc.—Purchase—Pascagoula Drayage Company, Inc. and Jerry Lipps, Inc., now being assigned September 9, 1975 (4 days) at Jackson, Miss., in a hearing room to be later designated.

MC 730 Sub 364, Pacific Intermountain Express Co., now being assigned September 9, 1975 (14 days) at Los Angeles, California; in a hearing room to be designated later.

MC-F 12254, Economy Movers, Inc.—Control and Merger—Eckley Trucking and Leasing, Inc., and MC 5227 Sub 15, Economy Movers, Inc., now assigned July 14, 1975 at Omaha, Nebraska is cancelled, and transferred to Modified Procedure.

MC 124211 Sub 254, Hilt Truck Line, Inc., now being assigned July 14, 1975 (2 days), at Omaha, Nebraska; in a hearing room to be designated later.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-13852 Filed 5-27-75;8:45 am]

[AB 6 (Sub-No. 7)]

BURLINGTON NORTHERN INC.

Abandonment Between Brisbin and Gardiner, Park County, Montana

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Park County, Mont., on or before June 6, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of May 1975.

By the Commission, Commissioner Tuggle.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[AB 6 (Sub-No. 7)]

BURLINGTON NORTHERN INC.

ABANDONMENT BETWEEN BRISBIN AND GARDINER, PARK COUNTY, MONTANA

The Interstate Commerce Commission hereby gives notice that by order dated May 15, 1975, it has been determined that the proposed abandonment by the Burlington Northern Inc., of its line of railroad between Milepost 10.60 at Brisbin and Milepost 54.36 at Gardiner, a total distance of 43.75 mainline miles, plus

4.28 yard track miles, all in Park County, Mont., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) the volume of traffic handled on the line has been low and is steadily declining, (2) U.S. Highway 89, which parallels the subject line, provides an adequate highway route, (3) any resultant diversion of traffic from rail to truck will not have a significant impact on air and water quality, and (4) there is the availability of applicant's rail service at Livingston, Mont. In addition, approval of the abandonment proceeding could allow private and public agencies the opportunity to offer to purchase all or part of the right-of-way property with its related materials and structures for rail service and public use.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before June 23, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-13864 Filed 5-27-75;8:45 am]

[AB 1 (Sub-No. 30)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Blue Earth and Elmore, in Fairbault County, Minnesota

MAY 16, 1975.

The Interstate Commerce Commission hereby gives notice that: 1. By order served April 14, 1975, applicant was required to publish a notice in the Fairbault County, Minn., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment it was 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. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the April 14, 1975, order and subsequent notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-13858 Filed 5-27-75;8:45 am]

[AB 29]

CINCINNATI, NEW ORLEANS-TEXAS PACIFIC RAILWAY CO.

Abandonment Between Harriman and Dearmond in Roane and Morgan Counties, Tennessee

MAY 16, 1975.

The Interstate Commerce Commission hereby gives notice that: 1. By order served April 9, 1975, applicant was required to publish a notice in the Roane and Morgan Counties, Tenn., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment it was 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. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the April 9, 1975, order and subsequent notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-13860 Filed 5-27-75;8:45 am]

[Finance Docket No. 27628]

OREGON-WASHINGTON RAILROAD AND NAVIGATION CO.

Construction and Operation Near Hedges, Benton County, Washington

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Benton County, Wash., on or before June 6, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of May 1975.

By the Commission, Commissioner Tuggle.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[Finance Docket No. 27628]

OREGON-WASHINGTON RAILROAD AND NAVIGATION CO. CONSTRUCTION AND OPERATION NEAR HEDGES, BENTON COUNTY, WASHINGTON

The Interstate Commerce Commission hereby gives notice that by order dated May 15, 1975, it has been determined that the proposed construction by the Oregon-Washington Railroad and Navigation Company of its line near Hedges, Benton County, Wash., a distance of 5,005 feet together with 1,000 feet of paralleling run around track, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the industrial development accelerated by the subject action is consistent with land use plans for the area. The potential for increased traffic congestion and subsequent deterioration of air quality will be mitigated by the occurrence of switching operations after working hours. Energy resources will be minimally conserved as the construction would allow for less circuitous routing for rail traffic.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before June 23, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-13863 Filed 5-27-75;8:45 am]

[No. 36125]

REPORTING EXTRAORDINARY, UNUSUAL OR INFREQUENTLY OCCURRING EVENTS AND TRANSACTIONS; PRIOR PERIOD ADJUSTMENTS; EFFECTS OF DISPOSAL OF A SEGMENT OF A BUSINESS

Extension of Time for Filing Comments

Upon consideration of the record in the above-entitled proceeding, including the letter-request dated May 12, 1975, of the Association of Oil Pipe Lines seeking an extension of time to file comments to July 21, 1975;

It is ordered, That the due date for the filing of comments by interested persons be, and it is hereby, extended to July 3, 1975.

Dated at Washington, D.C., on the 21st day of May 1975.

By the Commission, Vice Chairman O'Neal.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-13857 Filed 5-27-75;8:45 am]

[AB 12 (Sub-No. 14)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Near Inglewood, in Los Angeles County, California

MAY 16, 1975.

The Interstate Commerce Commission hereby gives notice that: 1. by order served April 14, 1975, applicant was required to publish a notice in the City and County of Los Angeles, Calif., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment it was 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 of (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the April 14, 1975, order and subsequent notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-13859 Filed 5-27-75;8:45 am]

[AB 12 (Sub-No. 11)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Wise Transfer and El Segundo, in Los Angeles County, California

MAY 16, 1975.

The Interstate Commerce Commission hereby gives notice that: 1. By order served April 14, 1975, applicant was required to publish a notice in the Los Angeles, Calif., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment it was 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. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the April 14, 1975, order and subsequent notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-13861 Filed 5-27-75;8:45 am]

[I.C.C. Order No. P-3]

SOUTHERN PACIFIC TRANSPORTATION CO.

Passenger Train Operation

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Los Angeles, California; that the operation of these trains require the use of employees, tracks and other facilities of The Atchison, Topeka and Santa Fe Railway Company (ATSF); that a portion of ATSF's tracks between Barstow, California, and San Bernardino, California, are temporarily out of service due to a freight train derailment; that an alternate route is available between Barstow and Mojave, California, on the ATSF, thence via the Southern Pacific Transportation Company from Mojave to Los Angeles, California; that it's use is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

(a) Pursuant to the authority vested in me by order of the Commission served June 14, 1974; and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), the Southern Pacific Transportation Company (SP) be, and it is hereby authorized to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with The Atchison, Topeka and Santa Fe Railway Company (ATSF) at Mojave, California, and Los Angeles, California.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers, in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

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

(d) *Effective date.* This order shall become effective at 6:00 p.m., PST, May 12, 1975.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., p.s.t., May 13, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this order shall be served upon Southern Pacific Transportation Company and upon the National Railroad Passenger Corporation (Amtrak), and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 12, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.75-13862 Filed 5-27-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 22, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 7, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 106603 (Sub-No. E4), filed May 10, 1974. Applicant: DART TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to *building materials*, as described by the Commission, from points in Indiana to those points in the Upper Peninsula of Michigan on and west of U.S. Highway

41. The purpose of this filing is to eliminate the gateway of Wilmington, Del.

No. MC 106603 (Sub-No. E5), filed May 10, 1974. Applicant: DART TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to building materials as described by the Commission, from those points in Indiana on and west of Interstate Highway 65 to those points in the Upper Peninsula on and east of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Wilmington, Ill.

No. MC 106603 (Sub-No. E6), filed May 10, 1974. Applicant: DART TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to roofing materials, from those points in Illinois south and west of a line beginning at the Illinois-Missouri State line, and extending along Interstate Highway 55/U.S. Highway 66 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line to those points in the Upper Peninsula of Michigan on and north of U.S. Highway 2. The purpose of this filing is to eliminate the gateway of Whiting, Ind., and Wilmington, Ill.

No. MC 106603 (Sub-No. E7), filed May 10, 1974. Applicant: DART TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to roofing materials, from those points in Illinois bounded by a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 36 to junction U.S. Highway 66/Interstate Highway 55, thence along Interstate Highway 55 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line, to those points in the Upper Peninsula of Michigan on and east of U.S. Highway 41. The purpose of this filing is to eliminate the gateways of Whiting, Ind., and Wilmington, Ill.

No. MC 106603 (Sub-No. E8), filed May 10, 1974. Applicant: DART TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractor's materials*, restricted to building and roofing materials, from points in Indiana (except the plant site of the Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind.), to points in the St. Louis, Mo., commercial zone. The purpose of this filing is to eliminate the gateway of Vandalia, Ill.

No. MC 106603 (Sub-No. E9), filed May 10, 1974. Applicant: DART TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to building and roofing materials, in truckloads, from those points in Ohio on and south of a line beginning at the Ohio-Kentucky State line and extending along Ohio Highway 73 to junction Ohio Highway 725, thence along Ohio Highway 725 to the Ohio-Indiana State line to those points in the Lower Peninsula bounded by a line beginning at the Michigan-Indiana State line and extending along Interstate Highway 94 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Michigan Highway 32. The purpose of this filing is to eliminate the gateway of Lockland, Ohio.

No. MC 106920 (Sub-No. E35), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream and buttermilk*, (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from those points in Minnesota on and north of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, to those points in Indiana on and south of a line beginning at the Indiana-Michigan State line and extending along Interstate Highway 69 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E95), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-house Products*, 46 M.C.C. 23 and/or 48 M.C.C. 628, from those points in Wisconsin on and west of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 83 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74, thence along Wisconsin Highway 74 to Lake Michigan, to those points in Mississippi on and south of a line beginning at the Mississippi-Louisiana State line and extending along Mississippi Highway 35 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 107002 (Sub-No. E111), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid, dry fertilizer*, and *fertilizer solutions*, in bulk, in tank or hopper-type vehicles, from the plant of Mississippi Chemical Corporation near Yazoo City, Miss., to points in Ohio. The purpose of this filing is to eliminate the gateway of Barfield, Ark., and points within 10 miles thereof.

No. MC 10702 (Sub-No. E112), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (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 site of the plant of Mississippi Chemical Corporation near Yazoo City, Miss., to points in Illinois. The purpose of this filing is to eliminate the gateway of Barfield, Ark., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E113), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Taylorsville, Miss., to points in Florida. The purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC 107002 (Sub-No. E126), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *com-*

mon carrier, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from Barfield, Ark., and points within 10 miles thereof, to points in Georgia. The purpose of this filing is to eliminate the gateway of Collierville, Tenn.

No. MC 107002 (Sub-No. E127), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Barfield, Ark., and points within 10 miles thereof, to points in Florida. The purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC 107002 (Sub-No. E128), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers, and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss. to points in Indiana. The purpose of this filing is to eliminate the gateway of Decatur, Ala.

No. MC 107002 (Sub-No. E129), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers, and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss., to points in Kansas, restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen when moving to missile storage or launching sites, missile test facilities or manufacturing plants producing liquid hydrogen, liquid oxygen, or liquid nitrogen. The purpose of this filing is to eliminate the gateway of Barfield, Ark., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E130), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers, and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss., to points in Iowa, restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen when moving to missile storage or launching sites, missile test facilities or manufacturing plants producing liquid hydrogen, liquid oxygen, or liquid nitrogen. The purpose of this filing is to eliminate the gateway of Barfield, Ark., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E131), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers, and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss., to points in Kentucky. The purpose of this filing is to eliminate the gateways of Collierville, Tenn., and Decatur, Ala.

No. MC 107002 (Sub-No. E132), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative:. H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers, and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss., to points in Michigan. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 107002 (Sub-No. E133), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers, and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Fox, Ala.

No. MC 107002 (Sub-No. E134), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except hydrogen peroxide, petroleum products, plasticizers, and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss., to points in Ohio. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 107002 (Sub-No. E135), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers, and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Collierville, Tenn.

No. MC 107002 (Sub-No. E136), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Barfield, Ark., and points within 10 miles thereof, to points in Texas on, west, and south of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 281 to junction U.S. Highway 876, to the Gulf of Mexico, restricted against (1) spent catalyst, liquid hydrogen, liquid oxygen, and liquid nitrogen, when moving to missile storage or launching sites, missile test facilities or manufacturing plants producing liquid hydrogen, liquid oxygen, or liquid nitrogen. The purpose of this filing is to eliminate the gateway of Arlington, Tenn.

No. MC 107002 (Sub-No. E137), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers, and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss., to South Carolina. The purpose of this filing is to eliminate the gateway of Fox, Ala.

No. MC 107002 (Sub-No. E138), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers, and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss., to points in Carter, Greene, Hamblen, Hawkins, Johnson, Sullivan, Unicoi, and Washington Counties, Tenn. The purpose of this filing is to eliminate the gateway of Decatur, Ala.

No. MC 107002 (Sub-No. E139), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except arsenic acid, acetic acid, wood alcohol, hydrogen peroxide, petroleum products, plasticizers, and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss., to points in Texas, restricted against the transportation of creosote oil to points in that part of Texas on and west of U.S. Highway 75. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 107002 (Sub-No. E140), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers, and titanium dioxide), in

bulk, in tank vehicles, from Hamilton, Miss., to points in West Virginia. The purpose of this filing is to eliminate the gateway of the plant site of Monsanto Chemical Company in Anniston, Ala.

No. MC 107002 (Sub-No. E141), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products, plasticizers, hydrogen peroxide, and titanium dioxide), in bulk, in tank vehicles, from Hamilton, Miss., to points in Illinois. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 107002 (Sub-No. E142), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except fertilizer and fertilizer ingredients), in bulk, in tank vehicles, from Memphis, Tenn., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of those points in Tennessee within 10 miles of Barfield, Ala.

No. MC 107002 (Sub-No. E143), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from McIntosh, Ala., to points in Ohio. The purpose of this filing is to eliminate the gateway of those points in Mississippi within the Memphis, Tenn., commercial zone.

No. MC 107002 (Sub-No. E144), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (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 Mississippi to points in South Carolina. The purpose of this filing is to eliminate the gateway of Fox, Ala.

No. MC 107002 (Sub-No. E145), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205 Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by a motor vehicle, over irregular routes, transporting: *Dry Chemicals* (except fertilizer and fertilizer ingredients), in bulk, in tank vehicles, from Memphis, Tenn., to those points in Tennessee east and south of a line beginning at the Georgia-Tennessee State line and extending along U.S. Highway 27 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of those points in Tennessee within 10 miles of Barfield, Ala.

No. MC 107002 (Sub-No. E146), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, liquid, in bulk, in tank vehicles, from Collierville, Tenn., to points in Iowa. The purpose of this filing is to eliminate the gateway of Barfield, Ark., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E147), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, liquid, in bulk, in tank vehicles, from Collierville, Tenn., to points in Texas. The purpose of this filing is to eliminate the gateway of Barfield, Ark., and points within 10 miles thereof.

No. MC 107002 (Sub-No. E148), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil* and *tall oil products*, in bulk, in tank vehicles, from Mobile, Ala., to points in Maine. The purpose of this filing is to eliminate the gateway of Picayune, Miss.

No. MC 107002 (Sub-No. E149), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil and tall oil products*, in bulk, in tank vehicles, from Mobile, Ala., to points in Maryland. The purpose of this filing is to eliminate the gateway of Picayune, Miss.

No. MC 107002 (Sub-No. E150), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil* and *tall oil products*, in bulk, in tank vehicles, from Mobile, Ala., to points in Connecticut. The purpose of this filing is to eliminate the gateway of Picayune, Miss.

No. MC 107002 (Sub-No. E151), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except hydrogen peroxide), in bulk, in tank vehicles, from Collierville, Tenn., to points in Ohio north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 107002 (Sub-No. E152), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, restricted to naval stores and naval stores products, in bulk, in tank vehicles, from Mobile, Ala., to points in Connecticut. The purpose of this filing is to eliminate the gateway of Picayune, Miss.

No. MC 107002 (Sub-No. E153), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from McIntosh, Ala., to those points in Tennessee on and west of a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 43 to junction Tennessee Highway 99, thence along Tennessee Highway 99 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Louisville, Miss.

No. MC 107107 (Sub-No. E15), filed April 6, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Boston and Southboro, Mass., to points in Louisiana, those in Mississippi on and south of U.S. Highway 80, those in Georgia on and south of U.S. Highway 280 (except Savannah), and those in Alabama on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Florida.

No. MC 107107 (Sub-No. E17), filed April 6, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from Providence, R.I., to those points in Georgia on and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 341 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Florida.

No. MC 107107 (Sub-No. E18), filed April 6, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (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*, as defined by the Commission, from Hartford, Conn., to those points in Georgia on and south of U.S. Highway 280, (except Chatham County), and those in Alabama on and south of U.S. Highway 80 (Florida)*; *meat, meat products, and meat by-products*, as defined by the Commission, from Hartford, Conn., to points in Louisiana and those in Mississippi on and south of U.S. Highway 80, (Jacksonville, Fla.)*; and *fresh meats*, from Hartford, Conn., to points in Texas (Florida)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107107 (Sub-No. E19), filed April 6, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from those points in New York west of U.S. Highway 11, to those points in Georgia on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 82 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Atlantic Ocean; those in Alabama on and south of U.S. Highway 80, those in Louisiana on and south of U.S. Highway 84, and those in Texas on and south of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 84 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-New Mexico State line; (2) *meat, meat products, and meat by-products*, as defined by the Commission, from Rochester, N.Y., to those points in Alabama on and south of U.S. Highway 80, and those in Georgia on and south of U.S. Highway 280 (except Chatham County, Ga.); and (3) *fresh meats*, from Rochester, N.Y., to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 84 to junction U.S. Highway 80, thence along U.S. Highway 80 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Florida.

No. MC 107107 (Sub-No. E20), filed April 6, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (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*, as defined by the Commission, from Baltimore, Md., to those points in Georgia on and south of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 82 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Atlantic Ocean, those in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 82 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Alabama-Mississippi State line, points in Hancock, Harrison, and Jackson Counties, Miss., and those in Louisiana on and south of U.S. Highway 190; those in Louisiana on and south of U.S. Highway 190, and those in Texas except those north of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 70 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of Florida.

No. MC 107107 (Sub-No. E32), filed April 6, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Florida 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the Commission, from Alexandria, Butterfield, Grand Meadow, Litchfield, Pease, Rochester, St. Charles, St. Peter, Wells and Willmar, Minn., to those points in Alabama on and south of U.S. Hwy. 80 and those in Georgia on and south of U.S. Hwy. 280.

The purpose of this filing is to eliminate the gateway of Florida.

No. MC 107107 (Sub-No. E33), filed April 6, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described by the Commission, from Green Bay, Monroe, Mt. Horeb, New Richmond, Plymouth, and Rice Lake, Wisc., to those points in Alabama on and south of Alabama Hwy. 10 and those in Georgia on and south of U.S. Hwy. 280. The purpose of this filing is to eliminate the gateway of Florida.

No. MC 107107 (Sub-No. E34), filed April 16, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Florida 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to those points in Texas on and south of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 79 to junction U.S. Highway 81, to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Florida.

No. MC 108449 (Sub-No. E82), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road, C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Wyllenbeck (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 the Duluth Petroleum Products Terminal (located about eight miles from Duluth, Minn.), and points within two miles thereof, to points in Iowa. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 108449 (Sub-No. E93), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 Grand Forks, N. Dak., and points in North Dakota within 10 miles thereof, to points in Illinois. The purpose of this filing is to eliminate the gateways of the Williams Brothers Pipe Line Company terminal located at or near St. Cloud, Minn.; the facilities of American Oil Company, in Dubuque, Iowa; and Minneapolis, Minn.

No. MC 108449 (Sub-No. E80), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (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 the terminal of Duluth Petroleum Products, about eight miles from Duluth, Minn., and points within two miles thereof, to points in Nebraska. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn. and of the Williams Brothers Pipe Line Company terminal located at or near Spirit Lake, Iowa.

No. MC 109064 (Sub-No. E14), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *plastic pipe, plastic tubing, plastic conduit, valves, fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, vinyl building products and accessories* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, from points in California to points in Alabama, Florida, Georgia, Mississippi, Tennessee, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and points in Minnesota on and east of a line beginning at the Iowa-Minnesota State line and extending over U.S. Highway 59 to Worthington, thence over Minnesota Highway 60 to junction U.S. Highway 169, thence along U.S.

Highway 169 to junction Minnesota Highway 38, thence over Minnesota Highway 38 to junction with Minnesota Highway 6, thence over Minnesota Highway 6 to junction U.S. Highway 71, thence over U.S. Highway 71 to International Falls; restricted to the transportation of traffic originating at, or destined to, pipeline rights-of-way. The purpose of this petition is to eliminate the gateways of McPherson, Kansas or Waco, Texas.

