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

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Title 3—The President

PROCLAMATION 4298

Proclamation Modifying Part 3 of the Appendix to the Tariff Schedules of the United States With Respect to the Importation of Agricultural Commodities

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limitations have been imposed by Presidential proclamations on the quantities of wheat and milled wheat products which may be imported into the United States in any quota year; and

WHEREAS the import restrictions proclaimed pursuant to section 22 are set forth in part 3 of the Appendix to the Tariff Schedules of the United States; and

WHEREAS, at my request, the United States Tariff Commission has made an investigation under the authority of subsection (d) of section 22 of the Agricultural Adjustment Act to determine whether the import quotas on wheat and milled wheat products provided for in item 950.60 of part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) may be suspended without rendering or tending to render ineffective, or materially interfering with, the loan and payment programs now conducted by the Department of Agriculture for wheat or reducing substantially the amount of products processed in the United States from domestic wheat; and

WHEREAS the United States Tariff Commission submitted an interim report to me with respect to this matter and on the basis of such investigation and report, pursuant to section 22, the quantitative

limitations for the articles provided for in TSUS item 950.60 were suspended during the period beginning January 26, 1974, and ending June 30, 1974; and

WHEREAS the United States Tariff Commission has submitted a further report to me with respect to this matter; and

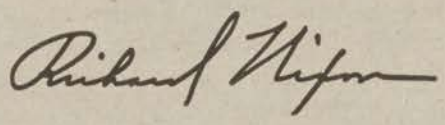
WHEREAS, on the basis of such investigation and further report, I find and declare that the entry of additional quantities of wheat and milled wheat products resulting from the suspension of the quantitative limitations provided for in item 950.60 of the TSUS will not render or tend to render ineffective, or materially interefere with, the loan and payment programs now being conducted by the Department of Agriculture for wheat and will not reduce substantially the amount of products processed in the United States from domestic wheat, that the circumstances which required the imposition of such quantitative limitations on wheat and milled wheat products no longer exist, and that such quantitative limitations should be suspended:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that headnote 3 of part 3 of the Appendix to the Tariff Schedules of the United States is amended by adding at the end thereof a new paragraph (c) as follows:

"(c) *Suspension.* Notwithstanding any other provision of this part, the quantitative limitations for the articles provided for in item 950.60 are suspended beginning January 26, 1974."

I further proclaim that subdivision (ix) of paragraph (a) of said headnote 3 is superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of June, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred and ninety-eighth.



[FR Doc.74-14971 Filed 6-26-74;1:06 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-389-B; Opinion No. 699]

PART 2—GENERAL POLICY AND INTERPRETATION

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Uniform National Rate for Certain Sales of Natural Gas and New Dedications to Interstate Commerce

JUNE 21, 1974.

Just and reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973.

In this proceeding, we establish a single uniform national base rate of 42.0 cents per Mcf for following classes of jurisdictional sales of natural gas: (1) Sales made from wells commenced on or after January 1, 1973, (2) sales made pursuant to contracts executed on or after January 1, 1973, for the sale of natural gas in interstate commerce where such gas has not previously been sold in interstate commerce except pursuant to the provisions of 18 CFR 2.68, 2.70, 157.22 or 157.29, or (3) sales made pursuant to contracts executed on or after January 1, 1973, where the sales were formerly made pursuant to permanent certificates of unlimited duration under contracts which expired by their own terms on or after January 1, 1973. This rate is found to be a just and reasonable rate and is subject to adjustment for Btu content, State or Federal production, severance, or similar taxes, annual escalations of 1.0 cent per Mcf, and gathering allowances, which are also found to be just and reasonable. The rate is applicable to oil-well (casinghead) gas as well as gas-well gas, and shall remain in effect until modified by the Commission.

On April 11, 1973, the Commission issued a notice of proposed rulemaking in Docket No. R-389-B,[1] pursuant to the Administrative Procedure Act, 5 U.S.C. 551, et seq. (1970) (APA),[2] and sections 4, 5, 7, 8, 14, 15, and 16 of the Natural Gas Act, 15 U.S.C. 717, et seq. (1970),[3] and proposed to issue rules establishing the just and reasonable rates for, and otherwise regulating, jurisdictional sales of natural gas on a nationwide basis. The single uniform just and reasonable rate to be determined by a final order in Docket No. R-389-B would apply to all jurisdictional sales of natural gas which is produced from wells commenced on or after January 1, 1973, except for those sales certificated under Order No. 431 or Order No. 491,[4] those sales certificated under Order No. 455,[5] or sales made by small producers under the terms of Order No. 428.[6] Such notice made all large producers respondents to the rulemaking proceeding, provided for the submission of written comments (submitted under oath) from all interested parties and the named respondents, and was accompanied by a Staff study on the estimated nationwide cost of finding and producing new nonassociated natural gas supplies.

The Commission in that notice did not propose any specific rates, terms, or conditions in the notice, but stated that it would amend § 2.56 of the rules of practice and procedure, General Policy Statements and Interpretations (18 CFR 2.56) in accordance with its determinations based upon information contained in the responses submitted by the various parties and the Staff study accompanying the notice of proposed rulemaking.

The original notice of rulemaking was supplemented on March 21, 1974, when a "Notice Of Issuance Of Revised Staff Nationwide Cost Study And Staff Study Of American Gas Association Reserve Additions" was issued.[7] In the March 21, 1974, notice, the Staff cost estimates which accompanied the original notice of rulemaking in this proceeding were updated to reflect 1972 drilling cost data reported by the Joint Association Survey (1972 JAS) and nonassociated natural gas reserve additions for 1972 as reported by the American Gas Association (AGA). The Staff cost studies accompanying the April 11, 1973, notice were revised in the March 21, 1974, notice to reflect a 10.5 year investment life for updated test periods of seven years (1966–1972) and the average of the 11, 16, and 26 year average productivities (1966–1972; 1957–1972; 1947–1972). Additional cost studies for a ten-year test period (1963–1972) and a four-year test period (1969–1972) were also presented in Revised Appendix B. Appendix B–1 to the associated natural gas reserve additions for selected leases in the Southern Louisiana Offshore Federal Domain. The results of this study indicated that AGA reserve additions for 1971 and 1972 might be understated by approximately 1.7 trillion cubic feet (Tcf). In addition to comments directed to the two Staff cost studies, the Commission also requested comments upon a number of issues, viz., the appropriate method for determining the rate of return, the utilization of full cost accounting, the utilization and reliability of the more recent cost data, the utilization of trending to determine new gas costs and the time series which would form the basis for the statistical trending, whether an additional allowance should be provided for deeper drilling and water depths, and what non-cost factors are appropriate for consideration in the costing of new gas supplies and how such factors can be quantified.

Further, by order of April 12, 1974,[8] the Commission extended the time for the filing of comments in response to the March 21, 1974, notice and required that certain issues presented by the United Distribution Companies and their consultant, Mr. William J. Ogden, be presented at a conference to be held in this proceeding on April 16, 1974. This conference had been requested by the American Gas Association in an effort to resolve the disparity between nonassociated natural gas reserve additions for

[1] 38 FR 10014 (1973).

[2] 60 Stat. 237, 918, 993 (1946); 61 Stat. 37, 201 (1947); 62 Stat. 99 (1948); 80 Stat. 250 (1966).

[3] 52 Stat. 822, 823, 824, 825, 829, 830 (1938); 56 Stat. 83, 84 (1984); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717n, 717o (1970).

[4] 18 CFR 2.70; Policy With Respect To Establishment Of Measures To Be Taken For The Protection Of As Reliable And Adequate Service As Present Natural Gas Supplies And Capacities Will Permit, Docket No. R-418, Order No. 431, 45 F.P.C. 570 (1971), as amended by Order No. 431-A, 48 F.P.C. 197 (1972).

See also, Policy With Respect To Establishment Of Measures To Be Taken For The Protection Of Reliable And Adequate Service For The 1973-1974 Winter Heating Season, Docket No. RM74-3, Order No. 491, 50 F.P.C. ____ (September 4, 1973), as amended by Order No. 491-A, 50 F.P.C. ____ (September 25, 1973), Order No. 491-B, 50 F.P.C. ____ (November 2, 1973), Order No. 491-C, 50 F.P.C. ____ (November 21, 1973). Stay of Order Nos. 491 and 491-B entered by the U.S. Court of Appeals (D.C. Cir.) was vacated in FPC v. Consumer Federation of America, American Public Gas Association, American Public Power Association, National League of Cities—U.S. Conference of Mayors, 414 U.S. 1117 (1973).

[5] 18 CFR 2.75; Optional Procedure for Certificating New Producer Sales of Natural Gas, Docket No. 441, Order No. 455, 48 F.P.C. 218 (1972), as amended by Order No. 455-A, 48 F.P.C. 477 (1972), Appeal pending sub nom. "John E. Moss, et al. v. F.P.C.", Nos. 72-1837, et al. (D.C. Cir. September 11, 1972).

[6] Exemption Of Small Producers From Regulations, 45 F.P.C. 454 (1971), as amended 45 F.P.C. 548 (1971), reh. denied, 46 F.P.C. 47 (1971), reversed, "Texaco Inc., et al. v. F.P.C.," 153 U.S. App. D.C. 195, 474 F. 2d 416 (1972), vacated and remanded, 42 U.S.L.W. 4867 (U.S. June 10, 1974).

[7] 39 F.R. 11310 (1974).

[8] 39 FR 13976 (1974).

1971 and 1972 as reported by the American Gas Association and the reserve additions found by our Staff to be related to some 31 leases in the offshore Southern Louisiana area.[9]

In summary, the continuing and deepening natural gas shortage[10] and critical shortages of other energy sources which have resulted in a national energy emergency requires that this Commission take all prudent steps to insure that the rates allowed for natural gas sold in interstate commerce are adequate to bring forth the requisite supplies to fulfill reasonable demand while protecting the "consumers against exploitation at the hands of natural-gas companies."[11] Thus, the Commission faces a formidable task: establishing rates high enough to provide the economic incentive for the unprecedented task of finding enormous volumes of new gas supplies but not so high that the natural gas consumer is exploited during a time of shortage.

To that end, we have determined that a single uniform national rate promulgated in this rulemaking proceeding will enable us to establish just and reasonable rates for natural gas sold in interstate commerce without the inherent delays and stale records which have accompanied the traditional adjudicatory method of regulating producer rates.[12] The prescription of a uniform national rate for all areas will avoid essentially duplicative procedures and evidence to prescribe just and reasonable rates for the various natural gas producing areas of the Nation, and will enable the Commission to utilize its manpower and resources for more effective administration of the Natural Gas Act. By the use of the Commission's rulemaking powers in this and future proceedings, we and future Commissions will be able to prescribe just and reasonable rates on a biennial basis using the most recent evidence and bringing expertise gained in related proceedings to bear upon this problem of assuring an adequate supply of natural gas for the Nation.[13]

I. PROCEDURAL ISSUES

Most of the parties responding to the notice of the proposed rulemaking commented favorably upon the Commission's attempt to arrive at an expeditious determination of a single uniform national rate for all jurisdictional sales made from wells commenced on or after January 1, 1973. However, a number of parties expressed reservations concerning the Commission's decision to establish a uniform rate for all producing areas in view of the differing conditions of the Rocky Mountain Area, the Appalachian-Illinois Basin Area, and the Deep Anadarko Basin.[14]

The Commission has determined that the single uniform national rate established herein should be applicable to the lower 48 states (onshore and offshore). The current natural gas shortage requires that the Commission act expeditiously to establish a generally applicable rate for all producing areas before areas that may present special cost circumstances are accorded additional consideration to determine if different rates should be established in those areas to compensate for local peculiarities. The fact that the rate determined herein may not be as advantageous to some producers as others is not controlling. The Supreme Court held in the Permian Basin Area Rate Cases, 390 U.S. 747 (1968), that the use of average nationwide costs to establish an area rate was a permissible means of rate regulation under the Constitution, 390 U.S. 747 at 768–770, and the Natural Gas Act, 390 U.S. 747 at 774–777. The cost of "new gas" in each of the area rate cases (with the single exception of the Appalachian-Illinois Basin Proceeding) was determined from nationwide data and then adjusted for local production taxes and gathering practices. The end result of the area rate experiment was in effect a uniform national rate for new gas by areas based upon the evidentiary record in those individual area rate proceedings. During the course of the various area rate cases, the data base upon which the Commission relied for its determination of rates was updated to reflect the recent data which was considered to be more representative of current cost trends than the older data relied upon in the first Permian Proceeding. Thus, the various rates are not absolutely identical. In this proceeding the average nationwide cost of "new gas" will be applied to all areas (onshore and offshore) subject to annual escalations and adjustments for production taxes, Btu content, and gathering allowances which are set forth in the rate structure. Furthermore, producers may petition the Commission for special relief from the national rate under the circumstances and limitations hereinafter set forth. The Commission has concluded that the question of whether special area rates should be established for the Appalachian-Illinois Basin Area, the Rocky Mountain Area, and the Deep Anadarko Basin will be deferred pending further consideration of that matter.

Two parties responding to the notice of proposed rulemaking (Public Service Commission for the State of New York and Dr. Keith Brown) raised the issue of whether certain gas producing areas have a "locational value" due to their proximity to major natural gas consuming areas. This question is pertinent to the prices established for the areas outside of the major producing areas of the Southern and Southwestern states, i.e., the Appalachian-Illinois Basin Area and the Rocky Mountain Area. As for the major producing areas of the Southern and Southwestern states, it should be noted that the natural gas flowing into the interstate markets from those states flows to gas consuming markets throughout the United States, and it is not possible to determine a single "locational value" for these areas which are connected to pipelines serving markets dispersed throughout the United States. Moreover, any attempt to assign a number of "locational values" to any given area would hopelessly and needlessly complicate the rate structure established herein.

Furthermore, the Commission is aware of the fact that considerable inequity and economic dislocation could result from a fundamental restructuring of the basic area rate concept which is, in essence, a national rate concept with respect to "new gas" supplies. A further consideration which supports our conclusion that a "locational value" concept should be rejected in this proceeding is the fact that it would be counter-productive during an acute gas shortage to impose an economic penalty on natural gas supplies to be discovered in the more prolific areas which are located at great distances from the major centers of consumption.

Several parties herein have challenged our use of rulemaking procedures in this proceeding.[15] The thrust of their con-

[9] Notice of this conference was published in the FEDERAL REGISTER on April 9, 1974, 39 FR 13199 and a revised notice indicating that the meeting would be of record was published in the FEDERAL REGISTER on April 9, 1974, 39 FR 13199. The letter from the American Gas Association requesting the meeting was made a part of the public record and the transcript of the meeting (1 Tr. 5).

[10] The natural gas shortage has been judicially recognized. E.g., "F.P.C. v. Louisiana Power & Light Co.," 406 U.S. 621 (1972); "Placid Oil Company, et al. v. F.P.C.," 483 F. 2d 880 (5th Cir. 1973), affirmed sub nom. "Mobil Oil Corporation, et al. v. F.P.C.," 42 U.S.L.W. 4842 (U.S. June 10, 1974). "Shell Oil Company, et al. v. F.P.C.," 484 F. 2d 469 (5th Cir. 1973), cert. denied sub nom. "Mobil Oil Corp. v. F.P.C.," Nos. 73-438, et al. (June 17, 1974).

[11] "Phillips Petroleum Co. v. Wisconsin," 347 U.S. 672, 685 (1954).

[12] The first area rate proceeding, Permian Basin Area Rate Proceeding, et al., 34 F.P.C. 159 (1965), consumed five years before the Commission, and it was an additional three years before the Commission's decision was affirmed by the Supreme Court in the Permian Basin Area Rate Cases, 390 U.S. 747 (1968).

[13] Cf. "City of Chicago v. FPC," 147 U.S. App. D.C. 312, 458 F. 2d 731 (D.C. Cir. 1971), cert. denied, 405 U.S. 1074 (1972); "Sun Oil Co. v. FPC," 256 F. 2d 233, 240–241 (5th Cir.) cert. denied, 358 U.S. 872 (1958).

[14] *See* for example the comments of Cabot Corporation, The Public Utilities Commission of the State of Colorado, Colorado Interstate Gas Company, Columbia Gas System Service Corporation, Equitable Gas Company, The GHK Company, Public Service Commission for the State of New York, and Public Service Company of Colorado.

[15] Amerada Hess Corporation, American Public Gas Association (APGA), Chevron Oil Company, Western Division, Exxon Corporation, Marathon Oil Company, Mobile Oil Corporation, Phillips Petroleum Company, Public Utilities Commission of the State of Colorado, Superior Oil Corporation, Texaco Inc., The California Company, a division of Chevron Oil Co., and Senator James G. Abourezk.

Associated Gas Distributors (AGD) urged the Commission to allow oral argument, but did not oppose the use of rulemaking procedures to establish rates.

tentions is that the Fifth Amendment of the United States Constitution, the Natural Gas Act, 15 U.S.C. 717, *et seq.*, and the Administrative Procedure Act, 5 U.S.C. 551, *et seq.*, require the Commission to utilize formal adjudicatory procedures in ratemaking proceedings. This particular issue has been before the Courts in several recent cases, and in each instance the Commission's authority to establish rates via rulemaking was upheld. *American Public Gas Association, et al.* v. *F.P.C.*, Nos. 71–1812 and 71–1873 (D.C. Cir., May 23, 1974); *Mobil Oil Corporation* v. *F.P.C.*,——U.S. App. D.C.——, 483 F. 2d 1238 (D.C. Cir. 1973); *Phillips Petroleum Co.* v. *F.P.C.*, 475 F. 2d 842 (10th Cir. 1973), *cert. denied sub nom. Chevron Oil Co., et al.* v. *F.P.C.* No. 73–91, 42 U.S.L.W. 3401 (U.S., January 14, 1974).

This is not the first time that this Commission has utilized its rulemaking powers to establish rates. In addition to the proceedings reviewed by the Tenth Circuit in the Phillips case and the proceedings reviewed by the D.C. circuit in the APGA case, the Commission utilized its rulemaking authority, after strict compliance with the Administrative Procedure Act (5 U.S.C. 551, *et seq.*), to establish just and reasonable rates for "old" and "new" gas and to impose an indefinite moratorium on rate increase filings with respect to natural gas produced in the Appalachian and Illinois Basin Areas.[16] The Commission's decision in that proceeding was not appealed.

Furthermore, the petitions to review Opinion No. 658,[17] which established just and reasonable rates for natural gas sold under contracts dated prior to October 1, 1968, and produced from wells drilled (commenced) prior to January 1, 1973, and made the initial rates established in Order No. 435 [18] applicable to natural gas sold under contracts dated between October 1, 1968, and June 17, 1970, until such time as a final order is issued in this proceeding, were dismissed pursuant to a motion filed by the petitioners (Exxon Corporation, et al.) on February 22, 1974.

It is settled that the United States Constitution does not require the use of formal adjudicatory procedures in ratemaking proceedings by this Commission where, as here, the rates established will apply to groups generally and no effort is made to single out any individual or company "for special consideration based on its own peculiar circumstances." United States v. Florida East Coast Ry., et al., 410 U.S. 224, 246 (1973); Mobil Oil Corp. v. FPC, 483 F. 2d 1238, 1250; APGA, et al. v. FPC, slip opinion at p. 10. Therefore, any question as to the adequacy of the procedures followed in this case reduces to whether or not the procedures satisfy the requirements of the Natural Gas Act and the Administrative Procedure Act.

We believe that any question as to the adequacy of the procedures followed in this case that may have been raised by the Mobil Oil decision where laid to rest by the subsequent decision of the Supreme Court not to review the Phillips decision. Moreover, the Court of Appeals for the District of Columbia Circuit has distinguished its holding in the Mobil Oil case in its holding that the Commission has the authority to establish initial rates by the use of rulemaking procedures. American Public Gas Association, et al. v. FPC, Nos. 71–1812 and 71–1873 (D.C. Cir., decided May 23, 1974).

In the Mobil Oil case, the Commission's order was reversed on the basis of an inadequate record and lack of proper notice to the various parties. It was on this basis that the Mobil case was distinguished in APGA, et al. v. FPC, supra, slip opinion at p. 10:

> In the Mobil Oil case there was no adequate notice, and much of the data relied upon by the Commission was provided in an informal and to some extent ex parte conference, as distinguished from an adversary setting.

We have, in this proceeding, provided adequate notice to all interested persons with respect to the proposed goal of the Commission and the type of information and data upon which our decision would be based. Indeed, a second notice enumerating specific questions upon which the Commission desired additional comments was served upon all parties of record.

While the APGA case dealt with initial rates, we are of the opinion that the same rationale applies to the establishment of just and reasonable rates. The Court there found that the Commission's procedures were consistent with the due process rights of the petitioners and stated (slip opinion, p. 10):

> The issues were clearly stated from the onset and the petitioners were given an adequate opportunity to participate in developing evidence bearing upon those issues. There is no reason to believe that the exchanges or dialogue between and among the parties were so inadequate as a mechanism for finding the facts that a trial-type proceeding was necessary.

Likewise, in this proceeding, every party has been given an opportunity to submit two sets of responses and replies to the responses of all other parties. Thus, no party can be heard to complain that he lacked an adequate opportunity to develop his case before the Commission.[19]

Since the Natural Gas Act does not require a "hearing on the record" in ratemaking proceedings,[20] the Commission is not required to hold an adjudicatory hearing under the formal procedures set forth in sections 556 and 557 of the Administrative Procedure Act, 5 U.S.C. 556 and 557, before establishing generally applicable producer rates. As the Court noted in APGA, et al. v. FPC, supra, a trial is not a prerequisite to the establishment of rates (slip opinion, p. 7):

> The Commission is not forced to adopt the procedures of a trial, with formal hearings, oral testimony under oath, cross examination, and the like. Evidentiary submission in written form may be sufficient. United States v. Florida East Coast Rwy Co., 410 U.S. 224 (1973); FPC v. Texaco, Inc., 377 U.S. 33, rehearing denied, 377 U.S. 984 (1964); Mobil Oil Corp. v. FPC ---- U.S. App. D.C. ----, 483 F. 2d 1238 (1973).

Thus, we find that the procedures adopted in this proceeding which allowed the filing of two sets of initial and reply comments by all parties provided a sufficient basis for the acquisition of the information which we require in order to arrive at a final decision.

Furthermore, we find no basis or need for a formal hearing with oral cross examination in this proceeding. While the parties have not been given an opportunity to orally cross examine the statements of the other parties to this proceeding, they have been given an opportunity to file any and all comments they desire to file. Even the Administrative Procedure Act does not provide an untrammelled right to oral cross examination in formal proceedings. Section 556 (d), 5 U.S.C. 556(d), provides in part:

> A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts. In rulemaking * * *an agency may, when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

Those parties who have asserted a right to oral cross examination in this proceeding have failed to demonstrate that they will be prejudiced by the lack of such cross examination in this proceeding. No party has pointed out any specific questions or issues that it would raise upon oral cross examination or why it could not adequately "test, criticize, and illuminate the flaws in the evidentiary basis being advanced regarding a particular point" by other parties in its own written submissions. (See Mobil Oil Corp. v. FPC, 483 F. 2d 1238, 1262–1263). In such circumstances, we are not required to speculate as to whether or not there are issues or questions which require oral cross examination. Our examination of the submittals of all parties to this proceeding discloses no issue which requires

[16] Area Rates For The Appalachian And Illinois Basin Areas, et al., Docket No. R–371, et al., Order No. 411, 44 F.P.C. 1112 (1970), as amended, Order No. 411–A, 44 F.P.C. 1334 (1970), reh. denied, Order No. 411–B, 44 F.P.C. 1487 (1970).

[17] Area Rates For The Rocky Mountain Area, Docket No. R–425, Opinion No. 658, 49 F.P.C. 924 (issued April 11, 1973), appeal pending sub nom. Exxon Corporation, et al. v. FPC, No. 73–1854 (D.C. Cir. filed August 6, 1973), motion to dismiss appeal granted February 22, 1974.

[18] Initial Rates For Future Sales Of Natural Gas For All Areas, Docket Nos. R–389 and R–389–A, Order No. 435, 46 F.P.C. 68 (1971), affirmed sub nom. American Public Gas Association v. F.P.C., No. 71–1812 (D.C. Cir., decided May 23, 1974).

[19] In the April 12, 1974, order in this proceeding, we emphasized the right of all parties to file "any comments which they desire to place before the Commission for consideration." (Mimeo, p. 3, footnote omitted.)

[20] Section 4(e), 15 U.S.C. 717c(e), and section 5(a), 15 U.S.C. 717d(a), require a "full hearing" and a "hearing", respectively, before the Commission exercises its authority to establish "just and reasonable" rates.

a formal adjudicatory hearing with oral cross examination.[21]

Because our decision must be based upon substantial evidence contained in the record of the proceeding as a whole, we are of the opinion that we should set forth those documents which constitute the evidentiary record of this proceeding so that all parties will be aware of all the evidence which was considered by the Commission in reaching its decision.[22] The evidentiary record of this proceeding will consist of (1) the notice of rulemaking and the Staff cost study appended thereto which were issued on April 21, 1973 (38 FR 10014 (1973)); (2) the notices filed by the various parties of the intention to respond to the notice of proposed rulemaking which were required to be filed on or before April 30, 1973; (3) the written comments of all parties, including the various cost studies and other evidentiary materials submitted therewith, filed on or before May 16, 1973, and on or before June 1, 1973; (4) the notice of March 21, 1974 (39 FR 11310 (1974)); (5) the notices of the public conference held in this proceeding on April 16, 1974 (39 FR 12929, 13199 (1974)); (6) the order of April 12, 1974 (39 FR 13976 (1974)); (7) the transcript of the April 16, 1974, conference in this proceeding;[23] (8) the comments filed by the parties to this proceeding on or before May 7, 1974, and on or before May 29, 1974; and (9) the materials incorporated by reference into the record of this proceeding as hereinafter set forth.[24]

II. Supply and Demand

A. *Supply*—1. *The Natural Gas Shortage.* The pervasive natural gas shortage, which this nation is currently experiencing and which is expected to continue beyond the 1980's, requires that this Commission promulgate producer pricing policies which will attract long-term dedications of new natural gas supplies to the interstate market.

As can be seen in Table 1, the natural gas reserves reported by jurisdictional pipelines have declined from 198.1 trillion cubic feet (Tcf) in 1967 to a low of 148.6 Tcf in 1972. This represents a decline of approximately 50 Tcf in a six year period, and the decline was also approximately 25 percent of the reserves existing in 1967.[25] During this same six-year period (1967 through 1972), the findings to production ratio (F/P) averaged around 0.5; this means that the consumption of natural gas was approximately twice the new supplies of natural gas discovered during the period. These trends must be reversed if we are to meet future demands for natural gas.

Our analysis of both oil and gas drilling activities since 1945 indicates that there has been a decline in exploratory and developmental drilling in recent years. We believe that this decline in drilling activity is, at least in part, responsible for the decline in new natural gas supplies discovered in recent years. This downward trend must be reversed if we expect to meet essential demands for natural gas from domestic sources and attain our objective of a national capacity for self-sufficiency in energy resources. Thus, one of the primary goals which we have in establishing a national rate is to set a rate sufficient to encourage the exploratory and developmental drilling which is required to discover and produce the natural gas supplies necessary to attain an objective of self-sufficiency in natural gas supplies available for delivery to the ultimate consumer.

[25] Preliminary data reported by pipelines on Form 15 for 1973 shows reported reserves are 134.4 Tcf or a decline of 63.7 Tcf since 1967.

Table I.—*Comparison of AGA and Form 15 data (lower 48 States)*

[Volumes in trillions of cubic feet]

	End of year reserves		Net production		Reserve to production ratio		Reserve additions		Finding to production ratio	
	AGA	Form 15	AGA	Form 15	AGA	Form 15	AGA	Form 15	AGA	Form 15
1963	274.5	188.5	14.5	9.4	18.9	20.2	18.1	NA	1.2	NA
1964	279.4	189.2	15.3	10.0	18.3	18.9	20.1	10.7	1.3	1.1
1965	284.5	192.1	16.3	10.4	17.5	18.5	21.2	13.3	1.3	1.3
1966	286.4	195.1	17.5	11.1	16.4	17.5	19.2	14.1	1.1	1.3
1967	289.3	198.1	18.4	11.8	15.7	16.8	21.1	14.8	1.1	1.2
1968	282.1	195.0	19.3	12.6	14.6	15.5	12.0	9.5	0.6	0.8
1969	269.9	187.6	20.6	13.4	13.1	14.0	8.3	6.0	0.4	0.5
1970	259.6	173.6	21.8	14.1	11.9	12.3	11.1	0.1	0.5	0.0
1971	247.4	161.3	21.9	14.2	11.3	11.4	9.4	1.9	0.4	0.1
1972	234.6	148.6	22.4	14.2	10.4	10.5	9.4	1.5	0.4	0.1

Table 2 shows that in 1956 some 30,528 domestic oil wells were drilled as compared to a total of only 11,306 oil wells drilled in 1972. Gas-well drilling has shown a similar decline from the peak of gas-well drilling activities in 1961 when some 5,459 successful gas wells were completed as compared to a total of only 3,830 gas wells completed in 1971. This downward trend in gas-well drilling was reversed in 1972 when 4,928 gas wells were completed, and it continued through 1973 when some 6,385 gas wells were drilled as compared to 4,928 gas wells drilled in 1972.[26]

As indicated by Table 3, the total number of exploratory wells drilled has declined sharply since 1964 and exploratory gas-well drilling for 1967 through 1972 was at lower levels than the preceding decade. Both the total number of wells drilled and the total number of exploratory wells drilled per year for the past five to six years are considerably fewer than the total number of wells drilled and the total number of exploratory wells drilled approximately 15 years ago while the demand for oil and gas has doubled in that 15 year period.

The reversal of drilling activity which occurred in 1972 did not carry through to 1973 with the exception of the number of gas wells completed which again increased over the number completed the previous year. Overall, 1973 showed a continued increase in gas drilling activity with both exploratory and developmental gas well footages at the highest levels ever reported.[27] The number of oil wells drilled in 1973 continued to decline over the number drilled in previous years. There were other encouraging signs in that number of rotary drilling rigs which were active during the year was the highest active number since 1966. Other indicators seemed to show a leveling off in the increased activity as bottlenecks and supply shortages began to appear in the fourth quarter of 1973.[28]

[21] An on-the-record public conference was held in this proceeding on April 16, 1974, at the request of the America Gas Association (AGA) to discuss Appendix B–1 to the notice issued March 21, 1974, in this proceeding. Certain parties which have questioned our use of AGA reserve data did not participate in the conference, yet they continue to oppose the use of such data and demand a formal hearing on the issue.

[22] Mobil Oil Corp. v. FPC, 483 F. 2d 1238 at 1258–1260 (1973); American Public Gas Association, et al. v. FPC, supra, slip opinion at p. 8 citing United States v. Florida East Coast Rwy Co., 410 U.S. 224, 241 (1973).

[23] The transcript consists of one volume containing 73 pages.

[24] All late filings in this proceeding are deemed to have been timely filed and have been considered by the Commission.

[26] FPC Office of Economics, Gas Supply Indicators—Fourth Quarter 1973 and Annual Review, April 1974, p. 21.

[27] Id., p. 12. The total footage for 1973 was 33.0 million feet compared with the previous high of 29.1 million feet in 1961.

[28] Id., p. 8.

TABLE 2.—*Total wells drilled for hydrocarbons*

[Footage drilled in thousands of feet]

Year	Total [1] wells	Footage	Average depth	Oil wells	Footage	Average depth	Gas wells	Footage	Average depth	Dry holes	Footage	Average depth	Successful wells (percent)
1945	23,601	87,545	3,709	13,738	50,956	3,709	2,637	9,300	3,527	7,226	27,289	3,777	69.4
1946	27,975	97,393	3,481	15,962	56,632	3,548	3,510	11,801	3,362	8,503	28,960	3,406	69.6
1947	30,833	109,358	3,547	17,478	62,802	3,593	3,809	13,169	3,457	9,546	33,387	3,497	69.0
1948	36,659	131,187	3,579	21,760	77,307	3,553	3,387	12,312	3,635	11,512	41,567	3,611	68.6
1949	37,312	135,619	3,635	21,352	79,428	3,720	3,363	12,437	3,698	12,597	43,754	3,473	66.2
1950	42,050	157,358	3,742	23,812	92,695	3,893	3,439	13,685	3,979	14,799	50,978	3,445	64.8
1951	43,643	172,145	3,944	23,179	95,106	4,103	3,438	13,946	4,056	17,026	63,093	3,706	61.0
1952	44,563	184,134	4,132	23,290	98,147	4,214	3,514	15,257	4,342	17,759	70,730	3,983	6.1
1953	47,740	194,245	4,069	25,323	102,135	4,033	3,968	18,248	4,599	18,449	73,861	4,004	61.4
1954	51,109	208,009	4,070	28,141	113,362	4,028	4,038	18,857	4,670	18,930	75,790	4,004	63.0
1955	55,150	226,182	4,101	30,432	121,149	3,981	4,266	19,031	4,672	20,452	85,102	4,161	62.9
1956	57,170	233,280	4,080	30,528	120,351	3,942	4,531	22,738	5,018	22,111	90,191	4,079	61.3
1957	51,995	217,046	4,174	27,364	110,043	4,021	4,475	23,836	5,326	20,156	83,167	4,126	61.2
1958	46,941	193,304	4,118	23,774	93,105	3,916	5,005	25,556	5,106	18,162	74,643	4,110	61.3
1959	47,563	200,693	4,220	24,043	94,611	3,935	4,931	26,607	5,396	18,589	79,476	4,275	60.9
1960	45,547	192,078	4,217	22,233	86,538	3,892	5,129	28,199	5,498	18,185	77,341	4,253	60.1
1961	44,254	189,633	4,285	21,413	85,508	3,993	5,459	29,179	5,345	17,382	74,947	4,312	60.7
1962	44,158	194,634	4,408	21,727	88,432	4,070	5,353	48,950	5,408	17,078	77,253	4,524	61.3
1963	41,467	182,649	4,405	20,135	81,800	4,063	4,570	24,533	5,368	16,762	76,307	4,552	59.6
1964	42,293	187,420	4,431	19,905	80,463	4,042	4,694	25,507	5,453	17,694	81,359	4,598	58.2
1965	38,773	174,882	4,510	18,065	73,322	4,059	4,482	24,931	5,562	16,226	76,629	4,723	58.2
1966	35,730	165,420	4,630	16,216	67,430	4,158	4,321	25,636	5,933	15,193	72,353	4,762	57.5
1967	32,234	141,357	4,385	15,329	58,634	3,825	3,659	21,580	5,898	13,246	61,143	4,616	58.9
1968	30,599	144,970	4,738	14,331	59,517	4,153	3,456	20,716	5,994	12,812	64,737	5,053	58.1
1969	32,187	157,108	4,881	14,368	61,582	4,286	4,083	24,162	5,918	13,736	71,363	5,195	57.3
1970	28,120	139,266	4,953	13,020	57,092	4,385	3,840	22,889	5,961	11,260	59,285	5,265	60.0
1971	25,851	124,240	6,806	11,858	48,552	4,094	3,830	22,624	5,907	10,163	53,064	5,221	60.7
1972	27,291	134,602	4,932	11,306	48,534	4,293	4,928	26,766	5,431	11,057	59,303	5,363	59.5

[1] Includes Alaska. Excludes service wells.

Sources: 1945–66; World Oil, 1967–72; AAPG–API.

TABLE 3.—*Total exploratory wells drilled for hydrocarbons*

[Footage drilled in thousands of feet]

Year	Total [1] wells	Footage	Average depth	Oil wells	Footage	Average depth	Gas wells	Footage	Average depth	Dry holes	Footage	Average depth	Successful wells (percent)
1945	5,610	23,049	4,109	836	3,750	4,486	376	1,772	4,712	4,398	17,527	3,985	21.6
1946	5,759	22,338	3,879	762	3,455	4,534	375	1,832	4,885	4,622	17,052	3,689	19.7
1947	6,775	26,303	3,896	982	4,281	4,359	396	1,895	4,787	5,397	20,217	3,746	20.3
1948	8,013	32,751	4,087	1,008	4,883	4,447	365	2,306	6,319	6,550	25,562	3,903	18.3
1949	9,058	34,798	3,842	1,406	5,950	4,232	424	2,409	5,682	7,228	26,439	3,658	20.2
1950	10,306	40,175	3,898	1,583	6,862	4,335	431	2,356	5,466	8,292	30,957	3,733	19.5
1951	11,756	49,344	4,197	1,763	8,125	4,609	454	2,496	5,497	9,539	38,723	4,059	18.9
1952	12,425	55,615	4,476	1,776	8,491	4,781	559	3,394	6,071	10,090	43,731	4,334	18.8
1953	13,313	60,664	4,557	1,981	9,432	4,761	689	3,952	5,654	10,633	47,280	4,447	20.1
1954	13,100	59,601	4,550	1,985	9,409	4,740	726	4,399	6,059	10,389	45,792	4,408	20.7
1955	14,942	69,206	4,632	2,236	10,774	4,819	874	5,212	5,964	11,832	53,220	4,498	20.8
1956	16,207	74,337	4,587	2,267	11,111	4,901	822	5,179	6,301	13,118	58,047	4,425	19.1
1957	14,714	69,181	4,702	1,945	9,794	5,036	865	5,967	6,898	11,904	53,420	4,488	19.1
1958	13,199	61,484	4,658	1,745	8,712	4,993	822	5,472	6,657	10,632	47,300	4,449	19.4
1959	13,191	63,253	4,795	1,702	8,545	5,021	912	6,031	6,613	10,577	48,676	4,602	19.8
1960	11,704	55,831	4,770	1,321	6,829	5,170	868	5,466	6,298	9,515	43,535	4,575	18.7
1961	10,992	54,442	4,953	1,157	5,900	5,099	813	5,249	6,457	9,022	43,293	4,799	17.9
1962	10,797	53,616	4,966	1,211	6,205	5,124	771	5,187	6,728	8,815	42,223	4,790	18.4
1963	10,664	53,485	5,015	1,314	6,409	4,877	664	4,230	6,370	8,686	42,847	4,933	18.5
1964	10,747	55,497	5,164	1,219	6,715	5,509	577	4,204	7,285	8,951	44,578	4,980	16.7
1965	9,466	49,204	5,198	946	5,366	5,672	515	3,757	7,295	8,005	40,081	5,007	15.4
1966	10,313	55,223	5,355	1,030	5,880	5,708	578	4,881	8,445	8,705	44,462	5,108	15.6
1967	9,059	49,124	5,423	1,039	5,990	5,765	556	4,231	7,609	7,464	38,903	5,212	17.6
1968	8,879	50,958	5,739	863	5,036	5,835	430	3,320	7,720	7,586	42,603	5,616	14.6
1969	9,701	57,466	5,924	1,084	6,563	6,054	616	4,985	8,092	8,001	45,918	5,739	17.5
1970	7,693	45,253	5,882	790	5,055	6,399	481	3,675	7,639	6,422	36,524	5,687	16.5
1971	6,922	40,388	5,835	651	3,712	5,701	437	3,328	7,616	5,834	33,347	5,716	15.7
1972	7,539	45,044	5,975	684	4,002	5,851	601	4,592	7,641	6,254	36,500	5,836	17.0

[1] Includes Alaska. Excludes stratigraphic and core tests.