No. MC 109397 (Sub-No. E2), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER December 24, 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: *Source, special nuclear and by-product materials, and radioactive materials*, between point in Illinois, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateway of the facilities of the General Electric Co., located near Morris, Grundy County, Ill. The purpose of this correction is to omit the restriction.

No. MC 109397 (Sub-No. E3), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER December 24, 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: *Source, special nuclear and byproduct materials, and radioactive materials*, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in that part of Illinois on and west of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of the facilities of the General Electric Co., located near Morris, Grundy County, Ill. The purpose of this correction is to omit the restriction.

No. MC 109397 (Sub-No. E4) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER December 24, 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: *Source, special nuclear and byproducts materials, and radioactive materials*, between points in Washington, on the one hand, and, on the other, points in Kentucky, Tennessee, Alabama, Georgia, South Carolina, and Florida. The purpose of this filing is to eliminate the gateways of (1) the facilities of the General Electric Co., located near Morris, Grundy County, Ill., and (2) points in Du Page County, Ill. The purpose of this correction is to omit the restriction.

No. MC 109397 (Sub-No. E5) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER December 24, 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: *Source, special nuclear and by-products materials, and radioactive materials*, between points in Washington, on the one hand, and, on the other, points in the Lower Peninsula of Michigan and that part of Wisconsin on and east of a line beginning, at the Michigan-Wisconsin State line, thence along U.S. Highway 41 to junction Wisconsin Highway 67, thence along Wisconsin Highway 67 to the Wisconsin-Illinois State line. The purpose of this filing is to eliminate the gateways of (1) the facilities of the General Electric Co., located near Morris, Grundy County, Ill., and (2) points in DuPage County, Ill. The purpose of this correction is to omit the restriction.

No. MC 109397 (Sub-No. E6), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER December 24, 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: *Source, special nuclear and by-product materials and radioactive materials*, between points in Anderson and Roane Counties, Tenn., on the one hand, and, on the other, points in Iowa, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateways of (1) the facilities of the General Electric Co., located near Morris, Grundy County, Ill., and (2) points in DuPage County, Ill. The purpose of this correction is to omit the restriction.

No. MC 109397 (Sub-No. E7), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER December 24, 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: *Source, special nuclear and by-products materials, and radioactive materials*, between points in Anderson and Roane Counties, Tenn., on the one hand, and, on the other, points in that part of Illinois on and north of Illinois Highway 17. The purpose of this filing is to eliminate the gateway of points in DuPage County, Ill. The purpose of this correction is to omit the restriction.

No. MC 109397 (Sub-No. E8), (correction), filed May 15, 1974, published in the FEDERAL REGISTER December 24, 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: *Source, special nuclear and by-products materials and radioactive materials*, between the Cimarron facilities of Kerr-McGee Corporation at or near Crescent, Okla., on the one hand, and on the other, points in Michigan, that part of Wisconsin on and east of U.S. Highway 51, and those parts of Indiana and Ohio on and north of U.S. Highway 30. The purpose of this filing is to eliminate the gateways of (1) the facilities of the General Electric Co., located near Morris, Grundy County, Ill., and (2) the Argonne National Laboratory of the United States Atomic Energy Commission, near Lemont, Ill. The purpose of this correction is to omit the restriction.

No. MC 108397 (Sub-No. E9), (correction), filed May 15, 1974, published in the FEDERAL REGISTER December 24, 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: *Source, special nuclear and by-product materials, and radioactive materials*, between points in Washington, Idaho, Oregon, Nevada, and that part of California, on, west, and north of Interstate Highway 15, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of the facilities of the General Electric Co., located near Morris, Grundy County, Ill. The purpose of this correction is to omit the restriction.

No. MC 109397 (Sub-No. E10), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER December 24, 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: *Special, nuclear, radioactive and by-products materials*, between the Nuclear Generating Stations located at or near Monticello, Minn., and Two Rivers, Wis., on the one hand, and, on the other, points in that part of South Carolina on and east of South Carolina Highway 121. The purpose of this filing is to eliminate the gateways of (1) the facilities of the General Electric Co., located near Morris, Grundy County, Ill., and (2) Sheffield, Ill. The purpose of this correction is to omit the restriction.

No. MC 109397 (Sub-No. E11), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER December 24, 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: *Source, special nuclear, and by-product materials, and radioactive materials*, between points in that part of South Carolina on and east of South Carolina Highway 121, on the one hand, and, on the other, points in that part of Illinois on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateway of the facilities of the General Electric Co., located near Morris, Grundy County, Ill. The purpose of this correction is to omit the restriction.

No. MC 111401 (Sub-No. E23), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (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 Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 259 to junction U.S. Highway 59 to junction Texas Highway 288 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Houston, Tex.

No. MC 111401 (Sub-No. E28), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and acrylonitrile*, in bulk, in tank vehicles, from Avondale, La., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and those points in Missouri on and west of U.S. Highway 65 and on and north of Interstate Highway 44. The purpose of this filing is to eliminate the gateway of Longview, Tex.

No. MC 111401 (Sub-No. E29), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, and those synthetic plastics which are chemicals (not in liquid form), in specialized motor vehicles equipment, from points in Arkansas on and south of U.S. Highway 64 to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Longview, Tex.

No. MC 111401 (Sub-No. E34), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from points in Oklahoma on and east of U.S. Highway 81 and on and west of U.S. Highway 177 to points in Nebraska, Iowa, and those points in Missouri on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC 111401 (Sub-No. E35), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper-type vehicles, from points in Arkansas on and south of a line beginning at the Arkansas-Texas State line and extending along Interstate Highway 30 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to junction Arkansas Highway 81, thence along Arkansas Highway 81 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Longview, Tex.

No. MC 111401 (Sub-No. E44), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from points in Texas on, east, and south of a line beginning at Loredo, Tex., and extending along U.S. Highway 59 to junction U.S. Highway 90 to the Texas-Louisiana State line to points in Missouri. The purpose of this filing is to eliminate the gateway of Beaumont, Tex.

No. MC 111401 (Sub-No. E46), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Number 5 and 6 fuel oils*, in bulk, in tank vehicles, from points in Oklahoma on and south of U.S. Highway 66 and west of U.S. Highway 75 to points in Missouri north of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 111401 (Sub-No. E73), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Number 5 and 6 fuel oils*, in bulk, in tank vehicles, from points in Texas on, south, and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 62 to junction U.S. Highway 83 to the United States-Mexico International Boundary line, and on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 75 to junction U.S. Highway 77 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 111401 (Sub-No. E76), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from points in Arkansas on and south of a line beginning at the Texas-Arkansas State line and extending along Interstate Highway 30 to its junction with U.S. Highway 67 to the Missouri-Arkansas State line, and on, north, and west of a line beginning at the Louisiana-Arkansas State line and extending along State Highway 81 to its junction with U.S. Highway 79 to the Arkansas-Tennessee State line to points in Texas on and east of Interstate Highway 35, and on and south of Interstate Highway 20, and on and west of a line beginning at the junction of Interstate Highway 20 and U.S. Highway 259 and extending along U.S. Highway 259 to its junction with U.S. Highway 69 and thence along U.S. Highway 69 to Port Arthur. The purpose of this filing is to eliminate the gateway of Longview, Tex.

No. MC 111401 (Sub-No. E79), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Ok. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Kansas on and south of U.S. Highway 50 and on and west of U.S. Highway 283 to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Virginia, and Louisiana. Service to Louisiana is restricted to shipments of liquid chemicals, in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Longview, Tex.

No. MC 112989 (Sub-No. E1), filed May 13, 1974. Applicant: WEST COAST TRUCK LINES, INC., Rt. 4, P.O. Box 194-R, Eugene, Oreg. 97405. Applicant's representative: Michael D. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Lumber*, between points in Humboldt and Del Norte Counties, Calif., on the one hand, and, on the other, points in Lane, Lincoln, Tillamook, and Clatsop Counties, Oreg., (b) *Lumber*, between points in Siskiyou County, Calif., on or west of Interstate Highway 5, on the one hand, and, on the other, points in Lane, Lincoln, Tillamook, and Clatsop Counties, Oreg., (c) *Lumber*, from points in Kern, Fresno, Sacramento, Santa Cruz, Los Angeles, Monterey, Humboldt, San Luis Obispo, San Mateo, Alameda, Contra Costa, and Marin Counties, Calif., to points in Tillamook and Clatsop Counties, Oreg. (points in Coos County, Oreg.)*; (2) *Lumber mill products*, from points in California to Astoria, Newport, Coos Bay, and Portland, Oreg., and points in Clark and Cowlitz Counties, Wash. (points in Josephine County, Oreg.)*; (3) *Lumber*, from points in California to Garibaldi and Portland, Oreg., and Vancouver, Wash. (points in Douglas and Coos Counties, Oreg.)*; (4) *Lumber and forest products*, between points in California on or south of Mendocino, Glenn, Butte, Yuba, and Sierra Counties, Calif., on the one hand, and, on the other, points in Klamath County,

Oreg. (points in Jackson County, Oreg.)*; (5) *Lumber*, from points in Del Norte, Humboldt, and Siskiyou Counties, Calif., to Astoria, Newport, Coos Bay, and Portland, Oreg., and points in Clark and Cowlitz Counties, Wash. (points in Curry County, Oreg.)*; (6) *Woodchips*, from points in Del Norte and Humboldt Counties, Calif., to Astoria, Newport, and Portland, Oreg. (points in Josephine County, Oreg.)*; (7) *Woodchips*, from points in Del Norte and Humboldt Counties, Calif., to points in Clark County, Wash. (except Camas, Wash.) (points in Josephine County, Oreg.)*; (8) *Machinery*, between points in Del Norte and Humboldt Counties, Calif., on the one hand, and, on the other, points in Washington (points in Coos or Curry Counties, Oreg.)*; (9) *Heavy machinery and contractors' equipment*, the transportation of which requires the use of special equipment, between points in California, on the one hand, and, on the other, points in Washington (points in Douglas County, Oreg.)*; (10) *Heavy machinery and contractors' equipment*, the transportation of which requires the use of special equipment, between points in Jackson and Josephine Counties, Oreg., on the one hand, and, on the other, points in Washington (Douglas County, Oreg.)*; (11) *Heavy machinery and contractors'* equipment, the transportation of which requires the use of special equipment, between points in Lane County, Oreg., on and west of a line extending south along Oregon Highway 126 to Rainbow, thence along unnumbered highway to Oakridge, and thence along Oregon Highway 58, on the one hand, and, on the other, points in Washington (points in Douglas County, Oreg.)*; and (12) *Lumber*, between points in Chicago and Tillamook Counties, Oreg., on the one hand, and, on the other, points in California (points in Douglas County, Oreg.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113843 (Sub-No. E179), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from those points in Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in Colorado, Kansas, Minnesota, those in Oklahoma on, north, and west of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 77 to junction U.S. Highway 177, thence along U.S. Highway 177 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Oklahoma-Texas State line, and those in Texas on, west, and north of a line beginning at the Texas-Oklahoma State line and extending along Texas Highway 283 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 62, thence along U.S. Highway 61 to junction Texas Highway 116, thence along Texas Highway 116 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E182), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, (1) from Presque Isle and Easton, Maine, to those points in New York within 75 miles of and including Rochester, and (2) from Portland, Maine, to those points in New York within a 75 mile radius of Rochester, N.Y., and including Rochester (except those east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to junction New York Highway 13 to Ithaca, thence along New York Highway 13 to Ithaca, to junction New York Highway 96, thence along New York Highway 96 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 14, thence along New York Highway 14 to Lake Ontario). The purpose of this filing is to eliminate the gateway of Athens, Pa.

No. MC 113855 (Sub-No. E167), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction equipment and machinery and lift trucks*, the transportation of which, because of their size or weight require the use of special equipment, (2) *Self-propelled articles*, described in (1) above which do not require special equipment for their transportation, each weighing 15,000 pounds or more (restricted to commodities transported on trailers), (a) from points in Wyoming to points in Maine, Vermont, New Hampshire, South Carolina, Florida, (except points in and west of Hamilton, Suwannee, Lafayette, and Dixie Counties), New York, Delaware, Virginia, and North Carolina; (b) from points in Crook, Weston, Campbell, Johnson, Sheridan, Big Horn, Washakie, Hot Springs, Park, Yellow Stone National Park, and Teton Counties, Wyo., to points in Tennessee, Georgia, Alabama, Mississippi, and Kentucky; (c) from points in Niobrara, Converse, Natrona, Fremont, Sublette, Lincoln, Uinta, and Sweetwater Counties, Wyo., to points in Tennessee on and east of Interstate Highway 65, Georgia, Alabama, on and east of U.S. Highway 231, Kentucky on and east of U.S. Highway 41; (d) from points in Laramie, Goshen, Platte, Albany, and Carbon Counties, Wyo., to points in Tennessee on and east of Tennessee Highway 70; *Road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and lift trucks in flat bed trailers only, restricted to the transportation of socalled "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association v. Rowe Transfer* 64 M.C.C. 229; (e) between points in Wyoming, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, South Carolina, Florida (except points in Hamilton, Suwannee, Lafayette, and Dixie Counties), New York, Delaware, Virginia, and North Carolina; (f) between points in Crook, Weston, Campbell, Johnson, Sheridan, Big Horn, Washakie, Hot Springs, Park, Yellow Stone National Park, and Teton Counties, Wyo., on the one hand, and, on the other, points in Tennessee, Georgia, Alabama, Mississippi, and Kentucky; (g) between points in Niobrara, Converse, Natrona, Fremont, Sublette, Lincoln, Uinta, and Sweetwater Counties, Wyo., on the one hand, and, on the other, points in Tennessee on and east of Interstate Highway 65, Georgia, Alabama, on and east of U.S. Highway 231, Kentucky on and east of U.S. Highway 41; (h) between points in Laramie, Goshen, Platte, Albany, and Carbon Counties, Wyo., on the one hand, and, on the other, points in Tennessee on and east of Tennessee Highway 70, *street sweeping machines* the transportation of which, because of their size or weight, require the use of special equipment, and related street sweeper parts and attachments when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight, require special equipment, and self-propelled articles described in (1) above, not requiring special equipment for their transportation, each weighing 15,000 pounds or more and related machinery, and parts moving in connection therewith (restricted to commodities transported on trailers); (i) between points in Wyoming to points in Maine, Vermont, New Hampshire, South Carolina, Florida (except points in and west of Hamilton, Suwannee, Lafayette, and Dixie Counties), New York, Delaware, Virginia, North Carolina, and Maryland; (j) from points in Crook, Weston, Campbell, Johnson, Sheridan, Big Horn, Washakie, Hot Springs, Park, Yellow Stone National Park, and Teton Counties, Wyo., to points in Tennessee, Georgia, Alabama, Mississippi, and Kentucky; (k) from points in Niobrara, Converse, Natrona, Fremont, Sublette, Lincoln, Uinta, and Sweetwater Counties, Wyo., to points in Tennessee on and east of Interstate Highway 65, Georgia, Alabama on and east of U.S. Highway 231, Kentucky on and east of U.S. Highway 41; and (l) from points in Laramie, Goshen, Platte, Albany, and Carbon Counties, Wyo., to points in Tennessee on and east of Tennessee Highway 70. The purpose of this filing is to eliminate the gateways of South Dakota east of Missouri River, Minneapolis-St. Paul, Minn., and points within 15 miles thereof, as to paragraphs (a) through (h); and, South Dakota east of Missouri River, Minneapolis, Minn., as to paragraphs (i) through (l).

No. MC 113855 (Sub-No. E172), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC. 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment*, as described in appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and lift trucks in flat-bed trailers only: *Restriction:* the above authority is restricted to the transportation of so-called "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association v. Rowe Transfer* 64 M.C.C. 229. (A) between points in Colorado on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, New York, Delaware; (B) between points in Colorado on and west of Interstate Highway 25, on the one hand, and, on the other, points in Virginia on, north, and east of a line beginning at the West Virginia-Virginia State line along U.S. Highway 250, thence easterly along U.S. Highway 250 to the junction of U.S. Highway 301, thence southerly along U.S. Highway 301 to the Virginia-North Carolina state line; (C) between points in Colorado on and north of U.S. Highway 6, on the one hand, and, on the other, points in Virginia on and east of U.S. Highway 15. (D) Between points in Moffat, Rio Blanco, Garfield, Mesa, Pitkin, Eagle, Routt Counties, Colorado, on the one hand, and, on the other, points in North Carolina; (E) between points in Colorado on and north of U.S. Highway 6 (except points in the counties named in paragraph (N) below, on the one hand, and, on the other, points in North Carolina in and east of Person, Durhara, Wake, Johnston, Sampson, Pender, and Brunswick Counties, (2) *Road construction equipment and machinery and lift trucks*, the transportation of which, because of their size and weight require the use of special equipment, (3) *self-propelled articles*, described in (2) above which do not require special equipment for their transportation, each weighing 15,000 pounds (restricted to commodities transported on trailers); (F) between points in Colorado, on the one hand, and on the other, points in Maine, Vermont, New Hampshire, New York, Delaware; (G) between points in Colorado on and west of Interstate Highway 25, on the one hand, and, on the other, points in Virginia on, north, and east of a line beginning at the West Virginia-Virginia state line along U.S. Highway 250, thence easterly along U.S. Highway 250 to the junction of U.S. 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line; (H) between points in Colorado on and north of U.S. Highway 6, on the one hand, and, on the other, points in Virginia on and east of U.S. Highway 15; (I) between points in Moffat, Rio Blanco, Garfield, Mesa, Pitkin, Eagle, Routt Counties, Colorado on the one hand, and, on the other, points in North Carolina; (J) between points in Colorado on and north of U.S. Highway 6 (except points in the counties named in paragraph (N) below), on the one hand, and, on the other, points in North Carolina in and east of Person, Durhara, Wake, Johnston, Sampson, Pender, and Brunswick Counties; (K) from points in Colorado to points in Maine, Vermont, New Hampshire, New York, Delaware, Maryland, (except Garrett and Allegany Counties) and the District of Columbia.

(L) From points in Colorado on and west of Interstate Highway 25, to points in Virginia on, north, and east of a line beginning at the West Virginia-Virginia State line along U.S. Highway 250, thence easterly along U.S. Highway 250 to the junction of U.S. Highway 301 thence southerly along U.S. Highway 301 to the Virginia-North Carolina State line; (M) from points in Colorado on and north of U.S. Highway 6 to points in Virginia on and east of U.S. Highway 15; (N) from points in Moffat, Rio Blanco, Garfield, Mesa, Pitkin, Eagle, Routt Counties, Colorado to points in North Carolina; (O) from points in Colorado on and north of U.S. Highway 6 (except points in the counties named in (N) above) to points in North Carolina in and east of Person, Durhara, Wake, Johnston, Sampson, Pender, and Brunswick Counties. The purpose of this filing is to eliminate the gateways of South Dakota or points in Iowa or Minnesota within 50 miles of Sioux Falls, S.D., and Minneapolis and St. Paul, Minnesota and points within 15 miles thereeof, for paragraphs (A) through (J), and South Dakota, on points in Minnesota or Iowa within 50 miles of Sioux Falls, South Dakota and Minneapolis, Minnesota for parts (K) through (O).

No. MC 113908 (Sub-No. E272), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Charlotte, N.C., to points in California, with no transportation for compensation on return (except as otherwise authorized.) The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC 113908 (Sub-No. E273), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Charlotte, N.C., to points in California, with no transportation for compensation on return (except as otherwise authorized). The purpose of this filing is to eliminate the gateway of Marionville, Mo.

No. MC 113908 (Sub-No. E274), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Charlotte, N.C., to points in California, with no transportation on return (except as otherwise authorized). The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 113908 (Sub-No. E275), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Bailey, Belding, and Fremont, Mich., to points in California, with no compensation on return (except as otherwise authorized). The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC 113908 (Sub-No. E276), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Hutchinson and Wichita, Kans., to points in California, with no transportation for compensation on return (except as otherwise authorized). The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC 113908 (Sub-No. E278), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Lyndonville and North Rose, N.Y., to points in California, with no transportation for compensation on return (except as otherwise authorized). The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 113908 (Sub-No. E280), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Memphis, Tenn., to points in California, with no transportation for compensation on return (except as otherwise authorized). The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC 113908 (Sub-No. E281), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Memphis, Tenn., to points in California, with no transportation for compensation on return (except as otherwise authorized). The purpose of this filing is to eliminate the gateway of Paris, Tex.

No. MC 113908 (Sub-No. E282), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Charlotte, N.C., to points in California, with no transportation for compensation on return (except as otherwise authorized). The purpose of this filing is to eliminate the gateway of Rogers, Ark.

No. MC 113908 (Sub-No. E283), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Charlotte, N.C., to points in California, with no transportation for compensation on return (except as otherwise authorized). The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC 113908 (Sub-No. E284), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Kansas City, Mo., to points in California, with no transportation for compensation on return (except as otherwise authorized). The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC 114457 (Sub-No. E356), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal canned glass containers and container ends, accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from points in Wisconsin to points in Montana. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114552 (Sub-No. E8), filed April 29, 1974. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer and plywood), (1) from points in Florida to points in Delaware, Maine, Maryland, New Hampshire, Vermont, and North Dakota; (2) from points in Florida to points in Connecticut, New Jersey, New York, Pennsylvania, and Virginia; (3) (a) from points in Florida on and east of U.S. Highway 231, to points in Wisconsin, South Dakota, and Minnesota, (b) from points in Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 221 to junction Florida Highway 361A, thence along Florida Highway 361A to the Gulf of Mexico, to Nebraska, Kansas, and points in Missouri on and north of a line beginning at the Missouri-Illinois State line, thence along Missouri Highway 32 to junction Missouri Highway 39, thence along Missouri Highway 39 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Missouri-Kansas State line, (c) from points in Florida on and east of a line beginning at the Florida-Georgia State line, thence along Interstate Highway 75 to junction Florida Highway 51, thence along Florida Highway 51 to the Gulf of Mexico, to points in Oklahoma on and west of a line beginning at the Oklahoma-Arkansas State line, thence along Oklahoma Highway 33 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction U.S. Highway 277/281, thence along U.S. Highway 277/281 to the Oklahoma-Texas State line, and (d) from points in Florida on and east of the Ochlocknee River, to points in Iowa; (4) from points in Florida to points in Massachusetts, Rhode Island, and the District of Columbia; and (5) from points in Florida on and east of the Ochlocknee River, to points in Alabama. The purpose of this filing is to eliminate the gateways of: Greenwood County, S.C., in (1) and (3); McDuffie County, Ga., in (2); Clay County, N.C., and Georgia in (4); and Georgia in (5).

No. MC 114552 (Sub-No. E10), filed May 1, 1974. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer); (1) from points in Illinois to points in Virginia, on, south, and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 220 to junction Virginia Highway 122, thence along Virginia Highway 122 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Chesapeake Bay; (2) between points in Mississippi, on, east, and south of a line beginning at the Alabama-Mississippi State line, thence along Mississippi Highway 18 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to the Mississippi-Louisiana State line, on the one hand, and, on the other, points in Illinois, on and north of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 24 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Iowa State line; (3) between points in South Carolina, on the one hand, and, on the other, points in Illinois; (4) from points in Illinois to points in Alabama; (5) from points in Mississippi on and east of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 80 to junction Interstate Highway 59, thence along Interstate Highway 59 to junction Mississippi Highway 18, thence along Mississippi Highway 18 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to the Mississippi-Louisiana State line, to points in Indiana on and north of a line beginning at the Indiana-Kentucky State line, thence along Indiana Highway 256, from Madison, Ind., to junction Indiana Highway 39, thence along Indiana Highway 39 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line.

(6) Between points in South Carolina, on the one hand, and, on the other, points in Indiana; (7) from points in Indiana to points in Alabama; (8) from points in Indiana on and west of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 67 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Ohio State line, to points in Virginia on and south of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 220 to junction Virginia Highway 122, thence along Virginia Highway 122 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay; (9) between points in that part of Kentucky on and west of a line beginning at

junction U.S. Highway 231 and the Indiana-Kentucky State line, thence along U.S. Highway 231 to Eden, Ky., thence along Kentucky Highway 90 to Williamsburg, Ky., thence along Interstate Highway 75 to the Kentucky-Tennessee State line, on the one hand, and, on the other, the District of Columbia; (10) between points in Louisiana, on the one hand, and, on the other, points in that part of Kentucky on and east of Interstate Highway 75; (11) between points in Maryland, on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction Maryland Highway 2, thence along Maryland Highway 2 to junction Maryland Highway 3, thence along Maryland Highway 3 to junction U.S. Highway 50, thence along U.S. Highway 50 to the District of Columbia line, on the one hand, and, on the other, points in Kentucky, on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 31E/231 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction Kentucky Highway 85, thence along Kentucky Highway 85 to junction U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction Kentucky Highway 56, thence along Kentucky Highway 56 to the Kentucky-Indiana State line.

(12) Between points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line, thence along Mississippi Highway 16 to junction Mississippi Highway 22, thence along Mississippi Highway 22 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Mississippi-Louisiana State line, on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 60/460 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line; (13) between points in New Jersey, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Cumberland Parkway, thence along Cumberland Parkway to junction Kentucky Highway 259, thence along Kentucky Highway 259 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Indiana State line; (14) from points in Kentucky, on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 231 to the Kentucky-Indiana State line, to points in Virginia on and south of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Atlantic Ocean; (15) from points in Kentucky, on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Indiana State line, to Rhode Island; (16) from points in Kentucky to points in Alabama.

(17) From points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line, to Connecticut; (18) from points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line, to Maine; and (19) from points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line, to Massachusetts. The purpose of this filing is to eliminate the gateways of: Buncombe, Chatam, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, and Union Counties, N.C., in (1), (8), and (10); Georgia and Tennessee in (2), (5), and (7); Tennessee in (3), (4), (6), (7), and (16); Tennessee and Georgia in (9), (11), (8), (9), (15), (17), and (19); and Greenwood County, S.C., in (18).

No. MC 114552 (Sub-No. E14), filed May 16, 1974. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Manatee County, Fla., to points in Michigan. The purpose of this filing is to eliminate the gateway of Greenwood County, S.C.

No. MC 114552 (Sub-No. E15), filed May 16, 1974. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard*, from the plant site of the Masonite Corporation, located at or near Spring Hope, N.C., to points in Texas and Oklahoma. The purpose of this filing is to eliminate the gateway Greenwood County, S.C.

No. MC 114552 (Sub-No. E23), filed May 21, 1974. Applicant: SENN TRUCKING COMPANY, P.O. DRAWER 220, NEWBERRY, S.C. 29108. Applicant's representative: WILLIAM P. JACKSON, JR., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and plywood*, from the plant and warehouse sites of Weyerhaeuser Company at Adel, Ga., to points in North Carolina and Virginia; (2) *Composition board and plywood*, from the facilities of Plywood Panels, Inc., at or near New Orleans, La., to points in Virginia and that part of North Carolina on and east of a line beginning at the North Carolina-Georgia State line, thence along the U.S. Highway 178 to its junction with unnumbered North Carolina Highway, thence along unnumbered North Carolina Highway to its junction with the Blue Ridge Parkway, thence along the Blue Ridge Parkway to its junction with U.S. Highway 23, thence along U.S. Highway 23 to its junction with North Carolina Highway 209, thence along North Carolina Highway 209 to its junction with U.S. Highway 25/70, thence along U.S. Highway 25/70 to the North Carolina-Tennessee State line.

(3) *Composition board*, from the plant and warehouse sites of Weyerhaeuser Company at Adel, Ga., to the District of Columbia, points in Massachusetts, Connecticut, Rhode Island, and points in New York on and south of New York Highway 7, restricted to the transportation of traffic originating at the above named plant and warehouse site, and restricted against the transportation of commodities in bulk; (4) *Composition board* (except commodities in bulk), from the facilities of International Paper Company, located in Greenwood County, S.C., to points in Massachusetts, Connecticut, Rhode Island, the District of Columbia, and New York; (5) *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, urethane and urethane products* (except commodities in bulk), from the facilities of The Celotex Corporation at or near Port Clinton, Ohio, to points in Mississippi, Alabama, Georgia, Florida, and that part of South Carolina on and west of a line beginning at the South Carolina-North Carolina State line, thence along U.S. Highway 276 to its junction with Interstate Highway 26 thence along Interstate Highway 26 to the Atlantic Ocean; and

(6) *Roofing materials, gypsum and gypsum products, composition board, insulation materials, urethane and urethane products* (except commodities in bulk), from Cincinnati, Ohio, to points in Alabama and Mississippi, restricted to the transportation of shipments originating at the facilities utilized by The Celotex Corporation at the named origin. The purpose of this filing is to eliminate the gateways of: Greenwood County,

S.C., in (1) and (2); Greenwood County, S.C., and Roaring River, N.C., in (3); Roaring River, N.C., in (4); and Elizabethtown, Ky., in (5) and (6).

No. MC 114552 (Sub-No. E54), filed March 13, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel electrical conduit pipe*, from the facilities of Jones & Laughlin Steel Corporation at New Kensington, Pa., to points in Texas, on and south and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 66 to its junction with U.S. Highway 287, thence along U.S. Highway 287 to the Texas-Oklahoma State line, points in Oklahoma, on and south of Interstate Highway 40, and points in Arkansas, on and south of a line beginning at the Arkansas-Tennessee State line, thence along U.S. Highway 61 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to its junction with Arkansas Highway 18, thence along Arkansas Highway 18 to its junction with Arkansas Highway 14, thence along Arkansas Highway 14 to its junction with Arkansas Highway 9, thence along Arkansas Highway 9 to its junction with Arkansas Highway 95, thence along Arkansas Highway 95 to its junction with Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the facilities of Fitecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 115841 (Sub-No. E31), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. 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 (except hides, liquid commodities, in bulk, and commodities in bulk, in tank vehicles), 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, in vehicles equipped with mechanical refrigeration, from the plant site of Armour and Company near Sterling, Ill., to points in Florida, North Carolina, and South Carolina, restricted to the transportation of traffic originating at the above-named plant site. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., and Chattanooga, Tenn.

No. MC 115841 (Sub-No. E33), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Buffalo, N.Y., to points in Florida, points in Arkansas on and south of Interstate Highway 40 from West Memphis to Little Rock, Ark., and on and south of Interstate Highway 30 from Little Rock, Ark., to the Arkansas-Texas State line, and points in California on and south of a line extending along U.S. Highway 6 from the Nevada-California State line to Benton Station, Calif., thence along California Highway 120 to Manteca, Calif., thence along California Highway 99 to Lodi, Calif., thence along California Highway 12 to Santa Rosa, Calif., and thence westward to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-No. E34), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, not including in foods (except in both instances liquid commodities, in bulk, and in tank vehicles, and bananas), in vehicles equipped with mechanical refrigeration, from New York, N.Y., points in that part of Rockland County, N.Y., east of the Garden State Parkway and south of Interstate Highway 287, that part of Nassau County, N.Y., west of Nassau County Highway 1, and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 115841 (Sub-No. E38), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Derry Township, Dauphin County, Pa., and Lebanon, Pa., to points in Arkansas, California, Oregon, and in Florida on and west of U.S. Highway 221 from the Georgia-Florida State line to Perry, Fla., and thence on and west of a line extending southwest to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-No. E39), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in Erie and Chautauqua Counties, N.Y., to points in Arkansas on and south of Interstate Highway 40 from the Arkansas-Tennessee State line to Little Rock, Ark., and on and south of Interstate Highway 30 from Little Rock, Ark., to the Texas-Arkansas State line, points in California on and south of U.S. Highway 6 from the Nevada-California State line to Benton Station, Calif., on and south of California Highway 120 from Benton Station to Manteca, Calif., on and south of Interstate Highway 205 and 580 to San Francisco, and points in Georgia on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-No. E82), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk, or in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in Alabama on and north of U.S. Highway 80 (except Cullman, Ala.), to points in Delaware, Maine, Rhode Island, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-13856 Filed 5-27-75;8:45 am]

[Notice #295]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MAY 28, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 17, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending

its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35467. By order of May 28, 1975, the Motor Carrier Board approved the lease to Blaschke Trucking Company, a corporation (formerly Pinepoint, Inc.), Houston, Tex., for a period of one year commencing November 1, 1974, of the operating rights evidenced by Certificate of Registration No. MC-120851 (Sub-No. 1) issued April 3, 1967, to Blaschke Trucking Company (now Pinepoint, Inc.), a corporation, Houston, Tex., covering the transportation of oilfield equipment and pipe and other named commodities pursuant to the scope of intrastate authority in certificate of convenience and necessity No. SMC-5255 issued March 21, 1966, by the Railroad Commission of Texas. Paul D. Angenend, P.O. Box 2207, Austin, Texas 78767, attorney for applicants.

No. MC-FC-75751. By order entered May 21, 1975, the Motor Carrier Board approved the transfer to Midcoast Trucking, Belleville, N.J., of the operating rights set forth in Permits Nos. MC-30209, MC-30209 (Sub-No. 4), MC-30209 (Sub-No. 6), MC-30209 (Sub-No. 9), and MC-30209 (Sub-No. 18), issued by the Commission November 10, 1949, March 22, 1962, July 22, 1971, July 22, 1971, and July 28, 1971, respectively, to John O'Shea, Inc., Ridgefield Park, N.J., authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such businesses, between points in New York, New Jersey, and Pennsylvania. Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-13851 Filed 5-27-75;8:45 am]

[Notice 57]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 16, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 311TA), filed May 6, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Weston, Mo., and Atchison, Kans., to Portland, Oreg., for 180 days. Supporting shipper: Crown Century Ltd., 16444 S.W. 72 Ave., Portland, Oreg. 97223. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 21455 (Sub-No. 36TA), filed May 9, 1975. Applicant: GENE MITCHELL CO., West Liberty, Iowa 52776. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast polyester panels*, from points in Williamsburg, Iowa, to points in Chicago and Peoria, Ill.; Minneapolis, Minn.; St. Louis, Mo.; Bismarck, N. Dak.; and Milwaukee, Wis., for 180 days. Supporting shipper: Poly-Cast Systems, Inc., Box 660, Williamsburg, Iowa 52316. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 50069 (Sub-No. 500TA), filed May 7, 1975. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hot roofing asphalt*, in bulk, in tank vehicles, from the plantsite of The Trumbull Asphalt Co., Hazelwood, Mo., to points in Illinois and Kentucky, for 180 days. Supporting shipper: Trumbull Asphalt Co., 59th & Archer, Summit, Ill. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operation, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 63417 (Sub-No. 75TA), filed May 7, 1975. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbers goods and plumbing fixtures*, from points in Salem, Ohio, and New Castle and Ford City, Pa., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, Virginia and Tennessee; (2) *Damaged, defective and returned shipments of plumbers goods and plumbing fixtures*, from the destination states named in (1) to Salem, Ohio, and New Castle and Ford City, Pa., for 180 days. Supporting shippers: Wallace Murray Corp., Eljer Plumbingware Division, Pittsburgh, Pa., Universal Rundle Corporation, New Castle, Pa. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave. SW., Roanoke, Va. 24011.

No. MC 107295 (Sub-No. 767TA), filed May 9, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete and masonry curing, waterproofing, conditioning, cleaning, bonding, and releasing compounds*. Restriction: Restricted against the transportation of commodities in bulk, from points in Kansas City, Mo., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Alden V. Brownlee, President Con Spec Marketing and Manufacturing Co., 8164 NW. Twin Oaks Drive, Kansas City, Mo. 64151. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 108207 (Sub-No. 421TA), filed May 9, 1975. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, from points in Arizona and New Mexico to points in Oakland and Berkeley, Calif., for 180 days. Supporting shipper: Cutter Laboratories, Inc., 4th & Parker Streets, Berkeley, Calif. 94710. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 108449 (Sub-No. 386TA), filed May 5, 1975. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from Rochester, Minn., to points in Wisconsin and Iowa, for 180 days.

Supported by: American Admixtures Division, Chicago Fly Ash Company, 5909 No. Rogers Ave., Chicago, Ill. 60646. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 South 4th St., Minneapolis, Minn. 55401.

No. MC 116947 (Sub-No. 41TA), filed May 8, 1975. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bread crumbs or cubes, dry, in boxes, cereal, granulated; mixes, dip, dry, in boxes; mushrooms, canned or preserved, in liquid, in containers in boxes; salad dressing preparation, in boxes; table sauce*, n.o.i. in boxes, from Atlanta and Forest Park, Ga., to points in Mississippi, for 180 days. Supporting shipper: The Clorox Company, 7901 Oakport St., Oakland, Calif. 94621. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 117119 (Sub-No. 535TA), filed May 9, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail discount stores, from the New York, N.Y., Commercial Zone (as defined by the Commission) to the warehouse facilities of Howard Bros. Discount Stores, Inc., at Monroe, La., for 180 days. Supporting shipper: Howard Bros. Discount Stores, Inc., 3030 Aurora, Monroe, La. 71201. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117589 (Sub-No. 26TA), filed May 9, 1975. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Avenue South, P.O. Box 24507, 98124, Seattle, Wash. 98108. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products and articles distributed by meat packing houses*, as described in Appendix I to the Report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Seattle and Tukwila, Wash., to Ontario, Oreg., for 180 days. Supporting shipper: General Meats, 18338 Andover Park West, P.O. Box 88990, Tukwila, Wash. 98188. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 117589 (Sub-No. 27TA), filed May 9, 1975. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Avenue South, P.O. Box 24507, 98124, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Ellensburg and Seattle, Wash., to points in Massachusetts, New York, Pennsylvania and the District of Columbia, for 180 days. Supporting shipper: Superior Packing Co., Box 277, Ellensburg, Wash. 98926. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 117940 (Sub-No. 164TA), filed May 8, 1975. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Foodstuffs, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from plantsite and storage facilities of Kraftco Corporation at Champaign, Ill., to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Virginia, Vermont, and the District of Columbia, for 180 days. Supporting shipper: Kraft Foods, Division of Kraftco Corporation, 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118130 (Sub-No. 74TA), filed May 6, 1975. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, Tex. 76115. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. 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 Section 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 points in New Mexico to points in Alabama, Arizona, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: Glover Packing Co., P.O. Box 40, Roswell, N. Mex. 88201. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 118866 (Sub-No. 7TA), filed May 5, 1975. Applicant: PAUL L. ZAMBERLAN & SONS, INC., Box 15, Lewis Run, Pa. 16738. Applicant's representative: William J. Hirsch, Esq., 43 Court Street, Suite 1125, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Used and reconditioned pipe incidental to or used in the construction, development, operation and maintenance of water wells and facilities for the discovery, development, and production of natural gas and petroleum*, from points in Cattaraugus, and Allegany Counties, N.Y., and points in Allegany, Cameron, Elk, Forest, Mercer, McKean, Potter, and Warren Counties, Pa., to points in the states of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia and returned shipments in return; (2) New Pipe incidental to or used in the construction, development, operation and maintenance of water wells and facilities for the discovery, development, and production of natural gas and petroleum, from points in Erie County, N.Y.; Lorain and Youngstown, Ohio; and points in Mercer, Beaver, and McKean Counties, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia, and return shipments in return. Restriction: Restricted against the transportation of *pipe* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in McKean, Potter, Elk, Warren, Cameron, Forest, Clearfield, and Clinton Counties, Pa., on the one hand, and, on the other, points in Ohio, New York, and West Virginia, to avoid duplication of operating authority. (B) *Corrugated steel culvert pipe*, from Olean, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and returned shipments in the reverse direction, restricted to traffic originating at, or returned to, the facilities of Wheeling Corrugating Company, A Division of Wheeling-Pittsburgh Steel Corp., at Olean, N.Y., for 180 days. Supporting shippers: Goodman Brothers, Inc., 286 High St., P.O. Box 176, Bradford, Pa. 16701. Wheeling Corrugating Company, A Division of Wheeling-Pittsburgh Steel Corp., 1722 Walden Ave., Buffalo, N.Y. 14225. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 119399 (Sub-No. 51TA), filed May 6, 1975. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (Same Address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sorghum Syrup*, in containers, from Waconia Sorghum Company, Cedar Rapids, Iowa, to Pine Ridge, Ark., for

180 days. Supported by: Hatfield Sorghum Company, Pine Ridge, Ark. 71966. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 127739 (Sub-No. 1TA), filed May 5, 1975. Applicant: BOYCE BRUCE, 417 North Metts St., Louisville, Miss. 39339. Applicant's representative: John A. Crawford, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, (1) Between the plantsite and other facilities of Tri-State Brick and Tile Company, Inc., at or near Jackson, Miss., and points in Alabama, Arkansas, Louisiana, and Tennessee. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Tri-State Brick and Tile Company, Inc.; (2) Between the plantsite and other facilities of Louisville Brick, Inc., located at or near Louisville, Miss., and points in Alabama, Arkansas, Louisiana, and Tennessee. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Louisville Brick, Inc., for 180 days. Supporting shippers: Tri-State Brick and Tile Company, Inc., P.O. Box 9787, Jackson, Miss. 39206. Louisville Brick, Inc., P.O. Box 426, Louisville, Miss. 39339. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 133590 (Sub-No. 7TA), filed May 6, 1975. Applicant: WESTERN CARRIERS, INC., 288 Franklin Street, Worcester, Mass. 01604. Applicant's representative: Robert L. Kendall, Jr., Esq., 1719 Packard Bldg., Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork carcasses, pork by-products, and offal* (except commodities in bulk and hides), from points in Union City, Tenn., to the plantsites and storage facilities of Western Pork Packers, Inc., a New York Corporation, at Bronx, N.Y., and Western Pork Packers, Inc., a Massachusetts Corporation, at Worcester, Mass., for 180 days. Supporting shippers: Western Pork Packers, Inc., a Massachusetts Corporation, 288 Franklin St., Worcester, Mass. 01604. Western Pork Packers, Inc., a New York Corporation, 529 Westchester Ave., Bronx, N.Y. 10455. Send protests to: Joseph W. Balin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 338 Federal Bldg. & U.S. Courthouse, 436 Dwight St., Springfield, Mass. 01103.