Source: AAPG–API

This continued upturn in gas well exploratory and developmental drilling is not adequate to discover and bring forth the supply of natural gas necessary to meet projected demands in view of the continued decline in annual additions to the nation's non-associated gas reserves.[29] Moreover, the continued decline in oil-well drilling activity means not only a short fall of domestic crude oil supplies but also a short fall of supplies of dissolved and associated gas that will be available for consumption. Unless we increase domestic exploratory and developmental drilling for both crude oil and natural gas, the Staff's forecast of annual natural gas supply deficits of 9 Tcf by 1980 and 17 Tcf by 1990 will become painfully true.[30]

The magnitude of the drilling effort which will be required to elicit the supply of natural gas necessary to fulfill reasonable future demands is staggering. It is estimated that annual findings in the range of 37 trillion cubic feet will be required to meet the demand:

If we assume that an adequate reserve to production ratio of about 10 is maintained; that a reasonably optimistic development of supplemental gas sources is attained with respect to overland imports, LNG imports, gas from coal, and gas from Alaska; that the industry is capable of immediately mounting an all-out exploration and development program unimpeded by financial, equipment

[29] Production has exceeded annual reserve additions for every year since 1967. (See Table 1, supra p. 17) and reserve additions for 1973 were the lowest reported since the American Gas Association first published its report in 1946.

[30] Federal Power Commission, Bureau of Natural Gas, National Gas Supply and Demand 1971–1990—Staff Report No. 2, p. 1, February 1972.

or manpower considerations; then an annual finding rate of approximately 37 trillion cubic feet per year would be necessary to bring supply and demand into balance. While this rate of resource development does not include an allowance for the unknown impact of higher gas prices on demand, it is nonetheless sobering to realize that this level of development represents a sustained level of annual additions to reserves equal to that attained in 1970 when 26 trillion cubic feet of Alaskan gas were added to the reserve inventory, or an amount equal to 1½ times the all-time record annual lower 48 reserve additions of 24.7 trillion cubic feet reached in 1956. Attainment of this level of resource development would require the cumulative discovery and development of about 666 trillion cubic feet of natural gas to 1990, representing the development of approximately 58 percent of the Nation's total potential gas supply as estimated by the Potential Gas Committee. This rate of development would be required in conjunction with the timely development of supplemental gas supplies and would be substantially higher in the absence of such supplemental supply availability.[31]

The supplemental gas supplies anticipated in the years 1975, 1980, 1985, and 1990 for this estimate are 1.5 Tcf, 4.6 Tcf, 7.6 Tcf, and 11.5 Tcf respectively. The individual components of the 1990 supplemental supply are estimated as follows: pipeline imports—1.9 Tcf; LNG imports—4.0 Tcf; high Btu gas from coal—3.3 Tcf; and gas from Alaska—2.3 Tcf.[32]

The magnitude of the exploration and development efforts that will be required to bring forth these volumes of annual additions is further magnified by the fact that with the exception of 1970 and 1956 annual additions over any period of time have been less than two-thirds of the required findings.[33] Thus, if the demand for natural gas is to be fulfilled,[34] the natural gas industry must attain and sustain a findings rate that it has never before with one exception attained. Whether or not this level of reserve additions can be attained and maintained is a question that can be answered only with the passage of time. It is clear, however, that massive capital commitments will be called for to finance the exploration and development programs necessary to find and produce the supplies so as to fulfill the projected demand.

The Commission's regulatory obligation is to establish a uniform national rate in this proceeding that provides the incentives to stimulate and encourage the unprecedented exploration and development efforts that will be necessary to find and produce the requisite level of new natural gas supplies. We further seek to reduce the existing disparity between supply and demand, to effect a more efficient allocation of our existing natural gas resources to higher priority uses, and to encourage the conservation of the limited natural gas reserves which are available to us.

2. *Quantifying the supply-price relationship.* While the efficacy of producer rate regulation would be greatly enhanced if it were possible to quantify the amount of reserves that would be forthcoming at a given rate level, it is generally conceded that there is no reliable method by which this quantification can be made.[35] The supply-price relationship has been given extensive attention in several area rate proceedings. In the first Permian Basin area rate proceeding, the Commission noted the emerging price-supply relationship:

[T]he emergence of directionality, i.e., the ability of producers to direct their drilling activities toward either oil or gas brings in to being for the first time an opportunity for price to play a significant role in increasing the supply of gas-well gas available to the interstate market.

Area Rate Proceeding (Permian Basin), 34 F.P.C. 159, 184 (1965). This proceeding also saw the first econometric studies of the gas producing industry which the Commission viewed as "indicat[ing] that advanced statistical and methematical techniques can be useful in understanding the interaction of the price of gas at the wellhead and the demand in the marketplace." 34 F.P.C. 159 at 187. However, this first model was "based on a nondirectional hypothesis", and "a materially different equation would [have been] required" if a directional hypothesis had been used. 34 F.P.C. 159 at 332 (Initial Decision Of the Presiding Examiner). Because of these shortcomings, the econometric study did not play a role in the Commission's decision.

In the first Southern Louisiana Area Rate Proceeding, the Commission and the Hearing Examiner had before them a new econometric study which was also found to be unreliable. The utility and accuracy of this new econometric model was viewed in the following manner:

[W]e do not claim that the efficiency of producer regulation cannot be improved with the aid of econometrics and other analytical tools * * *. Should the industry as well as the Staff find it possible to pursue similarly innovative analystical efforts in the years ahead, more reliable results may well be achieved and the regulatory process will be benefitted.

Area Rate Proceeding (Southern Louisiana Area), 40 F.P.C. 530, 625–626 (1968).[36]

40 F.P.C. 530 at 871–872 (Initial Decision of the Presiding Hearing Examiner).

The latest econometric model to be presented to the Commission was introduced by the Staff in the second Southern Louisiana Area Rate Proceeding and was again found to be lacking as an evidentiary basis for determining supply elasticity:

[T]he model provides an analytical format for the application of judgment in a more systematic fashion, and it is useful, in a general way, for testing the judgments implicit in this decision. The Commission * * * interprets the model not as a formula to obtain precise quantification of the future supply response to prices—an impossible objective by any method in our view—but as an instructive experimental effort, complementing other exhibits and testimony upon which we may rely for our specific findings and conclusions.

Area Rate Proceeding, et al. (Southern Louisiana Area), 46 F.P.C. 86, 123 (1971)

In this same proceeding, the Commission found that:

The response of the natural gas industry to the price of the gas, whether that price is fixed by the FPC or by other market forces, can only be predicted by assuming that a great number of other factors are going to remain constant. There is no way for any record to prove that such will be the case, and at this moment in history there is every reason to assume that such assumptions are not even much good for the making of academic studies. The area is judgmental in the extreme.

[P]rogress is being made in devising techniques for extrapolating the trends evident from market and investment performance in the past into useful guides for determining what regulators should do in fixing prices or other matter to control future conduct.

46 F.P.C. 86 at 120–121. These findings formed the basis for the Commission's conclusion that there was a positive relationship between the price of gas and exploratory effort, but that:

The conventional concept of supply elasticity—commonly defined as the quantities which would be forthcoming at a given time at a particular price—is a concept exceedingly difficult to apply to natural gas. The many variables other than price, such as technology and cost of input resources, cannot be readily ascertained.

[31] Letter from John N. Nassikas (Chairman, Federal Power Commission) to Senator Henry M. Jackson, September 12, 1973. Material quoted is contained in comments of Bureau of Natural Gas on Senate Interior and Insular Affairs Committee Staff Draft, "Policy Issues and Options Affecting Natural Gas."

[32] Federal Power Commission Bureau of Natural Gas, National Gas Supply And Demand 1971–1990, Staff Report No. 2, p. 136 (Table 20) (1972).

These supply levels are based upon an annual demand of 46.4 Tcf and assume that domestic reserve additions will be sufficient to fulfill all demand that is not fulfilled by the supplemental supplies and replenish the nation's inventory of reserves such that the reserves remaining at the year end are ten times the annual production.

[33] American Gas Association, Gas Supply Review Supplement, p. 2 (Table 1) (May 15, 1974).

[34] See n. 30 supra, p. 136 (Table 20).

[35] Cf. Public Service Commission For The State of New York v. FPC, ____ U.S. App. D.C. ____, 487 F.2d 1043 at 1089–1090, 1095–1099 (D.C. Cir. 1973), cert. granted, vacated and remanded, Nos. 73-966, et al., June 17, 1974.

[36] With respect to this model, the Presiding Hearing Examiner noted:

"It might be properly suggested that enough has already been demonstrated to indicate that econometric studies ultimately, on the basis of still further study and improvement by the Staff, may one day be brought to the point where they will provide a significant, useful and reliable tool in this connection * * *. However, it must be concluded on the basis of the record made in the instant proceeding that the econometric presentation here made by the Staff has not yet reached the level where it can safely be relied upon as a basis for the Commission's critical conclusions in this case."

46 F.P.C. 86 at 121.

The Commission then concluded:

Summarizing, there exists a positive relationship between gas contract price levels and exploratory effort; no reliable quantitative forecasts may be made by increments of additional gas supply resulting from specific increased gas prices; increases in ceiling prices which yield increases in producer revenues will result in expanded gas exploratory activity in terms of sufficiency of gas supply in relation to gas demands must be determined by continued Commission observation of the results of our decisions.

46 F.P.C. 86 at 124.[37]

These conclusions are still valid. While further quantitative studies of the elasticity of gas supply with respect to the wellhead price should be encouraged, this case must be decided upon the record that is before the Commission,[38] and the experience gained from previous considerations of this question demonstrates that reliable quantification is not possible with the present state of the art.[39]

The historical record demonstrates in a general manner the responsiveness of gas supply to price. During the 1960's gas prices trended downward, when adjusted for general inflation and gas well exploratory and developmental drilling also turned downward. Toward the end of the decade, the gross annual additions to gas reserves experienced a sharp decline and negative revisions increased sharply.[40] The first signs of a turnaround in drilling activity appeared in 1972, a year or so after the trend of declining real prices for natural gas had been reversed. The number of new gas wells drilled increased 28.7 percent from 1971 to 1972, while the increase in exploratory gas well footage was 38.0 percent. This level of drilling activity continued through 1973; for example, for 1973 exploratory gas well footage increased some 34.8 percent above the level for 1972 and developmental gas-well footage increased by 21.8 percent over the footage drilled in 1972. However, marketed production of natural gas for 1973 showed a decline over 1972.[41] Whether these increases in drilling activity will bring about an improvement in new additions to natural gas reserves remains to be seen since the reserve additions for 1972 were as the same low level experienced in 1971. (See Appendices A and C (Schedule 2, Sheet 1)). Furthermore, the reserve additions for 1973 were only 6.51 Tcf, the lowest addition reported since the data on reserve additions has been reported. See n. 33 supra.

Thus, it is concluded that an increase in the price at which natural gas may be sold in the interstate market will have the effect of bringing forth new supplies of natural gas for dedication to the interstate market; however, it is not possible to predict or quantify the precise level of new supplies that will be forthcoming at the rate established herein. To attempt to further define this relationship would be to "demand the perfect at the expense of the achievable."[42]

B. *Demand.* There is little doubt today that the demand for natural gas is far in excess of the available supply and will remain in excess of the available supply for the immediate future.[43] This difference between the available supply and the total existing demand constitutes the natural gas shortage. The most direct evidence of this shortage is the continuing curtailment of deliveries by the interstate pipelines.[44]

The pervasive natural gas shortage which we are now enduring has had and will continue to have serious economic consequences for the nation. In Order No. 491 (*supra*, n. 4), the Commission outlined the effect of curtailment of natural gas supply for the major interstate pipelines as follows (mimeo, p. 2):

Such curtailments will result, as they did last year, in severe economic and environmental consequences, resulting in the closing of schools, the denial of utility service to new customers, the utilization by industry and electric utilities of alternate fuels which impact upon ambient air quality standards, and the transfer of unfulfilled demand to other fuels in short supply with the resultant upward price pressures.

In Order No. 491–A (supra, n. 4), we expanded our analysis of the effects of continued curtailment (mimeo, pp. 3–4):

Our staff's revised report indicates (after eliminating inter-company transactions) that eleven of thirty-three reporting companies had experienced curtailments of approximately .4 trillion cubic feet for the period April through October 1972 (summer season). For the same period in 1973, thirteen companies reported actual and estimated curtailments [April through July volumes were actual, whereas August through October volumes were estimated] totaling slightly more than .7 trillion cubic feet. This represents an increase in curtailments of 75 percent over the same period one year ago. Similarly, fifteen companies reported actual curtailments of .4 trillion cubic feet during the period November 1972 through March 1973 (winter season). For the approaching 1973–74 winter season, fourteen companies estimated curtailments totaling approximately .5 trillion cubic feet—an increase of 25 percent. Furthermore, the supply deficiencies for the 1973–74 heating season which were projected in the July 1973 report have substantially increased in the September report. This indicates that the major pipelines are experiencing increasing difficulty in obtaining sufficient gas to maintain reliable service. The following table represents the extent of curtailed service each of the major pipeline companies projects for the 1973–74 season (April 1973 through March 1974):

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[37] In its affirmance of the Commission's decision in the second Southern Louisiana Area Rate Proceeding, the Fifth Circuit reviewed the problems associated with predicting the level of new gas supplies that would be forthcoming at a given rate and stated that "it is impossible with any degree of precision likely to satisfy the momentary opponent's fetish for qualification to determine the likely quantitative effect on supply of a change in the rate ceiling." Placid Oil Co. et al. v. FPC, 483 F. 2d 880, 901 (5th Cir. 1973). The Supreme Court has agreed with the Commission "that it [the Commission] could not determine the precise amount of additional gas supply that would be found and dedicated to interstate sales as a result of this formula. But this was also true of any change it might have made in gas prices. Mobil Oil Corp. v. FPC, 42 U.S.L.W. 4842 (U.S. June 10, 1974) (Slip Opinion at 31). Moreover, the Court found that the Commission's findings were supported by the record (Slip Opinion at p. 32).

[38] Mobil Oil Corp. v. FPC, ____ U.S. App. D.C. ____, 483 F. 2d 1238 (D.C. Cir. 1973).

[39] *See* Foster Associates, Inc., The Impact Of Deregulation On Natural Gas Prices, Appendix C (1973), for a discussion of the problems encountered in the various attempts to develop an econometric model of the supply-price relationship for natural gas and a summary of recent efforts to develop a model.

See also, MacAvoy and Pindyck, "Alternative Regulatory Policies For Dealing With The Natural Gas Shortage," 4 The Bell Journal of Economics and Management Science 454 (Autumn 1973); Breyer and MacAvoy, "The Natural Gas Shortage And The Regulation Of Natural Gas Producers," 86 Harv. L. Rev. 941 (1973); MacAvoy, "The Regulation-Induced Shortage Of Natural Gas, "14 J. Law & Econ. 167 (1971); Erickson and Spann, "Supply Response In A Regulated Industry: The Case Of Natural Gas," 2 The Bell Journal Of Economics And Management Science 94 (1971).

[40] See Appendix A.

[41] FPC Office of Economics, Gas Supply Indicators—Fourth Quarter, 1973 and Annual Review, April 1974, p. 6.

See Appendix C (Statement of J. Rhoads Foster) to the comments filed by the Indicated Producer Respondents for information to the same effect. Chart I in Dr. Foster's statement shows a positive relationship between the initial price for new gas sales and the level of exploratory gas drilling in seven southwestern states for 1947 to 1970.

[42] Public Service Commission For The State of New York v. FPC, ____ U.S. App. D.C. ____, 487 F. 2d 1043 at 1067 (D.C. Cir. 1973) (Leventhal, J., dissenting).

[43] Bureau of Natural Gas, National Gas Supply and Demand 1971–1990—Staff Report No. 2 (1972).

[44] Bureau of Natural Gas, Staff Report on Interstate Natural Gas Pipeline Curtailments, FPC Release No. 19640, September 17, 1973.

Hearing on Relationship of Energy and Fuel Storages to the Nation's Internal Development Before the Subcommittee on Flood Control and Internal Development of the House Committee on Public Works, 92d Cong., 2d Sess. 58–9 (1972) (Energy and Fuel Shortages hearings).

See also, Statement of Chairman John N. Nassikas, Federal Power Commission, Hearing Before the Subcommittee on Activities of Regulatory Agencies of the Select Committee on Small Business, U.S. House of Representatives, January 17, 1974.

	Firm requirement, thousand cubic feet	Volumes curtailed, thousand cubic feet	Percent curtailment
Algonquin [1]	177,935,800	17,431,500	10.0
Arkansas-Louisiana	495,548,000	119,877,965	24.0
Cities	571,164,000	29,856,000	5.0
Columbia	1,532,573,000	12,574,000	1.0
El Paso	1,906,747,000	147,474,427	8.0
Louisiana-Nevada [1]	147,271,334	56,700 [1]	Negligible
Mississippi River	209,296,000	7,996,118	4.0
Natural	1,207,139,000	228,868,178 [1]	19.0
Northern	896,000,000	11,800,000	1.0
Panhandle	825,708,000	36,079,308	4.0
Texas Eastern	1,081,814,000	164,503,788	15.0
Transco	1,097,152,000	141,018,748	13.0
Transwestern	360,532,000	20,759,957	6.0
Trunkline	597,986,000	165,601,429	28.0
United Gas	1,602,798,000	541,937,052	34.0

[1] Summer curtailment only.

Furthermore, all of the above pipelines, with the exception of Algonquin and Louisiana-Nevada, have been obtaining some gas under the Commission's present emergency purchase provisions. The projected curtailments would thus be even greater without the increments provided by such temporary purchases. [Footnote included in text.] [45]

Finally, in Order No. 491–B (supra, n. 4), we noted that there was not only a natural gas shortage, but also a national energy emergency (mimeo, p. 5):

In Order No. 491–A, we further observed that problems created by the natural gas shortage are exacerbated by the fact that other fuels, such as propane and fuel oil, are in short supply.

We reviewed the problems associated with the short supply of propane and concluded that "curtailments of natural gas this winter will force many industrial plants to operate part-time or shut down completely. Many of these plants could have relied upon propane as a satisfactory alternate fuel." Order No. 491–A, mimeo, p. 6. But, we noted that testimony before the September 7, 1973, hearing held by the White House Energy Policy Office indicated that supplies of propane for the 1973–74 heating season would be approximately 15 to 25 percent less than the volumes available during the 1972–73 heating season and that mandatory propane allocations were in force. Order No. 491–B, mimeo, p. 5 at n. 7. The short supply of fuel oil available to industrial consumers held out the potential for plant slow-downs or actual shut-downs since neither natural gas nor fuel oil were expected to be available in sufficient quantities for full industrial operation. See Order No. 491–A, mimeo p. 7.

While a mild winter and the fact that greater than anticipated supplies of fuel oil were available have helped to reduce the impact of the shortage of fuels derived from natural gas and crude oil, we find that the nation is still and will continue to be confronted with a national energy emergency resulting from a shortage of basic fuels required to maintain a productive economy. We believe that this continuing energy emergency requires this Commission undertake the establishment of policies that will encourage the development of the additional supplies of natural gas that are needed to fulfill reasonable demands. The promulgation of a single uniform national rate is one of the policies that will help us to increase the available supply of natural gas for the nation.

Much of the demand for natural gas comes not only from its low price, but from its form value [46] and its superior environmental qualities. The present prices for natural gas in relationship to other fuels in the market make it unlikely that increases in the wellhead price of natural gas will have a moderating effect upon the demand for natural gas sufficient to close the supply-demand gap.[47] However, the ultimate consumption of natural gas can be controlled in another fashion. It is possible to regulate energy demand met with natural gas to a certain extent by controlling the priority assigned to the end use of natural gas in the consumer marketplace, and requiring that all of the demand assigned to a higher priority is satisfied before new supplies of gas are allowed to be consumed in end uses assigned a lower priority.[48]

The existing demand for natural gas that must be met first is the demand of the homeowner, the small commercial establishment, schools, hospitals, and other consumers that can be classified as "human needs" customers. Quite often, these small consumers are unable to switch to alternate fuels or to use the pollution control devices required when alternate fuels are used to meet air quality standards.[49]

The issue is basically one of the optimum allocation of our limited supplies of natural gas, both now and in the future. Large industrial and utility consumers of natural gas must progressively reduce their use of natural gas to assure its availability to the "human needs" customers. Those users of natural gas who consume the greatest quantities of the very limited supply of this fossil fuel should be encouraged (and required, if necessary) to convert to the consumption of other fossil fuels of which there are more abundant supplies. By shifting some demand for natural gas to other fossil fuels, we are able to conserve the available supplies of this precious energy source for consumption in the market sectors where it is both impractical to install and use pollution abatement equipment and uneconomical for the small consumer of natural gas to purchase such equipment.

The existence of the pervasive supply-demand gap requires this Commission to take all reasonable and prudent steps to (1) increase the supplies of natural gas available for resale in the interstate market and (2) allocate the available supplies of natural gas being sold in the interstate market to higher priority uses.[50] As the Supreme Court found

[45] An FPC Staff Report issued on June 11, 1974 indicates that natural gas supply deficiencies for the major interstate natural gas companies from the April 1974 through March 1975 period will be nearly 55% higher than a year earlier. The report, by the FPC's Bureau of Natural Gas, based on responses to the Commission's Form 16, shows that actual or projected curtailments were reported by 17 out of 42 major interstate pipeline companies. Net curtailments totaled 1,191,132,000,000 cubic feet for the year April 1973 through March 1974. Net supply deficiencies totalling 1,845,770,000,000 cubic feet are projected for the year April 1974 through March 1975. Cumulative net curtailments of firm service imposed by all companies reporting these data to the Commission since 1970 amounted to approximately 2.4 Tcf through the first quarter of 1974.

[46] The gaseous form of natural gas facilitates its transportation and delivery to the customer and eliminates the need for storage facilities by the final consumer.

[47] Appendix B. See also Appendix B to the Response of the Indicated Producer Respondents.

[48] *Utilization and Conservation of Natural Resources—Natural Gas, "Notice Of Proposed Policy Statement With Request For Comments,"* Docket No. R–467, 38 F.R. 1517 (1973); *Utilization and Conservation of Natural Resources—Natural Gas,* Docket No. R–469, Order No. 467, 49 F.P.C. 85 (1973), Order No. 467–A, 49 F.P.C. 217 (1973), Order No. 467–B, 48 F.P.C. 583 (1973), "Order Denying Motions For Reconsideration, Clarification Or Modification Of Order No. 467–B," 49 F.P.C. 1036 (1973). See Order No. 467–C, 39 F.R. 12984 April 14, 1974.

[49] Pollution control devices are more effective when installed on large industrial and utility equipment than when they are installed on heating units in homes and other small consumers of natural gas.

[50] The actual allocation of natural gas to its ultimate end uses is within the jurisdiction of the particular state regulatory commission where the interstate pipeline makes deliveries to the local distribution company. However, this Commission has the power to determine which distributors shall be entitled to receive additional supplies of natural gas from the pipeline, and does, therefore, have some indirect power to allocate the ultimate use of natural gas sold in interstate markets. See note 48, *supra.*

in Mobil Oil Corp. v. FPC, 42 U.S.L.W. 4842 (U.S. June 10, 1974) (Slip Opinion at 31–32), there is credible evidence that gas exploratory activities are responsive to price, an increase in the price of gas at the wellhead should encourage greater exploratory activities, and, in turn, make greater quantities of new gas supplies available for resale in the interstate markets. It is also very likely that an increase in the price of natural gas will result in some reallocation of the end use of natural gas in the final market place. However, very little is known about the cross elasticities between the demand for natural gas and the demand for other fossil fuels, and it is not possible to accurately predict the results of these reallocations.[51]

Although it is unlikely that increases in natural gas prices will dampen demand to the extent of eliminating the supply-demand gap, such increases will encourage a shift to alternative fuels by the industrial and utility sectors of the market place whenever the price of natural gas exceeds the price of other fuels plus the costs of necessary environmental controls. Such a shift, however, is not expected to equal the growing unsatisfied demand for "human needs" customers in the near future.

III. Rate Design

A. Cost factors. In response to the notice of rulemaking issued in this proceeding on April 11, 1973, and the attached Staff cost studies, the Indicated Producer Respondents (Producers),[52] the GHK Company, the United Distribution Companies (UDC), the Pennzoil Companies, Columbia Gas Transmission Corporation, and the Associated Gas Distributors (AGD) submitted various cost studies or cost analyses. Two of the submitted studies were restricted to certain geographical areas: the GHK study was limited to the Deep Anadarko Basin, and the Columbia Gas Transmission Corporation's study reflected the conditions of the Appalachian and Illinois Basin area only. The other studies were based on nationwide cost and drilling data and utilized the procedures adopted by the Commission in Opinion No. 598.[53] The Pennzoil study also referred to the procedures adopted in Permian I.[54] AGD suggested a rate of 45.0 cents per Mcf based upon Staff's high cost estimate of 38.5 cents per Mcf with an additional allowance of 6.5 cents per Mcf for increased exploration and development.

In response to the March 21, 1974 notice and the attached Staff cost studies, UDC and GHK submitted new cost studies. The Producers submitted studies which were revisions of their original submittals to reflect full cost accounting and an allowance for Federal income taxes. AGD reiterated its recommendation for a rate of 45.0 cents per Mcf. The details of these studies will be discussed infra.

Our cost analysis in this decision is based upon the methodology which was developed in the first Permian Basin area rate proceeding, Area Rate Proceeding, et al. (Permian Basin), 34 F.P.C. 159 (1965), affirmed, Permian Basin Area Rate Cases, 390 U.S. 747 (1968), and modified in the second Southern Louisiana proceeding, Area Rate Proceeding, et al. (Southern Louisiana Area), 46 F.P.C. 86 (1971), affirmed, Placid Oil Company, et al. v. F.P.C. 483 F. 2d 880 (5th Cir. 1973), affirmed sub nom. Mobil Oil Corporation, et al. v. F.P.C., 42 U.S.L.W. 4842 (U.S. June 10, 1974). Because the costing model relies upon a number of allocations which are based upon flowing gas costs, we shall use the allocation factors which were updated by use of the data submitted to the Commission in response to the questionnaire in the second Southern Louisiana proceeding (referred to as the AR69–1 questionnaire). This is the most recent information available to the Commission with respect to a number of the allocation factors; however, data submitted to the Commission in the data collection forms which were filed in Docket No. R–478 will help update these factors.[55] When this data becomes available in final form, it will be incorporated into the records of future proceedings to determine national rates so that these allocation factors may be adjusted.

As the Commission has been urged by the Supreme Court to indicate "fully and carefully the methods by which, and the purposes for which, it has chosen to act, as well as its assessment of the consequences of its orders for the character and future development of the industry", Permian Basin Area Rate Cases, supra, 390 U.S. at 792, each component of the cost matrix and the methodology used to derive that component will be discussed in detail. We shall also discuss our reasons for utilizing the particular methodology chosen to derive each of the several components. See Public Service Commission For the State of New York v. FPC, 487 F. 2d 1043 at 1097–1098 (D.C. Cir. 1973), cert granted, vacated and remanded, Nos. 73–966, et al., June 17, 1974.

In making our cost analyses, we present a range of reasonable costs which are based upon that data which we find to be the most reliable data which is now a part of the record to this proceeding or which is contained in the publications that we have incorporated as a part of that record. We shall also discuss the effect of the disparity between the reserve additions reported by the American Gas Association and the reserve additions estimated by our Staff which was reported (and served upon all parties to this proceeding) in our notice of March 21, 1974, in this proceeding,[56] even though the resulting effect is de minimis when productivity is averaged over a reasonable time span. A range of "costs" has been presented in this decision to demonstrate that the "cost" of new gas supplies is an imprecise and elusive quantity. There is a "zone of reasonable deviation" [57] in the calculation of the "cost" of new gas supplies, and this "permissible zone of deviation" for costs establishes the reasonable range within which rates may be prescribed.[58]

By presenting a reasonable range of costs, we hope to avoid speculation that the rate determined herein is precise; it is not. As we stated in Texas Gulf Coast:

> The cost computations used in this and other area rate proceedings seem to be mathematically precise. They are not. Allocations of costs are by nature matters requiring a substantial amount of judgment.

Area Rate Proceeding, et al. (Texas Gulf Coast), 45 F.P.C. 671, 687 (1971), reversed, Public Service Commission For The State of New York v. FPC, 487 F. 2d 1043 (D.C. Cir. 1973), cert granted, vacated and remanded, Nos. 73–966, et al., June 17, 1974. We recognize the limitations in our ability to reflect actual costs of individual producers in an industry-wide national rate and the futility of attempting to quantify non-cost factors. Instead, we have established a "permissible zone of deviation" for costs. Placid Oil Company, supra. The Courts have long recognized that our cost computations and the resulting rate analyses are

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[51] See, Department of the Interior, *Draft Environmental Impact Statement—Proposed Deregulation of Natural Gas Prices*, Appendix B, July 17, 1973.

[52] The Indicated Producer Respondents is a group of twenty-six major natural gas producers.

[53] Area Rate Proceeding, et al. (Southern Louisiana Area, 46 FPC 86 (1971).

[54] Area Rate Proceeding, et al. (Permian Basin), 34 FPC 159 (1965).

The Pennzoil study also reflected full-cost accounting and an allowance for federal income taxes.

[55] Nationwide Rulemaking To Establish Just And Reasonable Rates For Natural Gas Produced From Wells Commenced Before January 1, 1973, Docket No. R–478, 38 FR 14295 (1973), "Order Prescribing Further Procedure," 38 FR 22898, 50 F.P.C. — (issued August 17, 1973).

[56] 39 FR 11310 (March 21, 1974).

[57] Placid Oil Co., et al. v. FPC, 483 F. 2d 880 at 902.

In Federal Power Commission v. Natural Gas Pipeline Co., 315 U.S. 575 (1942), the Supreme Court spoke of "a zone of reasonableness within which the Commission is free to fix a rate varying in amount" (315 U.S. 575 at 585) and the Commission's authority to select its formula of regulation and "to make pragmatic adjustments which may be called for by particular circumstances," 315 U.S. 575 at 586.

In the Permian Basin Area Rate Cases, 390 U.S. 757 (1968), the Court spoke of the constitutional and statutory validity of the Commission's determination of maximum prices based upon "group or geographical" data. 390 U.S. 747 at 770. The Court also spoke of the uncertainties associated with the allocation of costs between gas and oil. 390 U.S. 747 at 803–804.

[58] Placid Oil Co., et al. v. FPC, 483 F. 2d 880 at 902, n. 23.

not precise and have given us the authority to exercise the judgment necessary to determine a "just and reasonable rate" from the morass of conflicting data and presentations that have been introduced in this and the previous area rate cases.[59] It is from this basis that we start our determination of a single uniform national rate in this proceeding.

1. *Cost analysis.* The major variables in a new gas cost study are the drilling costs (cost ($) per foot drilled), productivity (Mcf of gas found per foot drilled), rate of return on investment (percent), the size of the rate base (whether the expenditures for dry holes, other exploration, and exploratory overhead are included in the rate base), and the investment life (years). The final rate further depends upon whether there is sufficient evidence to dictate the inclusion of an allowance for Federal income taxes. Each of these factors will be examined separately before they are combined in the computations of the cost model.

a. *Drilling costs.* All parties submitting cost studies, except Columbia Gas Transmission[60] used 1971 JAS[61] data of $27.64 per foot drilled as a starting point.

The Staff cost study did not trend the 1971 JAS data to arrive at a current figure, but both the Producers and UDC studies were trended for inflation. The Producers trended the 1971 data at four (4) percent per year to arrive at a figure of $29.89 per foot drilled for 1973, and UDC trended the same data at five (5) percent per year to arrive at a 1973 figure of $30.47 per foot drilled. Pennzoil arrived at a 1971 cost-per-foot drilled of $38.26 by trending 1967 Bureau of Census data.

Staff adopted the 1971 JAS costs of $15.83 per foot of dry holes drilled, and Producers and UCD trended this figure at four (4) and five (5) percent per year respectively to arrive at costs of $17.12 and $17.45 per foot of dry holes drilled respectively. The Staff cost studies were updated to reflect 1972 JAS drilling cost data and 1972 AGA reserve additions in Revised Appendix B issued with our notice of March 21, 1974 (39 FR 11310) in this proceeding.

Since the issuance of the original Staff cost study and the submission of cost studies by several of the parties to this proceeding, the JAS report for 1972 (1972 JAS) has been published. That report indicates that the cost of drilling per foot for successful wells has declined slightly since 1971, while the cost of drilling per foot for dry holes increased over the cost per foot reported for 1971. The following table compares 1971 and 1972 drilling costs (excluding data on drilling in Alaska):

Type of well drilled	Cost per foot drilled (dollars per foot)	
	1971	1972
Gas and gas condensate wells	$27.64	$27.54
Dry holes	15.83	16.94

We have excluded Alaskan drilling data because natural gas reserves located in that state are not now available to supply demands for gas in the lower 48 states.[62] Moreover, as the rate established by this decision will not extend to natural gas produced in Alaska, we have attempted to exclude data on costs incurred in connection with exploratory, drilling, and producing activities in Alaska. The exclusion of cost data relating to Alaskan activities cannot be made complete since costs in a number of categories are reported on a nationwide basis by JAS without any attempt to make a state by state report of these costs. Any error that may result from excluding drilling data for Alaska is offset by excluding reserve additions from Alaska since those additions have tended to show a higher productivity than the national average productivity excluding Alaska over the past several years. Thus, the exclusion of the Alaskan data results in de minimis changes in the cost components as will be demonstrated in the sections on the various cost components.

b. *Productivity.* Productivity in terms of Mcf per foot drilled has the most significant impact upon the calculated new gas cost. Because of this impact, a brief overview of the calculation of the productivity figure and the positions of the parties with respect to this factor is warranted.

The productivity for any one year is calculated by dividing the annual nonassociated gas reserve additions as reported by the American Gas Association[63] by the total successful gas footage for that year. There are several sources for the annual successful gas well footage: World Oil since 1947, Oil and Gas Journal for 1947 to 1965, Joint Association Survey (JAS) starting with 1959, and the American Association of Petroleum Geologists (AAPG) and the American Petroleum Institute (API) reports, both starting with 1965. Over the years, there has been substantial agreement between the JAS, AAPG, and API figures while the World Oil footage figures were either greater than or less than the other reported footage figures by about four (4) to five (5) percent.

The practice adopted in earlier area rate opinions was to average the reserve additions and the successful gas well footage figures over a number of years to determine an average productivity figure that would be used in the calculation of a new gas cost.[64] The magnitude of the productivity calculated by this method depends upon (1) the number of years that are averaged into the calculation, (2) whether World Oil, JAS, AAPG, or API footage is used, and (3) whether the World Oil, footage for the years prior to 1966 is adjusted upward on the theory that such footage is understated.

The Staff used productivity figures of 580 Mcf per foot drilled and 525 Mcf per foot drilled. The 580 Mcf per foot drilled is derived from the ten, fifteen and twenty-five year averages of 588, 576, and 579 Mcf per foot drilled, respectively, utilizing the World Oil footages. The 525 Mcf per foot drilled is derived from the AAPG statistics for the six-year period, 1966–1971.

The Producer studies used productivities of 524, 491, and 395 Mcf per foot drilled. The productivities were determined by calculating annual productivities based upon World Oil footages, converting the annual productivities to five-year moving averages, and adjusting the moving averages upward by five percent for the claimed understatement of the World Oil footages. The productivities of 524, 481, and 395 Mcf per foot drilled are then calculated by averaging the annual productivities for the years 1958 to 1972, 1966 to 1972, and 1968 to 1972, respectively. The Producers state that average historical productivities based upon ten, fifteen, and twenty-five year averages are no longer representative of future projections. The Producers also presented a statistical trend in productivity which tended to show that the average productivity for 1971 to 1975 would be approximately 381 Mcf per foot drilled.[65]

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[59] See Federal Power Commission v. Natural Gas Pipeline Co., 315 U.S. 575 at 585 (1942); Permian Basin Area Rate Cases, 390 U.S. 747, 824 (1968); Placid Oil Co., et al. v. FPC, 483 F. 2d 880 at 890–892.

[60] Columbia Gas Transmission used the Staff cost study in Opinion No. 639 with a productivity of 200 Mcf per foot drilled to reflect its estimate of current costs in the Appalachian Basin Area.