No. MC 136342 (Sub-No. 8TA), filed May 6, 1975. Applicant: JACKSON AND JOHNSON, INC., West Church Street, Box 327, Savannah, N.Y. 13146. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in Rochester, N.Y., on the one hand, and, on the other, the District of Columbia and points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia, for 180 days. Supporting shipper: Rochester Independent Packer, Inc., Rochester, N.Y. 14611. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 136527 (Sub-No. 2TA), filed April 29, 1975. Applicant: J. O. BATTLES, INC., Center Road, Bradford, N.H. 03221. Applicant's representative: John P. Monte, Esq., P.O. Box 568, Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction machinery and equipment and/or parts; farm machinery and equipment; mining and quarrying machinery and equipment and/or parts; and saw and pulp mill machinery and equipment and/or parts*, between points in New Hampshire, on the one hand, and, on the other, points in all states in the United States, for 180 days. Supporting shippers: Hawkensen Enterprises, Inc., RFD #2, Plymouth, N.H. 03264. Forest-All Corp., Sheep Davis Rd., Concord, N.H. 03301. Joy Manufacturing Company, Inc., Oliver Bldg., Pittsburgh, Pa. 15222. R. N. Johnson, Inc., P.O. Box 448, Walpole, N.H. 03608. Grappone Inc., Ind. Div., Box 478, Concord, N.H. 03301. HMC Corporation, Contoocook, N.H. 03229. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., Concord, N.H. 03301.

No. MC 140267 (Sub-No. 1TA), filed May 1, 1975. Applicant: R A TRANSPORTATION, INC., 115 Jacobus Avenue, S. Kearny, N.J. 07032. Applicant's representative: S. M. and R. A. Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Flour, in bags, from Buffalo, N.Y., to Perth Amboy, N.J., for 180 days. Supporting shipper.: Metzendorf Bros., Inc., 248 New Brunswick Avenue, Perth Amboy, N.J. 08862. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 140930 (Sub-No. 1TA), filed May 6, 1975. Applicant: FLOYD J. FULBRIGHT, doing business as F & W TRUCKING CO., 339 Terrell Drive, Toccoa, Ga. 30577. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Iron or steel fabrications*, from the plantsite of Brady Industrial Sales & Service, Inc., at or near Toccoa, Stephens County, Ga., to points in Ambridge and Pittsburgh, Pa.; Jeffersonville and Tell City, Ind.; Paducah, Ky.; Decatur, Ala.; Cincinnati, Ohio; Morris and Hartford, Ill.; Pine Bluff, Ark.; St. Paul, Minn.; and Waynesboro, Va.; (b) *Iron or steel tubing, bars or plates*, from points in Butler and Pittsburgh, Pa.; Detroit, Mich.; Chicago, Ill.; Cleveland, Ohio; Fairfield, Ala.; and Cookeville, Tenn., to the plantsite of Brady Industrial Sales & Service, Inc., at or near Toccoa, Stephens County, Ga., for 180 days. Supporting shipper: Brady Industrial Sales & Service, Inc., 119 Brady St., P.O. Box 548, Toccoa, Ga. 30577. Send protests to: William L. Scroogs, District Supervisor, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 140931 TA, filed May 7, 1975. Applicant: HEZIKIAH PEACE, 368 Barbey St., Brooklyn, N.Y. 11207. Applicant's representative: Simon & Drabkin, Esqs., 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Elevator entrances, elevator cabs, and all related parts*, between points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, North Carolina, South Carolina, Georgia, Tennessee, Ohio, West Virginia, Washington, D.C., Maryland, Virginia, California, Nevada, Texas, Arizona, Kentucky, Illinois, Indiana, Michigan, Florida, Nebraska, and Kansas, for 180 days. Supporting shipper: National Elevator Cab & Door Corp., 33–66, 54th St., Woodside, N.Y. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 140932 TA, filed May 6, 1975. Applicant: ALLEN I. BAILEY AND REGINALD A. FIELD, doing business as, BAILEY & FIELD TRANSPORTATION, Box 69, Grantham, N.H. 03753. Applicant's representative: Allen I. Bailey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile and modular homes*, between all points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, for 180 days. Supporting shippers: Airport A1 Mobile Homes, 5 Bowdoin Terrace, Topsham, Maine 04086. Blairs Trailer Park & Sales, Shattuck Hill Road, Newport, Vt. 05885. Fineline Mobile Homes, Inc., Rt. 119, Hinsdale, N.H. 03451. McGreevy Mobilehomes, Sales, Inc., Box 135, Lebanon, N.H. 03766. Paddy Hollow Mobile Park, Inc., Paddy Hollow Road, Claremont, N.H. 03743. Latham Trailer Sales, Inc., RFD 1, Waterbury, Vt. 05760. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., Concord, N.H. 03301.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-13854 Filed 5-27-75;8:45 am]

[Notice 58-TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 16, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 106400 (Sub-No. 104TA), filed May 8, 1975. Applicant: KAW TRANSPORT COMPANY, P.O. Box 12628, North Kansas City, Mo. 64116. Applicant's representative: Harold D. Holwick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing asphalt*, in bulk, in tank vehicles, from the plantsite of Mid America Asphalt Co., Kansas City, Mo., to the states of Iowa and Nebraska, for 180 days. Supporting shipper: Mid America Asphalt Co., 4900 Blue Parkway, Kansas City, Mo. Send protests to: Vernon V. Coble, District Supervisor, 600 Federal Bldg., Interstate Commerce Commission, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 106603 (Sub-No. 141TA), filed May 2, 1975. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St. SW., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk), from points in Scott County, Mo., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Lowe's, Inc., North Edward St., Cassopolis, Mich. 49031. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 112822 (Sub-No. 375TA), filed May 7, 1975. Applicant: BRAY LINES, INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff, 1401 N. Little St., P.O. Box 1191, Cushing, Okla. 74023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), (1) from the facilities utilized by Vlasic Foods, Inc., at or near Greenville, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Montana, New Mexico, Oklahoma, South Carolina, Tennessee, and Texas; (2) from the facilities used and owned by Vlasic Foods, Inc., located in Bridgeport, Imlay City and Memphis, Michigan, to points in Mississippi, restricted to traffic originating at the named origin points and destined to the named destination points, for 180 days. Supporting shipper: Vlasic Foods, Inc., Ernest P. Szwarc, Transportation Mgr., P.O. Box 757, Detroit, Mich. 48232. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 113908 (Sub-No. 341TA), filed May 7, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, wine products, and wine by-products*, in bulk, from points in Altus, Ark., to points in Brooklyn, Hammondsport, Hudson, Highland, Hudson Falls, Marlboro, Naples, N.Y.; Buchanan, Harbert, Hartford, Lawton, Paw Paw, St. Joseph, Mich., for 180 days. Supporting shipper: Wiederkehr Wine Cellars, Inc., Altus, Ark. 72821. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114457 (Sub-No. 233TA), filed May 8, 1975. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* (on hangers) in specially equipped trailers, and products dealt in by retail and wholesale department stores, when moving therewith from Secaucus and Jersey City, N.J., and Boston, Mass., to points in Minneapolis, Minn., restricted to traffic originating at and destined to the named origins and destinations, for 180 days. Supporting shippers: Dayton's, 700 on the Mall, Minneapolis, Minn. 55402. Northern Cargo Association, 501 N. 2nd St., Minneapolis, Minn. 55401. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 115994 (Sub-No. 12TA), filed May 8, 1975. Applicant: FIDERAK TRUCKING, INC., Lafayette St., R.D. 2, Tamaqua, Pa. 18252. Applicant's representative: Paul B. Kemmerer, 1620 North 19th St., Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent or junk electric storage batteries*, from points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, the District of Columbia, Ohio, and West Virginia, to points in Nesquehoning, Pa., for 90 days. Supporting shipper: Tonolli Corp., R.D. 1, Nesquehoning, Pa. 18240. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. P.O. Bldg., Scranton, Pa. 18503.

No. MC 119295 (Sub-No. 7TA), filed May 9, 1975. Applicant: RAY E. CAGLE, doing business as CAGLE BROS., 845 S. 59th Ave., Phoenix, Ariz. 85031. Applicant's representative: W. Francis Wilson, Suite 2, Luhrs Bldg., Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber products* from points in Washington, Oregon, and California to points in Arizona; (2) *Lumber products*, from points in Arizona to points in California, Oregon, and Washington; (3) *Lumber and lumber products*, from points in Arizona, to points in New Mexico; (4) *Lumber and lumber products*, from points in New Mexico to points in Arizona; (5) *Chemical fire retardants*, from points in Arizona to points in New Mexico; (6) *Chemical fire retardants*, from points in New Mexico to points in Arizona, for 180 days. Supporting shippers: Chemonics Industries, P.O. Box 21568, Phoenix, Ariz. 85036. Spellman Hardwoods, Inc., 2865 Grand Ave., Phoenix, Ariz. 85107. Sequoia Supply Inc., 1838 N. 23rd Ave., Phoenix, Ariz. 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427, Federal Bldg., Phoenix, Ariz. 85025.

No. MC 123361 (Sub-No. 1TA), filed May 7, 1975. Applicant: CANTWELL MOTOR SERVICE, INC., 1718 Pontiac Road, East St. Louis, Ill. 62203. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in peddle delivery service, between points in St. Louis, Mo., on the one hand, and on the other, points in Vigo, Sullivan, Knox, Gobson, Posey, and Vanderburgh Counties, Ind.; Peoria, Woodford, Tazewell, and McLean Counties, Ill., and points in Illinois on and south of U.S. Highway 136, for 180 days. Supporting shippers: Regina D. Kane, Traffic Manager, Krey Packing Co., Inc., 3607 N. Florissant, St. Louis, Mo. 63107. B. G. Gray,

Vice-President, Gilt Edge, Inc., 314 S. 21st St., St. Louis, Mo. 63103. James E. Sweeney, Traffic Asst., Mgr., Mor Meat Co., Inc., 3000 North 9th St., St. Louis, Mo. 63147. Joe D. Serati, Manager, Dinzler Meat Company, 3945 Dr. M. L. King Drive, St. Louis, Mo. 63113. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 123885 (Sub-No. 19TA), filed May 8, 1975. Applicant: C & R TRANSFER CO., P.O. Box 1010, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, 821 Columbus St., Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coal by-products*, from points in Wyoming to points in Rapid City, S. Dak., for 180 days. Supporting shipper: South Dakota State Cement Plant, P.O. Box 360, Rapid City, S. Dak. 57701. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 124230 (Sub-No. 20TA), filed May 9, 1975. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, Esq., Suite 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores and concentrates*, in bulk, (1) from points in Piute County, Utah to points in San Miguel County, Colo., and (2) from points in San Miguel County, Colo., to points in East Helena, Mont., for 150 days. Supporting shipper: Idarado Mining Company, Ouray, Colo. 81427. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 134599 (Sub-No. 123TA), filed May 2, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Indianapolis, Ind., to points in Colorado, Utah, Washington, Oregon, New Mexico, Arizona, and California, under a continuing contract with Scott Paper Company, for 180 days. Supporting shipper: Beveridge Paper Company (Division of Scott Paper Company), 717 West Washington St., Indianapolis, Ind. 46204. Send protests to: Lyle D. Helfer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 135713 (Sub-No. 4TA), filed May 8, 1975. Applicant: AFRO-URBAN TRANSPORTATION, INC., 1167 Atlantic Ave., Brooklyn, N.Y. 11216. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, except in bulk, for the account of Diamond Crystal Salt Company, from points in St. Clair, Mich., to points in the New York, N.Y. Commercial Zone; points on Long Island, N.Y.; and those points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Sommerset, and Union Counties, N.J.; and Springfield, Mass., for 180 days. Supporting shipper: Diamond Crystal Salt Company, 916 South Riverside Ave., St. Clair, Mich. 48079. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 136273 (Sub-No. 4TA), filed May 9, 1975. Applicant: KENNETH G. MAY AND ORVILLE L. HOWARD, doing business as CORONADO TRUCKING CO., 307 Old County Road, Edgewater, Fla. 32032. Applicant's representative: William J. Monheim, 15492 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pottery*, from points in Chula Vista, Corona, La Verne, and Los Angeles, Calif., and Marshall, Tex., to points in Daytona Beach, Fla., for 180 days. Supporting shipper: Tony's Pottery, Inc., President, P.O. Box 1743, 1231 S. Ridgewood Ave., Daytona Beach, Fla. 32014. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 136987 (Sub-No. 11TA), filed May 5, 1975. Applicant: REMINGTON FREIGHT LINES, INC., P.O. Box 315, U.S. Hwy. 24 West, Remington, Ind. 4977. Applicant's representative: James Robert Evans, 145 West Wisconsin Ave., Neenah, Wis. 59456. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, *transporting: Soya flour and soya flour products*, from points in Remington, Ind., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Griffith Food Products, a subsidiary of Griffith Laboratories, Inc., Chicago, Ill., for 180 days. Supporting shipper: Griffith Laboratories, Inc., doing business as Griffith Food Products, 1415 W. 37th St., Chicago, Ill. 60609. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 140029 (Sub-No. 5TA), filed May 9, 1975. Applicant: CLIFFORD H. HALL, INC., Pearl Street, Bliss, N.Y. 14024. Applicant's representative: William J. Hirsch, Esq., Suite 1125, 43 Court St., Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, from the Town of Arcade (Wyoming County, N.Y.), to all points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia, and returned shipments in return, for 180 days. Supporting shipper: Ruminant Nitrogen Products Company, 770 Riverside Drive, Adrian, Mich. 49221. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 140538 (Sub-No. 3TA), filed May 9, 1975. Applicant: LESLIE NORMAN FRED, doing business as NORMAN FRED, RFD #1, DeSoto, Ill. 62924. Applicant's representative: John G. Gilbert, 231 W. Main, P.O. Box 1058, Carbondale, Ill. 62901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, ice cream mix, cottage cheese, ice cream, milk powder and milk substitutes*, for the account of Prairie Farms Dairy, Inc., over irregular routes, between Carbondale, Ill., and points in Dunklin County, Mo., and points in Green, Craighead, and Mississippi Counties, Arkansas, for 180 days. Supporting shipper: Harold Hauter, Comptroller, Pairie Farms Dairy, Inc., 1100 N. Broadway, Carlinville, Ill. 62626. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 140844 (Sub-No. 1TA), filed April 29, 1975. Applicant: TERRY L. PRIEST, Box 188, New Florence, Pa. 15944. Applicant's representative: John A. Pillar, 1122 Frick Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk) and related advertising material, (1) from points in Cleveland, Ohio, to the Boroughs of Clymer and Indiana, Indiana County, Pa., the Boroughs of East Vandergrift and Bolivar, Westmoreland County, Pa., and the Township of Somerset, Somerset County, Pa., *and empty malt beverage containers on return*, under a continuing contract or contracts with (1) Paul and Dominic LaMantia t/a LaMantia Beer Distributors; (2) George J. Paytash and Elsie Paytash t/d/b/a Clymer Beverage Company; (3) Bertha T. Dellafiora d/b/a National Beer Sales; (4) Chester Rukas and Irene Rukas d/b/a Rukas Beverage Distributing Company; and (5) Joseph and Josephine Picadio d/b/a Picadio Beer Distributors; (2) from points in Winston-Salem, N.C., to the Borough of Blairsville, Indiana County, Pa., *and empty malt beverage containers on return*, under a continuing contract with Frances L. LaMantia d/b/a F. L. LaMantia Beer Distributor, for 180 days. Supporting shippers: Paul and Dominic LaMantia t/a LaMantia Beer Distributors, 609–611 Washington St., Bolivar, Pa. 15923. Bertha T. Dellafiora d/b/a Na-

tional Beer Sales, 471 Water St., Indiana, Pa. 15701. Chester Rukas and Irene Rukas d/b/a Rukas Beverage Distributing Company, 701 McKinley Avenue, East Vandergrift, Pa. 15629. Joseph Picadio and Josephine Picadio d/b/a Picadio Beer Distributors, R.D. #6, Route 31, Somerset, Pa. 15501. George J. Paytash and Elsie Paytash, t/d/b/a Clymer Beverage Company, 81 Sherman St., Clymer, Pa. 15728. Frances L. LaMantia d/b/a F. L. LaMantia Beer Distributor, 42 W. Ranson Ave., Blairsville, Pa. 15717.

No. MC 140854 (Sub-No. 1TA), filed May 5, 1975. Applicant: MICHAEL TARANTINO, doing business as M. TARANTINO TRUCKING, P.O. Box 602, Bound Brook, N.J. 08805. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soap*, in tank vehicles, from points in Middlesex County, N.J., to the facilities of Lehigh Valley RR. Co., at Middlesex, N.J., restricted to shipments having subsequent movement by railroad, for 180 days. Supporting shipper: The Miranel Chemical Company, Inc., 660 Stuyvesant Ave., Irvington, N.J. 07111. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 140884 (Sub-No. 1TA), filed May 9, 1975. Applicant: PAUL SWENGLISH, R.D. #4, Box 611, Uniontown, Pa. 15401. Applicant's representative: William A. Gray, Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, (Shipper advises that special equipment such as A-Frame, winch or hydraulic boom is needed to handle larger sections of scrap metal. Shipper also advises that because of the nature of the commodities, carrier must do cutting with acetylene torch in certain situations in order to insure proper loading), from points in Morgantown, Fairmont, Barrackville, Idamay and Clarksburg, W. Va., to points in Monongahela, Glassport, Elizabeth, and Pittsburgh, Pa., under a continuing contract or contracts with Edward Fields & Company of Morgantown, W. Va., for 180 days. Supporting shipper: Edward Fields & Company, P.O. Box 737, Morgantown, W. Va. 26505. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 25003.

No. MC 140888 (Sub-No. 1TA), filed May 7, 1975. Applicant: CONTAINER SERVICE (NIAGARA REGION) LTD., Box 26, Wellandport, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, and in bulk, for the account of Skyway Fertilizers Ltd., of Smithville, Ontario, Canada, from ports of entry on the International Boundary line between the United States and Canada located on the Niagara River to points in the New York counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, Wyoming, Yates, and the City of North East, Pa., restricted to traffic moving in foreign commerce, for 180 days. Supporting shipper: Skyway Fertilizers Limited, Box 274, Smithville, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 140927 (Sub-No. 1TA), filed May 5, 1975. Applicant: FREDERICK J. CAREY, JR., doing business as F. J. CAREY, JR. TRANS, 35 Brett Street, Brockton, Mass. 02401. Applicant's representative: Frank J. Weiner, Esq., 15 Court Sq., Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in bulk, in dump vehicles, from points in Everett, Mass., to points in Jersey City, N.J., for 180 days. Supporting shipper: Prolerized Transportation Systems, Inc., Rover Street, Everett, Mass. Send protests to: John B. Thomas, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-13855 Filed 5-27-75;8:45 am]

federal register

WEDNESDAY, MAY 28, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 103

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

FOOD FOR SPECIAL DIETARY USES

Additional Formulations Applications and Preliminary Notice of Reopening of Hearing

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 80, 125]

FOOD FOR SPECIAL DIETARY USES

Opportunity for Filing Applications for Additional Formulations of Dietary Supplements of Vitamins and Minerals; Preliminary Notice of Reopening of Hearing; Tentative Amendments to Final Orders

In the FEDERAL REGISTER of August 2, 1973 (38 FR 20708, 20730), the Commissioner of Food and Drugs established new regulations to govern the labeling of foods for special dietary uses in §§ 125.1, 125.2 and 125.3 (21 CFR 125.1, 125.2, 125.3) and to govern the composition of dietary supplements of vitamins and minerals in § 80.1 (21 CFR 80.1). Subsequently, 15 petitions for review of these regulations were filed in various United States courts of appeals, and all petitions were eventually consolidated in the United States Court of Appeals for the Second Circuit. After extensive briefing and argument, that Court rendered judgment on August 15, 1974. "National Nutritional Foods Association v. Food and Drug Administration," 504 F.2d 761 (2d Cir. 1974). While the Court stated that it was "broadly sustaining the regulations", it nevertheless remanded the regulations to the Food and Drug Administration for certain specified action and stayed the effective date of the regulations "until six months after our judgment becomes final or June 30, 1975, whichever is later". (504 F.2d 785–786.) A copy of this judgment is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

On February 24, 1975, the Supreme Court denied certiorari in this case. Accordingly, the Commissioner concludes that it is now appropriate to develop revised regulations, in compliance with the directions of the Court of Appeals, as expeditiously as is feasible.