[61] Joint Association Survey of the U.S. Oil & Gas Producing Industry, 1971 JAS, November 1972, Sponsored by American Petroleum Institute, Independent Petroleum Association of America, Mid-Continent Oil & Gas Association. Hereinafter 1971 JAS.

The basic data sources for drilling and natural gas reserve data are the JAS study, the World Oil Annual Forecast-Review issues, the annual report by the American Association of Petroleum Geologists, and the Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada and United States Productive Capacity as of December 31, 1972, Volume 27, May 1973, published jointly by American Gas Association, American Petroleum Institute, and Canadian Petroleum Institute.

These are basic data sources used by the parties to this proceeding, and we shall take official notice of the contents of these reports and comments thereon and identify the sources where necessary.

[62] Excluding Alaskan drilling data has only a minor effect on the cost per foot of drilling. Including Alaskan data increases the cost of Gas and Gas Condensate Wells for 1971 and 1972 to $27.70 and $27.78 per foot respectively; the cost of Dry Holes is increased to $16.02 and $17.28 per foot respectively.

[63] Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada and United States Productive Capacity as of Demceber 31, 1972, Volume 27, May 1973, Published jointly by American Gas Association, American Petroleum Institute, and Canadian Petroleum Institute. Hereinafter 1972 AGA Reserve Study.

[64] E.g., Permian Basin Area Rate Proceeding, 34 FPC 159, 189–192, 377–379 (1965).

[65] See Appendix D of the comments of the Indicated Producer Respondents.

UDC employed productivities of 500 and 350 Mcf per foot drilled. The 500 Mcf per foot productivity is the seven-year average based upon AAPG footage. The 350 Mcf per foot productivity is based upon a four-year average of the same data.

The Public Service Commission for the State of New York states that the Staff's low productivity of 525 Mcf per foot is weighted heavily by the atypical experience of the recent past when there was considerable exploratory and developmental drilling in the offshore Gulf of Mexico areas that has not as yet been reflected in the AGA reserve reports.

The American Public Gas Association stated that the necessary data concerning recent reserve additions are not reflected in the published reports and the extraordinarily low productivity figures for recent years are of no value in estimating the cost of new gas supplies.

In the absence of reliable productivity data for the most recent years, AGD's position is that Staff's productivity estimates should be adopted.

GHK uses the Staff's productivity estimate of 580 Mcf per foot drilled for its deep Anadarko Basin study.

Columbia Gas Transmission uses a productivity estimate to 200 Mcf per foot drilled in its study of the cost of new gas supplies in the Appalachian Illinois Basin Area.

On March 21, 1974, we issued a Staff report which indicates that significant new discoveries of non-associated gas reserves reported by AGA for the Southern Louisiana area for 1971 and 1972 are approximately 1.7 Tcf less than our Staff's estimate for the non-associated natural gas reserve additions for 31 selected leases which were sold in the December 1970 lease sale (Notice of March 21, 1974, Appendix B–1, mimeo, p. 1). While this disparity may be due simply to a reporting lag by AGA (Notice of March 21, 1974, Appendix B–1, mimeo, p. 8), it is also possible that AGA does not have complete access to the subsurface data necessary to estimate new reserve additions for all areas and that its report is less than complete.[66]

The revised Staff cost studies accompanying the March 21, 1974, notice were based upon productivity factors which range from a low of 336 Mcf per foot drilled (average for 1969 through 1972) to a high of 580 Mcf per foot drilled (average for 1947 through 1971). Additional studies were based upon 552 Mcf per foot drilled (ten year average for 1963 through 1972), 559 Mcf per foot drilled (average of the eleven year (1962–1972), sixteen year (1957–1972), and twenty-six year (1947–1972) periods), a six year period ending in 1971 with a productivity of 525 Mcf per foot drilled, and a 485 Mcf per foot drilled productivity for 1966 through 1972.

UDC submitted revised cost studies in response to this notice and utilized productivities of 400 Mcf per foot drilled with projected drilling costs and 350 Mcf per foot drilled with 1972 drilling costs.

In its comments filed with respect to the March 21, 1974, notice in this proceeding, GHK submitted additional deep drilling costs studies based upon productivities of 552, 1,000, 1,200, 1,333, 1,666, and 2,000 Mcf per foot drilled. GHK used both its own drilling cost experience and 1972 JAS cost data to derive its cost studies.

With the exception of UDC and GHK, no parties to this proceeding submitted any mathematical analysis of anticipated future productivity levels in response to the March 31, 1974, notice. The Producers were content to criticize the Staff report indicating a disparity between reserve additions as reported by AGA and the Staff's estimate of the volume of reserves underlying selected leases in the offshore Southern Louisiana area.

While criticism of the Staff report may have been appropriate, the critiques submitted did not rebut the basic finding of the Staff report that there is a disparity between the Staff's reserve study and reserve additions reported by the AGA. Indeed, it seems as though the Producers and the AGA would prefer to ignore the disparity rather than resolving the matter. Representatives of the AGA and certain of the Producer respondents to this proceeding were unwilling to attempt to devise procedures whereby the AGA and Producers would have access to the Staff's data and the Staff would have access to the AGA's data at the conference held in this proceeding on April 16, 1974 (Tr. 9–10, 54–56, 60–62, 69).

It is apparent that the AGA would like to have access to the Staff's data without allowing the Staff to have access to the AGA data. Tr. 9, 54–56, 60–62, 69. We do not believe that that is the proper method for resolving this problem. Both sides must have access to the other's data so that meaningful comparisons can be made by both. Therefore, unless and until the AGA is willing to agree to procedures for the exchange of data, we are compelled to find that the reserve additions as reported by the AGA for 1971 and 1972 are understated by approximately 1.7 Tcf and we shall make the appropriate adjustments to our cost computations.

A different sort of criticism was expressed by UDC. UDC alleged that the Staff's report could not be used to adjust the productivity calculations since the drilling footage required to find and produce these reserves had not yet been reported. The thrust of UDC's agreement regarding drilling footage not being reported is refuted by statements of the AGA representatives at the April 16, 1974, conference (Tr. 53–54) and the filings of the Producers on May 7, 1974.[67] The AGA representatives stated on the record that they were not concerned with drilling footage when they made their annual reserve report.

It is the basic premise of UDC argument that is in error. That premise is that all of the drilling footage associated with the reserves reported for that year is also reported and that there is a correlation between the drilling footage reported in a given year and the reserves reported for that year. While it has been the practice for many years to so calculate an annual productivity, the practice does not refute the Staff's findings that there is a disparity. At best, this argument obfuscates rather than resolves the issue.

Moreover, we find no basis in UDC's comments for calculating an annual productivity for a given year by dividing reserve additions for that year by drilling footage for the prior year. Such a procedure implies that we know for certain that there is a lag between the reporting of drilling footage and reserve additions, and that the lag is exactly one year. We find no data in UDC's comments or any of the other parts of the record of this proceeding that support such an adjustment to the productivity. If there is a lag between the reporting of drilling footage and reserve additions, the most effective manner of resolving the problem is to calculate an average productivity based upon a number of years rather than attempting to guess at the length of the lag.

The Associated Gas Distributors (AGD) would have us compute a productivity factor by using a period of time from 1952 through 1967. AGD alleges that such a calculation is required by the low level of exploration following World War II and the unreliability of reserve data for the most recent five or six years. AGD also lagged drilling footage by two years to reflect the development period associated with new reserve additions. We find no basis for totally disregarding the reported reserve additions for 1968 through 1973, and we have previously indicated our reluctance to lag reserve additions and drilling footage. Thus, there is no reasonably reliable basis for AGD's productivity calculation and we reject the same.

The Staff's report of a disparity in reserve additions reported by the AGA and the comments submitted in response to that report reinforce our conclusions that using only the most recent data on reserve additions in a short time period of four years is unreliable, with or without negative revisions, and should not be the primary basis for our decision in this proceeding. We shall, instead, rely upon reserve additions for the most recent ten year period (1963–1972) to compute the low end of the reasonable cost range and the most recent seven years (1966–1972) to compute the high end of this range.[68]

[66] See Notice of March 21, 1974, mimeo, pp. 3–5; Appendix B–1, mimeo, pp. 4–7.

[67] See "Joint Comments of Indicated Producer Respondents," filed May 7, 1974, Appendix H (pp. 8–9).

[68] In the Permian Basin Area Rate Cases, 390 U.S. 747 (1968), the Supreme Court stated "[t]he Commission's responsibilities necessarily oblige it to give continuing attention to values that may be reflected only imperfectly by producers' costs; a regulatory method that excluded as immaterial all but current or projected costs could not properly serve the consumer interests placed under the Commission's protection." 390 U.S. at 815.

This time span is of sufficient length to insure that a reporting lag or the lack of the information required to make a reserve estimate in any given year will not unduly influence the end result while at the same time giving the requisite consideration to the more recent industry experience in finding new supplies of non-associated and associated natural gas.

There has been a steady decline in reserve additions, and, in turn, productivity in recent years. A significant factor in that decline is the sharp increase in net negative revisions [69] to existing non-associated natural gas reserves that was first reported in 1969 and which has continued to this day.[70] This sharp increase in net negative revisions has decreased the net annual additions to the nation's total natural gas reserves. These net negative revisions also reduce the productivity factor for that year even though the revisions may be adjustments to reserves discovered many years prior to the year in which the revisions are reported. Since the revisions are not reported in a manner which would enable us to determine which, if any, of the reported revisions should be used in computing current costs, we find it necessary to use an average productivity based upon a number of years to reduce the impact of such changes on our cost computations. For example, if revisions are made to reserves discovered in 1940, those revisions will not affect the current cost of finding new gas supplies; however, if revisions are made to reserves discovered and reported during the time span which is used to calculate a productivity factor in this proceeding, those revisions would be material and relevant to our determination of a productivity factor in this proceeding. We conclude, therefore, that the utilization of only the reserve additions for the most recent four or five years to determine a productivity factor for the high side of the reasonable cost range would produce a result that is not within the "zone of reasonableness" and that a seven to ten year time period is the appropriate time period to determine productivity factors to compute the reasonable cost range.[71]

We have weighted our productivity factors for the reasonable cost range in favor of the recent downward trend in productivity to insure that rate derived from the cost of new gas supplies will be sufficient to encourage the exploration for and development of more marginal gas reserves and to account for the fact that the data for past four years seems to indicate that there has been a definite decline in the industry's ability to find sufficient supplies of natural gas for the nation. The Commission has previously recognized that productivity trends would depend upon "whether the 'dwindling resource' effect, or the improved technology will dominate for the future. If the former, productivity over time will decline; if the latter, it may increase." [72] While one or two years of low productivity would not be indicative of the "dwindling resource effect", the data for the past four years shows not only an increase in negative revisions but also a decline in the other components of the total reserve additions. There are, however, indications that the bleak picture with respect to the reserve additions for the most recent years may not be as hopeless as the reported data would indicate. Appendix B–1 to the March 21, 1974, notice in this proceeding indicates that the reported reserve additions for 1971 and 1972 may be understated by 1.7 Tcf or more. This indicated understatement may be even greater when one considers that the 1.7 Tcf disparity is based upon the difference between the Bureau of Natural Gas's estimate of nonassociated natural gas reserve additions for 1971 and 1972 with respect to 31 selected leases and AGA's estimate of significant new discoveries for 1971 and 1972 in the Offshore Southern Louisiana area.

The 1.7 Tcf disparity reported by our Staff for 1971 and 1972 is to be contrasted with reserve additions for 1973 which were the lowest ever reported by the AGA. Again, as is the case for most of the recent years, the low level of the additions was in part due to net negative revisions.[73] Other components of the total reserve additions were also at fairly low levels indicating a continuation of the trends observed in recent years.

The year-to-year variation in the productivity series over the 1947–1972 period is illustrated in Chart I. In addition to the actual annual data, represented by solid line on the chart, we show a second series, represented by the broken line, which is calculated from the 3-year moving averages of footage drilled and reserves added. The use of moving averages helps to correct for the known time lag between drilling and discovery of reserves. Even though the second series is less volatile than the first, it also indicates substantial cyclical variations. It is especially significant that the date prior to 1969 do not show any consistent upward or downward trend in productivity. There was a strong upward trend from 1960 to 1966 and an even sharper decline thereafter.[74]

Because of the observed instability in year-to-year productivity, the use of short-run productivity data would incur the risk of injecting comparable instability in our rate determinations. For example, if in an earlier period we had used the years 1960–1963, our rate determination would have been based on an average productivity of 509 Mcf per foot drilled. If we had then reviewed the rate 4 years later, using the 1964–1967 period, the rate would have been based on 712 Mcf. The increase between the two 4-year periods would have required a substantial downward revision in the rate. Updating to the next 4 years, 1968–1971, would have resulted in a large upward revision in the prescribed rate, since the 1968–1971 productivity was 458 Mcf per foot drilled. We believe that the rate instability that would follow from rates based on short-run productivity would have an adverse effect on future gas supply.

[69] Revisions to existing natural gas reserves may be positive or negative. The revisions for fields in a state or sub-area of a state are summed to arrive at a net revision for that sub-area or state. In turn, the revisions for all states are summed to arrive at the total revisions for the year. It is this figure which may be a net positive or a net negative figure, that is reported by the AGA as the annual revisions. See Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas In The United States And Canada And United States Productive Capacity As Of December 31, 1972, Volume 27, Published jointly by the American Gas Association, American Petroleum Institute, and the Canadian Petroleum Institute (May 1973).

[70] Appendix A. Revisions and Extensions were first reported as separate classifications by AGA in 1966 so it is impossible to determine a trend in revisions over any significant time span.

[71] Accord, Permian Basin Area Rate Cases, 390 U.S. 747, 815 (1968).

[72] Area Rate Proceeding, et al. (Southern Louisiana), 46 F.P.C. 86, 130 (1971).

[73] See n. 33, *supra* p. 23. The net negative revisions reported in 1973 totaled 5.3 Tcf.

[74] See also, Appendix C (Schedule 2, Sheet 2 of 3).

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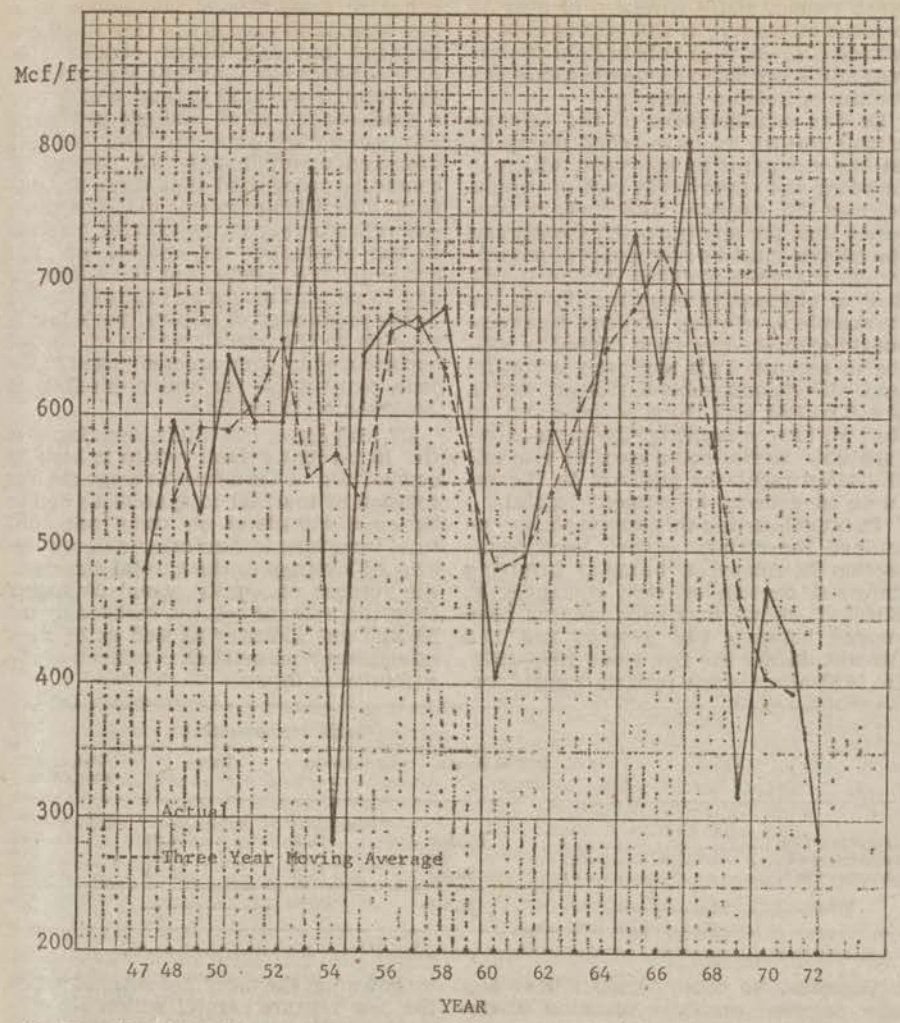
CHART I
NON-ASSOCIATED GAS RESERVES ADDITIONS PER FOOT DRILLED
IN WELLS PRODUCTIVE OF GAS AND CONDENSATE
UNITED STATES EXCLUDING ALASKA, 1947 - 1972



On the other hand, we cannot be confident of an early reversal of the recent years of exceptionally low productivity, even though it has no previous parallel in the industry's history. So that the latest results may be reflected in the rate determined herein while, at the same time, insuring that any given year will not unduly influence the end result, data for the past seven years (1966–1972, inclusive) and AAPG drilling footage have been utilized to determine the productivity for the high cost estimate, and a ten year period (1963–1972, inclusive) and World Oil drilling footages have been used to compute the productivity for the low cost estimate.[75] The productivities determined by these methods are 485 Mcf per foot drilled and 552 Mcf per foot drilled, respectively.[76] Adjustment of these productivities to account for the disparity of 1.7 Tcf reported in our notice of March 21, 1974, in this proceeding yields a productivity factor of 559 Mcf per foot drilled for the low side productivity factor. The high side productivity factor is 494 Mcf per foot drilled based upon reserve additions for seven years and AAPG drilling footages.

Rates based upon a productivity factor range of 485 Mcf per foot to 559 Mcf per foot provide an incentive to producers to develop more marginal prospects that were formerly passed over as uneconomical. A lowering of productivity increases the rate allowed for new gas supplies which, in turn, makes higher cost developments more attractive and helps offset the higher unit costs associated with gas supplies produced from reservoirs evidencing a low productivity. If we are to reduce the existing gap between the supply of natural gas and the reasonable demand for natural gas, all reservoirs practicably capable of producing commercial quantities of natural gas, not just the most prolific, must be found and developed. Thus, our estimated cost must reflect the inclusion of these less prolific reserves, and the limits of the productivity range must be adjusted accordingly.

The productivity chosen can also serve an eliciting function. Lowering the productivity changes the mix of reserve additions by recognizing the less prolific reserves as a greater portion of the total gas supply. Increasing the productivity has the converse effect of excluding the less prolific reserves from the total mix. In a time of gas shortages, it is neither reasonable nor provident to maintain a high productivity which has the resulting effect of discouraging the development of less prolific reserves. Indeed, it is doubted that the development of the less prolific reserves should be discouraged under any conditions of gas undersupply or oversupply. The most appropriate means of encouraging the development of the less prolific and more costly reservoirs is to decrease the productivity factor so as to reflect the inclusion of the reservoirs in the total mix of reservoirs used to compute the productivity factor.

Thus, we have concluded that a productivity range of 485 Mcf per foot to 559 Mcf per foot may be used to calculate the estimated cost of new natural gas supplies in this proceeding.[77] We find that the productivity level which should be realized in the period of 1973 to 1975 is within this reasonable range of productivities.

c. *Rate of return.* All parties submitting cost studies in response to the notice of rulemaking issued on April 11, 1973, utilized a 15 percent rate of return.[78] The Producers argued that 15 percent is not "adequate to compensate for the risk of exploration and production."[79] The Producers' comment that 15 percent was not "adequate" was not supported by any data in support of a higher rate of return beyond reference to the testimony of Dr. Ezra Solomon in Docket No. AR69–1.

In response to our notice of March 21, 1974, the Producers submitted comments of Dr. Ezra Solomon and Mr. Kenneth E. Hill which recommended a 15 to 18 percent rate of return computed on a discounted cash flow basis (DCF) after estimated Federal income taxes and based upon "full cost accounting."[80] UDC submitted comments utilizing an 18 percent rate of return; no basis for the 18 percent rate of return was set forth in UDC's comments. GHK in its reply comments suggested up to a 33 percent rate of return for super deep drilling because

[75] See Appendix C, Schedule 2, Sheet 3 of 3 for the productivity computations.

[76] See Appendix C (Schedule No. 1, Sheet 1) for the effect of productivity on the range of estimated new gas costs.

[77] For purposes of the component by component cost analysis, we shall use the unadjusted AGA reserve additions and simply summarize the cost results for the adjusted reserve additions.

[78] UDC used a 16 percent rate of return for its high cost estimate.

[79] Indicated Producer Response, Appendix B, p. 3.

[80] Comments of Indicated Producer Respondents, filed May 7, 1974, Appendices A and B.

of the high costs and risks associated with such drilling.[81]

The rate of return allowed in the various area rate proceedings has increased over the years as the result of changing economic conditions. A 12 percent rate of return was found to be adequate in the first two area rate opinions.[82] The higher cost of capital and the need for additional incentives to encourage greater investment in exploration and development programs resulted in a 15 percent rate of return being allowed in the most recent area rate opinions. See n. 84, infra.[83]

The 15 percent rate of return was approved in the most recent area rate proceedings as within a zone of "reasonableness" and as being "just and reasonable."[84]

Current data (See Appendix E) indicate that the permissible "zone of reasonableness" for the rate of return ranges from 12 percent to 15 percent with the high end of the range the most appropriate level for utilization in this decision. FPC v. Natural Gas Pipeline Co., 315 U.S. 575, 585 (1942). The high level of the permissible zone is selected because it provides the extra incentive needed to stimulate increased exploration and development activity. Upon careful consideration of all issues pertaining to the appropriate level for the rate of return (i.e., capital requirements, comparable earnings of other investments with commensurate risk, and gas supply and demand), we find that the high level of the reasonable range for the rate of return (15 percent) should be adopted in this decision.

We find no reliable evidence supporting a rate of return greater than 15 percent. This rate of return compares favorably with the returns earned by other extractive industries, utility companies, industrial concerns, and the overall earnings of large integrated producers and the predominately pure producer. These integrated oil and gas companies exhibit many of the same characteristics of the pure producer and have many of the same risks. Thus, we find 15 percent to be a generous rate of return using comparable earnings as a guide. Bluefield Water Works & Improvement Co. v. Public Service Commission of West Virginia, 262 U.S. 697 (1923); FPC v. Hope Natural Gas Company, 320 U.S. 591 (1944).

The question at issue is whether the 15 percent rate of return on total investment (which yields a return of over 17 percent on equity) is still appropriate in setting a nationwide rate in light of current and prospective economic conditions for the petroleum industry.

In our consideration of the fairness of this return, we have relied primarily on the comparative approach which is based on the opportunity cost of capital concept. In essence, this concept professes that for any potential investment the capital must be compensated according to the risks involved or else it will flow to alternative opportunities in the marketplace offering returns commensurate with the risk such capital is willing to assume. This approach is consistent with "comparable earnings" test in the Bluefield and Hope cases, supra, in that we have considered the rates of return new capital could earn in alternative investments in addition to the returns on average investment capital.

In implementing this approach, we examined the returns earned by a cross-section of American industry involving different degrees of risk. Appendix E, Sheet, 1, shows that such returns have ranged between 10.8 percent and 11.6 percent during the five years 1968–1972. In 1972 alone, such returns ranged between 4.3 percent and 17.7 percent and averaged 10.3 percent, as shown on Sheet 2 of Appendix E.

Furthermore, we appraised the returns realized on total capital by oil companies, primarily integrated oil companies, since few companies except the very small enterprises are any longer strictly producers. Sheet 3 of Appendix E shows that the returns on total capital realized by a cross-section of oil and gas producing companies during the year 1971 and 1972 averaged approximately 8.5 percent. It should be recognized that there are difficult allocation problems in determining the relative returns on capital invested in the production of natural gas and crude oil. We believe that the allowance of a 15 percent return on capital invested in the production of natural gas is fair in relation to the overall return on capital experienced by companies engaged in the joint exploration for and production of natural gas and crude oil.

By and large, our study revealed that the 15 percent overall return is high by comparison to the actual average returns realized by most oil companies as well as by most industries on their combined total investment. Similarly, with any degree of leverage in the capital structure, the returns on equity would be higher than the average returns realized by the oil and gas industry as well as by most other industries on their combined equity capital as follows:

	Capital structure—1972 [1]			
	Million dollars	Capital ratios	Costs	Weighted component
		(Percent)	(Percent)	(Percent)
Long-term debt	$21,858	23.35	6.25	1.46
Preferred stock	404	.43	6.00	.26
Common equity	71,352	76.22	17.42	13.28
Total	93,614	100.00		15.00

[1] Source: Financial analysis of a group of petroleum companies—a Chase Manhattan Bank study.

However, we must consider that any new external capital committed to the exploration and production of natural gas will be acquired at the higher incremental rates presently prevailing thus reducing the benefits of leverage. For example, if in the capital structure above the embedded costs for debt and preferred stock were replaced by recent costs for debt and preferred stock the return on equity would drop to 16.70 percent from 17.42 percent.

Even though this 15 percent return on total capital as well as the equity returns under it are higher than the actual average returns realized by most industries, it may be conservative by comparison to the marginal returns demanded by business on new venture capital. Indeed, in appraising the fairness of the 15 percent return on the risk capital committed to the production of natural gas, it is far more meaningful to compare it with the returns necessary to attract new venture capital, rather than with the average established returns on combined total investment which involves a lower degree of risk. We have, however, no way of determining the marginal rates of return for new venture capital which are considered the minimum return which must be earned by a new project before funds will be invested. In this respect, we note that the 15 percent rate of return allowed by this order is approximately double the average rate of return earned on total investment capital by a cross-section of the integrated petroleum companies for 1971 and 1972 (Appendix E, Sheet 5). The 15 percent rate of return is also several percentage points higher than the rate of returns earned on average total capital for a number of industrial groups as shown on Sheet 1 of Appendix E. Thus, we find that a 15 percent rate of return is sufficient to attract new capital to natural gas exploration and development for the interstate market.

On that premise, it is our judgment that the 15 percent return is the appropriate incentive rate required to attract the high risk capital to finance the exploration, development, and production programs which must be undertaken to produce the new natural gas supplies necessary to fulfill the existing and future interstate demand.

[81] Because of our disposition of the question of additional cost allowances of super deep drilling (Super deep wells is a term used to refer to wells with a total depth in excess of 15,000 feet.), we do not find it necessary to consider GHK's rate of return recommendations at this time.

[82] Area Rate Proceeding, et al. (Permian Basin), 34 F.P.C. 159, 204 (1965); Area Rate Proceeding, et al. (Southern Louisiana Area), 40 F.P.C. 530, 7576 (1968).

[83] The rates approved for the Other Southwest Area track the rates approved in Southern Louisiana II and Texas Gulf Coast which were based upon a 15 percent rate of return Area Rate Proceeding, et al. (Other Southwest Area), 46 F.P.C. 900 (1971).

[84] 45 F.P.C. 674, 698–9; 46 F.P.C. 86, 131; Area Rate Proceeding, et al. (Other South-II), Docket No. AR70–1 (Phase I), Initial Decision, mimeo, pp. 31–32.

d. *The rate base.* This Commission's traditional costing methodology capitalizes the "successful well costs" and expenses the "unsuccessful well costs." [85] This procedure which has been followed since the first *Permian* decision [86] has become the subject of considerable questioning by a number of natural gas producers recently, who have urged the Commission to provide a return on the "unsuccessful well costs" under the principles of "full cost accounting." (These principles have also been referred to as a "return on dry hole costs.") [87]

In response to the questions which have been raised concerning our policy of allowing a return only with respect to the "successful well costs" and the need to resolve the issue uniformly rather than on a case-by-case basis, we asked, in our notice of March 21, 1974, whether the principles of full cost accounting should be applied to producer ratemaking or whether the "unsuccessful well costs" should continue to be treated as current expenses for ratemaking purposes. We further raised the question as to the rate of return which would appropriate if full cost accounting were utilized to determine producer rates.[88]

A majority of parties to the rulemaking submitting comments in response to the March 21, 1974, notice on these questions urged that the principles of full cost accounting be adopted in establishing the national rate for natural gas sold in interstate commerce.[89] The parties urging the adoption of full cost accounting were not all in agreement as to the application of full cost accounting. Some parties urged that the rate of return would have to be adjusted downward to reflect the increased rate base,[90] while others opposed such a procedure.[91] The Associated Gas Distributors (AGD) suggested that a rate of return equal to one-half of the return allowed on "successful well costs" be allowed for "unsuccessful well costs."

Several parties (the Pennzoil Companies and Tenneco Oil Company) cited Order No. 440 [92] in support of their arguments for the adoption of full cost accounting as a ratemaking principle. Such arguments are not compelling since the parties fail to consider and apply the limitations which we set forth in Order Nos. 440 and 440–A. In Order No. 440, we required natural gas pipeline companies subject to the jurisdiction of this Commission to capitalize and write-off over the lives of the productive wells all exploration and development costs incurred with respect to leases acquired on or after October 8, 1969. Full cost accounting was adopted as an accounting method because we believed that it would better match revenues and expenses for accounting reporting purposes.[93] For ratemaking purposes, however, we clearly stated in Order No. 440–A [94] that the pipeline companies required to adopt full cost accounting would not receive the applicable area rate for their natural gas production as provided in the Pipeline Area Rate Proceeding [95] and, in addition thereto, receive a return on the costs associated with leases acquired on or after October 8, 1969. Thus, it is clear that Order Nos. 440 and 440–A merely provide for the adoption of full cost accounting as a superior accounting method and not as a ratemaking principle.

There is, however, an even more serious deficiency in the argument that Order No. 440 supports or requires the adoption of full cost accounting in this proceeding. That deficiency is the failure to provide a procedure whereby the capitalized unsuccessful costs may be written-down if they exceed the value of the reserves discovered. The accounting prescribed in Order No. 440 included the unsuccessful costs in the plant accounts, but provided that such costs, after a reasonable time, must not exceed the net realizable value of the recoverable reserves.

In Order No. 440–A [96] and in Order No. 468,[97] we required pipelines which are accumulating costs on leases acquired after October 7, 1969, to periodically write down the net book value of the capitalized plant if it is determined that the net realizable value of the reserves underlying the subject leases is less than the net book value. There are no comparable procedures advanced by the Pennzoil Companies or Tenneco Oil Company. For this reason, and because of the nature of the costs, i.e., "unsuccessful," we are reluctant to treat the unsuccessful costs as investments upon which a return should be allowed. The effect of allowing such a return would be an overstatement of investment base used in computing the return on investment component and the allowance of an excessive rate of return as well as excessive rates.

The fundamental issue, however, seems to be: Should we alter the traditional costing methodology used to establish natural gas rates because of a change in an accounting procedure? We answer the question in the negative. Our basic costing approaches were adopted many years before we adopted full-cost accounting in our Uniform System of Accounts for Natural Gas Companies. The fact that some companies account for unsuccessful costs under the full-cost concept does not lead us to the conclusion that we should alter our basic cost determinations and treat unsuccessful costs as part of the investment base to which a rate of return is applied. The net effect of changing our costing methodology to reflect full-cost accounting would be to increase the return component of the national rate without any change in the cash outlays required by producers or any change in the risks associated with their investments. Such a procedure could only result in producer profits which are higher than those we have consistently found to be just and reasonable on the basis of traditional costing methodology.

Natural gas producers, unlike public utilities, are not regulated on the basis

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[85] The term "successful well costs" is used to refer to the costs of successful wells, recompletions and deeper drilling, lease acquisitions, and other production facilities, and the term "unsuccessful well costs" is used to refer to the costs of dry holes, other exploration, and exploration overhead.

[86] 34 F. P. C. 159, 191 (1968).

[87] The Pennzoil Companies (Pennzoil Company, Pennzoil Producing Company, Pennzoil Offshore Gas Operations, Inc. (POGO), and Pennzoil Louisiana and Texas Offshore, Inc. (PLATO)) urged the Commission to provide such a return in their comments filed in this proceeding on May 16, 1973, and June 1, 1973. The issue of full cost accounting has also been raised in a number of our optional pricing cases: Barber Oil Exploration, Inc., et al., Docket No. CI74–199, et al.; C&K Offshore Company (Operator), et al., Docket No. CI74–434; Pennzoil Producing Company and Midwest Oil Corporation, Docket Nos. CI72–321 and CI73–755; Pennzoil Producing Company, Docket No. CI74–244; Pennzoil Company, Docket No. CI74–253; Pennzoil Producing Company, Docket No. CI74–272; Pennzoil Company and Anadarko Production Company, Docket Nos. CI74–264 and CI74–408; The Rodman Corporation, Docket No. CI73–694; Tenneco Oil Company, Docket No. CI74–132; Tenneco Oil Company, Docket No. CI74–301; Texaco Inc., et al., Docket No. CI74–82, et al.

[88] Notice of March 21, 1974, mimeo p. 5, 39 F.R. 11310 (1974).

[89] A vast majority of the parties urging the adoption of full cost accounting were natural gas producers. The Indicated Producer Respondents, the Pennzoil Companies, The Rodman Corporation, Tenneco Oil Company, and Texasgulf, Inc., submitted such comments. Columbia Gas Transmission Corporation, the United Distribution Companies, General Motors Corporation, and Arthur Anderson & Co. supported the adoption of full cost accounting.

Northern Natural Gas Company, The Public Service Commission of the State of New York, and the American Public Gas Association opposed the adoption of full cost accounting.

[90] New York and APGA opposed the adoption of full cost accounting on this basis.

[91] Those opposing such a reduction were the Producers and other parties urging the adoption of full cost accounting.

[92] Revisions In Uniform Systems Of Accounts For Natural Gas Companies (Classes A, B, C, and D) And Annual Report Form No. 2 To Adopt Full-Cost Accounting For Exploration And Development Costs Incurred By Pipeline Companies On Natural Gas Leases Acquired On Or After October 8, 1969, Docket No. R–403, Order No. 440, 46 F.P.C. 1148 (1971), Order No. 440–A, 47 F.P.C. 39 (1972).

[93] 46 F.P.C. 1148, 1150 (1971).

[94] 47 F.P.C. 39 (1972).

[95] Pipeline Production Area Rate Proceeding (Phase I), 42 F.P.C. 738, as amended, 42 F.P.C. 1089 (1972), affirmed, City of Chicago v. F.P.C., 147 U.S. App. D.C. 312, 458 F. 2d 731 (D.C. Cir. 1971), cert. denied, 405 U.S. 1074 (1972).

[96] 47 F.P.C. 39, 41–42 (1972).

[97] Revisions In Uniform System Of Accounts, For Natural Gas Companies (Classes A, B, C, and D) And Annual Report Form No. 2 To Provide That The Determination Of Natural Gas Reserves On Acreage Acquired After October 7, 1969, Shall Be Made And Attested To By Independent Appraisers, To Disclose The Net Realizable Value And Related Costs Of Hydrocarbon Reserves, And To Eliminate An Allowance For Equity Funds On Exploration And Development Expenditures Incurred On Or Related To Acreage Acquired After October 7, 1969, 49 F.P.C. 219, 220–221 (1973).

of a return on their entire investment committed to the enterprise.

> Producers of natural gas cannot usefully be classed as public utilities. They enjoy no franchises or guaranteed areas of service. They are intensely competitive vendors of a wasting commodity they have acquired only by costly and often unrewarded search. Their unit costs may rise or decline with the vagaries of fortune. The value to the public of the services they perform is measured by the quantity and character of the natural gas they produce, and not by the resources they have expended in its search; the Commission and the consumer alike are concerned principally with "what [the producer] gets out of the ground, not * * * what he puts into it * * *" *FPC* v. *Hope Natural Gas Co.*, 320 U.S. 591, 649 (separate opinion).
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> Permian Basin Area Rate Cases, 390 U.S. 747, 756–757 (1968) (footnote omitted).

The adoption of full cost accounting (or "return on dry hole costs") would drastically reduce the risks involved in the exploration for and production of natural gas and place the Commission in the position of being a guarantor. Production is not riskless and cannot be regulated as such. If producers are to be regulated as public utilities, they should be regulated as such on a company-by-company basis.

As a minimum, the utilization of full cost accounting (or "return on dry hole costs") would require a reduction in the allowable rate of return since the increase in the investment base upon which a return is allowed is drastically increased. This increase in the investment base results in a much lower investment risk which must be considered in determining the appropriate rate of return which is commensurate with the risk of the enterprise. Under the comparable earnings principles, allowance of the same rate with the utilization of full cost accounting as is allowed under our traditional costing methodology would result in an exorbitant return to natural gas producers. See Bluefield Water Works & Improvement Co. v. Public Service Commission of West Virginia, 262 U.S. 697 (1923); FPC v. Hope Natural Gas Company, 320 U.S. 591 (1944).

e. *Investment life.* The average investment life estimates used by the various parties range from nine years to twelve years with the average around 10.5 years. The Commission has determined that a range of 9 to 10.5 years represents the most reasonable allowance for the investment life in light of declining depletion periods and the nation's needs for additional supplies of natural gas.

The Staff recommended an average investment life of nine (9) years including lag time. IPR utilized 11.5 years, and UDC used nine (9) and eleven (11) years. Our recent area rate decisions have utilized either 10.5 years or 11 years [98] as the appropriate investment life including a time lag between the commitment of funds to acquire the necessary leases and the commencement of revenues at a later date.

We adopt Staff's average investment life of nine (9) years as the basis for determining the depletion period for the range of reasonable costs. See, Appendix C (Schedule No. 1 Sheet 2) for our cost analysis based upon a nine year investment life. We are of the opinion, however, that Staff's estimated investment life is understated as a basis for determining reasonable costs. To determine the investment life for the range of reasonable costs, we start with an average depletion period of eighteen (18) years; this yields a depletion period of nine (9) years to be included in the investment life. To this we add a lag period of 1.5 years, See, Area Rate Proceeding, et al. (Southern Louisiana Area), 46 F.P.C. 86, 131 (1971). The investment life for the range of reasonable costs is found to be 10.5 years from the foregoing.

Our analysis of depletion rates indicates that the nation's present needs for additional supplies of natural gas have caused reservoirs to be depleted at greater rates than in the past. Thus, the twenty (20) year depletion which was the basis for the 11 year investment life in the first Permian Basin Area Rate Proceeding, 34 F.P.C. 159 (1965), is no longer appropriate. Furthermore, the use of an eighteen (18) year depletion period might cause this factor to be somewhat overstated. However, the present natural gas shortage requires additional exploration and development programs be undertaken and that reasonable incentives be allowed to encourage the commencement of additional exploratory activity. After consideration of these factors, we believe that the eighteen (18) year depletion period is reasonable and it will be utilized by the Commission to determine the reasonable range for the investment life.

f. *Federal income taxes.* In their initial and reply comments filed on May 16, 1973, and June 1, 1973, the Pennzoil Companies urged the Commission to provide an allowance for Federal income taxes based upon hypothetical tax calculations. Similar presentations were made by the Major Producer Group, The Pennzoil Companies, the Rodman Corporation, Tenneco Oil Company, Texasgulf, Inc. in comments filed on May 7, 1974. Mobile Oil Corporation argued that a Federal income tax allowance would be required at the rates generated by its "discounted cash flow" methodology in comments filed on May 29, 1974. Also, in comments filed on May 29, 1974, Texaco, Inc. alleged that a Federal income tax liability would be generated by the rates computed using Texaco's discount cash flow methodology. We are of the opinion that these presentations do not provide a proper basis for computing the Federal income tax component; however, we shall allow any natural gas producer subject to the jurisdiction of this Commission to establish that their particular circumstances require the grant of special relief in the form of an allowance for Federal income taxes. Persons making such a presentation will be required to introduce into evidence copies of their Federal income tax returns and such supporting schedules as are necessary to permit the Commission to determine the appropriate amount of a Federal income tax allowance, if any.[99]

We find ourselves in agreement with the comments filed by the Associated Gas Distributors (AGD) on May 29, 1974, wherein AGD states that a claim for Federal income taxes should not be considered in the absence of "actual data from the producers' income tax returns, which the producers have been unwilling to provide in" this proceeding. AGD comments of May 29, 1974, p. 7. Contrary to the arguments of some parties,[100] Federal income tax returns are important in the determination of the appropriate Federal income tax allowance for the jurisdictional natural gas operations of a producer seeking such an allowance. The findings on the Federal income tax arguments advanced by the producers in the first Southern Louisiana Area Rate proceeding are appropriate here:

> With respect to income taxes, in order to make a finding that the industry as a whole pays taxes, it is essential in the first instance that we have for analysis a reasonably representative group of income tax returns of the corporate and individual entities constituting the industry. The producers have not chosen to come forward with such a group of income tax returns for the record. Without such returns available to us, we cannot begin the required analysis which will establish the extent of the industry's tax liability if any, in the light of the provisions of the revenue laws which would reduce or eliminate the tax liability. Obviously, evidence in the record that some of the companies or individuals may pay a tax will not suffice. Such evidence does not support a finding that the industry as a whole pays a tax on its gas

[98] A 10.5 year investment life was utilized in Area Rate Proceeding (Texas Gulf Coast Area), 45 F.P.C. 674 (1971); Area Rate Proceeding (Southern Louisiana Area), 46 F.P.C. 86 (1971); and Area Rate Proceeding (Other Southwest Area), 46 F.P.C. 900 (1971). In Area Rate Proceeding (Premain Basis Area), Docket No. AR70–1 (Phase I), 50 F.P.C. ____ (issued August 7, 1973), the Commission adopted the Presiding Administrative Law Judge's cost findings which were based upon an 11 year investment life.

[99] See 26 CFR 1.611–2(g), 1.613–6; Treas. Reg. § 1.611–2(g), T.D. 6446, 1960–1 Cum. Bull. 208, amended T.D. 6938, 1968–; I.R.B. 25, and amended T.D. 7170, 1972–17 I.R.B. 12; and Treas. Reg. § 1.613–6, T.D. 6446, 1960–1 Cum. Bull. 208 amended T.D. 7170, 1972–17 I.R.B. 12; for the supporting schedules to accompany the Federal income tax returns where the petition for special relief is sought because of Federal income taxes payable.

[100] See comments of the Pennzoil Companies (p. 6) filed May 7, 1974; comments of Tenneco Oil Company (pp. 6–7) filed May 7, 1974.

production operations. Consequently, in view of the lack of record support, we are constrained to find no basis for a determination that a tax liability exists.

Area Rate Proceeding (Southern Louisiana Area) et al., 40 F.P.C. 530, 585–586 (1968), affirmed Austral Oil Company, et al. v. FPC, 428 F. 2d 407, reh. denied, 444 F. 2d 125, cert denied, 400 U.S. 950 (1970).

Our decision in Florida Gas Transmission Company [101] is consistent with the above position. In that proceeding we held that the rates of a regulated pipeline were not to be reduced because a non-regulated affiliate had a tax loss in the test year. Likewise, in this proceeding, we seek to insure that the income tax allowance will be based upon the revenues and deductions generated by the exploration for, production of, and sale of natural gas in interstate commerce. To the extent that taxes are reduced or a net tax benefit arises from the exploration for and subsequent sale of natural gas in interstate commerce, the rates allowed for the sale of such gas should be adjusted accordingly.

We believe that there is a potential for Federal Income Tax liability for producers and some producers may be paying taxes; however, under current tax laws, if producers maintain a sufficiently active exploration effort the payment of taxes can be postponed indefinitely into the future. The provisions of the tax laws are such that substantial tax deductions result from producer operations prior to the period that production begins. As indicated in the comments of some of the parties, such tax deductions relate to expensing a portion of exploration expenditures for tax purposes; writing off a portion of lease acquisition expenditures when the leases prove unproductive; expensing 100 percent of the dry holes in the year drilled; writing off the intangible drilling cost portion of the cost of successful wells, and, additionally, the producers generate certain investment tax credits.[102] Upon commencement of production, the producer has statutory depletion available for tax deduction as well as operating expenses and other deductions.[103]

Upon careful consideration of the various comments filed, the parties' attempts to determine an income tax allowance on a cents per Mcf basis, we find that some correlation between the provisions of the Internal Revenue Code and the cents per Mcf analysis must be presented.

Since any analysis of the need for a Federal income tax allowance must be based upon the relationship between the timing of expenditures and revenues from a particular property, such an allowance cannot be adopted as part of the national rate without an investigation of the tax returns of a representative group of producers. In cases where an individual producer or group of producers seeks special relief because of Federal income taxes payable, we shall require the producer or producers to submit the appropriate tax returns for our consideration. We realize that there may be some difficulty in separating jurisdictional expenditures from non-jurisdictional expenditures, but that is a difficulty which must be accommodated.

Thus, in view of the record available to us, we find that a cost component for Federal Income Taxes should not be included in the national rate. However, we shall consider petitions for extraordinary relief where a producer can affirmatively show that his overall natural gas operations result in the actual payment of Federal Income Taxes.

g. *Cost of new gas*—(1) *Successful well costs.* Successful well costs are calculated by dividing the drilling cost per foot of successful gas wells for a given year (1972 for this decision) by the non-associated gas reserves added per foot drilled over a number of years (Mcf per foot).

The estimates of successful well costs ranged from 4.77 cents per Mcf (Staff's low estimate) to 8.71 cents per Mcf (UDC's high estimate).[104] This range is due primarily to the various parties using different productivities in their cost studies and trending of the 1971 JAS costs for inflation by the Producers and UDC. Restating the cost data and productivities to the bases already adopted by the Commission shows that there would be small differences between the estimates of the parties.

Successful well costs are found to range from 4.99 to 5.68 cents per Mcf based upon 1972 JAS cost data ($27.54 per foot) and productivities equal to 559 and 485 Mcf per foot.[105]

A range of successful well costs of 4.99 to 5.68 cents per Mcf is found to be just and reasonable.

(2) *Recompletion and deeper drilling.* All parties submitting cost studies adopted 0.20 cents per Mcf as an adequate allowance for the cost of reentering an old well for a recompletion, drilling deeper, or redrilling.

This component was first adopted as a separate part of the cost matrix in the second Permian Basin proceeding.[106] This cost element was first determined to be approximately three to five percent of successful well costs from the responses to the AR69–1 Questionnaire. See Area Rate Proceeding, et al. (Southern Louisiana Area), 46 F.P.C. 86, 131 (1971), for a discussion of this component. This cost is not included in the JAS drilling costs and was derived as a percent of total gas well drilling costs from the responses to the AR69–1 Questionnaire.

As there is no major dispute over the allowance for recompletions and deeper drilling, the Commission will adopt the 0.20 cents per Mcf which was used by all parties submitting cost studies.

(3) *Lease acquisition costs.* The lease acquisition cost component is calculated by multiplying the successful well cost by the ratio of national lease acquisition costs divided by national successful well costs.

Staff determined that the ratio to be applied to the successful well costs is 0.6112 based upon JAS data for 1967 to 1971. UDC accepted this ratio. The Producers calculated a ratio of 0.803 utilizing both JAS and Chase Manhattan Bank data. The Producers then adjusted this ratio upward to 0.937 to reflect their contention that proportionately more of the national lease acquisition costs are incurred by gas leases as compared to oil leases.

Our examination of the method used by the Producers to calculate lease acquisition costs convinces us that it overstates the appropriate allowance for lease acquisition costs and unnecessarily complicates the determination of this component of the cost model. A significant deviation between the method used by Staff and UDC and the method used by the Producers is the allocation of a thirty percent higher ratio of leasehold to drilling costs for gas then for oil leases by the Producers. This thirty percent factor is not derived by the Producers nor supported by any evidence or data in the IPR presentation. We will, therefore, accept the methodology utilized by Staff and UDC to calculate lease acquisition costs.

These computations of lease acquisition costs yield a range of 2.92 cents per Mcf (Staff's low estimate) to 7.09 cents per Mcf (Producer's high estimate). Staff's straight line relationship between lease acquisition costs and successful well costs is accepted.

Because JAS data for 1972 have been reported since the notice of rulemaking was issued in this proceeding and the various parties submitted their cost studies, the Commission has updated Staff's straight line relationship between lease acquisition costs and successful well costs to account for 1972 lease acquisition costs as reported by JAS. As shown in Appendix C (Schedule No. 3), the ratio of lease acquisition costs to successful well costs for 1967 to 1972 inclusive is 0.6740. Application of this ratio to the successful well costs of 4.99 and 5.68 cents per Mcf yields a lease acquisition cost range of 3.36 to 3.83 cents per Mcf.

Restating the UDC and the Producer calculations to the same data base used in Appendix C of this decision we find that UDC's lease acquisition costs are

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[101] 47 F.P.C. 341 (1972), reh. denied, 49 F.P.C. 261 (1973), appeal pending sub nom. Sun Oil Co. v. FPC, Nos. 73–1203 and 73–1413 (D.C. Cir., filed February 27, 1973).

[102] See Internal Revenue Code of 1954, 38, 46–50, 263(c); Treas. Regs. § 1.612–4 (26 CFR 1.612–4).

[103] Internal Revenue Code of 1954, 162, 164, 611–614.

[104] Successful well costs and other components of the GHK and Columbia Gas Transmission studies will not be considered in this general discussion of the cost of new natural gas supplies since they are specialized studies directed to cost of new gas supplies in certain specific areas (the Deep Anadarko Basin and the Appalachian Illinois Basin Area).

[105] Inclusion of Alaskan drilling data and reserve additions would yield a successful well cost of 5.51 cents per Mcf based upon the most recent seven-year period.

[106] *Area Rate Proceeding (Permian Basin Area)*, Docket No. AR70–1 (Phase I), Opinion No. 662, 50 F.P.C. —— (issued August 7, 1973); see the *Initial Decision, mimeo* p. 37.

3.36 to 3.83 cents per Mcf. Staff's lease acquisition costs are 3.36 to 3.83 cents per Mcf, and the Producer's lease acquisition costs are 4.61 to 5.32 cents per Mcf. The difference between the costs calculated by Staff and UDC and the costs calculated by the Producers is the higher allocation of costs to gas leases adopted by the Producers.

The Commission finds that a range of lease acquisition costs 3.36 to 3.83 cents per Mcf should be adopted in this decision.

(4) *Other production facilities.* The other production facilities cost component is calculated by multiplying the successful well cost by the ratio of national other production facilities costs divided by national successful well costs. The ratio of national other production facilities to national successful well costs is calculated by adding the cost of other production facilities to the cost of production overhead investment on gas leases and dividing by successful well costs. These relationships were most recently determined from data filed in response to the AR69–1 Questionnaire.

Staff and UDC utilize a ratio of 0.226 derived from the AR69–1 Questionnaire data, and the Producers use a ratio of 0.2675 taken from Exhibit No. 63 in the same proceeding. The difference between the cost of this component as determined by Staff and UDC and as determined by the Producers is approximately 0.24 cents per Mcf.

The Commission adopts the ratio used by Staff and UDC. Applying this ratio of 0.226 to a successful well cost range of 4.99 cents per Mcf to 5.68 cents per Mcf, the other production facilities cost component is found to range from 1.13 to 1.28 cents per Mcf.

(5) *Dry hole costs.* Dry hole costs are calculated by dividing the cost per foot of dry hole drilling for a given year by the productivity of successful wells (Mcf per foot) to arrive at a cost for dry holes in terms of cents per Mcf.

Dry hole costs for 1972 as reported by JAS were $16.94 per foot (excluding Alaska). The dry hole cost determined by dividing the cost per foot of dry hole drilling by the selected productivity is then adjusted upward to reflect the greater depth and thus higher costs and the offset of higher success ratio at those depths for gas well drilling as compared to oil well drilling. See, Area Rate Proceeding, et al. (Permian Basin), 34 F.P.C. 159, 291–292 (1965). These depth factors were derived from published American Petroleum Institute data on drilling footage by depth range and type of drilling, JAS drilling cost per foot for dry holes, and data from *World Oil* concerning the relationship of total gas and condensate footage to the total successful footage.

The net combined adjustment factor was taken by Staff and UDC to be 1.08. The Producers calculated the ratio as 1.12 based upon data for the most recent four year period. In view of the short span of time used by IPR to calculate this component, the Commission has concluded that the ratio of 1.08 as used by Staff and UDC should be adopted in this decision. The difference in dry hole costs due to the use of a ratio of 1.12 instead of 1.08 is only 0.14 cents per Mcf.

Dry hole costs are found to range from 3.32 to 3.77 cents per Mcf based upon an adjustment factor of 1.08, 1972 JAS dry hole costs, and productivities of 485 and 552 Mcf per foot.

(6) *Other exploration costs.* Other exploration costs were calculated differently by the parties.

Staff and UDC calculated this cost component by multiplying the lease acquisition cost component by the ratio of national other exploration costs divided by lease acquisition costs. Staff and UDC and JAS data for 1967 to 1971 to determine a ratio of 0.7686.

The Producers calculated this component by multiplying the successful well cost component by the ratio of national other exploration costs divided by successful well costs. IPR used a five year moving average of JAS data to calculate a ratio of 0.449.

Updating the ratio used by Staff and UDC to calculate this cost component to account for 1972 JAS data results in a ratio of 0.6844. Applying this ratio to the lease acquisition cost component range of 3.36 to 3.83 cents per Mcf yields another exploration cost component range of 2.30 to 2.62 cents per Mcf. The Producers' determination of this component is approximately 0.24 cents per Mcf less than the allowance calculated using the updated ratio adopted by Staff and UDC.

The Commission finds that a range of 2.30 to 2.62 cents per Mcf for the other exploration cost component is reasonable.

(7) *Exploration overhead.* Staff calculated this component by multiplying the sum of the dry hole and other exploration costs by the ratio of national exploratory overhead costs divided by the sum of national and other exploratory costs using the average of JAS data for 1967 to 1971.

Updating the methodology used by Staff and UDC to calculate this component to account for 1972 JAS data yields a range of 0.72 to 0.82 cents per Mcf. Application of the methodology used by the Producers would yield an allowance of 0.75 cents per Mcf for this component.

The Commission finds that an allowance of 0.72 to 0.82 cents per Mcf is appropriate to cover the cost of exploration overhead.

(8) *Production operating expense.* Staff adopted 3.10 cents per Mcf as its production operating expense based upon the Southern Louisiana Area Rate Proceeding,[107] and this figure was accepted by IPR. UDC started with this same figure, but adjusted it for inflation at five percent per year to arrive at a 1973 production operating expense of 3.77 cents per Mcf.

[107] 46 F.P.C. 86, 133 (1971).

The production operating expense is calculated by dividing the operating expenses for gas leases by the production from gas leases. The production volumes are converted from gross wet volumes to net dry volumes and from working interest volumes to one hundred percent interest volumes to compensate for the fact that other cost elements are derived in relation to the AGA gas reserve volumes rather than the production volumes. The most recent computation of production operating expenses was based on data collected in the AR69–1 Questionnaire.

The only difference between Staff, the Producers and UDC on the calculation of this component was UDC's escalation for inflation. We have previously stated our reluctance to escalate drilling costs for inflation and we do not believe that an inflation factor should be applied to adjust the operating expense allowance. The data being collected and composited in Docket No. R–478 will provide a more appropriate basis for adjusting this component in a future proceeding than will an arbitrary inflation rate in this proceeding.

Production operating expense of 3.10 cents per Mcf is found to be reasonable.

(9) *Return on production investment.* Based upon a fifteen percent rate of return and an investment life range of 9 to 10.5 years as previously determined, the return component is found to range from 15.09 to 17.15 cents per Mcf.

The return on production investment is calculated by multiplying the production investment (9.58 to 10.89 cents per Mcf—total production investment less one-half of the 0.20 cents per Mcf allowance for recompletions and deeper drilling) by the investment life and then multiplying that product by the 15 percent rate of return. One-half of the allowance for recompletions and deeper drilling is deducted from the rate base on the assumption that these expenditures are incurred at the midpoint of the average depletion period.

A range of 15.09 to 17.15 cents per Mcf for the return on production investment component is found to be reasonable.[108]

The adoption of full cost accounting would add approximately 11.66 cents per Mcf to 13.31 cents per Mcf to the low and high ends of the reasonable cost range.[109] As we have previously indicated, the adoption of the principles of full cost accounting in this proceeding is not warranted nor justified by the record.

Similarly, AGD's recommendation for a return on dry hole cost equal to one-half the rate of return times the dry

[108] If a 12 percent rate of return had been utilized in lieu of the 15 percent, the return component would range from 12.07 cents per Mcf to 13.72 cents per Mcf and the total rate would range from 33.94 cents per Mcf to 38.65 cents per Mcf.

[109] Adjustment for 1.7 Tcf disparity would result in the addition of 11.57 cents per Mcf to 13.05 cents per Mcf to low and high ends of this cost range.

hole costs would add 5.73 cents per Mcf to 6.55 cents per Mcf to the low and high ends of the cost range.[110]

The adjustment of average nationwide costs to reflect the principles of full cost accounting, not necessarily utilized by any company, does not coincide with common sense nor regulation in the public interest. The rates yielded by the utilization of full cost accounting in our costing methodology are found to be excessive and outside the reasonable and permissible cost range of 37.54 to 42.74 cents per Mcf. Thus, we find it necessary to reject the utilization of the principles of full cost accounting as a means of computing the return on investment component.

The Major Producers Group urged the Commission to undertake "a complete reappraisal * * * of its costing methodology and rate of return application,"[111] based upon alleged "basic and fatal deficiencies" in the new gas costing methodology first adopted by the Commission in Permian I and most recently affirmed on June 14, 1974, by a unanimous Supreme Court of the United States in Mobil Oil Corp. v. FPC, supra. The Producers claim that the methodology has three "built in biases": (1) a return allowance only on a portion of investment outlays; (2) use of past costs and not future expected costs; and (3) failure to recognize the "basic mathematics of yield and rate of return."[112] The first of these points is discussed in the analysis of the rate base and full cost accounting.[113] The second is discussed in the "Cost Factors" section.[114] In this section we examine the third of the alleged methodological "biases" as set forth in Dr. Ezra Solomon's presentation.[115]

We do not take issue with Dr. Solomon's demonstration that, given certain standard assumptions, the "true yield" in a discounted cash flow (DCF) costing format will be less than the specified rate of return in the rate-base costing format employed by the Staff. As he states, it is a matter of "basic mathematics." The matters on which we disagree are his presumption that the DCF format is ripe for adoption in this proceeding and his claim that the DCF methodology will provide a more realistic and more accurate cost estimate than is obtainable with the alternative methodology we have adopted. We are bound by the record that is before us, which lacks the necessary information for a reliable DCF cost estimate, and we are convinced that, in view of these informational gaps, the inherent uncertainties of cost estimation cannot be eliminated or even reduced by substituting a DCF costing format for the rate base costing methodology. We fully appreciate the conceptual niceties of DCF costing. The translation of concepts into practical applications is the troublesome part although, as explained below, we have experimented with various DCF models for possible use as checks on the results of our own methodology.

The problems with the DCF approach are illustrated in the Statement of Robert H. Park.[116] Mr. Park has presented four alternative DCF calculations all designed to support a 75 cent price (including production tax) with "true yield" equating to rates of return of 15 percent to 18.4 percent. We have recalculated Mr. Park's DCF model using a 15 percent "true yield" and all of his cost parameters except for the substitution of productivity of 485 Mcf/foot, which is the productivity assumption for our high cost estimate. On that basis the calculated DCF price is reduced from 75 cents to about 57 cents (excluding production tax).[117] We have also experimented with other reasonable modifications of Mr. Park's DCF model, such as compressing the time of pre-production investment, accelerating the production rates in the early years, and allowing a capital contribution from flowing gas reserves.[118] These changes reduce the estimated price that is supported by the analysis to about 41 cents (excluding production tax) compared with a price of 42 cents (excluding production tax) plus 1 cent annual escalations (or an equivalent present value price of 47 to 48 cents)[119] which we have found to be the just and reasonable price for new gas.

These experimental adjustments of the DCF model do not exhaust the range of reasonable modifications to Mr. Park's illustrative calculations. We have an even more basic reservation regarding the model's use in the context of this proceeding. DCF has proven to be a practical tool for individual project evaluations by companies faced with decisions on where to invest their money and how much to invest. The appropriateness of using the DCF format to estimate the national average cost of new gas raises an entirely different question. The typical gas producer has projects in various stages of development or production. His financing of new projects usually is derived from flowing gas revenues as well as from external sources. The DCF presentations of Dr. Solomon and Mr. Park completely ignore the interrelationship between flowing gas revenues and new gas costs. Clearly, this Commission cannot set a price for new gas without also considering the cash flow consequences of its pricing policies for old gas.

This problem is clearly identified in Southern Louisiana II where we stated: "So the significant argument is whether flowing gas realizations should bear a part of the responsibility for assuring a cash flow to meet the needs for a heightened exploration and production effort. We believe they should."[120] At a later point, the Commission endorsed the Staff's flowing gas costs and explained: "By recommending a flowing gas price higher than that arrived at in Opinion No. 546 * * * and then further recommending acceptance of the settlement at a still higher level * * * Staff was candidly and correctly making the flowing gas cost bear a part of the responsibility for further exploration—in other words, it was looking at the total rate design."[121] The Commission's insistence on viewing the new and old gas ceiling rates as parts of an overall regulatory plan was given explicit approval by the Supreme Court in its recent decision in Mobil Oil Corp. v. F.P.C., as follows: "Thus, the ceiling rate for flowing gas established by the Commission includes a noncost factor designed to facilitate investment by producers in exploration and development of new gas reserves."[122] In discussing "the permissible range of the Commission's authority to employ price to encourage exploration or production" the Court went on to say: "As between placing the burden of that expansion on new or second vintage gas alone or spreading it over both old and new gas, [the Commission] judged the latter more equitable and more likely to lead to the immediately increased capital necessary in the face of a crisis."[123]

To the extent that the capital for new gas projects is derived from noncost allowances included in the ceiling rates for flowing gas, it is consumer contributed capital that is available for reinvestment in new gas ventures. A producer is entitled to a fair return on his own capital but not on his use of consumer contributed capital. The DCF models presented by Mr. Park assume that the entire capital outlay is necessarily financed out of borrowed funds or investor contributed capital.

We, of course, recognize that our various concerns over the practicality of adopting a DCF costing format in this proceeding do not reach the "basic mathematics" of DCF versus the rate base methodology adopted herein. According to our calculations, the new gas price of 42 cents per Mcf plus 1.0 cent annual

[110] Adjustment for the 1.7 Tcf disparity would add 5.66 cents per Mcf to the low end and 6.42 cents per Mcf to the high end of the range.

[111] Joint Comments of Indicated Producer Respondents, May 7, 1974, pp. 3-4.

[112] *Id.*, p. 4.

[113] See pp. 64–70.

[114] See pp. 43–45.

[115] Major Producer Response, May 7, 1974, Appendix A.

[116] See supplement Reply Comments of Texaco Inc., May 28, 1974.

[117] See Appendix H, Case I.

[118] *Id.*, Case II. For illustrative purposes, a capital contribution from flowing gas revenues of 3¢ per Mcf was used. In our most recent area rate cases, an additional allowance above costs for increased exploration and development was allowed. Such allowances were adopted in Permian II case—3.5¢ per Mcf (Opinion No. 662, mimeo. pp. 1, 5). *See* also, Southern Louisiana II, 46 F.P.C. 86, 135–138 (1971); and Texas Gulf Coast, 45 F.P.C. 674, 707–709 (1971); Area Rates For The Rocky Mountain Area, 49 F.P.C. 924, 944 (1973).

[119] See pp. 110–112.

[120] 46 FPC 136 (Emphasis added).

[121] 46 FPC 137. A similar line of reasoning appears in other area rate opinions. Area Rate Proceeding, et al. (Texas Gulf Coast Area), 45 F.P.C. 674 (1971) (mimeo. pp. 38–39); Area Rate Proceeding, et al. (Other Southwest Area), 46 F.P.C. 900 at 916–919 (1971); Area Rate Proceeding (Permian Basin Area II), Opinion No. 662, —— F.P.C. —— (August 7, 1973) (mimeo. pp. 1, 5).

[122] Slip opinion, p. 5, footnote 5.

[123] Slip opinion, pp. 32, 33.

escalations, as provided herein, will produce a "true yield" of at least 12.6 percent (rather than the 15 percent return allowed on rate base) which is within the zone of reasonable rates of return found herein.[124] We do not view this calculation as evidence that the 15 percent allowance is in any way inadequate in the context of our methodology. We would note, first, that our new gas costing is only for nonassociated (or gas-well) gas, but that the rate is also applied to casinghead (or oil-well) gas, so that the producer is allowed more than 15 percent return on his casinghead gas production under our methodology.[125] Secondly, under the provisions of this decision, old gas also lower cost gas, can command the new gas price at the end of its contract term, as can other gas from wells commenced in earlier years and now being dedicated for the first time to interstate commerce. Finally, it should be recognized that the allowed rate of return is a lifetime average rate of return based on today's exceptionally high cost of capital due to inflationary conditions. While we do not claim any competence in forecasting how soon these abnormal conditions will subside, we cannot overlook the fact that the returns of 10 to 12 percent that are available in today's capital markets do not carry a comparable lifetime assurance.

For all these reasons, we believe that for the Commission to depart from the costing methodology it has used in all previous producer rate cases would be irresponsible at this final rulemaking stage. While our own costing methodology does not incorporate the "true yield" return of a DCF costing, that fact in itself does not indicate that our range of cost estimates is not supported by substantial evidence. The rates prescribed herein will accomplish the end result of attracting the capital to produce a return competitive with the return on other investments of corresponding risks when tested by the revenue reasonably to be anticipated from internal and external sources of financing over the life of the investment. FPC v. Hope Natural Gas Company, 320 U.S. 591 (1944); Bluefield Water Works & Improvement Company v. Public Service Commission of West Virginia, 262 U.S. 597 (1923).

There are some features of own own methodology which probably overstate the cost (i.e., failure to allow for accelerated takes in early years) and other features which may understate the cost (i.e., the use of a mid-point rate base). On balance, however, we find that the methodology produces a reasonable end result and that our experimentation with DCF molels tends to confirm this conclusion.

(10) *Return on working capital.* All parties utilized the methodology adopted in Opinion No. 598[126] to calculate the return on working capital. A fifteen percent rate of return was utilized by all parties except that UDC also utilized a 16 percent rate of return for its high cost estimate.

The computation of the return on working capital is derived from the traditional utility working capital formulas which are based upon a 45 day collection period. (The one-eighth factor is derived from the ratio of 45 days to 360 days.) Area Rate Proceeding, et al. (Permian Basin), 34 F.P.C. 159, 204 (1965). This method allows a return on the sum of materials and supplies, and prepayments plus one-eighth of production and exploration operating expenses. In addition, an allowance for "lease play" was adopted in the first Permian Opinion. 34 F.P.C. 159 at 205–206. This allowance was taken to be 1.5 times the lease acquisition costs. This method and the basic factors (discussed below) were adopted by all parties presenting cost studies in this proceeding.

The factor of 1.336 expresses the relationship between one-eighth of the exploration and development operating expenses, material and supplies, and prepayments. The 1.336 factor was derived by employing cost data on these elements in the responses to the AR69–1 Questionnaire.

The factor of 1.689 expresses the relationship between one-eighth of the producing operating expenses, material and supplies, and prepayments. Again this factor was derived from AR69–1 Questionnaire data.

Using these factors in the traditional working capital equation to compute a return on working capital yields a range of 1.01 to 1.14 cents per Mcf.

(11) *Net liquid credit.* The net liquid credit reflects an estimate of the revenues that the producer will receive from processing nonassociated gas to remove hydrocarbon components having a molecular weight greater than the molecular weight of methane.

Staff adopted a net liquid credit of 3.89 cents per Mcf based upon data from the AGA Reserve Reports for 1965 through 1969, Bureau of Mines data on processing plant liquids for the years 1965 through 1969, and data reported in the responses to the AR69–1 Questionnaire. UDC and the Producers both adopted this figure, but the Producers contended that a cost allocation method based upon vapor volume equivalent should be used instead of the methodology adopted by the Staff. The Producers, however, did not calculate a net liquid credit using its vapor volume methodology.

While a net liquid credit of 3.89 cents per Mcf has been utilized in this decision, the Commission is of the opinion that the recent increases in the prices paid for condensate cause this component of the cost analysis to be understated. The recent price increase for crude petroleum allowed by the Cost of Living Council will also result in an increased price paid for condensate, and this will cause the net liquid credit to be further understated. The Commission has not increased the amount of the net liquid credit since there is some evidence that the amount of condensate produced from gas-wells is declining and partially offsetting the increases in the prices paid for condensate. The Commission is aware of these changes which are affecting the proper allowance for the net liquid credit and is evaluating the effect of these changes on the cost of new natural gas supplies.

The Commission concludes that 3.89 cents per Mcf is a reasonable allowance for the net liquid credit.

(12) *Regulatory expenses.* All parties submitting cost studies adopted 0.20 cents per Mcf which was stipulated to in the second Permian Basin proceeding as an adequate allowance for regulatory expenses.[127]

The Commission concludes that 0.20 cents per Mcf should be adopted as an allowance for regulatory expenses.

(13) *Royalty.* Royalty expenses represent the percentage of the gross receipts the producer must pay over to the land owner for the privilege of extracting the gas from reserves underlying that land.

All parties used an average royalty of sixteen percent in their cost calculations. Previous opinions of this Commission have utilized an average royalty of fifteen percent, but the Federal offshore leases carry a royalty of 16⅔ percent and the fact that the offshore leases represent an increasing share of the total leases requires that consideration be given to increased royalty expenses, and 16 percent will be adopted as the basis for calculating royalty expenses.

The commission finds that the foregoing yields a range of royalty values of 6.01 to 6.84 cents per Mcf, and further finds a royalty component range of 6.01 to 6.84 cents per Mcf to be reasonable.

f. *Gathering allowance.* A number of parties to this proceeding have commented that the proposed downward adjustment of the national rate of 0.5 cents per Mcf for deliveries made closer to the wellhead than a central point in the field, the tailgate of a processing plant, an offshore platform, or a point on the buyer's line would work a hardship on producers who perform gathering activities in producing areas where it is common for producers to gather the natural gas. The allowance or disallowance of a gathering allowance in past area rate cases has depended upon where the majority of the

[124] See Appendix H, Case III. The above calculation is based upon a constant rate of production over an 18-year life and a time lag of 1.5 years for preproduction investment. The calculated "true yield" is higher than 12.6 percent if we allow for such assumptions as accelerated rates of take and a capital contribution from flowing gas revenues. As noted above (pp. 86–7) under certain plausible assumptions, the 42 cents per Mcf base price can be reconciled with a 15 percent "true yield."

[125] "Casinghead gas has traditionally been treated as a byproduct of oil and therefore cost and priced lower than gas-well gas." Mobil Oil Corp. v. FPC, 42 U.S.L.W. 4842 (U.S. June 10, 1974) (Slip opinion at p. 41).

[126] 46 F.P.C. 86 (1971).

[127] Area Rate Proceeding (Permian Basin Area), Docket No. AR70–1 (Phase I), Initial Decision, mimeo p. 46.

gas produced in individual areas is delivered to the buyer.[128]

This practice should be followed on a national basis, and this decision shall provide for a gathering allowance. A gathering allowance of 2.5 cents per Mcf will be allowed for natural gas produced from the "Panhandle and Hugoton Fields" of the Hugoton-Anadarko Area, and an allowance of 1.0 cent per Mcf will be included for natural gas produced in the "other fields" of the Hugoton-Anadarko Area, the Permian Basin Area, and the Rocky Mountain Area for deliveries at the tailgate of a processing plant, or at a point on the buyer's pipeline beyond the wellhead and beyond the central point in the field.

Producers who do not recover the cost of their gathering activities as a result of the above allowances can petition this Commission for special relief as hereinafter provided. The above gathering allowances have been found to be just and reasonable and are adopted as part of the rate structure established herein.

g. *Summary of costs.* The foregoing cost components, and the deduction for the liquid credit, when taken together, result in a range of 37.54 to 42.74 cents per Mcf at 14.73 psia, exclusive of any state or federal production, severance, or similar taxes, for the cost of new nonassociated natural gas supplies on a nationwide basis.[129] We find 37.54¢ per Mcf to 42.74¢ per Mcf a reasonable cost range (Schedule 1, Columns (f) and (g), Appendix C) based upon all the evidence in this proceeding including the most reasonable presentations of each of the cost components that were submitted by the parties herein, and upon data and information made available from comments and submittals contained in the record of this proceeding.

The gathering allowance adequately provides for the recoupment of costs incurred in extensive gathering operations and follows the practices adopted by the various area rate opinions in the treatment of gathering allowances.

h. *Summary of costs based upon adjusted productivity factors.* In addition to the foregoing cost analyses, we have also computed a range of costs based upon AGA reserve additions adjusted to reflect a disparity of 1.7 Tcf as reported in our notice of March 21, 1974. These cost computations yield a reasonably reliable cost range of 37.01 cents per Mcf to 41.9 cents per Mcf based upon the 1.7 Tcf disparity.[130]

Combining these "adjusted" results with the unadjusted cost range which has previously been discussed in detail yields a total "zone of reasonableness" [131] ranging from a low of 37.01 cents per Mcf based upon a ten year (1963–1972) productivity factor to 42.7 cents per Mcf. It is from this total "zone of reasonableness" that we make our rate determinations. On the high side of the zone even the adjusted cost calculation yields a result of 41.9 cents per Mcf (Schedule 1, Column (d), Revised Appendix C, Sheet 1). Therefore, we conclude that a base rate of 42.0 cents per Mcf is justified on the basis of costs alone and proceed to identify other elements of the total rate structure.

2. *Other contract terms.* After careful review and consideration of all the comments filed in this proceeding, we conclude that the base national rate herein established should be made applicable to sales made pursuant to contracts executed on or after January 1, 1973, for the sale of natural gas in interstate commerce where such gas has not been previously sold in interstate commerce except pursuant to the provisions of 18 CFR 2.68, 2.70, 157.22, or 157.29 (including sales made pursuant to those sections as modified by Order No. 491, et seq., supra n. 4); and sales made pursuant to contracts executed on or after January 1, 1973, where the sales were formerly made pursuant to permanent certificates of unlimited duration under contracts which expired by their own terms on or after January 1, 1973, in accordance with Opinion No. 639,[132] as well as jurisdictional sales of natural gas made from wells commenced on or after January 1, 1973. (All three classes of sales are hereinafter referred to as R–389–B Dedications.) This clarification of the scope of our rulemaking is consistent with past Commission practices of pricing new dedications of natural gas to interstate commerce by the contract date (e.g., Southern Louisiana, 46 F.P.C. 86, 142–143) and the eliminating of vintaging as contracts expire by their own terms (see n. 132, *supra*). Moreover, this clear statement of the scope of the proceeding will insure that the additional revenues generated by the two classes of sales will be available for the expanded exploration and development programs which are required to discover and produce the new supplies of natural gas that will be needed to help fulfill anticipated future demands. Moreover, clarification of the scope of this proceeding to include expiring contracts and former emergency sales will offset the claimed attrition in rate of return in various discounted cash flow studies presented by producer respondents. The implicit rate computed in Exhibit RHP–1 (Witness Parks) does not reflect the substantial additional cash flow from these sales which on a discounted basis would contribute to increased realized return.