I. APPLICATIONS FOR ADDITIONAL FORMULATIONS

The Court's decision directs the Commissioner to receive and consider applications for additional formulations of dietary supplements.

The Commissioner hereby invites applications from any interested persons who desire that additional formulations of dietary supplements of vitamins and/or minerals be permitted under § 80.1 (21 CFR 80.1). Applications may be filed for additional combinations of vitamins and/or minerals and/or for increased potency of any vitamins or minerals within a combination. An additional formulation incorporating a substance or potency that is not generally recognized as safe shall also require a food additive petition pursuant to sections 201(s), 402 (a)(2)(C), and 409 of the act (21 U.S.C. 321(s), 342(a)(2)(C), 348).

A separate application shall be filed with the Hearing Clerk, in quadruplicate, for each formulation sought. Each application shall include:

a. A description of the formulation sought, containing a list of all vitamins and/or minerals to be included, the potency of each, and an explanation of how the formulation differs from those presently authorized by 21 CFR 80.1, together with the name proposed by the applicant for such formulation.

b. A statement of the nutritional or other physiological rationale, if any, which the applicant believes justifies the formulation. One or more affidavits by qualified experts, and/or copies of published scientific literature in support of any such rationale shall be included.

c. A statement of any other rationale which the applicant believes shows a need for the formulation. If an existing consumer demand or market for the formulation is asserted on behalf of the product, the applicant shall include copies of labeling for the existing product, including labels, cartons, leaflets, etc., and an affidavit(s) with accompanying documentation establishing the scope of the existing market, including data on the number of units sold and the wholesale and retail value involved.

All applications shall be received by the Hearing Clerk, Food and Drug Administration, not later than close of business on or before July 14, 1975. Applications received after that date will be held in abeyance pending review after all other issues relating to this matter are disposed of.

In evaluating the applications the Commissioner will be guided by the following statement by the Court:

> The FDA should establish dates for the filing of such applications and, if these should prove to be numerous, procedures to screen out the most meritorious for early hearing and decision. In determining whether it is "reasonable" to deny a particular application, the primary consideration must of course be the degree of increase in potential consumer confusion. Since the sheer variety of products is a central problem here, the applications will in a real sense be in competition with one another, and we do not expect a very large number to be granted. It would be reasonable in resolving this competition to favor products which, because of widespread prior publicity or even just because of simplicity of terminology, are unlikely to confuse many consumers when properly labeled. Indeed, we specifically direct that the FDA consider any such applications as to vitamin C in larger dosages and vitamin B complex supplements. Moreover, against any danger of slight increases in confusion should be weighed such factors as the following: (1) How large is the consumer demand for the product at present, and how widespread any expert belief that it is not an irrational product for a significant number of consumers; (2) how effectively could any potential confusion with respect to the particular product be reduced or eliminated by requiring on the label (A) with respect to a high dosage product, a legend to the effect that the FDA has determined this product contains quantities of such-and-such nutrients not normally essential to human health, or (B) with respect to a combination, a legend to the effect that the FDA has determined this product does not contain all the nutrients essential to human health, and (3) in the case of application to exceed the upper limits, how dependable, if this can be determined, is the particular NAS RDA on which the upper limit is based relative to other RDA's * * * We wish to make clear, that, while it would defeat the purposes of Part 80 for a very large number of such applications to be granted, either with respect to dosage limitations or with respect to combinations of less than all essential ingredients, we expect each application to receive the most serious consideration on its merits relative to the criteria just outlined. At the same time it should be obvious to the petitioners that we are broadly sustaining the regulations and that any attempt to convert the procedures we are here directing into something like a nearly complete reopening of the proceeding will be counter-productive. Indeed, if an avalanche of petitions for exceptions should occur, the agency would be justified in denying all applications (except those as to increased dosages of vitamin C and vitamin B complex supplements), without prejudice to subsequent renewal, on this ground alone. What we are doing is to provide the industry with another chance of individualized consideration of the most meritorious cases of exceptions. An exercise of responsibility on the part of the industry will be necessary if this is to confer the benefits we intend. (504 F.2d 785–786.)

The Commissioner advises that it will not be necessary for anyone to file an application for the high potency vitamin C product mentioned by the Court or for any other high potency product composed of a single vitamin or mineral. As set forth in section III of this notice, the Commissioner is tentatively amending the final orders so that Parts 80 and 125, which establish a standard of identity and labeling requirements, will impose no potency limitations on products consisting of a single vitamin or mineral. Limitations for reasons of safety may be imposed by other regulations in Part 121 and in other sections in this chapter or by direct application of the act, as discussed in section III.h. of this preamble.

As explained in section III.h. below, new information may be developed by the GRAS Review Project or the OTC Drug Review concerning the toxicity of particular vitamins and/or minerals which would cause the Food and Drug Administration either to propose new restrictions in the interest of public safety or to propose elimination of certain existing restrictions as no longer justified.

The Commissioner is trusting industry to exercise restraint and common sense in restricting itself to applications with some legitimate basis and hopes that it will not be necessary to respond to an "avalanche" of applications with the sanction suggested by the Court in the passage quoted above. The Commissioner requests that the affected industries consolidate their interests and file joint applications, documented in the manner set forth above, for a small number of additional formulations.

II. PRELIMINARY NOTICE OF REOPENING OF HEARING

The Court's decision remanded the regulations to the Agency "with instructions to reopen the record for the limited purpose of permitting reasonable cross-examination of Dr. [William H.] Sebrell (or, if he is not available, some

other qualified member of the [Food and Nutrition] Board [of the National Academy of Sciences] by Dr. [Miles] Robinson or counsel of some other similarly interested Participant". [504 F. 2d 799.]

Dr. Sebrell is no longer a member of the Food and Nutrition Board. Tentative arrangements have been made to call instead Dr. Alfred E. Harper, who was Dr. Sebrell's successor as the Chairman of the Committee on Dietary Allowances of the Food and Nutrition Board, serving in that capacity at the time of development and publication of the most recent (eighth) edition (1974) of the National Academy of Sciences-National Research Council's "Recommended Dietary Allowances." Dr. Harper is Professor of Nutrition Sciences and Biochemistry and Chairman of the Department of Nutritional Sciences, University of Wisconsin. Dr. Harper will not tender any direct testimony on behalf of the Government except to identify and provide for the record a copy of the eighth edition (1974) of the "Recommended Dietary Allowances" developed by the Food and Nutrition Board of the National Academy of Sciences-National Research Council. (The seventh edition (1968) of this publication was one of the fundamental sources relied upon in the development of Parts 80 and 125. The eighth edition was published after appellate review of these regulations had begun. Since the eighth edition was cited and quoted in briefs before the Court of Appeals and the Court itself referred to the eighth edition in its decision [504 F.2d 791, 798, 799 (Ftnt. 67)], it seems clear that a copy of the publication in its entirety should be included in the record prior to the commencement of the examination of Dr. Harper.) Instead, pursuant to the Court's direction, he will be available as Dr. Sebrell's successor to respond to inquiry by those opposed to the regulations, concerning (1) the methodology employed in development of the recommended dietary allowances by the Board and the scientific foundation upon which these allowances are based, (2) the scientific appropriateness of the Food and Drug Administration's use of the Board's recommended dietary allowances, and (3) possible biases or conflicts of interests on the part of the Board, as well as other relevant subjects.

The Commissioner intends to issue shortly in the FEDERAL REGISTER a notice announcing a specific time and place for reopening of the hearing for examination of Dr. Harper. At that time new notices of appearance will be required for all who wish to participate since it is likely that some of the participants of record may have changed their address or their counsel or may no longer wish to participate, and the Commissioner believes the proceeding should be open to new persons who are not presently participants of record.

It is the Commissioner's intention that this proceeding take place in the Hearing Room at the Food and Drug Administration headquarters in Rockville, MD.

While the Court has required only that Dr. Robinson or counsel of some other similarly interested participant be allowed to engage in examination, the Commissioner intends that the examination be open to as many participants reflecting as many points of view as is reasonably possible. (Indeed, such an open approach appears necessary to avoid a conflict concerning the person to conduct cross-examination. At the time of the hearing, Dr. Robinson was the official representative of the National Health Federation (NHF). It appears that Dr. Robinson is no longer acting for the NHF and that both Dr. Robinson and the NHF may assert a claim to conduct the cross-examination envisioned by the Court.)

The Commissioner will direct the Administrative Law Judge that, if requests to engage in examination are numerous and the participants cannot agree among themselves on apportionment of time or subject matter sufficient to accommodate all within a reasonable period of time, he should group participants with truly common interests and allow only one, or perhaps a few, qualified representative(s) from each group to examine Dr. Harper.

The Administrative Law Judge will be directed to expedite his report to the Commissioner upon concluding the hearing.

III. TENTATIVE AMENDMENTS TO FINAL ORDERS

Having carefully considered the decision of the Court of Appeals, the Commissioner concludes that a number of revisions, discussed below, should be made in the regulations.

a. *Elimination of maximum potency restrictions on dietary supplements consisting of a single vitamin or mineral.* Section 80.1(c)(1) is tentatively amended below to eliminate any maximum potency limitations on dietary supplements consisting of a single vitamin or mineral. (As discussed below in paragraph III.h. of this notice, potency may be restricted for reasons of safety by other sections of the act not here involved or by other regulations.)

The Commissioner remains convinced that, in the case of multicomponent supplements, consumed by individuals who wish to assure themselves that they consume the range of vitamins and/or minerals important for good nutrition, the vitamins and/or minerals included should be present in potency ranges generally recognized by qualified experts to be appropriate for such purposes, reflecting reasonable balances among the vitamins and/or minerals. The concept of standardized multicomponent supplements is that they provide essential vitamins and/or minerals which are useful for supplementation purposes (i.e., those which are not only essential to good health but for which there is a reasonable possibility of dietary deficiency) at levels that are nutritionally useful and that maintain reasonable balance among the vitamins and/or minerals. In the Commissioner's judgment, such combination products should not provide excessive quantities of a vitamin or mineral which are wasteful, i.e., nutritionally useless and immediately excreted out of the system, and which serve only to create consumer confusion leading to false bases of comparison and competition between products, which may lead to higher prices but not to better products. Pursuant to the tentative amendment, on the other hand, dietary supplements consisting of a single vitamin or mineral may be marketed whether or not there is a nutritional rationale for such supplementation at potencies in excess of any established nutritional usefulness. The Commissioner concludes that this approach preserves the nutritional integrity of the multicomponent dietary supplements while assuring the public that dietary supplements consisting of a single vitamin or mineral will be available individually with no upper limits except those dictated by safety.

b. *Status of vitamins and minerals for which there are no U.S. RDA's.* With regard to dietary supplements of vitamins and/or minerals, the decision of the Court enjoins the provisions of § 125.1(c) which had prohibited the addition of certain vitamins and minerals recognized as essential in human nutrition but for which no U.S. Recommended Daily Allowances (U.S. RDA's) have been established and which had prohibited the addition of such vitamins and minerals to general purpose foods. The Court also directed the Agency to consider whether there are other essential nutrients for which no U.S. RDA's have been established, which are unmentioned in the present regulations and which should be added. The Court specifically mentioned cobalt and selenium for consideration.

Pursuant to the Court's decision, § 125.1(c) is tentatively amended below to become simply an informational paragraph. It lists those vitamins and minerals which are essential or probably essential in human nutrition but for which no U.S. RDA's have been established. The list has been expanded to include all additional vitamins and minerals which the Food and Nutrition Board of the National Academy of Sciences-National Research Council (NAS–NRC) has concluded are essential nutrients, or probably essential nutrients for man but for which the NAS–NRC has established no recommended dietary allowances and for which, consequently, no U.S. RDA's have been established. As tentatively amended, the list now includes two vitamins, i.e., vitamin K and choline, and twelve minerals, i.e., chlorine, chromium, fluorine, manganese, molybdenum, nickel, potassium, selenium, silicon, sodium, tin and vanadium.

The Commissioner concludes that cobalt should not be added to § 125.1(c). Cobalt per se is not an essential nutrient. Its only known function is as an integral part of vitamin B_{12} (cobalamin), which is already included in the list of mandatory essential vitamins. Therefore, there is no basis for including cobalt in § 125.1(c). In any event, cobalt is not generally recognized as safe for use in food and thus any food use is illegal in the absence of a supporting food additive regulation.

(21 U.S.C. 321(s), 342(a)(2)(C), 348.) Because of toxicity, 21 CFR 121.106(d)(9), published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34172), specifically prohibits any food use of cobaltous salts.

Sulfur has been deleted from § 125.1(c) as tentatively revised because sulfur per se is not an essential nutrient but rather an integral part of the molecular structure of several amino acids (methionine, cystine, cysteine). The concept of sulfur being referred to as an essential nutrient stems from this fact. Sulfur involved in metabolic processes other than protein synthesis is derived in fully adequate amounts from the normal degradation of proteins containing the sulfur amino acids. Dietary sulfur in the form of various salts makes no contribution to the metabolic function of sulfur in the body. Sulfur may lawfully be sold as an ordinary food in any compound which is generally recognized as safe, if there is anyone interested in buying of selling such a product. (Several sulfur compounds which are generally recognized as safe and thus lawful for use without a food additive regulation, 21 U.S.C. 321(s), 342(a)(2)(C), 348, are listed in 21 CFR 121.101(d).) However, any representation that such sulfur is a dietary supplement or that it has special dietary properties would be false or misleading and unlawful.

For many of the substances included in § 125.1(c) as tentatively revised, it is unlikely that NAS–NRC RDA's or U.S. RDA's will ever be established. For example, while nickel appears to be essential to good health as determined by experimental animal studies, the needed level of intake is so low and natural environmental availability is so pervasively abundant that there is no prospect of any dietary insufficiency and no need to divert research resources to determining a specific NAS–NRC RDA or U.S. RDA for humans.

The decision of the Court of Appeals also directs that all essential vitamins and minerals for which no U.S. RDA's have been established be integrated into § 80.1(b)(1)(v) and into the list of optional nutrients in § 80.1(f) until such time as U.S. RDA's may be established. The Commissioner is tentatively amending the regulations in a manner which he believes is responsive to the intentions of the Court.

The Court was concerned about the lack of support for the banning from sale of safe amounts of essential nutrients for which U.S. RDA's have not been established. The Commissioner accordingly concludes that the regulations should be amended to add to § 80.1 a new paragraph (f)(3) to recognize and list other vitamins and minerals, unlisted in § 80.1(f)(1), which are recognized as essential, or probably essential, in human nutrition but for which no U.S. RDA's have been established. (This is the same list of nutrients which appears in tentatively amended § 125.1(c), as discussed above.)

Because § 80.1(b)(2) provides that a dietary supplement may be composed of any single vitamin or mineral listed in § 80.1(f), the effect of new § 80.1(f)(3) is that a dietary supplement consisting of a single vitamin or mineral for which no U.S. RDA has been established may be sold without any restrictions on potency imposed by Part 80 or 125. (As discussed in paragraph III.h. of this preamble, availability may be restricted for reasons of safety by other sections of the act not here involved or by other regulations.)

However, on the basis of scientific knowledge presently available to him and contained in the record, the Commissioner concludes that a standard of identity for multicomponent dietary supplements of vitamins and/or minerals, consumed by individuals who wish to assure themselves that they consume the range of vitamins and/or minerals important for good nutrition, does not properly encompass vitamins and minerals for which no NAS–NRC RDA nor any U.S. RDA has been established. While there is evidence that these nutrients are "essential", there currently is no body of scientific evidence establishing that American diets are deficient in any of them. Accordingly, it would be wasteful and misleading to include them in standardized multicomponent dietary supplements consumed by individuals who wish to assure themselves that they consume the range of vitamins and/or minerals important for good nutrition. Under these circumstances, the Commissioner concludes that it would not promote honesty and fair dealing in the interest of consumers for him on his own initiative to provide for the addition of such nutrients to multicomponent supplements.

In section I of this preamble, the Commissioner invites the filing of applications for additional formulations of dietary supplements of vitamins and minerals. The Commissioner advises that he will give unbiased consideration to any application which concerns additional multicomponent combinations involving vitamins and/or minerals for which no U.S. RDA has been established, and he recognizes his obligation under the decision of the Court to consider permitting a limited number of additional formulations under the conditions established by the Court.

Finally, the Commissioner has concluded that dietary supplements of vitamins and/or minerals containing a vitamin(s) or mineral(s) for which no U.S. RDA has been established should bear a statement to inform the consumer of this fact. Sections 80.1(i)(1) and 125.3(a)(2) are tentatively amended to require label statement of such information.

c. *Elimination of provision that high potency vitamin/mineral products are drugs.* The Court ruled § 125.1(h) to be invalid. This paragraph had provided that, except for certain specified and quite limited products, a vitamin/mineral product with a potency exceeding the limits set by § 80.1 was necessarily a drug.

The Court concluded that the hearing record did not show that there is no known food use of nutrients at such high levels.

> * * * it cannot be said even as an objective matter that a given bottle of pills, each containing more than the upper limit of one or more nutrients, is not being used for nutritional purposes.
>
> *A fortiori* it follows that the vendor of such a product can in good faith intend it for nontherapeutic use. Section 201(g)(1)(B) [21 U.S.C. 321(g)(1)(B)] makes the vendor's intent the crucial element in the definition of "drug" here at issue * * * while we agree that a factfinder should be free to pierce all of a manufacturer's subjective claims of intent and even his misleadingly "nutritional" labels to find actual therapeutic intent on the basis of objective evidence in a proper case, such objective evidence would need to consist of something more than demonstrated uselessness as a food for most people * * *
>
> Our invalidation of this subsection in no way prevents high-dosage products properly labeled from being marketed as over-the-counter drugs. But under our ruling § 125.1(h) will cease to have any independent restrictive force. [504 F. 2d 789.]

The Commissioner has considered whether the record should be reopened to permit the admission of additional evidence on this matter. In view of the fact that the sole difference between the approach taken in § 125.1(h) and the approach taken by the Court is that, pursuant to the Court's decision, these products will now be regulated under the law as foods rather than as over-the-counter (nonprescription) drugs, the Commissioner has concluded that no useful purpose would be served by pursuing this point as a general rule at this time. It is now clear that, in specific situations involving an individual vitamin or mineral, where the need for prescription drug control is essential to protect the public health, the vitamin or mineral in question may properly be classified as a prescription drug to prevent indiscriminate use by laymen without medical supervision. See "National Nutritional Foods Association v. Weinberger," No. 74–1738 (2d Cir. 1975). Accordingly, pursuant to the Court's decision, the tentative order revokes § 125.1(h).

As the foregoing quotation from the Court's decision specifically recognizes, a person may choose to offer a vitamin and/or mineral product as a drug rather than as a food, in which case the product must comply with the drug requirements of the act and the regulations promulgated pursuant thereto rather than these regulations.

The term "dietary supplement" applies solely to foods and has no application to a product offered solely as a drug. A vitamin and/or mineral product which is offered as a food and which comes within the definition of a "dietary supplement" in Part 80 must, of course, comply with the definition and standard of identity established by Part 80. Section 403(g) of the act (21 U.S.C. 343(g)) provides that a food shall be deemed to be misbranded if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulation unless it conforms to such definition and standard.

A new § 80.1(n)(1) is added to the regulations to explain that a dietary supplement which does not comply with the standard of identity for dietary supplements will be deemed to be a misbranded food pursuant to section 403(g) of the act.

d. *"Unmentioned elements."* The Agency was directed by the Court "to articulate its intentions with respect to those unmentioned elements which it finds not to be essential".

Ingredients which have in the past been represented as having nutritional properties but which have not been shown to be essential in human nutrition and thus are not included in § 125.1 will continue to be governed by the provisions of § 125.2(b)(5), i.e., they may not be added to vitamin/mineral supplements but they may be sold as ordinary foods by themselves or in combination with one another. Thus, for example, a person remains free to sell rutin tablets, or tablets containing a combination of rutin and para-amino-benzoic acid, etc., as food provided no claims are made for such foods to the effect that they have special nutritional properties. However, one may not add rutin or para-amino-benzoic acid to a vitamin and/or mineral supplement because to do so would tend to mislead a consumer into believing that the additional ingredient makes the supplement more useful.

Section 125.2(b)(5) presently lists specific substances which have in the past been represented as having nutritional properties but which have not been shown to be essential to human nutrition e.g., rutin, para-amino-benzoic acid. The substances included by name in § 125.2(b)(5) are automatically banned by operation of law from vitamin and/or mineral supplements by § 125.2(b)(5). To rely on this section of the regulation for banning any other such substance from a vitamin and/or mineral supplement, it would be necessary either (1) to demonstrate by an appropriate factual showing that the substance has been represented as having nutritional properties but has not been shown to be essential in human nutrition, and that it is thus within the class of substances banned from dietary supplements by 21 CFR 125.2(b)(5), e.g., in a civil seizure action pursuant to section 304 of the act (21 U.S.C. 334), or (2) to engage in new rule making to add the substance, by name, to § 125.2(b)(5).