One of the primary purposes in instituting this rulemaking proceeding was to encourage new dedications of natural gas to the interstate market "whether such new supplies come from new acreage dedications, or from newly drilled wells, or by diversion from other uses." Order No. 455, supra, 48 F.P.C. 218,227. The most appropriate means of eliciting the new dedications of natural gas required to meet the existing and future reasonable demands of the interstate markets is to make those markets attractive to producers who have supplies of natural gas to sell. At the same time, we desire to limit the applicability of the rate established herein to those supplies which first became available to the interstate market near in time to the issuance of the notice instituting this proceeding, 38 FR 10014 (April 11, 1973), or which because of an expiring contract are again subject to contractual negotiation. We have, therefore, determined that the rate established by this decision will be available only to those classes of jurisdictional sales which we refer to as R–389–B dedications. This follows our well established practice of providing a dividing date near in time to the commencement of the proceeding. See Permian Basin Area Rate Proceeding, et al., 34 F.P.C. 159, 188–189 (1965), affirmed, Permian Basin Area Rate Cases, 390 U.S. 747 (1968). Such a division will provide the incentive necessary to encourage expanded exploration and development programs and new dedications of natural gas to the interstate market. As to the use of the contract date to establish eligibility for the national rate prescribed by this decision, we believe that the use of the contract date to determine the applicable rate for natural gas sold in interstate commerce should be modified. Where a new long-term gas sales contract is executed on or after January 1, 1973, for sales which have not previously been sold in interstate commerce other than under our emergency sales procedures or where a new contract is executed with respect to an existing interstate sales where the previous sales contract has expired by its own terms and the provisions of Commission Opinion No. 639 (supra, n. 132), such gas will be eligible for the R–389–B rate.

[128] Thus a gathering allowance was provided in the Hugoton-Anadarko Area, 44 F.P.C. 761, and in the second Permian Basin proceeding, Opinion No. 662 (August 7, 1973), but deductions for deliveries closer to the wellhead than a central point in the field, the tailgate of a processing plant, an offshore platform, or a point on the buyer's line were provided in Southern Louisiana Area, 46 F.P.C. 86, Texas Gulf Coast Area, 45 F.P.C. 900. A gathering allowance was made part of the base area rate in the Appalachian and Illinois Basin Areas, Order No. 411, 44 F.P.C. 1112, 1123. It was recognized that most sales were made at the wellhead in the Rocky Mountain Area, Opinion No. 658, 49 F.P.C. 924, 937 (1973).

[129] Appendix C (Schedule No. 1, Columns (f) and (g), Sheet 1 of 9). The effect of state taxes and other adjustments on the base national rate is shown in Appendix D.

[130] The low estimate (37.01 cents per Mcf) is based upon a productivity of 559 Mcf per foot drilled which is the average for the most recent ten year period ending with 1972 adjusted by increasing 1971 and 1972 reported reserve additions by a total of 1.7 Tcf. The high estimate (41.9 cents per Mcf) is based upon a seven year period ending in 1972 with the previous 1.7 Tcf adjustment. The low estimate and the high estimate are based upon 10.5 year investment life. *See* Revised Appendix C (Schedule No. 1, Columns (a) and (e), Sheet 1 of 7).

[131] *FPC* v. *Natural Gas Pipeline Co.*, 315 U.S. 575, 585 (1942).

[132] *Area Rates For The Appalachian And Illinois Basin Areas*, Docket No. R–371, 48 F.P.C. 1299 at 1309–1310 (1972), *affirmed sub nom. Shell Oil Co., et al.* v. *FPC*, 491 F. 2d 82 (5th Cir. 1974).

We have also determined that natural gas producers who elect to discharge their existing refund obligations under prior area rate opinions by dedicating new supplies of natural gas to the interstate market from wells commenced on or after January 1, 1973, will be required to price such natural gas at the rate established by the applicable area rate opinion.[133] The same condition shall apply to those producers who desire to obtain the contingent escalations for flowing gas as provided in Opinion Nos. 595, 598, 607, and 662, and they shall also be required to dedicate those new natural gas supplies which they seek to have applied toward triggering the flowing gas escalations at the rates provided in those opinions. This treatment is equitable since the rates established in those opinions were determined to be sufficient to encourage exploration and development activities when coupled with the refund credit incentives and contingent escalations provided in those opinions. To allow producers to collect the rate provided by this decision and to discharge their existing obligations and receive the benefits provided under the applicable area rate opinions with the same supplies of natural gas would be contrary to the spirit of the applicable area rate opinions. In essence, we seek to insure that a producer will not receive a double benefit from the rate structure which we establish in this decision.[134]

Where a producer has commenced a sale of natural gas in interstate commerce from wells commenced on or after January 1, 1973, and the volumes of gas from that sale are being credited toward the producer's refund obligation or applied to triggering the contingent escalations in the aforementioned area rate opinions (See n. 133, supra.), the producer will not be allowed to both receive the price prescribed herein and continue to receive the refund credit or contingent escalation credit. The producer must make a decision as to whether it is more beneficial to receive the higher rate prescribed by this opinion and waive the refund credits and contingent escalations or to sell the gas at the applicable area rate and retain the refund credits and contingent escalations.

To insure that producers do not gain a double benefit under this opinion we shall require a written waiver of the contingent escalations and refund credits with respect to gas which is dedicated under the provisions of the decision. That waiver shall state whether such gas has previously been sold in interstate commerce in discharge of refund obligations or toward the triggering of contingent escalations, the date the subject wells were commenced, whether the gas was previously sold in interstate commerce under 18 CFR 2.68, 2.70, 154.22 or 154.29, or whether the gas comes within the provisions of Opinion No. 639, and shall affirmatively waive the right to either refund credits or contingent escalations for the gas.

After review of the comments filed in this proceeding, it is concluded that those proposed provisions which would have required upward Btu adjustments be made from 1050 Btu per cubic foot and downward Btu adjustments be made from 1000 Btu per cubic foot should be modified to provide the both upward and downward Btu adjustments will be made from a base of 1000 Btu per cubic foot. This modification will simplify the rate structure established herein and, to the extent that methane and other compounds are not removed from the gas during processing, the consumer will benefit from the additional Btu content.

All quality provisions other than the Btu adjustment established herein are to be determined by the contract between the buyer and the seller.

After careful consideration of the comments addressed to the proposed annual review of the uniform national rate established by this order, we are convinced that our proposed review should be conducted on a biennial basis rather than on an annual basis. In this time of continuing inflation and the increasing costs of finding and producing new supplies of natural gas to meet the nation's demands for energy, we must provide a mechanism whereby these increased costs can be recouped by the producer. This recoupment can be accomplished by providing fixed periodic escalations which are based upon some type of index or set figures, or by providing a biennial review of the previously established rates, or by providing both as we do in this Opinion. We believe that the biennial review allows greater flexibility and a more comprehensive review of the impact of the then effective rates upon the producing industry, the demand for and supply of natural gas with a more comprehensive data base than an annual review would allow. Our purpose in adopting a single uniform national rate is to elicit sufficient supplies of natural gas to meet the demands in the consumer market at a price no higher than the price necessary to elicit that supply. A biennial review of the established rate makes it possible to determine if that rate was sufficient to bring forth the supply of gas to fulfill the demand.

The biennial review will be concerned with the current cost of finding and producing new gas sales and will apply prospectively to wells commenced on or after the date prescribed by the Commission order instituting a new proceeding to conduct the biennial review. Thereafter, a similar review will be conducted every two years. This rate will constitute a new just and reasonable rate for gas supplies from those wells only and will not be applicable to wells drilled prior to the date specified by the order instituting the new proceeding. This review will be conducted in the same manner as this proceeding unless otherwise ordered by the Commission.

We find that a biennial review will enable the Commission to prescribe just and reasonable rates by application of the most recent evidence supporting those rates. The first biennial review will be initiated to establish rates for natural gas produced from wells commenced on or after January 1, 1975, or natural gas sold pursuant to contracts executed on or after that date for gas not previously sold in interstate commerce except pursuant to the provisions of 18 CFR 2.68, 2.70, or 157.22, and to sales of natural gas formerly made in interstate commerce pursuant to gas sales contracts which expired on or after January 1, 1975. Thereafter, a biennial review will be conducted to prescribe rates for each succeeding biennium.

Where a producer at his sole cost transports natural gas produced in an offshore area onshore before delivery to the purchaser, the producer shall be entitled to collect an additional 1.0 cent per Mcf in addition to the uniform national rate. This treatment follows the practice adopted in the area rate cases and should be continued.[135]

The single uniform national rate which is prescribed by this decision shall be applicable to all types of natural gas (casinghead, gas well, or residue) produced from wells commenced on or after January 1, 1973, to contracts executed on or after January 1, 1973, covering the sale of natural gas in interstate commerce for gas not previously sold in interstate commerce except pursuant to the provisions of 18 CFR 2.68, 2.70, 157.22, or 157.29 (including sales made pursuant to those sections as modified by Order No. 491, supra, note 4), and to contracts for the sales of natural gas in interstate where the prior contracts for the sale of such gas in interstate commerce expired by its own terms on or after January 1, 1973. This rate is applicable only to jurisdictional sales of natural gas within the continental United States excluding Alaska and Hawaii. The national rate is subject to adjustment for Btu content, state and Federal production taxes, and the annual escalation provided herein, and the applicable gathering allowance.[136]

Finally, the existing moratoria on price increases above the ceiling rate established in the Appalachian Illinois Basin,[137] Hugoton-Anadarko,[138] Other South-

[133] Southern Louisiana Area Rate Proceeding, Docket No. AR69-1 et al., Opinion No. 598, 46 F.P.C. 86, 141, 147-148 (1971); Texas Gulf Coast Area Rate Proceeding, Docket No. AR64-2, et al., Opinion No. 595, 45 F.P.C. 674, 709-710, 721 (1971); Other Southwest Area Rate Proceeding, Docket Nos. AR67-1, et al., Opinion No. 607-A, 47 F.P.C. 99, 100, 102 (1972); Area Rate Proceeding (Permian Basin Area II), Docket No. AR70-1 (Phase I), Opinion No. 688, —— F.P.C. —— (August 7, 1973).

[134] See Stingray Pipeline Company, et al., Docket No. CP73-27, et al., Opinion No. 639, p. —— F.P.C. —— (May 6, 1974), reh. denied, Opinion No. 693-A, —— F.P.C. —— (June 13, 1974).

[135] Southern Louisiana, 18 CFR 154.105(h).

[136] See Appendix D for calculation of effective date including adjustments.

[137] 18 CFR 154.107, 154.108.

[138] 18 CFR 154.160.

west,[139] Southern Louisiana,[140] and Texas Gulf Coast [141] areas should be modified to permit producers to collect the rates prescribed herein for natural gas sold in interstate commerce where such gas falls within one of the three classes of gas sales to which this decision is applicable (See p. 96, supra). To retain these moratoria would place producers in these areas at an unfair disadvantage with respect to producers operating in producing areas not subject to moratoria on price increases,[142] and would discourage the increased level of exploration and development which the new national rate should elicit.

As we have previously mentioned (pp. 99–100), the producers seeking to collect the rate established herein will be required to waive their right to have such gas discharge their refund obligations or trigger the contingent escalations provided by Opinions 595, 598, 607, and 662 for gas which comes within the scope of this proceeding (p. 96 *supra*) if that gas is currently being used to discharge refund obligations or trigger contingent escalations. Thus, we are providing for a selective, rather than an across-the-board, lifting of the existing moratoria on price increases in the specified areas.

As we have previously stated, the refund credits and contingent escalations are an integral part of Opinions 595, 598, 607, and 662, and the rate structures promulgated in those opinions. It is not possible to separate these benefits from the rates established in those area rate opinions since the refund credits and contingent escalations are inextricably entwined with the monetary rates established in those opinions and the two may not be separated without damage to the whole.[143] Thus, we conclude that producers selling gas in interstate commerce which would be eligible for the rate established by this decision except for the fact that such gas is presently being utilized to discharge either refund obligations or to trigger the contingent escalations will be allowed to receive the price established herein if the producer waives his right to apply the volumes of the gas toward discharge of the refund obligation or triggering of the contingent escalations prospectively as of the date of this opinion.

B. *Special relief.* Our previous area rate opinions made provisions for special relief in unusual circumstances where the area rate was not sufficient to recover the cost of producing natural gas already dedicated to the interstate market. In many cases, the circumstances which would support the granting of special relief are also sufficient to permit abandonment of the sale. Permian I, 34 F.P.C. 159, 226 (1965).

Without attempting to enumerate all circumstances which would form an adequate basis for granting special relief, we shall grant special relief where the producer can demonstrate that the out-of-pocket expenses incurred in the operation of a particular well (or group of wells) are greater than revenues from the sale of the subject gas. See, Permian Basin Area Rate Cases, 390 U.S. 747, 770–773. It is incumbent upon the producer seeking special relief to prove by his books and accounts that the operating expenses are in excess of the revenues earned from the sale of the gas from such well or wells.

There are also other avenues of extraordinary relief for a producer who may be adversely affected by the rate established in this proceeding. Where a producer has already dedicated gas to the interstate market and a change in circumstances makes continued production uneconomical, the producer may seek relief under Order No. 481 [144] or Order No. 482.[145] Where the producer has not already committed the subject acreage of gas supply to the interstate market, he may seek certification of the sale under Order No. 455. See n. 5, supra.

In those cases where a producer seeks special relief because of Federal income taxes payable as a result of his natural gas production we shall require that he submit certified copies of his Federal income tax returns and the supporting schedules as a part of the petition. Any petition for special relief on account of Federal income taxes payable that is not accompanied by the verified tax returns and supporting schedules will be rejected without consideration by the Commission.[146]

Special provisions for deeper drilling and deeper water depths are provided infra pp. 129–133.

As this Commission noted in the first Southern Louisiana proceeding, there are circumstances which may make certain production more attractive to purchasers but which are not related to the costs of production, and they will not be regarded as a basis for special relief.[147] Such circumstances may include higher prices in other markets, "unusually high pressure, great volume, concentrated delivery points, delivery of large volumes at one point, unusually high gas quality, unusually good deliverability, and the availability of gas for swing purposes," [148] and none of these nor the combination of any or all of them constitute a basis for special relief. We are of the opinion that that determination was correct and shall deny petitions which set forth such circumstances as a basis for special relief.

C. *Small Producers.* The Commission did not make small producers respondents to this proceeding as we have already issued regulations covering small producer sales.[149]

Since the Supreme Court reversed the Court of Appeals and affirmed the Commission's decision concerning small producers but remanded for further clarification, the small producer may collect the rate prescribed herein for those sales made from wells commenced on or after January 1, 1973, or pursuant to contract dated on or after January 1, 1973, for gas not previously sold in interstate commerce except pursuant to the previously mentioned emergency provisions, or pursuant to contracts where the sales were formerly made under contracts which expired by their own terms on or after January 1, 1973, without any refund obligation. The justness and reasonableness of rates in excess of the rates established herein which have been collected by small producers for sales within the scope of this proceeding will be considered in appropriate proceedings as necessary.

It is our intention that this order shall not affect the jurisdictional sales of small producers except in those cases where small producers seek certification of their jurisdictional sales pursuant to the regulations established by this order. The fact that a small producer seeks certification of one or more sales pursuant to this order does not prohibit him from making other sales pursuant to the regulations established in Order No. 428, as amended, provided the small producer's total jurisdictional sales do not exceed 10,000,000 Mcf per annum.

D. *The national rate.* The estimated "zone of reasonableness" for the cost of new natural gas supplies determined in this decision is approximately 37.54 to 42.74 cents per Mcf, exclusive of State or Federal production, severance, or similar taxes, Btu adjustment, fixed annual escalations, and gathering allowances. As adjusted for the 1.7 Tcf disparity in gas reserve additions the zone of reasonableness ranges from 37.01 to 41.90 cents per Mcf (Appendix C, Schedule, Sheet 1, Columns (d) and (e)). The Commission finds that a rate of 42.0 cents per Mcf, exclusive of State or Federal production, severance, or similar taxes, Btu adjustment, fixed annual escalations, and gathering allowances, constitutes a just and

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[139] 18 CFR 154.109a.

[140] 18 CFR 154.105.

[141] 18 CFR 154.109.

[142] There is no moratorium in the Permian Basin Area. See Opinion No. 662, *mimeo*, p. 14.

[143] The Supreme Court recently held that it is within the Commission's discretion to make such benefits a part of its rate structure. Mobil Oil Corp., v. FPC, 42 U.S.L.W. 4842 (U.S. June 10, 1974) (slip opinion 34–39).

[144] 18 CFR 2.76; Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Docket No. R–458, 49 F.P.C. 992 (1973), as amended by Order Amending Order No. 481 and Granting and Denying Petitions For Rehearing, 49 F.P.C. —— (June 8, 1973).

[145] 18 CFR 2.77; Flaring and Venting of Natural Gas, Docket No. R–459, Order No. 482, 49 F.P.C. 996 (1973).

[146] See pp. 72–76, supra.

[147] 40 F.P.C. 530, 618–619 (1968).

[148] 40 F.P.C. 530 at 619.

[149] Exemption Of Small Producers From Regulation, Docket No. R–393, Order No. 428, 45 F.P.C. 454 (1971), as amended, Order No. 428–A, 45 F.P.C. 548 (1971), reh. denied, Order No. 428–B, 46 F.P.C. 47 (1971), reversed, Texaco Inc., et al. v. FPC, 153 U.S. App. D.C. 195, 474 F. 2d 416 (1972), cert. vacated and remanded FPC v. Texaco, Inc., et al., Nos. 72–1990 and 72–1491, June 10, 1974.

reasonable rate. This rate (42.0 cents per Mcf) is at a high level of the cost range which we have found to be reasonable after careful consideration of the record in this proceeding, and we find that it will provide the incentive necessary to encourage producers to undertake expanded exploration and development programs and to dedicate the natural gas discovered and produced as a result of those programs to the interstate market. In this section of the decision, we shall examine the effect of our conclusions upon the existing area rates, the consumer, and the producing industry.

The present area rates (rounded off), which are superseded by this opinion, are:

Area:	*Cents per Mcf (exclusive of State production taxes)*
Appalachian and Illinois Basin Area	24.0–34.0
Hugoton-Anadarko Area	19.9–20.0
Other Southwest Area	21.9–23.5
Permian Basin Area	32.4
Rocky Mountain Area	22.0–23.4
Southern Louisiana Area	23.7–26.0
Texas Gulf Coast Area	23.1

The existing rate structure and moratoria for these areas are modified as previously set forth (pp. 99–100) in order to allow the collection of the rate prescribed herein to be collected with the appropriate waiver of refund credits and contingent escalations if necessary for the classes of gas sales which are the subject of this proceeding (p. 96).

We find increased rates established by this decision are necessary to allow for increased costs and declining reserve additions which have been reported since the issuance of the decisions in the various area rate cases. It is also necessary that we change the basic format of the rate structure so as to allow automatic adjustments (with proper notification to the Commission) for the derivative cost elements: production taxes and Btu adjustments. While it is possible to include such elements in the base area rate where the subject area is small and may cover parts of only a few states, we do not believe the same is true on a national basis where the several states all have different taxing policies and the quality of the gas may vary considerably.

1. *Fixed annual escalations.* The just and reasonable base national rate established by this decision is 42.0 cents per Mcf, exclusive of the applicable production taxes, Btu adjustment, and applicable gathering allowances. Based upon the two production schedules utilized herein (Appendix F), the present value of a 1.0 cent per annum escalation over an eighteen year depletion period is approximately 5.0 cents per Mcf to 5.7 cents per Mcf.

The effective rate resulting from the addition of the present value of the fixed annual escalation of 1.0 cent per Mcf to the base national rate of 42.0 cents per Mcf is 47.0 cents per Mcf to 47.7 cents per Mcf. We realize that the two production curves which have been utilized to compute the present value of the fixed annual escalation will not apply to all reservoirs or wells exactly. Some wells or reservoirs will produce for a much longer period of time than others and that some reservoirs will be depleted or not producing for various reasons long before the end of an 18 year depletion period. Moreover, the rates of takes from various reservoirs will vary according to the producing characteristics of the particular reservoir and the need of the purchasing pipeline for gas supplies.[150] However, we believe that the production curves which have been used in determining the present worth of the annual escalations provide a reasonably reliable estimate of the present worth in most cases.

The present value of the fixed annual escalations was computed by discounting the escalations at 15 percent[151] over a depletion period of 18 years. In Case I, it was assumed that the reserves found would be produced at a constant rate equal to 5.56 percent of the contract volumes per annum over the life of the depletion period (assumed to be 18 years). The present value of the 1.0 cent per Mcf annual escalation under these conditions is 5.0 cents per Mcf. In Case II, we utilized the production curve present in Appendix D to the "Initial Decision of the Presiding Examiner on Hugoton-Anadarko Area Rates," 44 F.P.C. 824, 991 (1970), to evaluate the present worth of the 1.0 cent per Mcf annual escalation. Since the production curve from Appendix D to the Examiner's decision is based upon a 37 year production period, we assumed that the volumes produced during the first eighteen years represent the total contract volumes. The percent of production was then adjusted to the percent of contract volumes delivered and the present worth of the annual escalations was calculated from this adjusted curve. These compilations yield a present worth of 5.7 cents per Mcf.

A fixed annual escalation of 1.0 cents per Mcf is necessary to offset existing inflationary effects upon the revenues received in future years by natural gas companies, to preserve the financial integrity of those persons selling natural gas in interstate commerce, and to help provide the capital which will be required in future years to finance the unprecedented exploration and development programs which will be undertaken to discover and produce the volumes of natural gas needed to meet the reasonable demands of the nation's economy for a clean-burning, non-polluting energy source. Additionally, the fixed annual escalation will help interstate purchasers to compete with intrastate purchasers for available supplies of natural gas.

We believe that the present value of the fixed annual escalations and that the overall result of these escalations are just and reasonable and will be required by the present and future public convenience and necessity to insure that adequate supplies of natural gas will be made available to the interstate markets in this and future years. This country has endured an embargo on imports of basic energy sources such as crude and refined petroleum products and liquefied natural gas, and is still in the throes of a national energy crisis and a continuing natural gas shortage. The natural gas shortage will not be eased unless and until sufficient supplies of natural gas are found and made available to the interstate market. The only way that sufficient natural gas supplies will be found is through increased exploration and development programs and these programs can be conducted only if there are funds available to finance the programs.

The fixed annual escalations of 1.0 cent per Mcf provided by this order are required to help insure that the rates provided by this decision are just and reasonable and that the rates will help finance the programs needed to find and produce the supplies of natural gas which the country will demand in the future, and we adopt the same part of the rate structure determined in this decision.

2. *Associated natural gas supplies.* The single uniform national rate prescribed by this decision is applicable to associated-dissolved natural gas supplies (casinghead or oil-well gas) as well as nonassociated natural gas supplies (gas-well gas). This application recognizes that only the sources of the two types of gas are distinguishable, and it provides additional incentive to natural gas producers to sell available natural gas supplies in the interstate market rather than the intrastate market.

The net effect of allowing the same rate for casinghead gas as for gas-well gas is to increase the overall return on investment with respect to natural gas sold in interstate commerce. This increase arises from the fact that the cost attributable to a property which produces only natural gas are not representative of the costs associated with natural gas produced from a property which yields both liquid petroleum products and natural gas. Since some of the costs of a property which produces both products are attributable to the liquid petroleum products as well as to the natural gas produced from the property, the producer benefits by receiving a higher rate for the natural gas so produced than he would if the costs associated with the property were allocated to both the liquid petroleum products and the natural gas. This higher rate in turn increases the average return the natural gas producer received on all of the gas which he sells in interstate commerce.

The importance of associated natural gas supplies is shown in Table 4. For the period of 1966 through 1972, associated-dissolved natural gas reserve additions accounted for 32.2 percent of the total

[150] Many of the interstate pipelines with a need for additional gas supplies in recent years have accelerated their takes from many reservoirs and this will affect the present value of the fixed annual escalation.

[151] A discount rate of 15 percent was adopted so as to correspond to the rate of return allowed herein.

natural gas reserve additions, and nonassociated natural gas reserve additions accounted for 67.8 percent of the total reserve additions. In terms of production, associated-dissolved natural gas production averaged approximately 4.0 to 5.0 trillion cubic feet per year or 23.4 percent of the total natural gas production for 1966 through 1972, while the production of nonassociated natural gas ranged from approximately 13.0 trillion cubic feet per year to over 17 trillion cubic feet per year or 76.6 percent of the total production for 1966 through 1972. Associated-dissolved gas reserves at the end of 1972 amount to 75.5 trillion cubic feet or 28.9 percent of the total reserves, and nonassociated natural gas reserves were approximately 186.1 trillion cubic feet or 71.1 percent of the total year-end reserves.

TABLE 4.—*Natural gas reserve additions and production on annual basis by type of gas for 1966 through 1972 including Alaska*

[Millions of cubic feet]

Year	Gross annual reserve additions		Annual natural gas production	
	Nonassociated	Associated	Nonassociated	Associated
1966	17,036,596	3,183,836	12,925,701	4,565,372
1967	17,963,668	3,840,665	13,638,562	4,742,276
1968	13,979,377	[1] (281,960)	14,739,944	4,633,483
1969	6,854,718	1,520,286	15,971,735	4,751,455
1970	9,340,296	27,856,063	17,115,026	4,845,778
1971	8,917,403	908,018	17,062,338	5,014,174
1972	7,812,083	1,822,480	17,693,057	4,818,841

[1] Negative figure.

Proven reserves as of Dec. 31, 1972

Type of gas	Volume of reserves (millions of cubic feet)	Percent of total
Nonassociated	186,072,643	71.1
Associated	75,541,412	28.9

Source: "Reserves Of Crude Oil, Natural Gas Liquids, And Natural Gas In The United States And Canada And United States Productive Capacity As Of December 31, 1972," vol. 27, published jointly by the American Gas Association, American Petroleum Institute, and the Canadian Petroleum Institute (May 1973).

The data on production and annual reserve additions in Table 4 is shown for a series of years to arrive at a more reliable estimate of the percentage attributable to both classes than would result from the use of a single year.

The rate structure adopted in this decision is designed to encourage renewed exploration and development activities while at the same time protecting the natural gas consumer from excessive rates. Our duty with respect to these matters can be concisely stated:

> [T]he purpose of regulation is to insure that natural gas be distributed at the lowest possible price, that its private producers and distributors not reap windfall profits at the expense of the consuming public, and that allocation of this valuable resource be dictated by the interest of the public, rather than by the interest of its holders in private gain. At the same time, the public interest requires some assurance that, both now and in the future, the supply of natural gas will be sufficient to meet those uses for which, relative to other fuels, it is most valuable.

Public Service Commission for the State of New York v. F.P.C., 487 F.2d 1043 at 1097 (D.C. Cir. 1973), cert. granted, vacated and remanded, Nos. 93–966, et al., June 17, 1974. Thus, we must insure that the price received by the natural gas producer does not result in "windfall profits" while at the same time assuring that there will be an adequate supply to meet the demands generated by the more valuable uses of natural gas. See FPC v. Hope Natural Gas Co., 320 U.S. 591, 603, (1944); Colorado Interstate Gas Co. v. FPC, 324 U.S. 581, 612 (1945) (Jackson, J., concurring).

Against these guidelines, we assess our decision. First, the methodology by which the cost of new gas supplies is calculated is imprecise, and the various adjustments and allocations can cause reasonable experts to differ as to what these adjustments and allocations should be. Austral Oil Company, et al. v. FPC, 428 F. 2d 407, 434 (5th Cir.), cert. denied sub nom Municipal Distributors Group v. FPC, 400 U.S. 950 (1970). We have based our cost analysis upon what we consider to be the most reasonable and reliable bases, assumptions, and data in the record of this proceeding and set forth in detail the reasons for our decision on each of the cost components and the derivation of the various allocation formulae. The adjustments we have made are directed to the high side of the reasonable cost range to encourage the greater development of the greatest quantity of gas reserves.

The increase in price over the existing area rates is "sufficient to assure confidence in the financial integrity of the enterprise, so as to maintain its credit and to attract capital." FPC v. Hope Natural Gas Co., supra, 320 U.S. at 603. An indicia of whether the price established is sufficient "to attract capital" is its comparison with the intrastate prices. While the prevailing prices in the several intrastate markets cannot dictate the price we promulgate by this decision, those prices do provide a guideline of the attractiveness of the interstate rate to gas producers operating on previously dedicated acreage within the domain of the several states. Appendix C to the notice of rulemaking issued in this docket indicated that intrastate prices for new sales were in the range of 40 to 50 cents per Mcf in many producing areas, and the responses of a number of parties state that in some areas intrastate sales have been made at prices of 50 cents or more.[152] Before adjustment for the quality of the gas, the state production taxes, and the gathering allowance, the national rate is 42.0 cents per Mcf. We think that this national rate is sufficient to compete with prices being offered in the intrastate markets for non-Federal domain gas. Furthermore, the biennial reviews and annual escalations provided by this decision give the Commission the necessary flexibility to adjust the national rate if sufficient new supplies of natural gas are not dedicated to the interstate market.

A comparison of the national rate determined by this decision with what has been characterized as the "commodity value"[153] of natural gas and the price of substitutable fuels shows a differential.[154] Even though the price of natural gas is less than the price of substitutable fuels, it does not follow that the prices must be equivalent or that the price of natural gas must be increased every time the price of other domestic or foreign energy sources is increased. To allow such increases would place the consumer at the mercy of pressures which dictate the price of other fuels but which bear no relationship to the cost of new gas supplies.

The just and reasonable national rate for new natural gas supplies dedicated to the interstate market prescribed in

[152] A number of parties to this proceeding state that intrastate prices in several areas may be substantially in excess of 50 cents per Mcf; that information does not give the number of sales at those prices, the volume of gas being sold, or the terms of the various contracts. Without such information, we cannot assess the presently prevailing level for new intrastate sales and decline to use such sketchy information as a basis for evaluating the rate established herein.

[153] It appears that the "commodity value" of natural gas is calculated by determining the price and availability of substitute fuels to the consumer, and subtracting a reasonable allowance for transportation and distribution to arrive at a field price for natural gas. *See* Appendix B to the Response of the Indicated Producer Respondents.

[154] The claim of some respondents to this proceeding that the price of electricity is to be considered in determining the price of alternate fuels is rejected. Electricity is a secondary energy source that is produced by the consumption of primary energy sources such as natural gas, fuel oil, or coal. Electricity provides an important part of our nation's total energy consumption, but the fact does not require that the price of electricity be considered in determining the price of natural gas; indeed, it is noted that the price of electricity is substantially influenced by the price of primary fuels—coal, oil and natural gas—used to produce the electricity.

this decision is founded on costs. In addition, the Commission has considered other relevant facts such as intrastate market prices, the "commodity value" of natural gas, and the cost of alternate fuels in evaluating the sufficiency of the cost-based rate. In our opinion, the rate prescribed herein is at a level which will serve the public interest by increasing the supply of natural gas available to the interstate market and which will affect a more efficient utilization and allocation of the nation's natural gas resources in an intercompetitive fuel economy.

The provisions of Order No. 455 (supra note 5) will continue as an optional procedure for the dedication of new natural gas supplies to the interstate market.

The test of eligibility for the national rate is similar to the standard established in Order No. 455 (18 CFR 2.75(b)(1)) with significant differences as to the factors utilized to determine the rate level. The national rate is controlled by the predictive cost of finding and producing new natural gas supplies on a nationwide basis based on national averages. Under Order No. 455, costs are a point of departure to determine any higher rate which may be warranted by non-cost economic factors or by project costs.[155]

IV. Environmental Impact

The Friends of the Earth, a national environmental organization, has filed comments contending that the Commission has failed to comply with the formal procedural requirements of the National Environmental Policy Act of 1959 (hereinafter NEPA) [156] by failing to prepare and circulate a detailed environmental impact statement as required by Section 102(2)(C) of NEPA.[157] Friends of the Earth contend that the preparation of a detailed environmental impact statement is mandatory in this proceeding, that "very little is known about the impact which higher natural gas prices will have on increasing supply," that "large utilities and industrial users [may be unable] to secure alternate supplies of non-polluting fuels should higher prices make it unprofitable for them to continue to burn gas as boiler [fuel], * * * [and] the impact which higher prices will have on offshore drilling for oil and gas." Friends of the Earth's contentions are misplaced for, although a detailed environmental impact statement was not prepared and circulated in this proceeding, this decision will discuss the possible environmental impact of the rate established herein in order to demonstrate the futility of attempting to quantify that possible impact upon the environment into a detailed environmental impact statement.

We submit that Congress did not intend NEPA to apply to a national gas rate proceeding. Even if NEPA is applicable we shall, nevertheless, state our reasons for concluding that a detailed environmental impact statement is not required in this proceeding pursuant to the mandate in Arizona Public Service Company v. FPC, ____ U.S. App. D.C. ____, 483 F. 2d 1275 (D.C. Cir. 1973). NEPA does not always demand that the detailed impact statement required by Section 102(2)(C) be prepared by an agency where the agency sets forth its reasons why a NEPA statement is not necessary and "[t]he value of such a statement of reasons is becoming generally recognized as courts and agencies grapple with the difficult task of developing procedures for compliance with NEPA." [158] NEPA "is subject to a rule of reason," and an "agency need not foresee the unforeseeable * * *" [159] Within this "rule of reason" and the scope of our jurisdiction under the Natural Gas Act,[160] we shall outline the various factors which combined render any attempt to reasonably predict the environmental impact of this decision a complete exercise in futility.

This proceeding must be examined as to its rather limited scope before any assessment of the applicability of the requirements of section 102(2)(C) can be made. Under sections 4, 5, and 7 of the Natural Gas Act the Commission has the power to establish rates and other conditions for the sale and transportation of natural gas in interstate commerce, but the Commission does not have the power to force a natural gas producer to search for gas in a particular location or to commence the sale of natural gas in interstate commerce at the rate which has been determined to be just and reasonable.[161] Nor do we have the power to "order a natural gas company to sell gas to users that [the Commission] favors; [footnote omitted] [we] can only exercise a veto power over proposed transportation and it can only do this when a blance of all the circumstances weighs against certification." FPC 1. Transcontinental Gas Pipeline Corp., 365 U.S. 1, 17 (1961 (Emphasis supplied).

In the SIPI case, the Court outlined a series of questions which should be answered with respect to a statement of reasons where an impact statement is not prepared. See, —— U.S. App. D.C. ——, ——, 481 F. 2d 1079, 1092. Before these questions are considered, the parameters of the potential environmental impact should be outlined. Two major forms of environmental impact may occur as a result of the action taken herein: the first form of environmental impact likely to occur from an increase in the rates which natural gas producers are allowed to collect for their sales in interstate commerce is the impact associated with exploration and drilling activities; the second form of environmental impact is that associated with reallocations of the end use of natural gas in the various local energy markets due to changes in price and supply. Neither of these two forms of environmental impact are susceptible to precise quantification because of the uncertainties in predicting the effect of any given rate upon increased exploration and drilling activities by natural gas producers and the impossibility of predicting the increased supplies of natural gas which will be available to any given interstate pipeline and to all interstate pipelines as the result of any given level of exploration and development activity. Furthermore, the environmental impact in the various energy consuming marketplaces will depend upon the extent of curtailment being imposed by the interstate pipeline or pipelines serving the various marketplaces and the volumes of gas required by each of the different categories of customers in that marketplace. Each of these factors presents issues which cannot and should not be resolved in a producer rate proceeding, but rather must be resolved in the various pipeline curtailment proceedings to insure that all classes of natural gas consumers are treated equitably. In those cases, the environmental impact will be evaluated pursuant to the mandate in Arizona Public Company v. FPC, supra.

The Commission has only two options in this proceeding: continue the existing area rate structure with the existing prices which are based upon evidence and cost information as old as 1962 in some cases,[162] or update the existing rates to reflect more current cost and productivity trends. Once it is determined that the rates must be updated, the ultimate rate level determined to be just and reasonable depends upon the Commission's exercise of its expertise after consideration of all of the evidence and information contained in the record of the proceeding. Continuation of the existing area rates will only lead to further degradation of the already critical gas supply available to the interstate market. An increase in the rates allowed for sales

[155] See, e.g., Texas Eastern Exploration Company,—— F.P.C.—— (May 15, 1974).

[156] 83 Stat. 852, et seq. (1970); 42 U.S.C. 4321, et seq. (1970).

[157] 83 Stat. 852, 853 (1970); 42 U.S.C. 4332 (2)(C) (1970).

[158] Scientists' Institute For Public Information, Inc. v. AEC, et al., ____ U.S. App. D.C. ____, ____, 481 F. 2d 1079, 1094 (1973); See also Hanly v. Kleindienst, 471 F. 2d 823 (1972), *cert. denied*, 412 U.S. 908 (1973); Arizona Public Service Company v. FPC, ____ U.S. App. D.C. ____, 483 F. 2d 1275 (D.C. Cir. 1973).

[159] Scientists' Institute For Public Information, Inc. v. AEC, et al., supra, 481 F. 2d 1079, 1092. Hereinafter SIPI.

[160] NEPA is to be read in conjunction with the Natural Gas Act, and we note "that NEPA was not intended to repeal by implication any other statute." United States, et al. v. Students Challenging Regulatory Agency Procedures (SCRAP), et al., 412 U.S. 669, 694 (1973).

[161] See, Atlantic Refining Co. v. Public Service Commission of New York, 360 U.S. 378 (1959).

[162] *See, Area Rate Proceeding (Hugoton-Anadarko Area), et al.*, 44 F.P.C. 761 (1970); *Area Rate Proceeding (Texas Gulf Coast Area), et al.*, 45 F.P.C. 674 (1971); *Area Rate Proceeding (Other Southwest Area), et al.*, 46 F.P.C. 900 (1971).

of natural gas in interstate commerce should increase the volumes of new natural gas supplies which will be made have previously noted in the section of this decision pertaining to natural gas supply and demand, but those volumes available to the interstate market as we cannot be quantified with any reasonable precision. Thus, a current review of the costs of finding and producing new natural gas supplies is the only viable alternative before the Commission in this proceeding. That is one option which the Commission has implemented by this decision.

The first question which the SIPI decision requires be considered by an agency is "To what extent is meaningful information presently available on the effects of application of the [decision] and of alternatives and their effects?" 481 F. 2d at 1092.

Implementation of this decision will result in increased exploration and development activity, the extent of such increased activity is not known and is not susceptible of meaningful quantification, with resulting environmental impact in the areas where such activity is conducted. The location and extent of such activity will further depend upon the results of the initial exploratory activity and the size of the gas reserves ultimately discovered or not discovered. This Commission has no authority to compel private entities to explore for, develop, and sell natural gas supplies in the interstate market; our jurisdiction merely extends to the regulation of the rates at which natural gas is sold in interstate commerce. Since we cannot compel a private entity to explore for, develop, and sell natural gas supplies in the interstate market, we cannot compel these private entities to explore for and develop new natural gas supplies in any given geographical area, and, as a result, it is impossible to determine in advance what environmental impact will occur as a result of increased exploration and development activity or where within the continental United States such environmental impact will occur.

With respect to those new natural gas supplies which are located within the offshore Federal domain, we will know in advance what environmental impact will occur as a result of exploration and development activity undertaken to develop and produce those supplies because the Department of the Interior prepares a final environmental impact statement before particular blocks are proposed to be leased. An overall review of the environmental impact result from offshore drilling is currently being conducted by the Council on Environmental Quality. See, The President's Energy Message, April 18, 1973. These Department of the Interior statements are supplemented by the detailed environmental impact statements which this Commission requires before a major pipeline project to connect new offshore reserves is approved and construction allowed to commence.[163]

With respect to those new natural gas supplies which are discovered in the onshore (and offshore) domains of the several states, we have no authority to compel the sale of those natural gas supplies in interstate commerce unless these newly discovered supplies are located upon acreage which has been previously dedicated to an interstate pipeline company. This factor makes it impossible for the Commission to determine which exploration and development activities will be associated with a sale of new natural gas supplies in interstate commerce prior to the filing of an application for a certificate of public convenience and necessity authorizing the sale of natural gas to an interstate pipeline. We are, therefore, unable to predict in advance which drilling activities will ultimately result in the sale and transportation of natural gas in interstate commerce subject to this Commission's jurisdiction.

Implementation of an increase in the rates allowed for the sale of natural gas in interstate commerce may have some effect upon the ultimate end use of that gas in the various energy marketplaces. The ultimate end use of new natural gas supplies sold in interstate commerce is not readily definable since the Commission does not know in advance of the filing of an application for a certificate authorizing the sale of such new supplies of natural gas to a particular interstate pipeline which interstate pipeline will actually purchase these new supplies for resale. To be sure, all interstate pipelines will purchase new natural gas supplies as they are able to contract for such supplies; however, the prices paid by the various individual pipelines and the various classes of customers to which the different interstate pipelines resell natural gas and the various proportions of the volumes which are consumed in particular end uses vary from pipeline to pipeline. These variations plus the ability of the individual pipelines to acquire new supplies add to the difficulties to determining the environmental impact in the various energy consuming marketplaces which will occur as a result of an increase in the rates allowed for producer sales of natural gas in interstate commerce.

The extent of curtailment on the systems of the interstate pipelines and the nature of the resale customers is more likely to affect the ultimate end use of natural gas sold in interstate commerce than is an increase in the price allowed natural gas producers.[164] This Commission has already promulgated regulations establishing curtailment priorities; these regulations require that interstate pipelines curtail their customers by type of usage and volume rather than by geographic area unless special circumstances require relief from the curtailment priorities.[165] Thus, it is impossible to predict in advance what environmental impact will result from a given pipeline's curtailment plan since the plan is by its very nature a contingency plan subject to implementation and termination depending upon the pipeline's gas supply situation which may change from day to day. Arizona Public Service Company v. FPC, -- U.S. App. D.C. --, -- F. 2d -- (D.C. Cir. No. 72-1636, January 2, 1974).

These regulations requiring curtailment by volume and type of usage seek to balance the need of residential and small commercial for a continued supply of gas while minimizing the adverse environmental impact that might result from requiring large volume industrial and utility consumers to use other fuels (18 CFR 2.78(a)(11)). We should point out that such allocations are more appropriately made in the context of individual pipeline curtailment proceedings rather than in the context of a producer rate proceeding.[166] The imposition of a pipeline by pipeline curtailment review in this proceeding to determine all of the possible environmental consequences that might possibly result from the increase in the rates allowed for the sale of gas in interstate commerce would so burden this proceeding as to make it impossible to establish just and reasonable rates as required by the Natural Gas Act.

Furthermore, to the extent that increased volumes of natural gas are made available to the interstate market as a result of this decision, pipeline transportation costs will be reduced by the increased throughput. A continued decline in the volumes of gas available to interstate pipelines will eventually result in higher costs to the consumer since the fixed costs will be allocated to smaller volumes of gas. The increase in the new supplies of natural gas which the interstate pipelines are able to purchase as a result of this order will help offset the increase in pipeline unit costs resulting

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[163] 18 CFR 2.80, 2.81; *Implementation Of The National Environmental Policy Act of 1969*, 44 F.P.C. 1531 (1970), *as amended*, 45 F.P.C. 563 (1971), *as amended*, 46 F.P.C. 1240 (1971), *as amended*, Order No. 415-C, 48 F.P.C. 1442 (1972), *reh. denied*, 49 F.P.C. 359 (1973); *Implementation Of The National Environmental Policy Act of 1969*, Docket No. R-473, Order No. 485, 49 F.P.C. 1280 (1973). These requirements apply to both onshore and offshore projects.

[164] See Appendix B for the prices of different energy sources by region and usage.

[165] 18 CFR 2.78; Utilization And Conservation of Natural Resources—Natural Gas Act, Docket No. R-469, 49 F.P.C. 85 (1973), as amended, 49 F.P.C. 217 (1973), as amended, Order No. 467-B, 49 F.P.C. 583 (1973), reh. denied, 49 F.P.C. 1036 (1973); Utilization And Conservation of Natural Resources—Natural Gas, Docket No. R-474, Order No. 493, —— F.P.C. —— (38 FR 2737, September 21, 1973), as amended, Order No. R-493-A, —— F.P.C. —— (38 FR 30432, October 29, 1973).

[166] By reviewing the environmental impact in individual pipeline proceedings, we will be in a better position to determine the environmental impact upon the affected energy consuming markets than we can in this proceeding. Moreover, as we have stated, it is impossible to determine in advance which energy consuming market will obtain any given supply of gas that becomes available to the interstate market.

from the declining volumes of gas being transported by the interstate pipelines. The overall result, however, will most likely be a net increase in the cost of nautral gas to the consumer since the increases in the pipelines' costs would be less than the increase in the rates allowed for producer sales of natural gas in interstate commerce which will be permitted by this decision.

In determining "to what extent * * * irretrievable commitments [are] being made" (SIPI, 481 F. 2d at 1092) as a result of this decision, we must note that only private entities with supplies of natural gas available for sale through their exploration and development activities and the interstate pipelines desiring to connect those supplies will conceivably make commitments as a result of this order. Those commitments will also be made as the result of other factors such as intrastate market prices, the location of the gas reserves found through exploration and development activities, and the location of existing pipeline facilities. A natural gas producer makes an irretrievable commitment only to the extent that gas reserves are dedicated to the interstate market, and the interstate pipeline makes a commitment only to the extent incremental facilities such as gathering lines or compressors are installed to connect a new gas supply. If a major pipeline project is undertaken to connect new natural gas supplies, a detailed environmental impact will, of course, be required under section 102 (2)(C).

The Commission anticipates that additional exploration and development activities will be undertaken as a result of this order and that additional supplies of natural gas will be dedicated to the interstate market. There exists no reliable methodology by which the location and extent of this exploration and development activity may be predicted, and we have no method for accurately predicting the volumes of new natural gas supplies that will be forthcoming at the rate established herein. Placid Oil Company, et al. v. FPC, 483 F.2d 880, 900–902 (5th Cir. 1973), affirmed sub nom. Mobil Oil Corp. v. FPC, 42 U.S.L.W. 4842 (U.S. June 10, 1974).

Thus, we can only conclude that there may be some adverse environmental impact as the result of increased exploration and development activity which is undertaken because of the decision in this proceeding. There may also be some adverse environmental impact as the result of pipeline projects undertaken as a result of the decision rendered in this proceeding. And there may be some adverse environmental impact in the energy consuming marketplaces due to an increase in consumption of other fossil fuels because of an increase in the price of natural gas and the extent of curtailment being imposed by the interstate pipelines. None of these potential adverse environmental impacts which may result from the increase in rates allowed by this decision is susceptible to any sort of reasonable quantification in this proceeding without resort to unreasonable speculation and conjecture. It may be possible, however, in proceedings concerned with the construction of a major pipeline project to connect new natural gas supplies to an interstate pipeline to determine the extent of the environmental impact which will result from that particular project.

Finally, it is not practical to determine "how severe will be the environmental effects" of the action taken herein. SIPI, 48 F. 2d at 1092. As previously noted, the environmental impact resulting from increased exploration and development activity will depend upon the location and extent of that activity. The Commission is not able to determine in advance the location and extent of exploration and drilling activity that will be undertaken as a direct or indirect result of this decision. Moreover, the environmental impact in the areas where natural gas is consumed as a fuel or an industrial feedstock will depend upon the end use of the gas. This, in turn, will depend upon each individual interstate pipeline's gas supply and curtailment situation and the availability and comparative cost of alternate fuels for each consumer. These factors will vary from pipeline to pipeline and from consumer to consumer. To the extent this Commission has control over such matters in certificate cases, the environmental impact should be examined there. But it is an absurdity to suggest that these matters must be disposed of in a producer rate proceeding. The environmental effects of all possible combinations of these variables would be mathematically impossible to compute, much less identify and measure, when the matter is approached in a rate proceeding designed to establish the ceiling price that can be charged and collected for sales of natural gas to interstate pipeline companies.

In view of the foregoing, the Commission is of the opinion that a detailed environmental impact statement outlining the ultimate effects of this order cannot be prepared without resort to unreasonable speculation and conjecture.

V. Deeper Drilling and Deeper Offshore Water Depths

Allowances for deeper drilling and an allowance for drilling in offshore waters of increasing depths are two matters which require further consideration by the Commission. The evidence in the record on these two matters is not sufficient to allow decision thereon.

As a substantial portion of the new natural gas supplies for the United States in future years will come from wells drilled to depths of 15,000 feet or more below the surface in the onshore areas and from offshore areas where the water depths will be increasingly greater than those being explored today, the Commission has concluded that some additional cost allowance may be necessary for these drilling efforts, but we do not find sufficient information, data and evidence in the record of this proceeding to determine the methodology by which a reasonable allowance can be justified for these projected additional costs and what amount (cents per Mcf) should be provided as the allowances for deeper drilling (in both the onshore and offshore areas) and deeper water depths in the offshore areas.

Because there is a lack of persuasive evidence in the record of this proceeding upon which to determine a reasonable allowance for deeper drilling or the increasing offshore water depths, we have concluded that the most appropriate manner of resolving these issues lies in our optional procedure or pursuant to applications for special relief. Those parties seeking a rate greater than the base national rate established herein because of greater drilling or water depths should tailor the request for such price relief so that it may be evaluated on a cost basis. In such a proceeding all issues including the appropriate rate of return would be open to resolution.

In suggesting that the matters be resolved on a cost basis for each particular applicant, we do not mean to suggest that each application on these grounds will be the subject of a formal hearing or that nationwide cost data is not relevant. What we are suggesting, and desire to state in no uncertain terms, is that the rates granted under the procedures set forth above will be rates adequate to cover all costs and provide a rate of return which is sufficient to compensate the applicant for the risk involved and not merely an allowance for the out-of-pocket expenses.[107] Moreover, we are of the opinion that an individual producer's data and costs would be more meaningful in these situations than nationwide cost data. Because of the nature of the ultradeep drilling,[108] there is not a large volume of nationwide cost and productivity data available for such drilling activity.[109] This lack of data precludes any meaningful analysis of the cost of super deep drilling on a nationwide basis.

There is also almost a complete lack of data on the productivity associated

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[107] See supra, as to our comments on special relief in general.

[108] We use the term "ultradeep drilling" to refer to wells drilled to depths greater than 15,000 feet below the surface.

[109] The 1972 JAS report noted only 125 oil wells, 159 gas wells, and 212 dry holes for wells drilled to depths of 15,000 feet or greater in 1972. The 1972 totals were 10,753 oil wells, 5,086 gas wells, and 10,604 dry holes for all depths. Thus, the super deep wells were less than two percent of the total number of wells drilled.

The GHK Company and Gasanadarko, Ltd. (GHK) made a cost presentation for super deep drilling based upon their individual experience in drilling such wells and upon 1972 JAS data. Since this presentation was limited primarily to the Deep Anadarko Basin, it does not provide the broad coverage necessary to make nationwide cost findings. However, it is the type of presentation that we seek from individual companies seeking a higher rate for their deep drilling and exploration activities so that we may establish proper rates for such gas.

with the various drilling depths, and this lack of data further precludes the Commission from evaluating the appropriate productivity factor to be utilized in determining an allowance for ultradeep drilling. One party to this proceeding (The GHK Company and Gasanadarko, Ltd.) filed any evidence on the productivity of the ultradeep drilling.[170] The GHK data indicated that productivity factors for such drilling might be over 1,000 Mcf per foot drilled. We do not, however, believe that such a limited presentation provides a sufficiently comprehensive data base to determine a nationwide productivity for drilling at depths greater than 15,000 feet.

In view of the foregoing, we find that there is not a sufficiently comprehensive data basis upon which to establish a nationwide allowance for drilling and exploration efforts directed to the discovery and production of natural gas supplies located at depths greater than 15,000 feet below the surface. We further find that the rate for such gas supplies should be established for individual producers on a cost basis pursuant to petitions or applications filed with the Commission. Such petitions may be filed pursuant to the special relief procedures promulgated by this order or pursuant to the optional policy under Order No. 455 (see n. 4, supra).

In its comments submitted in response to the notice of rulemaking, Columbia Gas Transmission Corporation (Columbia, Gas) urged the Commission to provide an allowance for the additional costs associated with drilling activities in the deeper water depths now being explored in the offshore areas. A number of other parties [171] filed comments which also supported Columbia's request for an additional allowance to compensate for the increased costs associated with the greater water depths.

As with the suggestion that the Commission provide an allowance for deeper drilling, there is little evidence in this record which can be utilized to quantify an allowance for greater water depths. The JAS report does not categorize offshore well costs by water depths, and the AGA does not report offshore reserves by depth below the ocean floor or by the overlying water depth. In such circumstances, no special allowance should be set for the offshore water depths. But, we believe that individual producers should apply to the Commission for rates in excess of the base national rate established by this decision when the cost of an offshore project will yield a unit cost that is greater than the base national rate. Such applications will be treated in the same manner as those filed with respect to applications for increased rates based upon increased drilling depths.

In closing, we believe that it is important to state that applications for special relief or under the optional procedure from the national rate based upon well depths greater than 15,000 feet[172] and increasing water depths will be considered on the total cost of the project including return on the invested capital. All such applications will be decided on an ad hoc basis to insure that each project is fairly treated.

Because of our conviction that extra cost allowances in addition to the base national rate may be necessary to encourage the development of deeper producing horizons both onshore and offshore, those producing horizons located in water depths greater than 250 feet, and previously unexplored areas such as the Atlantic coastal shelf, we intend to initiate such proceedings as may be required to accumulate the data and information necessary to compute the amounts of such allowances. Pending the initiation and completion of such proceedings, we will evaluate gas supplies from these special areas on a cost basis.

VI. Short-Term and Emergency Sales

The Commission has determined that certain of its procedures permitting short-term and emergency sales should be rescinded or revised as of the date of this decision in this proceeding; those procedures which we shall rescind or revise are §§ 2.70 and 157.29 of the Commission's general policy statements and interpretations and regulations under the Natural Gas Act insofar as those provisions allow (1) temporary emergency sales and (2) limited term sales with pre-granted abandonment.[173] The procedures set forth in paragraph 12 of the "Notice Expanding Notices of Investigation And Proposed Rulemaking To Nationwide New Gas Sales And Statement On New Applications For Certificates For Sales From All Areas" issued in Docket No. R–389–A on July 17, 1970,[174] shall also be rescinded as of the date of this decision in this proceeding. With the establishment of a single uniform national rate and the existence of the optional procedures under Order No. 455 (note 5, supra), it is no longer necessary to continue the emergency and certification procedures contained in those sections.

One purpose of this proceeding was to simplify the existing rate structure and the procedures for obtaining a certificate to make sales for resale in interstate commerce. If we continue a myriad of certification procedures by which new supplies of natural gas may be dedicated to the interstate market, that purpose will not be accomplished. We are also concerned about the inordinate percentage of anticipated new deliveries to the interstate market for 1971 to 1973, which are traceable to our emergency and limited-term certificate procedures.[175] We have, therefore, concluded that § 2.70(b)(3) authorizing limited-term certificates with pre-granted abandonment and § 157.29 authorizing temporary emergency sales by natural gas producers and the certification provisions in Paragraph 12 of the July 17, 1970, notice and statement in Docket No. R–389–A should be rescinded, as of the date of this decision.

We have determined, as a matter of policy, that applications for short-term dedications to the interstate market subject to pre-granted abandonment will not be certificated. The present gas shortage requires long-term solutions, not stop-gap measures. Thus, we have decided that the establishment of a just and reasonable national rate structure will be accompanied by a rescinding of certain existing emergency and limited term certification procedures. Certificates already issued under these procedures will not be affected by this action, however, new certificates will not be issued by the Commission.

Section 2.70 is modified by rescinding the provisions of § 2.70(b)(3) pertaining to the authorization of limited-term certificates with pre-granted abandonment. Since the issuance of Order No. 431 which authorized limited-term certificates, approximately 29.2 percent of the total anticipated deliveries of new gas supplies to the interstate market shown in Appendix G have been made pursuant to the provisions of § 2.70(b)(3). We believe that the availability of these short-term dedications has caused producers of natural gas to defer entering into long-term dedications, and that, as a result, the long-term planning required to eliminate the natural gas shortage has also been deferred. The need for long-term dedications to the interstate market is apparent to us in order to assure the availability of a reliable supply of natural gas at reasonable prices and to enable producers, pipeline transmission companies, and distribution utilities to plan, finance, and construct the operating facilities required for continuation of reliable service. We have determined that the establishment of a single uniform national rate and procedure for a biennial review of that

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[170] The American Gas Association does not report reserve additions by either reservoir depth for all reserves or by water depth for offshore reserves.

[171] Major Producer Group, AGD, UDC. See also comments of APGA and New York.

[172] We shall adopt the suggestion of Kentucky West Virginia Gas Company that depths greater than 8,000 feet in the Appalachian and Illinois Basin Areas be accorded this treatment. Such treatment is consistent with Order No. 411. See 44 F.P.C. 1112, 1124 (1970).

[173] 18 CFR 2.70, Policy With Respect To Establishment Of Measures To Be Taken For The Protection Of As Reliable And Adequate Service As Present Natural Gas Supplies And Capacities Will Permit, Order No. 431, 45 F.P.C. 570 (1971), as amended, Order No. 431–A 48 F.P.C. 193 (1972); 18 CFR 157.29, Exemption Of Temporary Sales Or Transportation, Order No. 418, 44 F.P.C. 1574 (1970). The 180-day provisions of these sections which were added by Order No. 491, et al., note 4, supra, expired by the terms of Order No. 491 (mimeo, p. 7, Ordering Paragraph (D)) on March 15, 1974. See Order No. 491–D, —— F.P.C. —— (39 FR 8332, March 1, 1974). Prior to Order No. 491, §§ 2.70 and 157.29 allowed the performance of emergency action for only a 60-day period.

[174] Initial Rates For Future Sales Of Natural Gas For All Areas, Docket No. R–389–A, 35 FR 11683 (1970).

[175] See Appendix G.

rate eliminates the need for our existing procedures under § 2.70(b)(3) which provide for short-term deliveries to the interstate market, and we shall rescind § 2.70(b)(3) as of the final order in this proceeding.

Section 157.29 is rescinded in its entirety. Section 157.22 provides sufficient exemption of temporary acts and operations where the pipeline has or is threatened with an interruption or serious curtailment of service due to the failure of facilities or a failure of the pipeline's normal gas supply. Also, the establishment of a single uniform national rate alleviates the need for regulations permitting the commencement of deliveries while the application for certificate authorization to commence the sales is pending before the Commission.

The anticipated new deliveries to the interstate market which have resulted from the limited-term and emergency sales procedures of our regulations constitute approximately 47.7 percent of the total aggregate of new deliveries to the interstate market for 1971 through 1973. We are of the opinion that this percentage is inordinate, and should be reduced in favor of long-term dedications. To that end, we are eliminating the limited-term certificate provisions (18 CFR 2.70(b)(3)) the emergency sales provisions for natural gas producers (18 CFR 157.29).

Paragraph 12 of the July 17, 1970, notice and statement in Docket No. R–389–A is being terminated since it was adopted as an interim measure adopted in that proceeding until a systematic rate structure was established. With the establishment of a single uniform national rate in this proceeding and the existence of the procedures under Order No. 455, we find no reason to continue the applicability of Paragraph 12, and the provisions found therein are terminated as of the date of the final order in this proceeding.

The Commission further finds: (1) Each respondent named in the notice of rulemaking in this proceeding is engaged in the sale for resale of natural gas in interstate commerce subject to the jurisdiction of the Commission and each is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission through the submission, in writing, of data, views, comments, and suggestions in the manner as described in this decision are consistent and in accordance with all procedural requirements therefor as prescribed in section 553, Title 5 of the United States Code. Since the amendments proposed in this decision do not prescribe added duties or restrictions, compliance with the effective date requirements of 5 U.S.C. section 553(d) is not necessary.

(3) The amendment to Part 2 of the Commission's General Rules to add a new § 2.56(h) is necessary and appropriate for the administration of the Natural Gas Act.

(4) The amendments to Part 2 of the Commission's General Rules and Parts 154 and 157 of the Regulations Under the Natural Gas Act are necessary and appropriate for the administration of the Natural Gas Act.

(5) Information contained in the following documents should be included in the record of this proceeding, and these documents are hereby made a part of the record in this proceeding by incorporation:

Foster Associates, Inc., *The Impact Of Deregulation On Natural Gas Prices*, 1973.

Joint Association Survey Of The U.S. Oil & Gas Producing Industry, Sponsored by American Petroleum Institute, Independent Petroleum Association of America, and Mid-Continental Oil & Gas Association, December 1973.

Federal Power Commission Office of Economics, *Gas Supply Indicators—Fourth Quarter 1973 and Annual Review*, April 1974.

Reserve Of Crude Oil, Natural Gas Liquids, And Natural Gas In The United States And Canada And United States Productive Capacity As Of December 31, 1972, Published Jointly by American Gas Association, American Petroleum Institute, and Canadian Petroleum Association, Volume 27, May 1973.

United States Department of the Interior, *Draft Environmental Impact Statement—Proposed Deregulation Of Natural Gas Prices*, July 17, 1973.

(A) The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 14, 15, and 16 thereof (52 Stat. 822, 823, 824, 825, 828, 829, 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717n, 717o) hereby orders that its General Rules Part 2, Subchapter A of 18 CFR Chapter I, be amended by adding new § 2.56(h), as follows:

* * * * *

§ 2.56 [Amended]

(h) National rate for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973. (1) Notwithstanding any other provisions in the General Rules of Practice and Procedure of the Federal Power Commission, or the Regulations Under the Natural Gas Act of the Federal Power Commission, sales of natural gas in interstate commerce made from wells commenced on or after January 1, 1973; or pursuant to contracts executed on or after January 1, 1973, for the sale of natural gas in interstate commerce for gas not previously sold in interstate commerce except pursuant to the provisions of §§ 2.68, 2.70, 157.22, or 157.29 of this chapter (including sales made pursuant to those sections as modified by Order No. 491); or pursuant to contracts executed on or after January 1, 1973, where the sales were formerly made pursuant to permanent certificates of unlimited duration under contracts which expired by their own terms on or after January 1, 1973, within the United States may be made at a price not to exceed 42.0 cents per Mcf (at 14.73 psia), exclusive of state production taxes and subject to the adjustments herein provided.

(i) The price prescribed by this paragraph may be increased by an amount not to exceed 1.0 cents per Mcf per annum commencing on January 1, 1974, and the first day of every year thereafter for the term of the contract dedicating the subject gas to sale for resale in interstate commerce pursuant to the terms of the contract.

(2) For natural gas subject to the rate prescribed in paragraph (h)(1) of this section, quality standards and resulting adjustments to the base national rate shall be made in accordance with the provisions of the particular contract with respect to the contract rates, except:

(i) Btu adjustment. For natural gas with more than 1,000 Btu's per cubic foot, at 60° F and 14.73 psia, upward adjustments shall be made on a proportional basis from a base of 1,000 Btu's per cubic foot, at 60° F and 14.73 psia, downward adjustments shall be made from a proportional basis from a base of 1,000 Btu's per cubic foot.

(3) Adjustment for taxes: The applicable rate shall be adjusted upward for all State or Federal production, severance, or similar taxes, effective the date deliveries are commenced, and shall be adjusted upward by 100 percent of any increase in existing State or Federal production, severance, or similar taxes subsequent to the date deliveries were commenced and shall be adjusted downward by 100 percent of any decrease in existing State or Federal production, severance, or similar taxes subsequent to the date deliveries were commenced.

(4) The applicable national rate prescribed herein shall be adjusted for gathering activities as follows:

(i) For natural gas produced from the Panhandle and Hugoton Fields of the Hugoton-Anadarko Area, the base national rate shall be adjusted upward 2.5 cents per Mcf where delivery is made at the tailgate of a processing plant, or at a point on the buyer's pipeline beyond the wellhead and beyond the central point in the field.

(ii) For natural gas produced from fields and reservoirs other than the Panhandle or Hugoton Fields of the Hugoton-Anadarko Area, the Permian Basin Area, and the Rocky Mountain Area, the base national rate shall be adjusted upward 1.0 cents per Mcf where delivery is made at the tailgate of a processing plant, or at a point on the buyer's pipeline beyond the wellhead and beyond the central point in the field.

(5) No seller may demand or receive any rate or charge in excess of the rate prescribed by paragraph (h)(1) of this section, except for adjustments provided by paragraph (h) (2), (3), (4), and (7)

of this section, unless the Commission after giving proper notice and providing an opportunity for the submission of comments shall modify the rate set forth in paragraph (h) (1) of this section.

(6) Any seller seeking to charge a rate in excess of the applicable rate or requesting a change in the applicable rate must file a petition for waiver or amendment of this section pursuant to § 1.7(b) of this chapter fully justifying the relief sought in light of this order. The seller may not file any rate increase in excess of the applicable rate herein prescribed unless and until the Commission grants the petition.

(i) For those cases where a producer seeks special relief on the grounds that a Federal income tax liability has been incurred with respect to the producer's jurisdictional natural gas operations, the producer shall submit certified copies of the appropriate Federal income tax returns and supporting schedules required by Treas. Regs. §§ 1.611–2(g), 1.613–6 (26 CFR 1.611–2(g), 1.613–6) as part of the petition for special relief.

(ii) For sales of natural gas made from wells with a total depth greater than 15,000 feet (8,000 feet in the Appalachian and Illinois Basin Areas) and/or located in water depths greater than 250 feet, the seller may petition the Commission for relief from the rate established in paragraph (h) (1) of this section and such relief may be granted by the Commission upon a showing that total cost of producing such gas is in excess of the rate established in this decision. The applicant may make such a showing on a project, area, or company-wide basis.

(7) If natural gas produced offshore is delivered onshore, at the sole cost of producer, the uniform national rate shall be adjusted upward 1.0 cent per Mcf for such offshore gas.

(8) The uniform national rate prescribed in paragraph (h) (1), of this section, as adjusted pursuant to paragraphs (h) (2), (3), (4), and (7) of this section, is the adjusted national rate and is applicable only to those jurisdictional sales within the United States (excluding Hawaii and Alaska) described in paragraph (h) (1) of this section.

(9) To the extent that the Commission's Regulations Under the Natural Gas Act establishing area rates and conditions for sale of natural gas from the Southern Louisiana Area (§ 154.105 of this chapter), Hugoton-Anadarko Area (§ 154.106 of this chapter), Appalachian Basin Area (§ 154.107 of this chapter), Illinois Basin Area (§ 154.109 of this chapter), Other Southwest Area (§ 154.109a of this chapter), or Rocky Mountain Area (paragraph (a) of this section and, § 154.109(b)) of this chapter, and the Permian Basin Area are inconsistent with the provisions set forth above the same are hereby modified to reflect the provisions set forth above. The provisions of the rate structures for these are modified only with respect to those sales which are certificated pursuant to the provisions of this section and in all other respects remain in full force and effect. Provisions pertaining to refund credits and contingent escalations are contained in paragraph (h) (11) of this section.

(10) The rate determined herein is applicable to the jurisdictional sales of natural gas described in paragraph (h) (1) of this section, and shall remain in effect until June 30, 1976, or such earlier time as the rate shall be modified by the Commission after proper notice to all parties.

(11) Any natural gas certificated under the provisions of this section which a natural gas producer elects to have credited against his existing refund obligations in the Southern Louisiana, Texas Gulf Coast, or Other Southwest Area and the Permian Basin, or applied to the triggering volumes for the contingent escalations for those areas shall price that natural gas at the rate prescribed in the applicable area rate opinion and not at the uniform national rate prescribed in this opinion. For purposes of this section, the applicable area rate opinions and Commission regulations are:

(i) Area Rate Proceeding (Texas Gulf Coast Area), et al., Opinion No. 595, 45 F.P.C. 675 (1971); § 154.109 of this chapter.

(ii) Area Rate Proceeding (Southern Louisiana Area), et al., Opinion No. 598, 46 F.P.C. 86 (1971); § 154.195 of this chapter.

(iii) Area Rate Proceeding (Other Southwest Area), et al., Opinion No. 607–A, 47 F.P.C. 99 (1972); § 154.109a of this chapter.

(iv) Area Rate Proceeding (Permian Basin Area II), Docket No. AR70–1 (Phase I), Opinion No. 662,—F.P.C.— (August 7, 1973).

With respect to gas of a class described in paragraph (h) (1) of this section, which is currently being sold in interstate commerce in discharge of a refund obligation or was dedicated to interstate commerce in partial satisfaction of the triggering volumes for the contingent escalations in the described areas, such gas may be sold at the rate prescribed in paragraph (h) (1) of this section only if the seller files a written waiver of the right to discharge such refund obligations or to trigger the contingent escalations on or before September 21, 1974. The seller shall further state the date on which the subject wells were commenced, the present provisions under which the gas is being sold in intersfate commerce, the dollar amount of existing refund obligations previously discharged by the sale of such gas, the volumes (at 14.73 psia) applied to trigger the contingent escalations.

(12) Any contractually authorized increased rate filing made pursuant to the provisions of this order shall be effective as of the date of issuance of this order, if the filing is made on or before September 21, 1974, and as of the date of filing if the filing is made subsequent thereto.

(B) The Commission further orders that its General Rules, Part 2, Subchapter A, and its Regulations Under the Natural Gas Act, Part 157, Subchapter E, 18 CFR Chapter I be amended as follows:

§ 2.70 [Amended]

(a) Section 2.70 of the general policy statements and interpretations is amended by revoking paragraph (b) (3) in its entirety as of the date of this order.

§ 157.29 [Revoked]

(b) Section 157.29 of the regulations under the Natural Gas Act is rescinded in its entirety as of the date of this order.

(c) The provisions of Paragraph 12 of the "Notice Expanding Notices Of Investigation And Proposed Rulemaking To Nationwide New Gas Sales And Statement On New Applications For Certificates For Sales From All Areas" issued in Docket No. R–389–A on July 17, 1970 (35 FR 11638) are rescinded as of the date of this order.

(d) Certificates already issued under the foregoing procedures will not be affected by this action; *Provided, however,* That applications for certificates pending before the Commission (including those upon which a hearing has been held or which are pending hearing) as of the date of this order will not be granted.

(C) This proceeding shall remain open for such other orders as the Commission may find appropriate.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(E) All persons, other than those named as respondents to this proceeding, who are named in the service list issued by the Secretary of the Commission on May 7, 1973, are hereby made parties to this proceeding.

NOTE.—Appendices A through H are filed as part of the original document.

By the Commission.[176]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–14624 Filed 6–27–74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3106 is amended to show that the Dean, Associate Dean, faculty members, and teaching/research assistant positions on the staff of the Uniformed Services University of the Health Sciences are excepted under Schedule A.

Effective on June 28, 1974, § 213.3106 (b) (8) is added as set forth below.

§ 213.3106 Department of Defense.

* * * * *

(b) *Entire Department (including the Office of the Secretary of Defense and*

[176] Commissioners Brooke, Moody, and Smith issued separate statements which are filed as part of the original document.

the Departments of the Army, Navy, and Air Force). * * *

(8) The Dean, Associate Dean, faculty members, and teaching/research assistant positions on the staff of the Uniformed Services University of the Health Sciences.

* * * * *

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

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

[FR Doc.74–14810 Filed 6–27–74;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice; Nomenclature Change

The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities for the voluntary use by producers, merchandisers, processors, and consumers in the marketing of these commodities. An official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Pursuant to section 203 of the Act, 60 Stat. 1087 (7 U.S.C. 1622), notice is hereby given, according to the administrative procedure provisions of section 553 of title 5, United States Code, that the U.S. Department of Agriculture will redesignate the Rice Inspection Manual as Inspection Handbook HB 918–11.

Statement of considerations. In the sampling, inspection, grading, and certification of rice, official inspection personnel often refer to the Rice Inspection Manual. This document prescribes the official methods and procedures to be followed. The manual has been reprinted and redesignated as Inspection Handbook HB 918–11. The change was made to conform the document to grading instructions used for similiar commodities.

Accordingly, wherever the words "Rice Inspection Manual, GR Instruction 918–2" appear in 7 CFR, part 68, subparts C, D, and E, U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice, respectively, it shall be deemed to be "Inspection Handbook HB 918–11."

Under the administrative procedure provisions of section 553 of Title 5, United States Code, it is found upon good cause that further notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest. For that reason the amendment shall become effective June 28, 1974.

Done at Washington, D.C., on June 24, 1974.

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

[FR Doc.74–14914 Filed 6–27–74;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

TOBACCO MARKETING QUOTAS

Referendum Results

Basis and purpose. Sections 723.21, 724.21, and 726.21, are issued pursuant to and in accordance with section 312 of the Agricultural Adjustment Act of 1938, as amended, to (a) proclaim the results of the cigar-filler (type 41); Maryland; Virginia sun-cured; and burley tobacco marketing quota referendums for the three marketing years beginning October 1, 1974, October 1, 1975, and October 1, 1976, and (b) establish a procedure whereby the Secretary of Agriculture may be petitioned prior to November 10, 1974, or prior to November 10, 1975, respectively, to proclaim national marketing quotas for cigar-filler (type 41) tobacco, or for Maryland (type 32) tobacco, for the next three marketing years.

National marketing quotas were proclaimed for cigar-filler (type 41) tobacco and for Maryland (type 32) tobacco, for the 1974–75, 1975–76 and 1976–77 marketing years, and the amounts of the national marketing quotas for the 1974–75 marketing year for such kinds of tobacco were announced (39 FR 4558). National marketing quotas were proclaimed for Virginia sun-cured tobacco for the 1974–75, 1975–76 and 1976–77 marketing years, and the amount of the national marketing quota for such kind of tobacco for the 1974–75 marketing year was announced (39 FR 4560). National marketing quotas were proclaimed for burley tobacco for the 1974–75, 1975–76 and 1976–77 marketing years, and the amount of the national marketing quota for such kind of tobacco for the 1974–75 marketing year was announced (39 FR 4565). The material previously appearing in these sections shall remain in full force and effect as to the crops to which it was applicable.

The Secretary announced that referendums would be held by mail during the period February 25–March 1, 1974, inclusive, to determine whether producers, of each of such kinds of tobacco were in favor of marketing quotas for the three marketing years beginning October 1, 1974, October 1, 1975, and October 1, 1976 (39 FR 4677, 4934). Since the only purpose of this document is to proclaim the results of the referendums and to provide a petition procedure, it is hereby found and determined that with respect to this proclamation, compliance with the notice and public procedure provisions and the 30-day effective date provision of 5 U.S.C. 553 is unnecessary.

PART 723—CIGAR FILLER (TYPE 41) AND MARYLAND TOBACCO

Section 723.21 is revised to read as follows:

§ 723.21 Cigar-filler (type 41) and Maryland—1974–75, 1975–76 and 1976–77 marketing years.