Under the regulations, it is not permissible to add to a dietary supplement any ingredient which does not provide a vitamin or mineral or serve a functional purpose, since the definition and standard of identity does not provide for the inclusion of such substances. (21 CFR 80.1(g); 21 U.S.C. 343(g)(1).) Thus a substance which does not provide any vitamin or mineral and which is not a "preservative, stabilizer, flavor, sweetener, color, seasoning, carrier, base, or vehicle" and which does not "facilitate preparation" of the vitamin and mineral substances, may not be included in a dietary supplement. (21 CFR 80.1(g); 21 U.S.C. 343(g)(1).)

Of course, even if a substance may legally be included in a dietary supplement of vitamins and minerals, it may not be declared on the label in a manner which is false or misleading or otherwise in violation of the act or regulations. For example, assuming that alfalfa is a source of vitamin A activity, the regulations would permit use of alfalfa as the source of vitamin A in the manufacture of a dietary supplement of vitamin A. Such a product would be labeled as a "vitamin A supplement" (21 CFR 80.1(h)), and "alfalfa" would be included in the list of ingredients (21 CFR 80.1(i)(4)), but not in the listing of vitamins and minerals (21 CFR 80.1(i)(1)). It would also be permissible to include in labeling for such a dietary supplement of vitamin A a truthful statement that it is "derived from alfalfa". However, to offer such a product as a "vitamin A—alfalfa supplement" would violate 21 CFR 80.1(h) and section 403(a) of the act (21 U.S.C. 343(a)). (A product such as "powdered alfalfa" could be sold as an ordinary food, rather than as a dietary supplement, with nutrition labeling pursuant to 21 CFR 1.17.)

Of course, any unqualified representation in labeling of a special dietary food to the effect that the vitamin or mineral content is derived from a particular source would be misleading, in violation of sections 403(a) and 201(n) of the act (21 U.S.C. 343(a), 321(n)), unless that source provides a significant portion of the vitamin or mineral content of the product. For example, it would be misleading for a dietary supplement to bear labeling claims such as "vitamin A derived from alfalfa" or "vitamin C derived from rose hips", if only two percent of the vitamin A, or vitamin C, content of the product is derived from that source.

To help clarify this situation and prevent misleading labeling with regard to the source of a vitamin or mineral, a tentative amendment to the regulations, 21 CFR 125.3(c), requires that whenever a representation is included in labeling concerning the source of a vitamin or mineral, the representation shall be accompanied, in type of at least equal size and prominence, by a statement of the percent of the vitamin or mineral content provided by that source. For example, if 40 percent of the vitamin A content of a dietary supplement is derived from alfalfa, a label statement "contains vitamin A derived from alfalfa" would be required to be accompanied, in type of equal size and prominence, by a statement such as "40 percent of the vitamin A content of this product is derived from alfalfa".

e. *Certain representations concerning iron.* Pursuant to the Court's decision, § 125.2(b)(2) is amended to permit representations that infants, children, and women of childbearing age may not be receiving adequate amounts of iron in their daily diets.

f. *Revisions in formulations.* As directed by the Court, § 80.1(b)(4) is amended to make clear that future revisions regarding permissible formulations might involve greater product potencies as well as different combinations of ingredients, when such revisions would promote honesty and fair dealing in the interest of consumers.

g. *Fresh fruits and vegetables.* Section 80.1(e)(5) and (6) is amended to implement the Court's order that fresh fruits and fresh vegetables be exempted from the regulations. In a notice published in the FEDERAL REGISTER of February 26, 1975 (40 FR 8214), the Commissioner proposed regulations to govern nutrition labeling of fresh fruits and fresh vegetables.

h. *Safety restrictions imposed by other regulations or by the act.* Although Parts 80 and 125, as tentatively amended, do not place any restriction upon the potency of a vitamin or mineral sold individually, restrictions on maximum potency or other restrictions on availability or use may be imposed for reasons of safety by other regulations or by the act. For informational purposes, pertinent restrictions are cross-referenced in tentative new § 80.1(n)(2).

A discussion of existing limitations on food use of vitamins and minerals imposed by other regulations and cross-referenced for informational purposes in new § 80.1(n)(2) follows:

(1) *Vitamin A.* Any oral preparation containing vitamin A in excess of 10,000 IU per dosage unit or recommended daily intake is deemed to be a drug and is restricted to prescription sale (21 CFR 250.-109). Sale of a product exceeding this potency as a dietary supplement would be illegal.

(2) *Vitamin D.* Any oral preparation containing vitamin D in excess of 400 IU per dosage unit or recommended daily intake is deemed to be a drug and is restricted to prescription sale (21 CFR 250.110). Sale of a product exceeding this potency as a dietary supplement would be illegal. (21 CFR 250.11 contains an exception for foods which are for use under medical supervision to meet nutritional requirements of persons with poor vitamin D absorption, which may contain vitamin D not in excess of 1,000 IU per dosage unit or recommended daily intake.)

(3) *Folic acid.* Folic acid is not generally recognized as safe for addition to food for its vitamin property and consequently the substance is a food additive for such use subject to the limitations on use set forth in the food additive regulation 21 CFR 121.1134 (e.g., maximum daily adult intake not to exceed 0.4 mg except for pregnant or lactating women, for whom the limit is 0.8 mg).

(4) *Iodine.* Iodine is not generally recognized as safe for addition to food for its mineral property except when added to table salt as cuprous iodide or potassium iodide at a level not to exceed 0.01 percent (21 CFR 121.101(d)(5)). Any other addition of iodine to food for its mineral property constitutes usage as a food additive and must be in accord with a food additive regulation. Food additive regulation 21 CFR 121.1073 permits the addition of iodine to food for its mineral property if contributed as potassium iodide, with certain restrictions (e.g., maximum daily adult intake not to exceed 225 mcg except for pregnant or

lactating women, for whom the limit is 300 mcg). Food additive regulation 21 CFR 121.1149 permits the addition of kelp to food as a source of iodine, with the same potency restrictions.

(5) *Copper.* Copper contributed as copper gluconate is not generally recognized as safe for addition to food for its mineral property if the copper gluconate exceeds 0.005 percent by weight of the finished food product (21 CFR 121.101(d)(5)). Use of copper gluconate in a dietary supplement in excess of this level is illegal in the absence of a food additive regulation approving such use.

(6) *Fluorine.* Because of the potential toxicity of fluorine compounds, fluorine is not generally recognized as safe for addition to food, except for low levels in water as approved by the Public Health Service (21 CFR 121.10). Accordingly, in the absence of an authorizing food additive regulation, the inclusion of fluorine in a dietary supplement product would be illegal.

(7) *Potassium.* Preparations of potassium salts providing 100 mg or more of potassium per tablet (or 20 mg or more per milliliter) are deemed to be drugs and are restricted to sale on a prescription basis by § 201.306 (21 CFR 201.306) because concentrated doses of potassium salts may produce serious and possibly fatal lesions in the small bowel.

In addition to the limitations on use of particular vitamins and minerals imposed by existing regulations, as discussed above, food use of a vitamin or mineral may be restricted for reasons of safety by direct application of the act.

Any added vitamin or mineral which is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown to be safe under the conditions of its intended use in food is a food additive within the meaning of section 201(s) of the act (21 U.S.C. 321(s)), and pursuant to sections 402(a)(2)(C) and 409 of the act (21 U.S.C. 342(a)(2)(C) and 348) such use is illegal in the absence of a food additive regulation approving such use. This legal principle is set forth in new § 80.1(n) for informational purposes.

For example, in the judgment of the Commissioner, molybdenum is not generally recognized as safe for addition to food. Thus, a "molybdenum supplement" would be subject to regulatory action, e.g., a civil seizure action in a United States District Court pursuant to section 304 of the act (21 U.S.C. 334), charging that the supplement is adulterated within the meaning of section 402(a)(2)(C) of the act (21 U.S.C. 342(a)(2)(C)) in that it contains a food additive within the meaning of section 201(s) of the act (21 U.S.C. 321(s)), i.e., molybdenum, which is unsafe for such use within the meaning of section 409 of the act (21 U.S.C. 348) because there is no food additive regulation or exemption permitting such use. Should a claimant, under these circumstances, contend that molybdenum is generally recognized as safe and thus not a food additive within the meaning of 21 U.S.C. 321(s), this would be a factual issue for determination in the civil seizure action in the absence of a regulation governing the status of the nutrient.

A listing of some of the vitamins, minerals and compounds with vitamin and/or mineral properties which are generally recognized as safe (GRAS), and thus (since a substance which is GRAS is not a food additive, 21 U.S.C. 321(s)) lawful for use without a food additive regulation, appears at § 121.101(d)(5) (21 CFR 121.101(d)(5)).

As 21 CFR 121.101(a) specifically advises, it is not practicable to list by regulation all substances that are generally recognized as safe for their intended use. Accordingly, upon request, addressed to U.S. Food and Drug Administration, Bureau of Foods, Division of Regulatory Guidance, HFF-310, 200 C St. SW., Washington, D.C. 20204, the Food and Drug Administration will advise whether, in its judgment, a particular use of a vitamin or mineral (not specifically governed by regulation) is generally recognized as safe within the meaning of section 201(s) of the act and thus lawful for use without a food additive regulation.

Pursuant to new safety data developed by the Food and Drug Administration's GRAS Review Project, described in the FEDERAL REGISTER of July 26, 1973 (38 FR 20053), or developed by the Food and Drug Administration's Over-the-Counter (OTC, i.e., nonprescription) Drug Review, described in § 330.10 (21 CFR 330.10), or derived from other sources, additional restrictions in the interest of safety may be imposed on the use of a vitamin or mineral by appropriate new rule making, or existing restrictions may be eliminated. Restrictions contained in such regulations will routinely be cross-referenced in § 80.1(n)(2).

The Commissioner advises that he is planning to initiate new rule making to particularize more comprehensively than existing § 121.101(d)(5) the vitamins, minerals and compounds with vitamin and/or mineral properties which are GRAS (specifying potency limitations where recognition of safety depends upon such limited use) and to list as well those substances which are not GRAS at any level of use. Proposals for such rule making will appear in the FEDERAL REGISTER.

In the meantime, the Commissioner advises that he presently has the following tentative views regarding safety of nutrients not already discussed above. Except for vitamins A and D and folic acid (all three of which are subject to existing regulations restricting potency, discussed above), the Commissioner does not believe that current scientific knowledge warrants any potency restrictions in the interest of safety upon use of the vitamins (mandatory or optional) listed in § 80.1(f)(1) or upon the use of choline. However, with regard to vitamin K, the Commissioner is presently of the opinion that synthesized vitamin K (menadione) could only be intended for therapeutic use, and, because of the potential for harm involved in its use, that it should be dispensed only on prescription. The naturally occurring vitamin K (phylloquinone), on the other hand, appears to be generally recognized as safe for use as a dietary supplement at least up to levels providing 100 mcg per recommended daily quantity. While all of the minerals included in § 80.1(f)(1) are generally recognized as safe for use in dietary supplements at levels of up to 150 percent of the U.S. RDA per day, toxicity concerns arise if higher potencies are chronically consumed, and, if practicable, it would be useful to particularize by regulation, in the forthcoming rule making, the potency levels at which these nutrients cease to be GRAS. Manganese appears to be generally recognized as safe for use as a dietary supplement for adults and children 4 or more years of age at levels of up to 7.0 mg per recommended daily quantity. Chlorine and sodium may cease to be GRAS for dietary supplement use at certain levels. Finally, in the absence of any reliable data existing at this time to indicate a safe level for addition to food, and in view of recognized toxic potentialities, the Commissioner has tentatively concluded that chromium, molybdenum, nickel, selenium, silicon, tin, and vanadium are not GRAS for addition to food for dietary supplementation and that any such use would require a food additive application. The foregoing observations are offered simply as a matter of information concerning the Commissioner's present, tentative, views on the GRAS status of particular nutrients; the forthcoming proposed rule making will include a detailed discussion of the safety concerns, if any, which arise with regard to each nutrient, together with citations to published literature.

i. *Lower limits for supplements without U.S. RDA's.* The Commissioner advises that, based on current scientific knowledge available to him, a dietary supplement providing respectively less than 200 mg of choline, 50 mcg of naturally occurring vitamin K (phylloquinone), or 1.25 mg of manganese per recommended daily quantity would not serve a useful purpose as a dietary supplement. Promotion of supplements containing less than these respective amounts would be misleading, in violation of section 403(a) of the act.

j. *Future revisions of U.S. RDA's.* The United States Recommended Daily Allowances (U.S. RDA's) were established primarily on the basis of the recommended dietary allowances (RDA's) contained in the 7th edition of "Recommended Dietary Allowances," published in 1968 by the NAS–NRC. The 8th edition, published in 1974, contains a number of changes in the NAS–NRC RDA's for various age and sex groups. It is the Commissioner's present view that the changes made are not of sufficient magnitude as they relate to overall public health to warrant similar changes in the U.S. RDA's at this point in time. However, the Commissioner advises that U.S. RDA's may be proposed for additional nutrients over the next several years on the basis of accumulating scientific knowledge, and that it is reasonable to anticipate changes in existing U.S. RDA's to reflect changes in the NAS–

NRC RDA's when the latter are next published, probably 1979.

k. *Miscellaneous.* The remaining changes implemented by the amendmentment to the tentative order involve adjustments for consistency with the changes already discussed.

In accordance with the foregoing discussion and pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 401, 403 (a) and (j), 701 (a) and (e), 52 Stat. 1041, 1046–1048, 1055, 70 Stat. 919; 21 U.S.C. 321(n), 341, 343 (a) and (j), 371 (a) and (e)) and under authority delegated to him (21 CFR 2.120), the Commissioner issues the following tentative amendments to the final orders establishing §§ 80.1, 125.1, 125.2, and 125.3.

PART 80—DEFINITIONS AND STANDARDS OF IDENTITY FOR FOOD FOR SPECIAL DIETARY USES

1. Section 80.1 is amended by revising the introductory text of paragraph (b)(1), paragraphs (b)(4), (c)(1), (e)(5) and (6), (h)(2)(v) and (i)(1), and by adding new paragraphs (f)(3) and (n) to read as follows:

§ 80.1 Dietary supplements of vitamins and minerals; definition, identity, label statements.

* * * * *

(b) * * *

(1) A dietary supplement consisting of more than one vitamin or mineral shall contain only those vitamins and/or minerals listed in paragraph (f)(1) of this section and shall be offered for its vitamin and/or mineral content only in the following combinations, with the provision that any vitamin or mineral defined as optional in paragraph (f)(1) of this section may be omitted:

* * * * *

(4) Amendment of the list of permissible combinations of vitamins and/or minerals contained in paragraph (b)(1) of this section and/or of the permitted range of potency for any vitamin(s) or mineral(s) in a combination product, or any other amendments to this section, may be proposed by the Commissioner of Food and Drugs on his own initiative or upon petition by an interested person in accordance with the procedure set forth in Part 2 of this chapter. Any such petition shall be submitted in the form set forth in § 2.65 of this chapter and shall include data to show that such amendment will promote honesty and fair dealing in the interest of consumers.

* * * * *

(c) * * *

(1) Subject to good manufacturing practices, dietary supplements consisting of more than one vitamin or mineral shall contain in the specified daily quantity not less than the lower limit nor more than the upper limit of any nutrient specified in paragraph (f)(1) of this section for the groups for which the supplement is offered; and dietary supplements consisting of a single vitamin or mineral listed in paragraph (f)(1) of this section shall contain in the specified daily quantity not less than the lower limit of the nutrient specified in paragraph (f)(1) of this section for the groups for which the nutrient is offered.

* * * * *

(e) * * *

(5) Foods to which one or more nutrient(s) listed in paragraph (f)(1) of this section are added to improve nutritional quality, unless the total level, including any naturally occurring amounts, of any such added vitamin or mineral per single serving attains or exceeds 50 percent of the U.S. Recommended Daily Allowance (U.S. RDA) for adults and children 4 years or more of age as specified in § 125.1(b) of this chapter, in which case the provisions of both this section and § 1.17 of this chapter shall apply. If the provisions of both this section and § 1.17 of this chapter apply to a food, the labeling of such food shall conform to the labeling established in this section except that the labeling established in § 1.17(c) of this chapter, including the order for listing vitamins and minerals established in § 1.17(c)(7)(iv) of this chapter, shall be used in lieu of the labeling established in paragraph (i)(1) of this section.

(6) Raw agricultural commodities.

* * * * *

(f) * * *

(3) In addition to the nutrients listed in paragraph (f)(1) of this section, other vitamins and minerals recognized as essential, or probably essential, in human nutrition in their biologically active forms are vitamin K, choline, and the minerals chlorine, chromium, fluorine, manganese, molybdenum, nickel, potassium, selenium, silicon, sodium, tin, and vanadium.

* * * * *

(h) * * *

(2) * * * (v) "_____ supplement" for a dietary supplement containing a single vitamin or mineral listed in paragraph (f) of this section (the blank to be filled in with the name of the vitamin or mineral).

* * * * *

(i) * * * (1) Immediately following the name and group designation on the principal display panel, as required by paragraph (h) of this section, or on the information panel under § 1.8d of this chapter, if insufficient space is available on the principal display panel, the label shall bear a listing in tabular form of each of the vitamins and/or minerals supplied by the specified daily quantity of the dietary supplement, such daily quantity being specified at the top of the list. The vitamins and/or minerals shall be described by the names appearing in paragraph (f) of this section, shall appear in the order listed in paragraph (f) of this section, and shall be grouped and identified separately as "vitamins" and/or "minerals" without reference to "mandatory" or "optional." The quantity of each vitamin and/or mineral present in a specified daily quantity of the dietary supplement shall be stated as a part of this list and expressed in percentage of the U.S. RDA for each specific group for which the supplement is offered. The quantity of each vitamin and/or mineral present in the specified daily quantity of the dietary supplement shall also appear in the tabular listing in terms of the unit of measures specified in paragraph (f) of this section. If the dietary supplement consists of a vitamin or mineral for which no U.S. RDA has been established, the principal display panel shall state the number of milligrams or other recognized unit of measure of such nutrient supplied by the food when consumed in the specified quantity during a period of 1 day followed by the statement "No U.S. Recommended Daily Allowance (U.S. RDA) has been established for this nutrient".

* * * * *

(n)(1) Any food product which meets the definition of a dietary supplement in paragraph (a) of this section and which is not subject to any of the exemptions set forth in paragraph (e) of this section and which fails to comply with the requirements of this section (including a multicomponent supplement which offers an added vitamin or mineral not permitted by this section or which offers a greater potency of any vitamin or mineral than is permitted by this section) will be deemed to be in violation of section 403(g) of the act (21 U.S.C. 343(g)), which provides that a food shall be deemed to be misbranded if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed, unless it conforms to the definition standard.

(2) Restrictions on the maximum potency of vitamins and minerals sold individually as dietary supplements, or other restrictions on dietary supplement use of a vitamin or mineral, may be imposed for reasons of safety by other regulations or by the act. For convenience, certain restrictions are cross-referenced below:

(i) Vitamin A. See § 250.109 of this chapter.

(ii) Vitamin D. See § 250.110 of this chapter.

(iii) Folic acid. See § 121.1134 of this chapter.

(iv) Iodine. See §§ 121.1073 and 121.1149 of this chapter.

(v) Copper. See § 121.101(d)(5) of this chapter.

(vi) Fluorine. See § 121.10 of this chapter.

(vii) Potassium. See § 201.306 of this chapter.

(viii) Any vitamin or mineral which is included in a dietary supplement and which is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown to be safe under the conditions of its intended use is a food additive within the meaning of section 201(s) of the act (21 U.S.C. 321(s)), and pursuant to sections 402(a)(2)(C) and 409 of the act (21 U.S.C. 342(a)(2)(C) and 348) such use is illegal in the absence of a food additive regulation approving such use. A listing of some of the

vitamins, minerals, and compounds with vitamin and/or mineral properties which are generally recognized as safe, and which thus may lawfully be used without a food additive regulation, appears at § 121.101(d)(5) of this chapter.

(3) Compliance with the requirements of this section does not exempt a dietary supplement of vitamins and/or minerals from the requirements of any other applicable regulations or requirements of the act, whether or not cross-referenced herein.

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

2. Section 125.1 is amended by revising paragraph (c) and by revoking paragraph (h), as follows:

§ 125.1 Definitions and interpretations of terms.

* * * * *

(c) In addition to the nutrients listed in paragraph (b) of this section, the following other vitamins and minerals are essential or probably essential in human nutrition in their biologically active forms but no U.S. RDA's have been established for them: Vitamin K, choline, and the minerals chlorine, chromium, fluorine, manganese, molybdenum, nickel, potassium, selenium, silicon, sodium, tin, and vanadium.