(a) Cigar-filler (type 41). In a referendum held during the period February 25–March 1, 1974, inclusive, of farmers engaged in the production of the 1973 crop of cigar-filler (type 41) tobacco, 890 farmers voted. Of those voting, 132 or 14.8 percent, favored national marketing quotas for the three marketing years 1974–75, 1975–76 and 1976–77; and 758, or 85.2 percent, were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for cigar-filler (type 41) tobacco of 77.3 million pounds for the marketing year beginning October 1, 1974, proclaimed on January 31, 1974 (39 FR 4558) becomes ineffective. Therefore, marketing quotas will not be in effect on cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1974; nor, as national marketing quotas have been disapproved in three successive years since 1952 (18 FR 8474) (19 FR 9365) (21 FR 667), for the marketing years beginning October 1, 1975, and October 1, 1976, respectively, unless pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is petitioned prior to November 10, 1974, or prior to November 10, 1975, by one-fourth or more eligible farmers to proclaim national marketing quotas for the next three succeeding marketing years, respectively, and unless the quotas so proclaimed are approved by two-thirds or more of the farmers voting in a referendum.

(b) *Maryland.* In a referendum held during the period February 25–March 1, 1974, inclusive, of farmers engaged in the production of the 1973 crop of Maryland tobacco, 5,442 farmers voted. Of those voting, 1,390 or 25.5 percent, favored national marketing quotas for the three marketing years, 1974–75, 1975–76 and 1976–77; and 4,052 or 74.5 percent, were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for Maryland tobacco of 37.8 million pounds for the marketing year beginning October 1, 1974, proclaimed on January 31, 1974 (39 FR 4558) becomes ineffective. Therefore, marketing quotas will not be in effect on Maryland tobacco for the marketing year beginning October 1, 1974; nor, as national marketing quotas have been disapproved in three successive years since 1952 (31 FR 4580; 32 FR 4305; 33 FR 4787), for the marketing years beginning October 1, 1975, and

October 1, 1976, respectively, unless pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is petitioned prior to November 10, 1974, or prior to November 10, 1975, by one-fourth or more of eligible farmers to proclaim national marketing quotas for the next three succeeding marketing years, respectively, and unless the quotas so proclaimed are approved by two-thirds or more of the farmers voting in a referendum.

(c) *Petition procedure.* Any petition under paragraph (a) of section 312 of the Act shall be in writing and submitted to the Secretary, or if mailed shall be postmarked, prior to November 10, 1974, in the case of a petition for marketing quotas for the marketing years 1975–76, 1976–77 and 1977–78, or prior to November 10, 1975, in the case of a petition for marketing quotas for the marketing years 1976–77, 1977–78 and 1978–79. Any such petition shall include the address of each person signatory thereto; shall state that such persons favor the proclamation of national marketing quotas for cigar-filler (type 41) tobacco, or for Maryland tobacco, as the case may be, for the years stated in the petition, and the holding of a referendum; and shall show that such persons are producers engaged in the production of the crop of cigar filler (type 41) tobacco, or Maryland tobacco, as the case may be, harvested in the calendar year preceding the first of the marketing years stated in the petition, and constitute one-fourth or more of the producers so engaged.

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

Section 724.21 is revised to read as follows:

§ 724.21 Virginia sun-cured tobacco—1974–75, 1975–76 and 1976–77 marketing years.

In a referendum of farmers engaged in the production of the 1973 crop of Virginia sun-cured tobacco held during the period February 25–March 1, 1974, inclusive, 471 farmers voted. Of those voting, 442 or 93.8 percent, favored quotas for a period of three years beginning October 1, 1974; and 29 or 6.2 percent were opposed to quotas. Therefore, the national marketing quota of 1,870,000 pounds proclaimed January 31, 1974 (39 FR 4563) for Virginia sun-cured tobacco for the 1974–75 marketing year will be in effect, and marketing quotas will be in effect for the three marketing years beginning October 1, 1974, October 1, 1975, and October 1, 1976.

PART 726—BURLEY TOBACCO

A new section 726.21 is issued to read as follows:

§ 726.21 Burley tobacco — 1974–75, 1975–76 and 1976–77 marketing years.

In a referendum of farmers engaged in the production of the 1973 crop of burley tobacco held by mail during the period February 25–March 1, 1974. Of those voting, 283,046 or 98.3 percent, favored quotas for a period of three years beginning October 1, 1974; and 4,783 or 1.7 percent opposed quotas. Therefore, the national marketing quota of 608 million pounds proclaimed January 31, 1974 (39 FR 4565) for burley tobacco for the marketing year beginning October 1, 1974, will be in effect, and marketing quotas will be in effect for the three marketing years beginning October 1, 1974, October 1, 1975, and October 1, 1976.

(Secs. 301, 312, 319, 375, 52 Stat. 38, as amended, 46, as amended, 85 Stat. 23, 52 Stat. 66, as amended; (7 U.S.C. 1301, 1312, 1314e, 1375))

Effective Date: June 28, 1974.

Signed at Washington, D.C. on June 24, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74–14812 Filed 6–27–74;8:45 am]

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

[Valencia Orange Reg. 471]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Jun 28–Jul 4, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.771 Valencia Orange Regulation 471.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be slow. Prices f.o.b. averaged $3.38 per carton on a reported sales volume of 663 carlots last week, compared with an average f.o.b. price of $3.50 per carton and sales of 825 carlots a week earlier. Track and rolling supplies at 405 cars were down 210 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were prompty submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 25, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in

Arizona and designated part of California which may be handled during the period June 28, 1974, through July 4, 1974, are hereby fixed as follows:

(i) District 1: 252,000 cartons;

(ii) District 2: 198,000 cartons;

(iii) District 3: Unlimited movement

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: June 26, 1974.

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

[FR Doc.74–15013 Filed 6–26–74;4:03 pm]

[Lemon Reg. 645]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 30–July 6, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.945 Lemon Regulation 645.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is easier on all sizes and grades. Average f.o.b. price was $6.07 per carton the week ended June 22, 1974, compared to $6.17 per carton the previous week. Track and rolling supplies at 242 cars were up 47 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 25, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 30, 1974, through July 6, 1974, is hereby fixed at 250,000 cartons.

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

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

Dated: June 27, 1974.

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

[FR Doc.74–15053 Filed 6–27–74;11:19 am]

[Lime Reg. 6]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 30–July 6, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.406 Lime Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes continues weak primarily due to unfavorable weather in the major markets. Shipping point prices for fresh limes have been about steady in recent weeks at season low levels.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to

effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 25, 1974.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period June 30, 1974 through July 6, 1974 is hereby fixed at 12,000 bushels.

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

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

Dated: June 26, 1974.

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

[FR Doc.74–15016 Filed 6–27–74;8:45 am]

[Plum Reg. 10, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

This amended regulation continues the currently effective plum grade and size regulation to include all plum shipments during the 1974 season. The regulation prescribes that all California plums handled grade U.S. No. 1 grade except that additional tolerances for defects not considered serious, including healed cracks, and gum spots, are permitted for specified varieties. It also specifies minimum sizes for certain named varieties in terms of the number of plums contained in an eight pound sample. Such regulation would otherwise end on July 8, 1974. It is designed to provide markets with an ample supply of desirable fruit in the interest of consumers and producers. The said marketing agreement and order are effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the FEDERAL REGISTER issue of May 30, 1974 (39 FR 18796) that the Department was giving consideration to a proposal to amend § 917.434 (Plum Regulation 10; 39 FR 18090) pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 917, as amended (7 CFR 917) regulating the handling of fresh pears, plums, and peaches grown in California to continue the effective period of regulation to include all plum shipments for the 1974 season. This proposal allowed interested persons until June 17, 1974, to submit data, views, or arguments for consideration relative to such proposed extension. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Plum Commodity Committee, established under the said amended marketing agreement and order, and other available information, it is hereby found that the limitation of handling of such plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until July 29, 1974 (5 U.S.C. 553) in that (1) shipments of plums are currently in progress and this amendment should be applicable to all such plum shipments occurring during the effective period specified herein in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice to which no exceptions were filed; (3) the regulatory provisions are the same as those currently in effect; and (4) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. Section 917.434 paragraphs (a), and (b), preceding subparagraph (1), and paragraph (c) preceding Table 1, is hereby amended to read as follows:

§ 917.434 Plum Regulation 10.

Order. (a) During the period May 24, 1974, through May 31, 1975, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1.

(b) During the period May 24, 1974, through May 31, 1975, no handler shall ship:

* * * * *

(c) During the period May 24, 1974, through May 31, 1975, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

* * * * *

Dated: June 24, 1974.

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

[FR Doc.74–14817 Filed 6–27–74;8:45 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA AND MARYLAND

Subpart—Rules and Regulations

LIMITATION OF HANDLING

This amendment of the rules and regulations under Marketing Order 930, prescribes a procedure governing tree selection under the diversion provisions; permits the packing of reserve pool cherries in 30 pound capacity containers other than 30 pound metal cans when authorized by the Cherry Administrative Board; establishes a handler charge for fiscal 1974–75 at 12.01 cents per pound for processing, freezing and the first 30 days storage of reserve pool cherries and sets a storage charge of 5.5 cents per container for each additional month of storage; prescribes a minimum grade for reserve pool cherries; and authorizes said Board to maintain a reserve fund to meet the costs of maintaining records pertaining to reserve pool cherries.

Notice was published in the FEDERAL REGISTER issued May 10, 1974 (39 FR 17105), that the Department was giving consideration to proposed amendment to the rules and regulations (Subpart—Rules and Regulations, 7 CFR Part 930.101–930.161), currently in effect pursuant to the applicable provisions of Marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland hereinafter referred to as "the order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said marketing order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The acquiring and handling of cherries are expected to begin

on or about June 28, 1974, and this amendment should be applicable, insofar as practicable, to all such cherries; (2) notice was given of the proposed amendment through publicity in the production area and by publication in the May 10, 1974, issue of the FEDERAL REGISTER; and (3) compliance with this amendment will not require of handlers any preparation that cannot be completed by the effective time hereof.

Order. The amendment is as follows:

1. § 930.103 *Diversion* is revised to read as follows:

§ 930.103 Diversion.

Diversion shall be accomplished by leaving restricted percentage cherries unharvested: *Provided,* That such cherries shall remain on the tree until final inspection and shall not be removed from the premises other than by record approval: *Provided further,* That unless an alternate method of tree selection for diversion is requested by an applicant and is approved by the board, the trees involved with non-harvest shall be designated on a random basis by the board through its authorized representatives.

2. § 930.104 *Reserve pool requirements* is amended by revising paragraphs (a), (c) and (d) as follows:

§ 930.104 Reserve pool requirements.

(a) Reserve pool cherries shall be set aside in the form of 5 plus 1 (five pounds of raw pitted cherries combined with one pound of sugar) frozen cherries packed in new 30 pound capacity metal cans or such other 30 pound capacity containers as may be prescribed by the board. Such cherries shall be graded and certified by the United States Department of Agriculture.

* * * * *

(c) Such cherries, for each handler who freezes cherries, shall reflect not less than the overall grade, quality and condition of the total frozen production of said handler: *Provided,* That not less than 50 percent of said reserve pool cherries shall grade not lower than U.S. Grade "A" and the remainder not lower than proposed U.S. Grade "B" (39 FR 1355) unless otherwise exempted by the board.

(d) Such cherries, for each handler who does not freeze cherries and therefore obtains reserve pool cherries from another handler who does freeze cherries, shall reflect not less than the overall grade, quality and condition of the total frozen production of the handler who freezes such cherries: *Provided,* That not less than 50 percent of said reserve pool cherries shall grade not lower than U.S. Grade "A" and the remainder not lower than proposed U.S. Grade "B" (39 FR 13551) unless otherwise exempted by the board.

3. Paragraph (c) of § 930.109 *Distribution of reserve pool proceeds* is revised to read as follows:

§ 930.109 Distribution of reserve pool proceeds.

* * * * *

(c) In accordance with § 930.60 all reserve pool funds, after deductions, shall be distributed to equity holders in direct proportion to each person's equity in the total reserve pool. In the event of complete disposition of all reserve pool cherries, the board may, prior to making distribution of the resulting funds, set aside a portion of such funds, not to exceed $10,000, as a reserve to defray costs of storage and maintenance of records and supporting material of the pool.

* * * * *

(4) Section 930.158 *Handler compensation charge 1* is revised to read as follows:

§ 930.158 Handler compensation charge 2.

During the fiscal period ending April 30, 1975, each handler shall be compensated, as provided by § 930.58, by producers having an interest in the reserve pool, or their successors in interest: (a) At the rate of $0.1201 (12.01 cents) per pound of reserve pool cherries for receiving raw unpitted cherries, processing such cherries into form of 5 plus 1 frozen cherries packed in new 30 pound capacity metal cans or any other 30 pound capacity as may be prescribed by the board, as specified in § 930.104 (a), and for storage in a suitable freezer storage facility for 30 days from the date the reserve pool cherries are placed in such storage facility; and (b) at the rate of 5½ cents per container per month for storage thereafter in a suitable freezer storage facility.

Dated June 24, 1974, to become effective on June 28, 1974.

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

[FR Doc.74-14816 Filed 6-27-74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations—1961 and Subsequent Crops Texas Flaxseed Purchase Program, Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions of 1961 and Subsequent Crop Texas Flaxseed Purchase Program

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 26 FR 3979, as amended, containing the provisions for 1961 and Subsequent Crops Texas Flaxseed Purchase Program are further amended as follows.

Section 1421.630(c) is amended to specify that flaxseed to be eligible for purchase by CCC must not contain molds that produce toxins that are poisonous to man or animals.

§ 1421.630 Eligible flaxseed.

* * * * *

(c) The flaxseed may be of any grade but must be merchantable for crushing into oil and feed as determined by CCC and must not contain mercurial compounds, toxin producing molds, or other substances poisonous to man or animals.

* * * * *

§ 1421.637 [Deleted]

Section 1421.637 *Storage charges,* is deleted for 1974 and subsequent crops Texas Flaxseed purchase program. Storage charges on all flaxseed offered for purchase to CCC under the Texas Flaxseed purchase program for 1974 and subsequent crops, must be prepaid or otherwise provided for by the producer.

Because 1974-crop Texas flaxseed is currently being harvested, it is determined that compliance with the notice of proposed rulemaking procedure would be impracticable. Therefore, this amendment is being issued without following such procedure and will become effective June 28, 1974.

(Sec. 4, 62 Stat. 1070 as amended (15 U.S.C. 714b). Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054 as amended (15 U.S.C., 714c, 7 U.S.C. 1447, 1421))

Effective Date: June 28, 1974.

Signed at Washington, D.C. on June 24, 1974.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-14811 Filed 6-27-74;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATIONALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waiver

In recognition of the recent independence of Grenada, the Administrator of the Bureau of Security and Consular Affairs, Department of State, in an order dated June 3, 1974, with the concurrence of the Commissioner, Immigration and Naturalization, amended 22 CFR 41.6(b) to restore to nationals of Grenada the waiver of visa privilege formerly provided them by that section before Grenada became an independent country. In the light of the aforementioned order of the Department of State, and pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1, a corresponding amendment to § 212.1(b) in Part 212,

Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 212.1(b) is amended by adding "or Grenada" immediately following Barbados in the two places it appears in that paragraph. As amended, § 212.1(b) reads as follows:

§ 212.1 **Documentary requirements for nonimmigrants.**

* * * * *

(b) *British, French, and Netherlands nationals, and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa is not required of a British, French, or Netherlands national, or of a national of Jamaica, Trinidad and Tobago, Barbados, or Grenada, who has his residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or in Jamaica, Trinidad and Tobago, Barbados, or Grenada, for admission and stay in Puerto Rico or the Virgin Islands of the United States, or as an agricultural worker in the United States: *Provided,* That the authorized period for which an alien was admitted pursuant to this paragraph for temporary stay in Puerto Rico or the Virgin Islands of the United States shall be terminated automatically when such alien manifests an intention to depart or attempts to depart or departs directly for any United States destination outside Puerto Rico or the Virgin Islands of the United States, unless an immigration officer has authorized such alien to proceed to a destination in the continental United States.

* * * * *

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendment to § 212.1(b) confers benefits on the persons affected thereby and conforms Service regulations to corresponding regulations promulgated by the Department of State.

Effective date: July 28, 1974.

Dated: June 17, 1974.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.74-14849 Filed 6-27-74;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

This amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas in 9 CFR 78.13 because it has been determined that these areas no longer come within the definition of § 78.1(i): Cherokee County in Oklahoma; Shannon County in South Dakota; and Freestone, Leon, and Milam Counties in Texas.

The following counties were deleted from the list of Modified Certified Brucellosis Areas in 9 CFR 78.13 on the specified dates: Muskogee County in Oklahoma on March 4, 1974; and Cherokee, Navarro and Wood Counties in Texas on May 31, 1974. Since said dates, it has been determined that these counties again come within the definition of § 78.1(i); and therefore, they have been redesignated as Modified Certified Brucellosis Areas.

Accordingly, § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 **Modified Certified Brucellosis Areas.**

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Missouri, Oklahoma, South Dakota, and Texas.

(b) The following States are hereby designated as Modified Certified Brucellosis Areas except for the counties named:

(1) Missouri except Sullivan County.

(2) Oklahoma except Cherokee County.

(3) South Dakota except Shannon County.

(4) Texas except Freestone, Leon, and Milam Counties.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.16.)

Effective date. The foregoing amendment shall become effective June 28, 1974.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of June 1974.

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

[FR Doc.74-14912 Filed 6-27-74;8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY AREA QUARANTINED

Correction

In FR Doc. 74-13532 appearing at page 20585 in the issue for Wednesday, June 12, 1974, the section number on page 20586, now reading "§ 82.30" should read "§ 82.3".

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Clarification of Date When Federal Provisions Apply in Any Designated State or Territory

Pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the Animal and Plant Health Inspection Service is amending § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) and § 381.221 of the poultry products inspection regulations (9 CFR 381.221) for the purpose of clarifying the language contained in these two sections to accurately reflect the dates shown in these sections as the effective dates of application of Federal provisions in the States so designated.

Statement of Considerations. Section 301(c) of the Federal Meat Inspection Act (FMIA) and section 5(c) of the Poultry Products Inspection Act (PPIA) set forth the provisions for designating any State as being subject to the provisions of Titles I and IV, FMIA, or sections 1-4, 6-10, and 12-22, PPIA, Section 301(c), FMIA, and section 5(c), PPIA, provide that the Secretary shall publish such a designation in the FEDERAL REGISTER, and upon the expiration of 30 days after such publication, said provisions shall apply to operations and transactions and to the persons, firms, and corporations engaged therein in the State to the same extent and in the same manner as if such

operations and transactions were conducted in or for commerce.

Upon promulgation of 9 CFR Part 331 of the Federal meat inspection regulations and 9 CFR Part 381 of the poultry products inspection regulations, the introductory paragraph in §§ 331.2 and 381.221 read in part: "designated, effective on the date shown below." The date, however, rather than showing the effective date of designation, showed the date of application of the respective regulations. This amendment clarifies that paragraph by accurately reflecting the dates shown as the effective dates of application of the Federal regulations.

Accordingly, the introductory portion of § 331.2 of the Federal meat inspection regulations is amended to read as follows:

§ 331.2 Designation of States under paragraph 301(c) of the Act.

Each of the following States has been designated, under paragraph 301(c) of the Act, as a State in which the provisions of Titles I and IV of the Act shall apply to operations and transactions wholly within such State. The Federal provisions apply, effective on the dates shown below:

(Sec. 21, 34 Stat. 1260, as amended (21 U.S.C. 621); 37 FR 28464, 28477)

Further, the introductory portion of § 381.221 of the poultry products inspection regulations is amended to read as follows:

§ 381.221 Designation of States under paragraph 5(c) of the Act.

Each of the following States has been designated, under paragraph 5(c) of the Act, as a State in which the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act shall apply to operations and transactions wholly within the State. The Federal provisions apply, effective on the dates shown below:

(Sec. 14, 71 Stat. 447, as amended, (21 U.S.C. 463); 37 FR 28464, 28477)

These amendments are made to clarify the regulations. It does not appear that other information could be brought to the Department's attention which would substantially affect this matter. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures concerning the amendment are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication hereof in the FEDERAL REGISTER.

These amendments shall become effective June 28, 1974.

Done at Washington, D.C., on: June 21, 1974.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-14768 Filed 6-27-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Special Curie Definitions and Concentration Values in Air and Water for Uranium and Thorium

The Atomic Energy Commission published a notice in the FEDERAL REGISTER on April 16, 1974 (39 FR 13671) that it had under consideration proposed amendments to 10 CFR Part 20 of the Commission's regulations. As proposed, the amendments would discontinue the use in 10 CFR Part 20 of the special curie definitions for natural uranium and natural thorium, and would amend associated concentration and quantity values in 10 CFR Part 20. These amendments were proposed in response to a petition for rulemaking (PRM-20-3) filed with the Commission by the General Electric Co. on October 30, 1972. In addition to these changes, the Commission also proposed a new footnote 3 to Appendix B of 10 CFR Part 20 which would provide a warning that the chemically toxic properties of uranium should be considered for certain mixtures of the naturally occurring uranium isotopes, establish 0.2 milligrams uranium per cubic meter of air as the appropriate concentration value for occupational exposure, and establish a weekly intake limit for any mixture of uranium-238, uranium-234 and uranium-235. Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within 45 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER.

After consideration of the comments received, the Commission has adopted the proposed amendments. The text of the amendments set out below is identical with the text of the proposed amendments previously published in the FEDERAL REGISTER for comment.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 20 are published as a document subject to codification.

§ 20.5 [Amended]

1. Paragraph (c) of § 20.5 is deleted.

APPENDIX B

2. In Appendix B, the air and water concentrations for U natural and Th natural are revised, and a new footnote 3 for U-234 S, U-235 S, U-238 S, and U natural S, is added, and paragraphs (a) and (b) of note 4 are revised to read as follows:

APPENDIX B.—*Concentration in air and water above natural background*

[See notes at end of appendix]

Element (atomic number)	Isotope [1]	Table I		Table II	
		Column 1—air (μCi/ml)	Column 2—water (μCi/ml)	Column 1—air (μCi/ml)	Column 2—water (μCi/ml)
* * *	* * *	* * *	* * *	* * *	* * *
Thorium-90	Th natural:				
	S	6×10^{-11}	6×10^{-5}	2×10^{-12}	2×10^{-6}
	I	6×10^{-11}	6×10^{-4}	2×10^{-12}	2×10^{-5}
* * *	* * *	* * *	* * *	* * *	* * *
Uranium-92	Uranium-234 [3] S	6×10^{-10}	9×10^{-4}	2×10^{-11}	3×10^{-5}
	Uranium-235 [3] S	5×10^{-10}	8×10^{-4}	2×10^{-11}	3×10^{-5}
	Uranium-238 [3] S	7×10^{-11}	1×10^{-3}	3×10^{-12}	4×10^{-5}
	U natural [3]:				
	S	1×10^{-10}	1×10^{-3}	5×10^{-12}	3×10^{-5}
	I	1×10^{-10}	1×10^{-3}	5×10^{-12}	3×10^{-5}

Note: * * *

3. For soluble mixtures of U-238, U-234 and U-235 in air chemical toxicity may be the limiting factor. If the percent by weight (enrichment) of U-235 is less than 5, the concentration value for a 40-hour workweek, Table I, is 0.2 milligrams uranium per cubic meter of air average. For any enrichment, the product of the average concentration and time of exposure during a 40-hour workweek shall not exceed 8×10^{-6} SA μCi-hr/ml, where SA is the specific activity of the uranium inhaled. The concentration value for Table II is 0.007 milligrams uranium per cubic meter of air. The specific activity for natural uranium is 6.77×10^{-7} curies per gram U. The specific activity for other mixtures of U-238, U-235 and U-234, if not known, shall be:

$SA = 3.6\times10^{-7}$ + curies/gram U — U-depleted

$SA = (0.4 + 0.38\ E + 0.0034\ E^2)\ 10^{-6}$ — E=0.72

where E is the percentage by weight of U-235, expressed as percent.

4. * * *

a. For purposes of Table I, Col. 1—1×10^{-10} μCi/ml gross alpha activity; or 5×10^{-11} μCi/ml natural uranium; or 75 micrograms per cubic meter of air natural uranium.

b. For purposes of Table II, Col. 1—3×10^{-12} μCi/ml gross alpha activity; or 2×10^{-12} μCi/ml natural uranium; or 3 micrograms per cubic meter of air natural uranium.

APPENDIX C

4. In Appendix C, the microcurie values for Thorium (natural) and Uranium (natural) in the Microcurie column are changed, and footnotes 1 and 2 are added to read as follows:

Material:	*Microcuries*
* * * * *	
Thorium (natural)[1]	100
* * * * *	
Uranium (natural)[2]	100
* * * * *	

Effective date. These amendments become effective on July 29, 1974.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201))

Date at Bethesda, Md., this 25th day of June 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-14866 Filed 6-27-74;8:45 am]

[No. 74-573]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Electronic Funds Transfer Through Remote Service Units

JUNE 26, 1974.

The Federal Home Loan Bank Board, by Resolution No. 74-390, dated May 6, 1974, proposed to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) in order to extend and expand the Board's "pilot project" funds transfer regulation (12 CFR 545.4-2) and to delete those provisions of § 545.14-5 of said Part 545 (12 CFR 545.14-5) which refer to "fully automated satellite office" so that all provisions relating to remotely furnished financial services would be contained in a single regulation. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on May 9, 1974 (39 FR 16484), with an invitation for interested persons to submit written comments by May 24, 1974. By Resolution No. 74-480, dated May 29, 1974, published in the FEDERAL REGISTER on May 31, 1974 (39 FR 19236), an additional period for comment was provided until June 17, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the proposed amendments with the principal changes discussed herein.

The Board continues to receive requests by Federal savings and loan associations to provide electronic funds transfer services to their customers, including the operation of systems in places of business, even though present § 545.4-2 terminates on July 9, 1974. As amended, § 545.4-2 is of a brief and temporary nature and is designed to permit continued limited experimentation until July 31, 1975, by Federal associations in the operation of electronic funds transfer systems. The Board is of the opinion that reports from, and observations of, the actual operation of one or more systems will continue to furnish valuable experience and information to the Board, the savings and loan industry, and the public relating to the substance of any permanent regulations which the Board may promulgate regarding such systems. The Board is amending § 545.4-2 for the principal purpose of continuing to permit Federal associations, subject to prior approval by the Board of a plan submitted by such an association, to operate selective "pilot" projects of this kind on a limited basis for the purposes stated above.

As part of the Board's continuing evaluation of electronic funds transfer systems, the Board invites and encourages interested persons to comment until termination of this regulation on July 31, 1975 on such systems generally or on specific approved "pilot" projects including specific objections thereto. Additionally, operational experience concerning electronic funds transfer systems may be of value to any legislatively established study commission. Such comments may be submitted to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

Existing place-of-business funds transfer systems authorized under present § 545.4-2 will not be affected by the amendment of that section. However, the continued operation of existing place-of-business funds transfer systems after July 9, 1974, requires approval by the Board under the regulation as amended. Applications under the regulation as amended will be accepted for filing, but not acted upon by the Board, before the effective date of the regulation.

Under subdivision (2) of § 545.4-2(a) a remote service unit may be located within the primary service area, as determined by the Board, of any branch office of a Federal association located outside of the State in which the home office of such association is located. The Board's regulations (12 CFR 556.5) do not permit a Federal association to establish branch offices outside of the State in which its home office is located. However, some Federal associations maintain out-of-state branch offices under certain grandfather rights. Said subdivision (2) would only apply to a Federal association which properly maintains an out-of-state branch office.

Section 545.4-2(b)(2) is changed to except Federal associations having their home offices located in New Hampshire and Massachusetts from the restrictions contained in § 545.4-2(b)(2) on the use of negotiable or transferable orders or authorizations.

Section 545.4-2(b)(3) is changed to provide additionally that applications for loans or approvals of loans may not be made at a remote service unit. Section 545.4-2(b)(4) is changed to permit only such related services as the Board may approve upon application therefor.

Section 545.4-2(e) is changed to provide that the Board may require a Federal association to permit participation in the establishment, maintenance or use of a remote service unit by other institutions insured by the Federal Savings and Loan Insurance Corporation where a remote service unit is located either (1) in the standard metropolitan statistical area in which the home office or branch office of such insured institution is located or (2) in the primary service area of the home office or branch office of such insured institution.

Section 545.4-2(f)(2) is redesignated § 545.4-2(f). Section 545.4-2(f) is redesignated § 545.4-2(g) and is changed to provide that applications shall be filed on or before January 31, 1975. Section 545.4-2(g) is redesignated §545.4-2(h).

Section 545.4-2(i) is added to provide that a remote service unit shall comply with the minimum security devices requirements of Part 563a of the Insurance Regulations (12 CFR Part 563a) as though such unit were an "office" as defined in that Part, except to the extent that an applicant makes a showing satisfactory to the Board that such requirements are inappropriate and that alternate measures will be taken for the installation, maintenance, and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts.

Section 545.4-2(h) is redesignated § 545.4-2(j). Section 545.4-2(h)(1) is changed to prohibit the use of terminals or teller machines using passbooks regardless of whether the passbooks are machine-readable. Section 545.4-2(h)(1) is also changed to provide specifically that a remote service unit is not a branch office, satellite office, or other type of office, facility, or agency of a Federal association.

Section 545.4-2(i) is redesignated § 545.4-2(k) and is changed to provide for automatic termination at the close of July 31, 1975.

Accordingly, by virtue of the authority vested in the Board under section 5 of the Home Owners' Loan Act of 1933, 12 U.S.C. § 1464, as amended, and section 2 of Public Law 93-100, 87 Stat. 342, the Board hereby amends § 545.4-2 and paragraphs (a) and (c)(1) of § 545.14-5 to read as set forth below, effective July 29, 1974.

Section 545.4-2 is revised to read as follows.

§ 545.4-2 Remote service units (temporary provision).

(a) *General provisions.* Notwithstanding and without regard to any other provision of this part other than this section, a Federal association may establish,

[1] Based on alpha disintegration rate of Th-232, Th-230 and their daughter products.
[2] Based on alpha disintegration rate of U-238, U-234, and U-235.

maintain or use one or more remote service units located (1) within the State in which the home office of such association is located; or (2) within the primary service area, as determined by the Board, of any branch office of such association located outside of such State. A remote service unit may be, but is not required to be, located in a place of business other than a place of business solely of a Federal association such as a retail sales establishment, shopping center, office building, factory, or transportation terminal.

(b) *Financial services authorized for remote service units.* A Federal association may, to the extent authorized by a resolution of its board of directors, render one or more of the following financial services to the public by means of a remote service unit:

(1) The placing or transferring of funds to the credit of savings accounts or deposits at such association, but no savings accounts or deposits may be opened at such a unit;

(2) Withdrawals of savings accounts or deposits in such association, which withdrawals may be total or partial and may be effected through the use of nontransferable orders or authorizations, but not through the use of negotiable or transferable orders or authorizations to the association other than a Federal association having its home office in New Hampshire or Massachusetts: *Provided,* That in no case may the association permit or authorize withdrawals in excess of a holder's balance in such an account or deposit;

(3) Receiving payments related to loans invested in or being serviced by such association: *Provided,* That in no case may applications for or approvals of loans to be made at a remote service unit; and

(4) Such other related financial services, except those services specifically prohibited by paragraph (b) of this section, as the Board may approve upon application therefor.

(c) *Advertising.* No advertisement, announcement or solicitation by a Federal association relating to a remote service unit may be inaccurate or misleading with respect to such a unit. Any advertisement, announcement or solicitation by a Federal association relating to a remote service unit is subject to revision or termination by the Board.

(d) *Bonding requirements.* A Federal association shall take all steps necessary to protect its interest in the financial services processed at each remote service unit, including acquisition of available fidelity, forgery and other appropriate insurance.

(e) *Participation with other financial institutions.* Except as provided in this paragraph, a Federal association may, but is not required to, participate in the establishment, maintenance or use of one or more remote service units with one or more financial institutions insured by the Federal Savings and Loan Insurance Corporation or by the Federal Deposit Insurance Corporation, or with such other financial institutions as the Board may approve. The Board may, consistent with the purposes of this section and upon application therefor, require a Federal association to permit such participation at a reasonable cost by an institution insured by the Federal Savings and Loan Insurance Corporation if a remote service unit used by such Federal association is located either in the standard metropolitan statistical area in which the home office or branch office of such insured institution is located or in the primary service area, as determined by the Board, of the home office or branch office of such insured institution. A Federal association may not enter into an agreement of any kind for the exclusive right to use a remote service unit at any location of a business organization of any kind, or under which other financial institutions would be excluded from using a remote service unit at any location of such business organization where such Federal association does not use a remote service unit.

(f) *Confidentiality of account information.* A Federal association shall establish and maintain safeguards acceptable to the Board to insure the privacy and confidentiality of account information.

(g) *Applications.* (1) A Federal association may not establish, maintain, or use a remote service unit, or participate in the establishment, maintenance, or use of a remote service unit, without prior written approval by the Board. Applications for Board approval to establish a remote service unit shall be filed on or before January 31, 1975. One original and one copy of any application pursuant to this section shall be filed with the Supervisory Agent and two copies of such application shall be sent to the Director, Office of Industry Development, Federal Home Loan Bank Board, Washington, D.C. 20552. An applicant may file additional information in support of its application and may amend the application. The Director or the Supervisory Agent may request an applicant to furnish additional information.

(2) Except as may be otherwise provided in a resolution by the Board in a particular case, the participation in or the establishment, maintenance or use of a remote service unit pursuant to this section shall not be altered in any material respect from that approved by the Board under this section unless in compliance with the procedures of this section an application to do so is filed and approved in writing by the Board prior to making such alteration.

(3) A Federal association which participates in or establishes, maintains or uses a remote service unit pursuant to this section shall submit to the Board, at such association's expense, such reports as the Board may require relating to the operation of such unit. The Board may require such Federal association to modify or terminate, in whole or in part, such participation, establishment, maintenance or use. Any contract, agreement or understanding, whether written or oral, between or among a Federal association and any other financial institution or other business organization relating to the participation, establishment, maintenance or use of a remote service unit by such Federal association shall be subject to any rules and regulations which the Board may hereafter prescribe or any resolution which the Board may adopt a requirement that any such contract, agreement or understanding be terminated.

(h) *Consideration of competitive implications.* The Board will consider competitive implications of applications made under this section and may, in an appropriate case either (1) request the views of the Antitrust Division of the Department of Justice; or (2) specifically request that a Federal association making an application under this section request a business review letter from the Antitrust Division of the Department of Justice pursuant to the provisions of 28 CFR § 50.6 as amended.

(i) *Adequate security devices and procedures.* A remote service unit shall comply with the minimum security devices requirements of Part 563a of the Insurance Regulations as though such unit were an "office" as defined in § 563a.1 of said Part, except to the extent that an applicant makes a showing satisfactory to the Board that such requirements are inappropriate and that alternate measures satisfactory to the Board will be taken for the installation, maintenance, and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries and larcenies and to assist in the identification and apprehension of persons who commit such acts.

(j) *Definitions.* As use in this section: (1) The term "remote service unit" means an information processing device, including associated equipment, structures and systems, by means of which information relating to financial services rendered to the public is stored and transmitted, whether instantaneously or otherwise, to a financial institution and which, for activation and account or deposit access, is dependent upon the use of a machine-readable instrument in the possession and control of the holder of such account or deposit. The term "remote service unit" includes, without limitation, both "on-line" computer terminals and "off-line" cash dispensing machines, but does not include terminals or teller machines using passbooks regardless of whether the passbooks are machine-readable. A remote service unit is not a branch office, satellite office or other type of office, facility or agency of a Federal association within the meaning of §§ 545.14, 545.14–1, 545.14–2, 545.14–3, 545.14–4, 545.14–5 or 545.14–6.

(2) The term "State" means the States of the Union, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(3) The term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the home office of the Federal association is located or any other officer or

employee of such Bank designated by the Board as agent as provided by § 501.10 and § 501.11 of this chapter.

(k) *Termination.* This section and any approval granted under this section shall automatically terminate at the close of July 31, 1975.

Section 545.14–5 is amended by revising paragraphs (a) and (c)(1)(i) and (ii) as follows:

§ 545.14–5 Satellite office.

(a) *Nature of a satellite office.* An office of a Federal association which is not its home office or a branch office approved pursuant to § 545.14 shall be deemed to be a satellite office if it meets the requirements of a satellite office as described in this section and if it is a satellite of the association's home office or a branch office in that it is located in the primary service area, as determined by the Board or Supervisory Agent, of such home office or branch office. Any business of a Federal association, as authorized by the association's board of directors, may be transacted at a satellite office.

* * * * *

(c) *Specific provisions.* Each application for permission to establish a satellite office will be considered or processed pursuant to the provisions of this section. Approval of such an application pursuant to this section will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

(1) A satellite office may be, but is not required to be, located within premises principally occupied by a retail sales establishment or any other business organization. A satellite office shall be operated in conformity with the following physical requirements:

(i) The satellite office shall not occupy more than 500 square feet of floor space; and

(ii) Provision shall not be made for more than 4 teller stations.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Sec. 2, Public Law 93–100, 87 Stat. 342. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

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

[FR Doc.74–15010 Filed 6–27–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–CE–9–AD; Amdt. 39–1884]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 19 and 23 Airplanes

Reports have been received of difficulty in operation and reduced travel in the fuel mixture and carburetor heat controls on certain Beech Models B19 and C23 airplanes. Safety could be adversely affected should the pilot be unable to move these controls during certain critical flight operations. To correct this condition the manufacturer has issued Beechcraft Service Instructions 0608–159 and 0635–159 recommending inspection and replacement of the carburetor heat and fuel mixture controls and/or modification of the fuel mixture control installation and making kits available for accomplishing the necessary modifications on certain serial numbers of the above model airplanes.

Since the condition described herein is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued applicable to certain serial numbers of Beech Models B19 and C23 airplanes requiring compliance with Beechcraft Service Instructions 0608–159 and 0635–159.

Because an unsafe condition is the basis for this action and additional information from the public is unlikely to develop from normal rule making procedures, it appears that notice hereon is impracticable and contrary to the public interest and that good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models B19 and C23 airplanes as set forth below.