* * * * *

(h) [Revoked]

3. Section 125.2 is amended by revising paragraph (b)(2) to read as follows:

§ 125.2 General label statements; dietary properties; value; placement.

* * * * *

(b) * * *

(2) That a balanced diet of ordinary foods cannot supply adequate amounts of nutrients: *Provided*, That representations may be made that it is often impractical to supply the iron requirements of infants, children, and women of childbearing age with a diet of conventional foods.

* * * * *

4. Section 125.3 is amended by revising paragraph (a) and adding a new paragraph (c) as follows:

§ 125.3 Label statements relating to vitamins and minerals.

(a)(1) Vitamins and minerals for which U.S. RDA's are established If a food purports or is represented to be for special dietary use because of vitamin or mineral properties, the label shall bear a statement of the percentage of the U.S. RDA of such vitamins and minerals, as set forth in § 125.1(b), supplied by such food when consumed in a specified quantity during a period of 1 day. The quantity specified shall be a reasonable quantity suitable for and practicable of consumption within 1 day. The order in which the nutrients appear on the label shall be in the order listed in § 125.1(b), except when other regulations indicate otherwise. Immediately preceding the declaration of vitamin and mineral content, the following heading shall be stated, "Percentage of U.S. Recommended Daily Allowances (U.S. RDA)". If such purported or represented special dietary use is for persons within one or more age groups for which the recommended daily allowance is set, such statement shall include the percentage for each age group. When such proportion or percentage is a whole number and a fraction or a whole number and a decimal, it shall be expressed as the whole number disregarding the fraction or decimal. The total quantity of vitamins or minerals in a food shall be no less than the amount declared, and no more than a reasonable amount above the declared quantity. Reasonable variations caused by heat, light, oxidation, storage, transportation, or unavoidable deviations in good manufacturing practice are recognized.

(2) Vitamins and minerals for which no U.S. RDA's are established. If a food purports or is represented to be for special dietary use because of the presence of a vitamin or mineral for which no U.S. RDA has been established, the quantity of each such nutrient (in the order listed in § 125.1(c), except when other regulations provide otherwise) supplied by the food when consumed in a specified quantity during a period of one day shall be stated on the label in milligrams or other recognized unit of measure (the quantity of consumption specified shall be a reasonable quantity suitable for and practicable of consumption within 1 day) followed by the statement "No U.S. Recommended Daily Allowance (U.S. RDA) has been established for this nutrient".

(3) Where both paragraph (a)(1) and paragraph (a)(2) of this section are applicable to a food, the information required by paragraph (a)(2) of this section shall follow immediately after the information required by paragraph (a)(1) of this section and the quantity of consumption specified pursuant to each paragraph shall be the same.

* * * * *

(c) Whenever a representation is included in labeling of a food for special dietary uses to the effect that vitamin and/or mineral content is derived from a particular source, the representation shall immediately be accompanied, in type of at least equal size and prominence, by a statement of the percentage of the vitamin and/or mineral content provided by that source. For example, a representation such as "contains vitamin A from alfalfa" must immediately be accompanied by a statement such as "— percent of the vitamin A content of this product is derived from alfalfa"; alternatively, a single statement incorporating the percentage declaration would be appropriate, for example, "— percent of the vitamin A provided by alfalfa".

Any interested person may, on or before July 14, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written exceptions to these tentative amendments. Exceptions and accompanying briefs shall be submitted in quintuplicate.

The Commissioner will endeavor to issue final revised regulations, taking into consideration the relative merits of the applications for additional dietary supplement formulations, the record of the examination of Dr. Harper and the report of the Administrative Law Judge, and the exceptions received to the tentative amendments, as rapidly as is feasible The final regulations will be published in the FEDERAL REGISTER.

Dated: May 17, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-13675 Filed 5-27-75;8:45 am]

federal register

WEDNESDAY, MAY 28, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 103

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

■

FEDERAL DISASTER ASSISTANCE

Final Regulations

Title 24—Housing and Urban Development

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-282]

PART 2205—FEDERAL DISASTER ASSISTANCE

Final Regulations

Notice was given on August 5, 1974, at 39 FR 28212 that the Federal Disaster Assistance Administration was issuing interim regulations to implement the Disaster Relief Act of 1974 (42 U.S.C. 5121n.) by adding a new Part 2205 to Title 24 of the Code of Federal Regulations. Although these interim regulations were effective on the date of publication in the FEDERAL REGISTER, interested parties and government agencies were encouraged to submit written comments, views or data regarding those regulations.

Some of the significant changes in the Disaster Relief Act of 1974 over the prior law which are implemented by these regulations 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, nonprofit 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; and

12. Providing professional counseling, training, and services for mental health problems caused or aggravated by a disaster.

The Federal Disaster Assistance Administration has received more than twenty-four responses to the August 5, 1974 publication. All of these comments were seriously considered and many changes have been incorporated in these regulations as a result. The principal changes in the regulations made in response to the comments are as follows:

1. Allowing an Indian tribe or authorized tribal organization, or Alaska Native village or organization to submit a project application directly to the FDAA Regional Director who may provide Federal assistance to such Indian organization without State participation pursuant to § 2205.7(a);

2. Allowing a private nonprofit organization to submit satisfactory evidence from the State that the nonrevenue producing organization or entity is a nonprofit one organized or doing business under State law in lieu of an Internal Revenue Service ruling letter as one of the assurances which must be submitted with a project application pursuant to § 2205.7(k)(1);

3. Allowing a statement by a private nonprofit organization that it has the necessary licenses to restore a facility in lieu of a finding of need of the community for such facility pursuant to § 2205.7(k)(2);

4. Eliminating in § 2205.13(b) the apparent limitation on nondiscrimination to the site of the major disaster and making the nondiscrimination requirements apply to anyone carrying out a disaster assistance function regardless of location;

5. Requiring written assurance of intent to comply with nondiscrimination regulations pursuant to § 2205.13(c);

6. Increasing the time limitation for submission of appeals in § 2205.21(b) from thirty days to sixty days.

7. Providing in § 2205.21(e) for an applicant's appeal to the Administrator if the State refuses or neglects to appeal on the applicant's behalf;

8. Clarifying the statements about "emergencies" in § 2205.23 to explain that it is "specialized assistance to meet specialized need";

9. Providing in § 2205.28 for reimbursement of local government expenditures for emergency mass care only on an affirmative showing that voluntary agencies are not providing all or part of such care;

10. Requiring in § 2205.41(b)(3) information on contributions by a local government separately for each disaster affected area requested by the State;

11. Eliminating in § 2205.48(a) the inference that the Regional Director will make a separate and independent determination of the need for individual and family grants;

12. Providing in § 2205.48(a) a clearer definition of the terms "necessary expenses", "serious needs" and "other means";

13. Expanding national eligibility criteria by adding "Eligible Categories" and "Ineligible Categories" to the explanation of individual and family grants (§ 2205.48(c)(2) and (3));

14. Prescribing separate time limitations on actions related to individual and family grants (§ 2205.48(g));

15. Placing a State on notice that failure to repay Federal advances of the State share of individual and family grants may result in Federal withholding of subsequent advances (§ 2205.48(h)(2));

16. Revising the regulations to reflect a Delegation of Authority to the Secretary of Health, Education, and Welfare concerning crisis counseling assistance and training (§ 2205.51);

17. Adding consideration of the three-fiscal-year period following a disaster in determining the amount of a community disaster loan (§ 2205.56(c));

18. Authorizing the Administrator to extend the time for repayment of a community disaster loan up to 10 years (§ 2205.56(e)).

One commenter suggested that § 2205.21 (Appeals) be amended to establish an appeals board to rule on a request from a State for reconsideration of a determination by a Regional Director on a project application. This suggestion was not adopted since it is felt that an appeal to the Administrator will provide an adequate remedy. The Administrator, pursuant to his Delegation of Authority (39 FR 28227) to implement the Act, has the responsibility for making the final determination of eligibility for Federal disaster assistance. If an applicant disagrees with this determination, it may petition to the Federal Courts for relief.

Another commenter suggested that § 2205.3(a)(4) be amended to delete the word "individuals" from the list of those encouraged to obtain insurance to supplement or replace governmental assistance. This suggestion was not accepted since the language is identical to section 101(b)(4) of the Act. While section 314 (Insurance) of the Act does not apply to individuals, individuals in special flood hazard areas receiving assistance under section 408 (Individual and Family Grant Programs) of the Act for acquisition or construction purposes within the meaning of the Flood Disaster Protection Act of 1973 (87 Stat. 980), may be required to purchase flood insurance pursuant to Subpart E of these regulations.

The Administrator of the Federal Disaster Assistance Administration, with the concurrence of the appropriate Department officials, has issued a Finding of Inapplicability of Environmental Impact concerning these final regulations. It is the position of the signatories to that Finding that these regulations in themselves have no significant impact on the human environment since they do not materially extend or alter the language already adopted by Congress in the Act. Interested parties may inspect and obtain copies of this Finding of Inapplicability of Environmental Impact at the

office of the Rules Docket Clerk of the Department of Housing and Urban Development in Washington, D.C.

Pursuant to the authority contained in section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d), 79 Stat. 670) and section 601 of the Disaster Relief Act of 1974 (42 U.S.C. 5121n.), new Part 2205 is added to Title 24 of the Code of Federal Regulations, as follows:

Subpart A—General

Subpart B—Emergencies

Subpart C—Fire Suppression

Subpart D—Major Disasters

Subpart E—Flood Insurance

Subpart F—Other Insurance

Subpart G—Disaster Preparedness Assistance

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 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 (other than an organization engaged in the business of insurance), performing work by contract 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 property, public health and safety or to avert or lessen the threat of a major disaster.

(g) "Emergency shelter" means a form of mass or other 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 to State or local governments under § 2205.54(h) (1) and (2).

(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 execute on behalf of the State all necessary documents for disaster assistance following the declaration of an emergency or a major disaster, 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 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 goverarments.

(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 and environmental planning, 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. Notwithstanding any other provisions in this section, when assistance is authorized under the Act for a local government and a State is unable to assume the responsibilities prescribed in these Regulations, an Indian tribe or authorized tribal organization or Alaska Native village or organization may submit a project application directly to the Regional Director who may provide Federal assistance to such local government without State participation.

(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 categories 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 of damaged public facilities, and debris clearance is less than $25,000, the basic application should include all eligible 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 section 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, or satisfactory evidence from the State that the nonrevenue producing organization or entity is a nonprofit one organized or doing business under State law.

(2) That it has the necessary permits and licenses to repair, restore, reconstruct or replace the facility in accordance with the project application and to maintain and operate the facility thereafter.

(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 either the tax exempt status granted under the Internal Revenue Code or the nonprofit status under State law 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 compensation 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) Eligible work under the provisions of section 402 of the Act will not be performed by or under the direct supervision of a Federal agency except when the State or local government lacks the capability to perform or contract for the approved work or when direct assistance by a Federal agency is deemed necessary by the Regional Director to meet an immediate threat to life, health or safety.

§ 2205.9 Federal equipment and supplies.

(a) In any major disaster or emergency the Administrator or the Regional Director may direct Federal agencies to donate 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.

§ 2205.10 Inspections.

In making his determinations of eligibility of Federal grants based on project applications or of direct Federal assist-

ance, 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 inspection for all categorical grants. Following his approval of Federal grants involving flexible funding, the Regional Director may require such 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 major disaster or emergency assistance functions, 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 provide a written assurance of their intent to comply with regulations relating to nondiscrimination promulgated by the President or the Administrator, and shall comply with 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 entered into under the Federal-State Agreement, the State, local government or other organization issuing such contract, 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. The contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment without regard to their 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 nondiscrimination 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 agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under section 202 of Executive Order No. 11246 of September 24, 1965 and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provision of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(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 Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this 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 No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of Septeember 24, 1965, or by rule, regulation, or order of the Secretary of Labor, 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 Secretary of Labor issued pursuant to section 204 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 concerns or other entities suffering losses as the result of a major disaster, shall assure that no such person, business 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 60 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 60 days after receipt of notice of the Regional Director's denial of the appeal. Action by the Administrator is final.

(e) If an applicant requests the State to make an appeal to the Regional Director or to the Administrator in accordance with this section and the State declines or takes no action on such request, the applicant may make an appeal to the Regional Director or the Administrator. Such appeal shall be made in writing within 60 days after receipt from the State of the notice of determination or denial of appeal by the Regional Director, or notification by the State that no appeal will be made by the State. An appeal made by an applicant shall be made through the State. The State shall forward such appeal promptly to the Regional Director with or without comment.

(f) Based on his determination that such action is warranted, the Administrator or the Regional Director may extend any of the time periods prescribed by this section.

§ 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 the State which the Governor finds (a) is of such severity and magnitude that effective response is beyond the capability of the State and the affected local governments, and (b) requires emergency assistance to save lives and protect property, health and safety or to avert or lessen the threat of a disaster, which, because of the pressures of time or because of the unique capabilities of a Federal agency, can be more readily provided by the Federal Government; the Governor may present to the President, through the Regional Director, a request for Federal assistance which includes the above findings. Based on such Governor's request, the President may determine that an emergency exists which warrants Federal assistance and may provide such assistance under the Act as he deems appropriate.

§ 2205.24 Requests for emergency assistance.

(a) The request for emergency assistance shall be made by the Governor of the affected State to the President, through the Regional Director.

(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.

(f) When assistance is authorized for a local government and a State is unable to assume the repsonsibilities prescribed in these Regulations and an Indian tribe or authorized tribal organization or Alaska Native village or organization submits a project application in accordance with § 2205.7(a), Federal disaster assistance will be administered in accordance with a Federal-Tribal agreement. Such Federal-Tribal agreement will provide that the Indian tribe or authorized tribal organization or Alaska Native village or organization will perform the regulatory or coordinating functions to be performed by a State or its political subdivisions as set forth in this section.

§ 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, are normally provided by the Red Cross or other voluntary organizations and Federal emergency assistance will be approved by the Regional Director only upon an affirmative showing that such organizations are not providing all or part of emergency mass care essential needs.

§ 2205.29 Emergency debris clearance.

The Regional Director is authorized to provide emergency debris clearance 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.

The Regional Director is authorized to provide emergency protective measures, including but 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.

The Regional Director is authorized to provide emergency repairs 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 provided 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 President. 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 President'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 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 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 aproval.

§ 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 the Governor finds is of such severity and magnitude that effective response is beyond the capability of the State and the affected local governments and that Federal assistance is necessary to supplement the efforts and available resources of the State, local governments and disaster relief, organizations, the Governor may present to the President, through the Regional Director a request for Federal assistance which includes the above findings. 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 President, through the Regional Director.

(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 [1] State	Amount [1] 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		

[1] Provide separately for each disaster affected area requested.

(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 disaster affected area for which Federal assistance is requested 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 based on the State's request. 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.

(e) When assistance is authorized for a local government and a State is unable to assume the responsibilities prescribed in these Regulations and an Indian tribe or authorized tribal organization or Alaska Native village or organization submits a project application in accordance with § 2205.7(a), Federal disaster assistance will be administered in accordance with a Federal-Tribal agreement. Such Federal-Tribal agreement will provide that the Indian tribe or authorized tribal organization or Alaska Native village or organization will perform the regulatory or coordinating functions to be performed by a State or its political subdivisions as set forth in this section.

§ 2205.45 Temporary housing assistance.

(a) Temporary housing may be provided, either by purchase or lease, for those who, as a result of a major disaster, require temporary housing.

(b) Temporary housing assistance may be made available to those disaster victims who as a result of a major disaster (or emergency) require temporary housing for reasons including, but not limited to, the following:

(1) Physical damage to the dwelling to the extent that it has been rendered uninhabitable.

(2) The dwelling has been determined uninhabitable as a result of the disaster by an authorized government entity requiring evacuation of an area. This does not include subsequent condemnation for redevelopment of an area following a disaster.

(3) Impeded access to the dwelling which cannot be quickly alleviated by debris removal even though the structure may be unharmed.

(4) Extended interruption of essential utilities sufficient to constitute a health hazard.

(5) Eviction from residence by the owner because of the owner's personal need for housing as a direct result of the major disaster.

(6) Eviction from residence by owner because of a financial hardship which is a direct result of the disaster.

(7) Other such circumstances which the Regional Director determines to require temporary housing.

(c) Temporary housing shall be limited to minimum accommodations necessary for adequate housing.

(d) Temporary housing accommodations may 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.

(e) In lieu of providing other types of temporary housing listed in paragraph (d) 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.

(f) Utility use costs which are normally paid by the owner or occupant will not be paid by the Federal Government. In those cases where the Federal Government becomes the guarantor for utility services not metered separately, each recipient will be assessed a monthly allowance equivalent to the pro-rata costs of utilities services.

(g) 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.

(h) 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.

(i) 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 repay 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.

(j) Temporary housing shall not be made available to any person or family for use as a vacation or recreational residence.

(k) The period of eligibility for occupancy in temporary housing shall be determined on the basis of need. Each temporary housing occupant shall endeavor to place himself in adequate alternate housing at the earliest possible time. 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 (including duplication of benefits) 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.

Any appeals by the occupant from a termination notice shall be processed and resolved pursuant to the temporary housing pre-termination procedure (39 FR 9985, published March 15, 1974), 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 Aug. 13, 1974 (39 FR 33020), 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.* The Governor may request that Federal funds be made available to a State for the purpose of such State making grants to individuals and families who as a result of a major disaster are unable to meet necessary expenses or serious needs. The grant program authorized by this section will be 75 percent Federally funded and 25 percent State funded. The Governor of the affected State or his authorized representative will administer the grant program. The grant program is intended to provide funds to disaster victims to permit them to meet those necessary expenses or serious needs for which other governmental assistance is either unavailable or inadequate. The grant program is not intended to indemnify all disaster losses or to purchase items or services that may generally be characterized as nonessential, luxury, or decorative.

(b) *Definitions as used in this section.* (1) "Necessary expense" means the cost of an item or service essential to an individual or family to mitigate or overcome an adverse condition caused by a major disaster.

(2) "Serious need" means a requirement for an item or service essential to an individual or family to prevent or reduce hardship, injury, or loss caused by a major disaster.

(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.

(5) "Assistance from other means" means assistance including monetary or in-kind contributions from other governmental programs, insurance, voluntary or charitable organizations, or from any sources other than those of the individual or family.

(c) *National eligibility criteria.* In administering the Individual and Family Grant Program, a State shall determine the eligibility of an individual or family for a grant to meet a necessary expense or serious need in accordance with the following criteria.

(1) *General.* (i) In order to qualify for a grant under this section, an individual or family representative must certify:

(A) That application has been made to other available governmental programs for assistance to meet a necessary expense or serious need and that neither he nor any member of his family has been determined to be qualified for such assistance, or for demonstrated reasons, any assistance received has not satisfied any such necessary expense or serious need.

(B) That with respect to the specific necessary expense or serious need or portion thereof for which application is made, neither he, nor to the best of his knowledge, any member of his family, has previously received or refused assistance from other means.

(C) That should the individual or family receive a grant and assistance from other means later becomes available to meet the necessary expense or serious need, the individual or family shall refund to the State that part of the grant for which financial assistance from other means has been received.

(*1*) Individuals or families who incurred a necessary expense or serious need in the major disaster area may be eligible for assistance under this section without regard to their residency in the major disaster area or within the State in which the major disaster had been declared.

(2) Individuals or families otherwise eligible for assistance under this section must obtain flood insurance, as required by Subpart E of these regulations.

(2) *Eligible categories.* Assistance under this section may be made available to meet necessary expenses or serious needs by providing essential items or services in the categories set forth below:

(i) Medical or dental.

(ii) Housing. With respect to private owner-occupied primary residences (including mobile homes), grants may be authorized to:

(A) Repair, replace, rebuild,

(B) Provide access,

(C) Clean or make sanitary, or

(D) Remove debris from such residences. Any debris removal will be limited to the minimum required to remove health hazards or protect against additional damage to the residence.

(iii) Personal property.

(A) Clothing.

(B) Household items furnishings or appliances.

(C) Tools, specialized or protective clothing or equipment which are essential to or a condition of a wage earner's employment.

(D) Repair, clean, or sanitize any eligible personal property item.

(iv) Transportation.

(A) Grants may be authorized to provide transportation by public conveyance provided that the requirement for this transportation was the direct result of the disaster.

(B) Grants may be authorized to repair, replace or provide private transportation, if the loss of or requirement for this transportation was the direct result of the disaster, and transportation by public conveyance is inadequate or unavailable.

(v) Funeral expenses.

Grants for funeral expenses will be based on minimum expenditures for interment or cremation.

(3) *Ineligible categories.* Assistance under this section will not be made available for any item or service in the following categories:

(i) Business losses, including farm businesses.

(ii) Improvements or additions to real or personal property.

(iii) Landscaping.

(iv) Real or personal property used exclusively for recreation.

(v) Financial obligations incurred prior to the disaster.

(vi) Any necessary expense or serious need or portion thereof for which assistance was available from other means but was refused by the individual or family.

(4) *Other categories.* Should the State determine that an individual or family has an expense or need not specifically identified as eligible, the State shall provide a factual summary to the Regional Director, and request a determination.

(d) *State request to participate in the Individual and Family Grant Program.* In other to make assistance under this section available to disaster victims, the Governor must file with the appropriate Regional Director a request which includes the following:

(1) A certification that assistance under the Act and from other means is insufficient to meet necessary expenses or serious needs of disaster victims.

(2) An estimate of the number of disaster victims who have necessary expenses or serious needs and the basis for such estimate.

(3) An estimate of the total Federal grant as identified in paragraph (f)(1) of this section.

(4) A commitment to implement an administrative plan as identified in paragraph (e) of this section.

(5) A commitment to identify specifically in the accounts of the State all Federal and State funds committed to the grant program.

(6) A commitment 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.

(7) A commitment to implement the grant program throughout the major disaster area designated by the Administrator.

(8) A certification that the State will pay its 25 percent share of all grants to individuals or families. If the State is unable immediately to pay its 25 percent share, the State may request an advance of Federal funds as identified in paragraph (h) of this section.

(e) *State Administrative Plan.* (1) The State will develop a plan for the administration of the Individual and Family Grant Program that includes but is not limited to:

(i) Assignment of grant program responsibilities to State officials or agencies.

(ii) Methods and procedures for notification of potential applicants.

(iii) Establishment of local application centers.

(iv) Administrative procedures for filing, investigating and approving applications; applicant appeals; disbursement of grants; State program audit.

(v) National eligibility criteria as defined in paragraph (c) of this section.

(vi) Provisions for compliance with §§ 2205.13, 2205.15 and 2205.18 of these regulations and the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 975) and the Federal Insurance Administration Regulations, 24 CFR Parts 1909 *et seq.*

(2) The Governor or his authorized representative may request the Regional Director to provide technical assistance in the preparation of an administrative plan to implement the Individual and Family Grant Program.

(3) The Regional Director will review the State administrative plan for each disaster for which assistance is requested under this section to insure that the requirements of these regulations have been met. The Regional Director may defer approval of a State administrative plan until any deficiencies have been corrected.

(4) The State administrative plan is to be made a part of the State's emergency plan, as described in § 2205.4 of these regulations.

(f) *Limitation on grants.* (1) The Federal grant under this part shall be equal to 75 percent of the actual cost of meeting necessary expenses or serious needs of individuals and families, plus State administrative expense not to exceed 3 percent 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.

(g) *Time limitations.* (1) In the administration of the Individual and Family Grant Program authorized under section 408 of the Act, the following time limitations will be applicable except as described in subdivision (vi) of this subparagraph:

(i) Should the Governor decide to request assistance under this section, he must submit such request no later than seven days following the date on which the major disaster was declared and in the manner set forth in paragraph (d) of this section.

(ii) The State will accept applications from individuals or families for a period of 60 days following the date on which the major disaster was declared.

(iii) Any application filed after the 60-day period stated above must be reviewed by the State to determine whether the late filing was the result of extenuating circumstances or conditions beyond the control of the individual or family. If such conditions or circumstances are demonstrated, the State will determine that good cause existed for late filing and accept that application as though it had been filed on a timely basis; otherwise the application will be rejected.

(iv) No application will be accepted by the State if it is filed more than 90 days following the date on which the major disaster was declared.

(v) All administrative activities including the submission of final reports and vouchers to the Regional Director, shall be completed by the State within 180 days following the date on which the major disaster was declared.

(vi) The Regional Director may extend any time limitation set forth above for a period not to exceed 30 days. The Administrator may further extend any of the above time limitations.

(2) Pursuant to the Federal Disaster Assistance Administration Notice for Individual and Family Grant Application (Docket No. N.75-261, 40 FR 5507, dated Feb. 6, 1975), applications by a Governor for assistance pursuant to Section 408 of the Act for all major disasters declared subsequent to Apr. 20, 1973, but prior to Feb. 5, 1975 must have been made to the appropriate Regional Director of the Federal Disaster Assistance Administration not later than Mar. 21, 1975.

(h) *Advance of State share.* (1) If the State is unable immediately to pay its 25 percent share of the grants to be made under this section, the Governor may request that this amount be advanced by the Federal Government. Requests for such advances will be made to the Regional Director and will include the following:

(i) A certification that the State is immediately unable to pay its 25 percent share and an explanation of the reasons therefor.

(ii) 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.

(iii) A commitment to repay the Federal advance at the time the State is able to do so.

(iv) An estimate of the total amount needed to meet the 25 percent State share.

(v) An agreement to return immediately upon discovery all Federal funds advanced to meet the State's 25 percent share which exceeds actual requirements.

(A) Failure to repay the advance of the State share, in accordance with the time schedule in paragraph (h)(1)(ii) of this section, may result in the withholding by the Federal Government of subsequent advances under this section.

(i) *Approval—Authorization of Funds.* (1) The Regional Director may approve Federal assistance and authorize advances of funds under this section upon his determination that:

(i) all required certifications and commitments have been completed by the Governor.

(ii) the administrative plan provided by the State to implement the Individual and Family Grant Program meets the requirements of these regulations.

(iii) The Regional Director may authorize Federal assistance based on his estimate of the amount required to meet the necessary expenses or serious needs of disaster victims.

(j) *Reimbursement to the State.* Reimbursement to the State of the Federal share of eligible costs will be on the basis of a voucher filed by the State and approved by the Regional Director.

(k) *Federal Audit.* All disbursements will be subject to Federal audit, including those for administrative costs for which the State requests reimbursement.

§ 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 Secretary of Health, Education and Welfare, consistent with the Delegation of Authority to him by the Secretary (Docket No. ——, FR ——, dated ————) will, subject to the general policy guidance and coordination of the Administrator, (a) provide professional counseling services to victims of major disasters in order to relieve mental health problems caused or aggravated by such major disaster or its aftermath; (b) provide financial assistance to State or local agencies or private mental health organizations to provide such services or training of disaster workers; and (c) issue such rules and regulations as may be necessary and appropriate to effectuate this delegation.

§ 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 (i) 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, or (ii) satisfactory evidence from the State that the non-revenue producing organization or entity is a nonprofit one organized or doing business under State law.

(2) "Educational Institution" means

(i) Any elementary school as defined by section 501(c) of the Elementary and Secondary Education Act of 1965;

(ii) Any secondary school as defined by section 801(h) of the Elementary and Secondary Education Act of 1965; or

(iii) Any institution of higher education as defined by section 1201 of the Higher Education Act of 1965

(3) Private non-profit facility means any private non-profit educational, utility, emergency, medical, and custodial care facilities, including those for the aged or disabled, and facilities on Indian reservations as defined by the President.

(i) "Education facilities" means classrooms and related facilities; and equipment, machinery, and utilities necessary or appropriate for instructional purposes. It does not include athletic stadiums or structures or facilities intended primarily for athletic exhibitions, contests, games or other events for which admission is to be charged to the general public; and facilities used primarily for religious instruction or any facility to be used primarily in connection with any part of the program of a school or department of divinity. "School or department of divinity" is used herein as defined by section 1201 of the Higher Education Act of 1965.

(ii) "Utility" means structures of 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 uesd to provide institutional care for such persons such as the aged and disabled who do not require day-to-day health care by doctors.

(4) "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.

(5) "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.

(6) Grant-in-lieu means a contribution pursuant to a project application whose scope of work includes improvements in the public facility to be repaired, restored, reconstructed or replaced, or any changes therein which are 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 pre-disaster design 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 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 disaster, or were being used for other purposes than originally designed, may be eligible for assistance only to the extent necessary to resume immediate pre-disaster use, and in conformity with current applicable codes, specifications, and standards.

(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 (d) of this section. No payment will be made for any work which was not within the scope of responsibility of the private non-profit facility prior to the major disaster. The following additional criteria apply for determing the eligibility of such facility:

(1) It must be operated in a manner to carry out the non-profit 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.

(4) It must have the necessary permits and licenses to repair, restore, reconstruct or replace the facility in accordance with the project application and to maintain and operate the facility thereafter.

(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 educational 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 restorative 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.* (1) Ninety percent contribution. 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.

(i) The total cost will be estimated on the basis of the pre-disaster design of each such facility and in conformity with current applicable codes, specifications, and standards.

(ii) 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.

(iii) 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 § 2205.54(d), 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.

(iv) 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. There shall be such final inspection and audit as 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.

(A) *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 nonprofit 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.

(B) Funds contributed under this subsection may be expended either to repair, restore, reconstruct or replace certain selected damaged or destroyed public facilities; 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 areas; or to undertake the disaster work authorized under sections 306 and 403 of the Act upon which the Federal estimate of damages is based.

(C) Within 30 days 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 final inspection will be made to verify that the funds were expended in accordance with the purposes of section 419 of the Act.

(D) 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 a 90 percent contribution under § 2205.54(h)(1) as approved by the Regional Director.

(i) 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.

(j) 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.

(k) 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 nongovernmental 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 existing local government functions or to expand such existing functions to meet disaster related needs.

(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 based on the actual and projected losses of revenues and disaster-related expenses, as a result of the major disaster, for the fiscal year in which the disaster occurred and for the three succeeding fiscal years. This loan request will be prepared by the affected local government and certified as legal 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 and projected disaster-related expenses of a municipal operating character or 25 percent of the annual operating budget for the fiscal year in which the major disaster occurred, whichever is the lesser. The principal of the loan will be made available in increments based on disaster-related needs of the applicant.

(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 pro-

gram 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. When requested by the applicant and warranted by the applicant's financial condition, the Administrator may extend the term of the loan: *Provided, however,* That the total term of the loan shall not exceed 10 years.

(f) To the extent that revenues of the local government during the three full fiscal year 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: *Provided,* That prior to expiration date of the loan, the local government requests in writing with justification any cancellation considered appropriate. Such request will be submitted through the Governor's Authorized Representative and the Regional Director to the Administrator for determination. Cancellation of all or any part of the principal of the loan shall include related interest.

(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.

When he determines it to be in the public interest, the Regional Director may approve grants to a State or local government for the purpose of removing from privately owned lands timber damaged as a result of a major disaster.

(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) The determination of public interest under this section shall include threats to life and property including possible flood hazards.

(d) In determining eligible cost under this section:

(1) 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.

(2) Costs for construction of temporary roads approved by the Regional Director as necessary for access to or salvage of damaged timber are eligible.

(e) Claims for reimbursement shall be subject to verification on the basis of inspections and audits of completed work.

§ 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 significantly affecting the quality of the human environment.

(c) For nonexempt Federal actions involving Federal disaster assistance under the Act, the Regional Director shall determine whether or not it is a major Federal action significantly affecting the quality of the human environment. 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 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 180 days 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 (b) (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) "Federal financial assistance" means any loan or grant or any other form of direct or indirect Federal financial assistance under the Act and these regulations and which is not excluded pursuant to § 2205.63.

(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 any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native village or organization, for which an application for participation in the National Flood Insurance program is made and which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction. Unincorporated communities or private nonprofit 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 anticipated life of the restorative work or of the insured property, whichever is the lesser, as determined by the Regional Director; and provides FDAA with written evidence thereof.

(4) Flood insurance is required in connection with obtaining Federal financial assistance 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 financial assistance 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 financial 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 under the Flood Disaster Protection Act of 1973, Pub. L. 93–234, 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 and which is not excluded pursuant to § 2205.67.

(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 and 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 restorative 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)(4) 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.

Subpart G—Disaster Preparedness Assistance

§ 2205.75 General.

(a) The purpose of this subpart is to prescribe the standards and procedures to be followed in implementing Pub. L. 93-288 Title II—Disaster Preparedness Assistance, section 201, Federal and State Disaster Preparedness Programs.

(b) The disaster preparedness program shall be carried out in accordance with the policies set forth in § 2205.3 and the following priorities:

(1) To prepare for the efficient and expeditious provision of disaster relief.

(2) To mitigate potential disaster effects on persons and property through warning, evacuation, and emergency protective measures.

(3) To reduce the effects of hazards through effective land use and construction practices and by eliminating or lessening disaster-producing events.

§ 2205.76 Definitions.

As used in this subpart.

(a) "Disaster preparedness plans" means those plans prepared by Federal, State, and local governments in advance of anticipated disasters for the purpose of assuring effective management and delivery of aid to disaster victims, and providing for disaster mitigation, warning, rehabilitation, and recovery.

(b) "Financial assistance" means grants from the President's Disaster Relief Fund under authority of section 201 of the Act.

(c) "State disaster preparedness coordinator" means the person designated by the Governor or by State law as responsible for overall disaster preparedness program coordination or management.

(d) "Technical assistance" means provision of guidance through advice and consultations, workshops and conferences, studies and analyses, reports and instructional materials, and other services.

(e) "Vulnerability analysis" means a systematic investigation of potential disasters in terms of probability, frequency, magnitude, and location, in order to forecast their probable effects, in specific geographical areas, on the people, systems, facilities, resources, and institutions.

§ 2205.77 Federal Disaster Preparedness Program.

(a) The Administrator is authorized to establish a program of disaster preparedness that utilizes the services of all appropriate agencies and to provide overall management of that program by:

(1) Providing policy guidance to Federal agencies and conducting program reviews of Federal activities relating to disaster preparedness.

(2) Directing the preparation and review of Federal disaster preparedness plans.

(3) Determining goals and arranging for training of Federal and State personnel, and conducting exercises, critiques, and evaluations to enhance disaster preparedness programs.

(4) Sponsoring and monitoring disaster-related research and the application of science and technology to Federal, State, and local disaster preparedness plans and programs.

(b) The Regional Director shall establish a regional program of disaster preparedness that is consistent with the overall national program and with the State programs within his region and

shall manage that regional program by:

(1) Reviewing Federal agency, State, and local disaster preparedness and response activities and recommending improvements.

(2) Assisting the States in accordance with the Act and these regulations.

(3) Coordinating the disaster preparedness programs of Federal agencies within his region.

(4) Preparing plans and conducting training, exercises, critiques, and evaluations to enhance Federal agencies' preparedness for disaster assistance; arranging for and carrying out such activities in conjunction with the States to ensure coordinated Federal, State, and local response to disasters.

§ 2205.78 Technical assistance.

(a) The Regional Director shall, upon request, provide technical assistance to the States, in acordance with the priorities specified in § 2205.75(b) of these regulations, for comprehensive plans and practicable programs for preparation against disasters, including hazard reduction, avoidance, and mitigation and for assistance to individuals, businesses, and State and local governments following such diasters.

(b) Particular emphasis shall be given to technical assistance in the following aspects of disaster preparedness:

(1) The drafting of disaster related State legislation and executive authorities.

(2) Vulnerability analyses.

(3) Work plans and other documentation for disaster preparedness grants.

(4) State and local disaster preparedness programs and procedures.

(5) Staff training, workshops, and seminars.

(6) Disaster assistance exercises.

(7) Program evaluation.

(8) Public information and education programs.

(9) Application of technological information to the disaster preparedness program.

(c) The Regional Director shall also advise the States regarding complementary Federal programs that will enhance State and local disaster assistance and preparedness.

(d) Requests for Federal technical assistance under section 201(b) of the Act shall be made by the Governor or the State disaster preparedness coordinator to the Regional Director.

(1) The request for technical assistance shall indicate as specifically as possible the objectives, nature, and duration of the requested assistance; the recipient agency or organization within the State; the State official responsible for utilizing such assistance; the manner in which such assistance is to be utilized; and any other information needed for a full understanding of the need for such requested assistance.

(2) The State shall provide assurance that technical assistance does not duplicate any existing State capability, any State or local effort funded by the Federal Government, or any Federal assistance provided under other authority.

(e) Nothing in these regulations shall be construed to prevent the States from obtaining appropriate technical assistance from other sources, including other Federal agencies under such agencies' own statutory or delegated authorities.

§ 2205.79 Financial assistance.

(a) The Regional Director may provide the following financial assistance to the States, in accordance with the priorities specified in § 2205.75(b) of these regulations, upon written request by the Governor or his authorized representative:

(1) An initial development grant, not to exceed in the aggregate $250,000, for the development of plans, programs, and capabilities for disaster preparedness and prevention, provided that such grant is applied for by May 22, 1975.

(2) An annual improvement grant of up to $25,000 but not to exceed 50 percent of the cost of improving, maintaining, and updating State disaster assistance plans.

(b) Any financial assistance provided under Public Law 91–79 or Public Law 91–606 for these purposes shall not preclude assistance in the full amount authorized by Public Law 93–288 for further development of disaster preparedness plans, programs, and capabilities.

(c) Application for a development grant shall:

(1) Include a State work plan that sets forth a comprehensive and detailed program of work to develop adequate capability for preparation against and assistance following emergencies and major disasters, including provisions for assistance to individuals, businesses, and local governments.

(2) *Comment:* (See previous comments on similar terms.) Indicates the designated State agency or agencies that will be involved in the development effort and the State disaster preparedness coordinator appointed by the Governor.

(3) Include provisions for appointment and training of appropriate staffs, formulation of necessary regulations and procedures, and conduct of required exercises to ensure that the plans, programs and capabilities to be developed can be implemented.

(4) Describe the relationship of the proposed work with other disaster-related plans, programs, and capabilities under development.

(d) The following minimum requirements shall apply to financial assistance under section 201 of the Act in the development of the comprehensive and detailed State disaster preparedness program:

(1) A "State emergency plan" for implementation as required by section 301 (b) of the Act shall be developed.

(2) The State shall take into account the kinds of disasters to which it is most vulnerable and the particular requirements therefrom for disaster response and mitigation.

(3) State guidance and assistance shall be provided to local jurisdictions in the development of their disaster preparedness plans, programs, and capabilities.

(4) The State emergency plan shall incorporate appropriate policies and procedures pertaining to environmental clearance to assure State and local compliance with applicable Federal, State, and local laws and regulations.

(e) The development grant may apply to such preparedness programs and capabilities as:

(1) Planning for disaster response in general, for specific disaster contingencies in special locales, for local and area mutual emergency support under State sponsorship, and for disaster mitigation and hazard reduction.

(2) Revision, as necessary, of State legislation, implementating orders, regulations, and other authorities and assignments relevant to disaster preparedness and assistance.

(3) Disaster-related mutual aid compacts and agreements.

(4) Conduct of vulnerability analyses not otherwise available but necessary for the development of State and local disaster preparedness plans and programs.

(5) Design of disaster-related emergency systems.

(6) Training and exercises.

(7) Program reviews and postdisaster critiques.

(8) Public information and education programs.

(f) Federal funds provided to the State, or through the State to local government, under the provisions of section 201 of this Act may not be used to procure or repair equipment, materials, or facilities except that required for administration of the grant.

(g) The Regional Director may accept a letter from the Governor requesting grant assistance as meeting the applica-

tion time limit prescribed by the Act for a development grant.

(h) Work under a development grant shall be scheduled so that the entire effort specified can be completed within three years of approval of the formal application, unless special exception is approved by the Administrator.

(i) Application for an improvement grant shall include:

(1) The designated agency or agencies that will be involved in the improvement effort.

(2) A work plan setting forth those elements of the comprehensive and detailed program that are to be improved under this grant and any additional or subordinate plans to be developed for specific contingencies or disaster functions in accordance with the State's disaster preparedness program.

(j) A grant application may be amended at any time prior to the scheduled completion of work under the grant if warranted on the basis of new requirements, changes in Federal or State statutes or other legal authorities, or other sufficient reason, provided such proposed modifications are mutually agreed upon by the Governor or his authorized representative and by the Regional Director.

(k) All grants under section 201 of the Act are subject to the appropriate provisions of Circular No. A-95, Federal and Federally assisted programs and projects: evaluation, review and coordination (revised November 13, 1973, and effective January 1, 1974), and GSA Federal Management Circulars No. 74-4, Cost principles applicable to grants and contracts with State and local governments (issued July 18, 1974), and No. 74-7 Uniform administrative requirements for grants-in-aid to State and local governments (issued September 13, 1974). In accordance with these requirements the following provisions shall also apply:

(1) Financial status and performance reports shall be made quarterly to the Regional Director.

(2) At the request of the State and with the approval of the Regional Director, an advance of funds not to exceed the first 90 days' estimated operational expenses may be made.

(3) (i) State audits shall be made to determine, as a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations, and administrative requirements. The State shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity. A final audit of the grant shall be conducted upon completion of all work presented in the State application, including amendments thereto.

(ii) Federal audits shall be scheduled as deemed necessary.

Effective date. These regulations shall be effective on May 28, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-13743 Filed 5-27-75;8:45 am]