Compliance: Required within 100 hours' time in service after the effective date of this AD, unless already accomplished.

To assure proper operation of the carburetor mixture and/or alternate air controls, accomplish the following:

(A) On Models B19 Sport 150 (Serial Numbers MB–558 through MB–575) airplanes, visually inspect the carburetor heat control and install Beech Kit No. 23–9013–1S as required in accordance with Beechcraft Service Instruction 0608–159 or subsequent revisions.

(B) On Models C23 Sundowner 180 (Serial Numbers M–1417, M–1420, M–1421, M–1425 through M–1432, M–1434 through M–1438, M–1441 through M–1446, and M–1449 through M–1469) airplanes, visually inspect the fuel mixture and/or carburetor heat controls and install Beech Kit 23–9013–3S as required in accordance with Beechcraft Service Instruction 0608–159 and install a spacer in the fuel mixture control cable installation in accordance with Beechcraft Service Instruction 0635–159 or subsequent revisions.

(C) On Models C23 Sundowner 180 (Serial Numbers M–1470 through M–1491 and M–1523 through M–1538) airplanes reroute the fuel mixture control cable and install Beech Kit No. 23–9013–5S in accordance with Beechcraft Service Instruction No. 0608–159 or subsequent revisions, and install a spacer in the fuel mixture control cable installation in accordance with Beechcraft Service Instruction No. 0635–159, or subsequent revisions.

(D) On those models and serial numbers listed herein, where a control cable is rerouted, plug the existing control hole in the firewall with a suitable fireproof compound, rivet or bolt.

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

This amendment becomes effective July 8, 1974.

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

Issued in Kansas City, Missouri, on June 21, 1974.

GEORGE R. LA CAILLE,
Acting Director,
Central Region.

[FR Doc.74–14852 Filed 6–27–74;8:45 am]

[Airspace Docket No. 74–NW–17]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Baker, Oregon Control Zone to allow for changes by Notices to Airmen when minor variations in time of designation are anticipated.

The Baker, Oregon Control Zone is based upon communications and weather observation provided by the Baker FSS. Thus, if the hours of the FSS operation change, the effective hours of the Control Zone would also change.

Since this amendment is minor in nature, and imposes no additional burden on the public, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, in § 71.171 (39 FR 354), the description of the Baker, Oregon Control Zone is amended by adding the following:

* * * This Control Zone is effective during specific dates and times established in advance by Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airman's Information Manual.

Effective date. This amendment shall be effective 0901 G.m.t., June 30, 1974.

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

Issued in Seattle, Washington on June 20, 1974.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc.74–14853 Filed 6–27–74;8:45 am]

[Airspace Docket No. 74–WA–19]

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

Change in Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tions is to change the name of Hickory, N.C., VOR reporting point to Barretts Mountain, N.C., VOR reporting point.

Because this action merely renames the reporting point at its present location without altering any route structure or designated airspace, this action is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be depicted on appropriate aeronautical charts, this amendment will be made effective September 12, 1974.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 12, 1974, as hereinafter set forth.

§ 71.203 (39 F.R. 620) is amended as follows: "Hickory, N.C." is deleted and "Barretts Mountain, N.C." is added.

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

Issued in Washington, D.C., on June 24, 1974.

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

[FR Doc.74-14854 Filed 6-27-74;8:45 am]

[Airspace Docket No. 74-GL-21]

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

Deletion of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Union, Wis., INT reporting point which is no longer required for air traffic control.

Since designation and recision of reporting points are minor matters upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. However, in order to allow sufficient time for the change to be reflected on appropriate aeronautical charts, this amendment will become effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 12, 1974, as hereinafter set forth.

§ 71.203 (39 FR 620 and 7780) is amended by deleting "Union, Wis., INT: INT Duluth, Minn., 136° radial and Seeley, Wis., NDB 029° bearing."

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

Issued in Washington, D.C., on June 24, 1974.

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

[FR Doc.74-14855 Filed 6-27-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-864; Amdt. 25]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Deletion of Reporting Requirement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 24, 1974.

By ER-748, effective September 17, 1972, the Board amended Part 298 (14 CFR Part 298) so as to increase the size of aircraft which air taxis are permitted to operate, from a maximum of 12,500 pounds to the present thirty (30) seat/seven thousand five hundred (7,500) pound limitation. At the same time, we also amended § 298.21(i) to require that all air taxis which operate in air transportation aircraft having more than twenty (20) seats or a payload capacity of more than five thousand (5,000) pounds must file with the Bureau of Accounts and Statistics quarterly reports of their operations with such aircraft.

Our review of this reporting requirement and of the reports which have been filed thereunder indicates that the information thereby furnished to us has not served any substantial purpose in enabling us to perform our regulatory duties.

Consistent with the Board's policy of continuing to require the filing of only those reports for which we have an actual regulatory need, and upon our review of the reports which have been filed under § 298.21(i), we have therefore determined to delete this requirement.

Of course, deletion of this specific reporting regulation has no effect on such other reporting regulations as are, or may be, applicable to air taxis; nor does it affect such particular reporting requirements as have been, or may be, imposed by the Board in individual orders, such as exemption orders authorizing the use of large aircraft.

Inasmuch as this amendment relieves a burden, and does not adversely affect anyone, the Board finds that notice and public procedure hereon are unnecessary, and it may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298) effective June 24, 1974, as follows:

§ 298.21 Scope of service authorized; geographical, equipment and mail service limitations, insurance and reporting requirements.

* * * * *

(i) [Reserved]

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

By the Civil Aeronautics Board.

Effective: June 24, 1974.

Adopted: June 24, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14901 Filed 6-27-74;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.701]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to extend the waiver of visa requirements provided by § 41.6(b) to nationals of Grenada, resident therein, who are proceeding to Puerto Rico or the Virgin Islands of the United States, or who are proceeding to the United States as agricultural workers.

Paragraph (b) of § 41.6 is amended to read:

§ 41.6 Nonimmigrants not required to present passports, visas or border-crossing identification cards.

* * * * *

(b) *British, French, and Netherlands nationals, and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa shall not be required of a British, French, or Netherlands national, or of a national of Jamaica, Trinidad and Tobago, Barbados, or Grenada, who has his residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or in Jamaica, Trinidad and Tobago, Barbados, or Grenada, and who is proceeding to Puerto Rico, or the Virgin Islands of the United States, or who is proceeding to the United States as an agricultural worker.

* * * * *

Effective date. The amendment to the regulation contained in this order shall become effective June 28, 1974.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendment to § 41.6(b) is a technical amendment necessitated by the change in legal status of Grenada.

For the Secretary of State.

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

JUNE 3, 1974.

L. F. CHAPMAN, Jr.,
Commissioner, Immigration and Naturalization Service, Department of Justice.

JUNE 17, 1974.

[FR Doc.74-14850 Filed 6-27-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7317]

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

Medical Expense Deduction for Operation and Maintenance of Capital Assets

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for September 27, 1973 (38 FR 26918), an amendment to the Income Tax Regulations (26 CFR Part 1) under section 213 of the Internal Revenue Code of 1954 was proposed in order to clarify the deduction for medical expenditures. After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is adopted by this document.

Although capital expenditures do not generally qualify as deductible medical expenses, such expenditures are, however, deductible if their primary purpose is the medical care of the taxpayer, his spouse, or his dependent. If such expenditure does not result in the permanent improvement or betterment of property, the expenditure is fully deductible when paid. On the other hand, if such expenditure results in the betterment of property (such as an elevator or air conditioner in the taxpayer's home) and otherwise qualifies as a deductible medical expense, such expenditure is deductible as a medical expense only to the extent the expenditure exceeds the increase in the value of the related property. The amendment to the present regulations is to make clear that expenditures for the operation and maintenance of a capital asset are deductible medical expenses when such expenditures have as their primary purpose the medical care of the taxpayer, his spouse, or his dependent.

Adoption of amendment to the regulations. On September 27, 1973, notice of proposed rulemaking with respect to the Income Tax Regulations (26 CFR Part 1) under section 213 of the Internal Revenue Code of 1954, relating to medical deductions, was published in the FEDERAL REGISTER (38 FR 26918). After consideration of all relevant matter presented by interested persons regarding the proposed rules, the regulations as proposed are hereby adopted.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: June 26, 1974.

Frederic W. Hickman,
Assistant Secretary of the Treasury.

Section 1.213–1 is amended to read as set forth below:

§ 1.213–1 Medical, dental, etc. expenses.

* * * * *

(e) *Definitions*—(1) General. * * *

(iii) Capital expenditures are generally not deductible for Federal income tax purposes. See section 263 and the regulations thereunder. However, an expenditure which otherwise qualifies as a medical expense under section 213 shall not be disqualified merely because it is a capital expenditure. For purposes of section 213 and this paragraph, a capital expenditure made by the taxpayer may qualify as a medical expense, if it has as its primary purpose the medical care (as defined in subdivisions (i) and (ii) of this subparagraph) of the taxpayer, his spouse, or his dependent. Thus, a capital expenditure which is related only to the sick person and is not related to permanent improvement or betterment of property, if it otherwise qualifies as an expenditure for medical care, shall be deductible; for example, an expenditure for eye glasses, a seeing eye dog, artificial teeth and limbs, a wheel chair, crutches, an inclinator or an air conditioner which is detachable from the property and purchased only for the use of a sick person, etc. Moreover, a capital expenditure for permanent improvement or betterment of property which would not ordinarily be for the purpose of medical care (within the meaning of this paragraph) may, nevertheless, qualify as a medical expense to the extent that the expenditure exceeds the increase in the value of the related property, if the particular expenditure is related directly to medical care. Such a situation could arise, for example, where a taxpayer is advised by a physician to install an elevator in his residence so that the taxpayer's wife who is afflicted with heart disease will not be required to climb stairs. If the cost of installing the elevator is $1,000 and the increase in the value of the residence is determined to be only $700, the difference of $300, which is the amount in excess of the value enhancement, is deductible as a medical expense. If, however, by reason of this expenditure, it is determined that the value of the residence has not been increased, the entire cost of installing the elevator would qualify as a medical expense. Expenditures made for the operation or maintenance of a capital asset are likewise deductible medical expenses if they have as their primary purpose the medical care (as defined in subdivisions (i) and (ii) of this subparagraph) of the taxpayer, his spouse, or his dependent. Normally, if a capital expenditure qualifies as a medical expense, expenditures for the operation or maintenance of the capital asset would also qualify provided that the medical reason for the capital expenditure still exists. The entire amount of such operation and maintenance expenditures qualifies, even if none or only a portion of the original cost of the capital asset itself qualified.

* * * * *

[FR Doc.74–14939 Filed 6–27–74;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS AT SPECIAL MINIMUM WAGES

Extension of Grace Period

On May 1, 1974, revisions to 29 CFR 519 reflecting the Fair Labor Standards Amendments of 1974 (P.L. 93–259) with respect to the employment of full-time students at subminimum wages pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; 29 U.S.C. 214) were published in the FEDERAL REGISTER (39 FR 15117–15122). A grace period was established through June 30, 1974, permitting the employment of full-time students at subminimum wages by agricultural or retail or service establishment employers or by institutions of higher education, without certificates.

Since there continues to be a large number of application forms to be distributed, completed, and acted on, I hereby extend the grace period through August 31, 1974. The employment of full-time students at subminimum wages by agricultural or retail or service establishment employers or by institutions of higher education without certificates continues to be conditional upon: (a) Full-time student employment not exceeding the proportions permitted in § 519.6 of the regulations; (b) payment of not less than 85 percent of the minimum wage applicable under section 6 of the Act; (c) compliance with the requirements in § 519.6 (or in § 519.16, for institutions of higher education) respecting permissible hours of employment during the day or week, oppressive child labor, employment only outside of school hours, abnormal labor conditions, and higher wage standards in other laws or in agreements; and (d) provision for the payment of back wages to full-time students if a certificate is denied or if employment in the grace period exceeds the eventual allowances.

Signed at Washington, D.C. this 25th day of June, 1974.

WARREN D. LANDIS,
Deputy Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.74–14851 Filed 6–27–74;8:45 am]

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Deferral of Employment Discrimination Charges

By virtue of the authority vested in it by Section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–12(a), 73 Stat. 365, the Equal Employment Opportunity Commission

(hereinafter referred to as the Commission) hereby amends Title 29, Chapter XIV, Part 1601 of the Code of Federal Regulations.

The amendments set forth changes necessary to implement Section 706 of the act which requires the deferral of charges of employment discrimination to appropriate State or local authorities (706(c)) and the according by the Commission of substantial weight to final findings and orders made by State and local authorities (706(b)).

Before a State or local authority can be designated "a 706 agency," it must follow the procedures outlined and meet the criteria established by the Commission and enunciated in § 1601.12(e) and (f). These prospective 706 agencies which have not as yet been designated are categorized by the Commission as provision 706 agencies (§ 1601.12(d)(1) and provisional notice agencies (§ 1601.12(d)(2)). The Commission defers charges to provisional 706 agencies but does not accord substantial weight to their findings, while the Commission in the case of provisional notice agencies merely notifies said agencies of the receipt of charges filed within their jurisdiction. These categories, when originally contemplated, were to remain in effect only until July 1, 1973, by which time it was hoped that those State and local agencies desirous of becoming 706 agencies would have met the necessary criteria and been so designated.

This time period has not proven sufficiently long to enable many prospective 706 agencies to satisfy the substantive and procedural prerequisites to designation. Therefore, the time period, during which prospective 706 agencies may function in the categories enunciated above, has been extended until October 1, 1974.

1. Section 1601.12(d)(1) and (d)(2) are amended to read as follows:

§ 1601.12 Referrals to State and local authorities.

* * * * *

(d) * * *

(1) *Provisional 706 agencies.* Until October 1, 1974, the Commission will defer charges alleging employment discrimination on the grounds of race, color, religion, sex, or national origin against covered public or private employers, unless otherwise indicated by public notice, arising in the jurisdiction of provisional 706 agencies. Agencies may be added as provisional 706 agencies by public notice issued by the Commission.

(2) *Provisional notice agencies.* Until October 1, 1974, with respect to the jurisdictions of provisional notice agencies, the Commission will not defer, but will, with respect to charges alleging employment discrimination on the grounds of race, color, religion, national origin, and/or where indicated in the public notice which designated the agency a provisional notice agency, (i) Note: Receipt of said charges and serve notice thereof upon the respondent or respondents; (ii) inform the appropriate agency or person of the receipt of the charge. Agencies may be added as provisional notice agencies by public notice issued by the Commission.

(Section 713(a), 76 Stat. 265, 42 U.S.C.; Section 2000e-12(a).)

This amendment is effective June 25, 1974.

Signed at Washington, D.C., this 24th day of June 1974.

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.74-14972 Filed 6-27-74;8:45 am]

PART 1601—PROCEDURAL REGULATIONS

New 706 Agencies; Formal Designation

Pursuant to § 1601.12(g), Title 29, Chapter XIV of the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, 37 FR 9214-9220, May 6, 1972, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) designates the agencies listed below as 706 agencies (§ 1601.12(c)) and Provisional Notice Agencies (as defined in § 1601.12(d)(2)), for purposes of receiving charges deferred by the Commission pursuant to Section 706(c) and (d) of Title VII of the Civil Rights Act of 1964, as amended, and for purposes of according weight to the final findings and orders of those agencies pursuant to § 1601.12(g)(1), and ends the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(g)(1).

§ 1601.12 [Amended]

The Commission through publication of the following designations hereby amends § 1601.12(k). The designated 706 agency's are:

1. Baltimore Community Relations Commission.
2. Bloomington Human Rights Commission.
3. Dade County Fair Housing and Employment Commission.
4. East Chicago Human Relations Commission.
5. Gary Human Relations Commission.
6. Idaho Commission on Human Rights.
7. Kansas Commission on Civil Rights.
8. Kentucky Commission on Human Rights.
9. New York City Commission on Human Rights.
10. Ohio Civil Rights Commission.
11. Oklahoma Human Rights Commission.
12. Philadelphia Commission on Human Relations.
13. Seattle Human Rights Commission.
14. Tacoma Human Rights Commission.
15. Washington State Human Rights Commission.

The Notice Agencies are:

1. Florida Commission on Human Relations.
2. South Carolina Human Affairs Commission (Sec. 713(a) (76 Stat. 265 (42 U.S.C. 2000e-12(a))).

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.74-14973 Filed 6-27-74;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

Miscellaneous Amendments and Nomenclature Changes

By Order No. 2953 the Secretary of the Interior established within the Department of the Interior the Mining Enforcement and Safety Administration (MESA) and made it responsible for administering certain functions under the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173, 30 U.S.C. 801-960 (1970)) and the Federal Metal and Nonmetallic Mine Safety Act (Pub. L. 89-577, 30 U.S.C. 721-740 (1970)). Among the functions transferred to the Mining Enforcement and Safety Administration is the testing of mining equipment and other devices and apparatus for permissibility and suitability for use in mines, and the certification and approval of such equipment, devices and apparatus if they are fabricated, assembled, or built under an approval, or any extension or modification thereof, issued pursuant to the schedule applicable to such equipment, device, or apparatus.

In order to provide for the transfer of such functions and the necessary changes in nomenclature to conform to Secretarial Order No. 2953, Title 30 of the Code of Federal Regulations is amended and revised as set forth below. The amendments and revisions are for the purpose of codifying in the Code of Federal Regulations the respective functions of the Mining Enforcement and Safety Administration and the Bureau of Mines. The title of Chapter I is amended to the "Mining Enforcement and Safety Administration" and an emblem is established for the use of such Administration. A new Chapter VI is established entitled "Bureau of Mines" and Subchapters A, K and M of Chapter I are redesignated as Subchapters A, K and M, respectively, of Chapter VI with appropriate recodification of Part and section designations and references. Part 40 of Subchapter K and Subchapter L (Part 45) are revoked because they are no longer of any force and effect and are obsolete.

An individual, partnership, company, corporation, organization, or association that designs, manufactures, assembles, or controls the assembly of equipment, device, or apparatus under a certificate of approval or extension or modification thereof issued by the Bureau of Mines may continue after the effective date of these amendments or revisions, to use and attach to such equipment, device, or apparatus the approval plate, label, or marking approved by the Bureau of Mines until revoked, modified or revised.

Use of such approval plate, label, or marking shall bind and obligate the manufacturer in the same manner and for the same purpose for which approval was granted by the Bureau of Mines.

After the effective date of these amendments or revisions, certificates of approval, or extension or modification of certificates of approval theretofore granted by the Bureau of Mines, shall be granted by the Mining Enforcement and Safety Administration and an approval plate, label, or marking shall be of the design, wording, size, type, material, location, and method of attachment approved by MESA.

As these amendments and revisions relate to matters of internal organization and practice of the Department of the Interior, the prior notice and public procedure provisions of 5 U.S.C. 553 are not applicable.

The amendments and revisions shall be effective on July 1, 1974.

Federal Metal and Nonmetallic Mine Safety Act (Pub. L. 89-577, 30 U.S.C. 721-740); and sec. 508, Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173, 30 U.S.C. 957).

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

JUNE 25, 1974.

Title 30, Code of Federal Regulations is amended as set forth below.

1. The heading and title of Chapter I is revised to read: Chapter I—Mining Enforcement and Safety Administration, Department of the Interior.

2. A new Chapter VI is established entitled: Chapter VI—Bureau of Mines, Department of the Interior.

3. Subchapter A—Helium and Coal (Parts 1, 2, 9, and 10), Subchapter K—Procedures (Parts 40, 41, and 42), and Subchapter M—Rules and Regulations for the Administration of Grants (Part 51), are redesignated Subchapter A (Parts 601, 602, 609, and 610), Subchapter K (Parts 640, 641, and 642) and Subchapter M (Part 651), respectively, of Chapter VI—Bureau of Mines.

4. Part 40 of Subchapter K is revoked.

5. Subchapter L—Interpretations and Part 45 thereof are revoked.

6. Part 601, Subchapter A, Chapter VI is amended as follows:

(a) Sections 1.1 through 1.20 are consecutively redesignated §§ 601.1 through 601.20.

(b) The reference to "§ 1.1(h), (j), and (k)" in paragraph (c) of redesignated § 601.3 is revised to read "§ 601.1 (h), (j), and (k)".

(c) The reference to "§ 1.8" in paragraph (a) of redesignated § 601.6 is revised to read "§ 601.8".

(d) The reference to "§ 1.9" in paragraph (e) of redesignated § 601.6 is revised to read "§ 601.9".

(e) The reference to "§ 1.3(d)" in paragraph (c) of redesignated § 601.10 is revised to read "§ 601.3(d)".

(f) The references to "§ 1.14" and "§ 1.11" in redesignated § 601.15 are revised to read "§ 601.14" and "§ 601.11", respectively.

7. Part 602, Subchapter A, Chapter VI is amended as follows:

(a) Sections 2.1 through 2.6 are consecutively redesignated §§ 602.1 through 602.6.

(b) The reference to "30 CFR 2.4(d)" in footnote 2 of the form referred to in paragraph (g) of redesignated § 602.4 is revised to read "30 CFR 602.4(d)", and the reference to "30 CFR 2.4(e)" in footnote 3 of the same form is revised to read "30 CFR 602.4(e)".

(c) The references to "§ 2.4" in redesignated § 602.5 are revised to read "§ 602.4".

8. Part 609, Subchapter A, Chapter VI is amended by redesignating § 9.1 as § 609.1.

9. Part 610, Subchapter A, Chapter VI is amended as follows:

(a) Section 10.1 through 10.4 are consecutively redesignated §§ 610.1 through 610.4.

(b) The reference to "§ 10.4" in paragraph (b) of redesignated § 610.3 is revised to read "§ 610.4".

10. Part 641, Subchapter K, Chapter VI is amended as follows:

(a) Sections 41.1 through 41.8 are consecutively redesignated §§ 641.1 through 641.8.

11. Part 642, Subchapter K, Chapter VI is amended as follows:

(a) Sections 42.1 through 42.12 are consecutively redesignated §§ 642.1 through 642.12.

12. Part 651. Subchapter M, Chapter VI is amended as follows:

(a) Sections 51.1 through 51.22 are consecutively redesignated §§ 651.1 through 651.22.

(b) The reference to "§ 51.1-3(b)" of redesignated § 651.4-3 is revised to read "§ 651.1-3(b)".

(c) The reference to "§ 51.1-1" in paragraph (b) of redesignated § 651.5 is revised to read "§ 651.1-1".

(d) The reference to "§ 51.1-2" in paragraph (c) of redesignated § 651.5 is revised to read "§ 651.1-2".

(e) The reference to "§ 651.1-3" in paragraph (d) of redesignated § 651.5 is revised to read "§ 651.1-3".

(f) The references to "§ 51.15" and to "Part 51" in subparagraph (7) in paragraph (d) of redesignated § 651.5 are revised to read "§ 651.15" and "Part 651".

(g) The reference to "§§ 51.1-1 and 51.1-2" in the heading of redesignated § 651.6-1 is revised to read "§§ 651.1-1 and 651.1-2".

(h) The reference to "§ 51.5" in redesignated § 651.6-1 is revised to read "§ 651.5".

(i) The reference to "§ 51.1-3" in the heading of redesignated § 651.6-2 is revised to read "§ 651.1-3".

(j) The reference to "§ 51.5" in paragraph (a) of redesignated § 651.6-2 is revised to read "§ 651.5".

(k) The reference to "§ 51.5" in paragraph (a) of redesignated § 651.7 is revised to read "§ 651.5".

(l) The reference to "§ 51.1-1" in paragraph (c) of redesignated § 651.8 is revised to read "§ 651.1-1".

(m) The reference to "§ 51.1-2" in paragraph (d) of redesignated § 651.8 is revised to read "§ 651.1-2".

(n) The reference to "§ 51.1-3" in paragraph (e) of redesignated § 651.8 is revised to read "§ 651.1-3".

(o) The reference to "§§ 51.5(d) and 51.5(e)" in subparagraph (2) of paragraph (e) of redesignated § 651.8 is revised to read "§§ 651.5(d) and 651.5(e)."

(p) The reference to "§ 51.1-3" in the heading of redesignated § 651.9 is revised to read "§ 651.1-3".

(q) The reference to "§§ 51.1-1 and 51.1-2" in the heading of redesignated § 651.13-1 is revised to read "§§ 651.1-1 and 651.1-2".

(r) The reference to "§ 51.1-3" in the heading of redesignated § 651.13-2 is revised to read "§ 651.1-3".

(s) The reference to "§ 51.1-3" in paragraph (d) of redesignated § 651.15 is revised to read "§ 651.1-3".

(t) The reference to "§§ 51.1-1 and 51.1-2" in the heading of redesignated § 651.16 is revised to read "§§ 651.1-1 and 651.1-2".

(u) The reference to "§ 51.1-3" in the heading of redesignated § 651.22 is revised to read "§ 651.1-3".

13. Subchapter A, Part 1, is added to Chapter I of Title 30, as follows:

SUBCHAPTER A—OFFICIAL EMBLEM

PART 1—MINING ENFORCEMENT AND SAFETY ADMINISTRATION; ESTABLISHMENT AND USE OF OFFICIAL EMBLEM

Sec.
1.1 Official emblem.
1.2 Description.
1.3 Use of letters and acronym MESA.

AUTHORITY: Sec. 508, Federal Coal Mine Health and Safety Act of 1969; sec. 301 of Title 5, United States Code;

PART 1—MINING ENFORCEMENT AND SAFETY ADMINISTRATION; ESTABLISHMENT AND USE OF OFFICIAL EMBLEM

§ 1.1 Official emblem.

The following emblem is established and shall be used as the official emblem of the Mining Enforcement and Safety Administration, except where use of the Departmental Seal is required:

§ 1.2 Description.

The emblem of the Mining Enforcement and Safety Administration is of contemporary design with the letters and acronym of the Administration delineated as MESA appearing in large letters in the middle of the emblem. Above the letters and acronym appear the words "United States Department of the Interior" and below the letters and

acronym appear the words "Mining Enforcement and Safety Administration."

§ 1.3 Use of letters and acronym MESA.

The letters and acronym MESA may be used and substituted for the words "Mining Enforcement and Safety Administration" in correspondence, rules, regulations, and in certificates of approval, approval plates, labels, and markings prescribed by the Mining Enforcement and Safety Administration to designate and denote equipment, devices, and apparatus approved as "permissible" and suitable for use in mines under the applicable Parts of Chapter I of this Title, and in such other documents, publications, and pamphlets, and on signs, clothing and uniforms, and offices of the Administration and at such times and locations as may be deemed appropriate by the Administrator.

14. Subchapter C, Parts 15, 16, and 17, and Subchapter D, Parts 18 through 29, and Subchapter E, Parts 31, 32, 33, 35, and 36 are amended and revised as follows:

SUBCHAPTER C—EXPLOSIVES AND RELATED ARTICLES; TESTS FOR PERMISSIBILITY AND SUITABILITY

PART 15—EXPLOSIVES AND RELATED ARTICLES

Part 15 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines," "Bureau," and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
15.2(b)	15.14(a)
15.3	15.14(b)
15.4(a)	15.14(d)
15.4(b) item (x)	15.16
of fee schedule	15.17
15.5	15.18(a)
15.5(d)	15.18(b)
15.6(e)	15.20
15.11	15.22(b)
15.12(a)	15.24(a)
15.13	15.24(b)

§ 15.2 [Amended]

2. Section 15.2 is amended by adding a new paragraph (i) as follows:

(i) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

3. In § 15.2(g) the term "Bureau's test detonator" is revised to read "Test detonator" and in § 15.10(b)(5) the word "Bureau's" is deleted.

§ 15.3 [Amended]

4. Section 15.3 is amended by deleting the words "Chief, Explosives Research Laboratory, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" and substituting therefor the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213."

§ 15.8 [Amended]

5. Section 15.8 is amended by deleting the words "the Bureau of Mines, Explosives Research Laboratory, Pittsburgh, Pa. 15213" and substituting therefor the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213" and the words "the Bureau" are deleted and the word "MESA" substituted therefor.

6. Section 15.9 is amended and revised to read as follows:

§ 15.9 Observers at formal investigations and demonstrations.

No one shall be present during any part of the formal investigation for permissibility conducted by MESA except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and by MESA. After the issuance of a certificate of approval, MESA may conduct such public demonstrations and tests of the approved explosive as it sees fit. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled by MESA. Results of chemical analysis for ingredients and all information contained in the drawings, specifications, and instructions shall be deemed proprietary and their disclosure will be appropriately safeguarded by MESA.

§§ 15.10 and 15.21 [Amended]

7. Sections 15.10(b) (3), (4), and 15.21(a)(2) are amended by deleting the words "the Bureau's" and substituting therefor the word "Pittsburgh."

§ 15.15 [Amended]

8. Section 15.15 is amended by deleting the words "the Bureau" and substituting therefor the word "MESA" and by deleting the word "schedule" in the last sentence and substituting therefor the word "part."

PART 16—STEMMING DEVICES

Part 16 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines", "Bureau", and "the Bureau" are deleted wherever they appear and the word "MESA" is substituted therefor:

Secs.	
16.1	16.10(c)
16.2(b)	16.11
16.2(c)	16.12
16.2(d)	16.13
16.4(a) (footnote)	16.14(b)
16.4(c)	16.15
16.5	16.16(c)
16.6	16.16(d)
16.9	16.17
16.10(b)(1)	16.18

2. Section 16.2 is amended by adding a new paragraph (f) as follows:

§ 16.2 Definitions.

* * * * *

(f) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 16.3 [Amended]

3. Section 16.3 is amended by deleting the words "the Bureau" and "the Bureau of Mines" and substituting the word "MESA" therefor. The words "the U.S. Bureau of Mines, Central Experiment Station" are deleted and the words "Approval and Testing, Pittsburgh Technical Support Center" are substituted therefor. The words "The Bureau's engineers" are deleted and the word "MESA" is substituted therefor.

§ 16.8 [Amended]

4. Section 16.8 is amended by deleting the words "the Bureau of Mines' Central Experiment Station, Pittsburgh, Pa. 15213" and substituting therefor the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213"; and the words "the Bureau" are deleted and the word "MESA" is substituted therefor.

§ 16.9 [Amended]

5. Section 16.9 is amended by deleting the words "the Bureau" and substituting the word "MESA" therefor. The words "wholly by the Bureau's personnel" are deleted and the words "by MESA" are substituted therefor.

§ 16.10 [Amended]

6. Section 16.10(b)(2) is amended by deleting the words "the Bureau" and substituting the word "MESA" therefor; and the words "the Bureau's Standard" are deleted and the word "Pittsburgh" is substituted therefor.

§ 16.14 [Amended]

7. Section 16.14(a) is amended by deleting the words "the Bureau" and substituting the word "MESA" therefor. The words "seal of the Department of the Interior, Bureau of Mines" are deleted and the words "emblem of the Mining Enforcement and Safety Administration" are substituted therefor.

§ 16.18 [Amended]

8. The paragraph shown as "C. Electric face equipment" following § 16.18 is deleted.

PART 17—BLASTING DEVICES

Part 17 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines", "Bureau", and "the Bureau" are deleted wherever they appear and the word "MESA" is substituted therefor:

Secs.	Secs.
17.1	17.12
17.2(b)	17.13
17.2(c)	17.14
17.2(d)	17.15
17.5(a) (footnote)	17.16(c)
17.4(d)	17.16(j)
17.6	17.17
17.10(g)	17.18
17.11(e)	17.20
17.11(f)	

2. Section 17.2 is amended by adding a new paragraph (e) as follows:

§ 17.2 Definitions.

* * * * *

(e) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 17.3 [Amended]

3. Section 17.3 is amended by deleting the words "the Bureau" and "the Bureau of Mines" and substituting the word "MESA" therefor. The words "the U.S. Bureau of Mines, Central Experiment Station" are deleted and the words "Approval and Testing, Pittsburgh Technical Support Center" are substituted therefor. The words "The Bureau's engineers" are deleted and the word "MESA" is substituted therefor.

§ 17.8 [Amended]

4. Section 17.8 is amended by deleting the words "the Bureau of Mines' Central Experiment Station, Pittsburgh, Pa. 15213" and substituting therefor the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213"; and the words "the Bureau" are deleted and the word "MESA" is substituted therefor.

§ 17.9 [Amended]

5. Section 17.9 is amended by deleting the words "the Bureau" and substituting the word "MESA" therefor. The words "wholly by the Bureau's personnel" are deleted and the words "by MESA" are substituted therefor.

§ 17.10 [Amended]

6. Sections 17.10(c)(1) and 17.10(c)(2) are amended by deleting the words "the Bureau's standard" and substituting the word "Pittsburgh" therefor.

SUBCHAPTER D—ELECTRICAL EQUIPMENT, LAMPS, METHANE DETECTORS; TESTS FOR PERMISSIBILITY; FEES

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES

Part 18 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 18.2 [Amended]

1. Section 18.2 is amended as follows:

(a) A new paragraph defining "Administrator" is added in alphabetical sequence to read—

"Administrator" means the Administrator, Mining Enforcement and Safety Administration.

(b) A new paragraph defining "MESA" is added in alphabetical sequence to read—

"MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

(c) In the definition of "Permissible equipment" the words "Director of the Bureau of Mines under section 212(a) of the Federal Coal Mine Safety Act, as amended (66 Stat. 709; 30 U.S.C. sec. 482(a))" are deleted and the words "Administrator, Mining Enforcement and Safety Administration under the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173, 30 U.S.C. 801)" are substituted therefor.

(d) In the definition of "Permit" the words "Director of the Bureau of Mines" are deleted and the word "Administrator" substituted therefor.

(e) Except in the definition " 'Bureau' means the U.S. Bureau of Mines," in all other definitions contained in § 18.2 the words "the Bureau" and "Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor.

2. In the sections specified below the words "the Bureau of Mines," "Bureau," and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
18.1	18.34(a)(2)
18.6(e)	18.34(a)(3)
18.6(f)	18.35(a)(5)(ii)
18.6(g)	18.40
18.6(h)	18.47(d)(6)
18.6(k)	18.61(a)
18.6(l)	18.62(a)
18.7(m)	18.62(c)
18.7(Note)	18.63
18.9(a)	18.64(e)
18.9(b)	18.64(f)
18.9(c)	18.65(f)(1)
18.10(a)	18.65(f)(2)
18.10(c)	18.66(a)
18.11(b)	18.67
18.12(a)	18.69
18.12(c)	18.80(c)
18.14	18.80(e)
18.15	18.81(c)
18.15(b)	18.82(c)(1)(ii)
18.16	18.82(c)(1)(iii)
18.20(b)	18.82(c)(2)
18.30(a)	18.82(d)
18.31(a)(4)	18.91(a)
18.32(a)	18.92(b)
18.32(b)	18.93(a)(1)
18.32(h)	18.93(b)

§ 18.82 [Amended]

3. In §§ 18.82 (a), (e), (f), and (h) the words "Director of the Bureau of Mines" and "Director of the Bureau" are deleted wherever they appear and the words "Administrator of MESA" are substituted therefor, and the word "Director" is deleted and the word "Administrator" is substituted therefor.

APPENDIX II

4. Appendix II of Subpart D is amended and revised as follows:

(a) In Figure 1 the initials "U.S.B.M." on the illustrated stamp are revised to read "USMESA."

(b) In Figure 2 the abbreviation "B. of M. No. _____" is revised to read "MESA No. _____."

(c) In Figure 3 under item 5 "Cable Requirements" the word "Bureau" is deleted and "MESA" is substituted therefor.

(d) In Figure 4 under "Portable Cable" the abbreviation "BM No. _____" is revised to read "MESA No. _____."

§§ 18.14 and 18.65 [Amended]

5. In §§ 18.14, 18.65(f)(1), and 18.65(f)(2) the initials "USBM" are revised to read "USMESA."

§ 18.3 [Amended]

6. Section 18.3 is amended by deleting the words "the Bureau's Health and Safety Research and Testing Center" and substituting therefor the words "Approval and Testing, Pittsburgh Technical Support Center."

§ 18.6 [Amended]

7. Section 18.6(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" is substituted therefor.

(b) The words "U.S. Bureau of Mines" are deleted and the words "U.S. Mining Enforcement and Safety Administration" are substituted therefor.

(c) The words "the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing" are deleted and the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" are substituted therefor.

§§ 18.80, 18.81 and 18.82 [Amended]

8. Sections 18.80(f), 18.81(a), and 18.82 (a) and (b) are amended by deleting the words "Approval and Testing, Bureau of Mines" and substituting therefor the words "Approval and Testing, Pittsburgh Technical Support Center."

§ 18.11 [Amended]

9. Section 18.11(a)(1) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration."

§ 18.13 [Amended]

10. Section 18.13 is amended by deleting the words "the Bureau" and substituting therefor "MESA" and by deleting the words "Bureau of Mines Schedule No. ____" and substituting therefor "30 CFR, Part _____."

§§ 18.21 and 18.90 [Amended]

11. The words "the Bureau" in the last line of § 18.21 and the words "Bureau of Mines" in line 4 of § 18.90 are deleted and "MESA" is substituted therefor.

PART 19—ELECTRIC CAP LAMPS

Part 19 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 19.10 [Amended]

1. The heading of § 19.10 and § 19.10 in the table of contents is revised by deleting the words "Bureau of Mines" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor.

Secs.	Secs.
19.1(b)	19.10(b)(1)
19.1(c)	19.10(b)(2)
19.4(f)	19.11(a)
19.6(b)	19.12(b)
19.7	19.12(c)
19.8	19.12(d)
19.9	19.13
19.10	19.13(b)
19.10(a)	19.13(c)

§ 19.2 [Amended]

3. Paragraph (o) of § 19.2 is amended by deleting the words "the Bureau" and substituting therefor "MESA", and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 19.3 [Amended]

4. Section 19.3 is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

§§ 19.4 and 19.13 [Amended]

5. Sections 19.4(a) and 19.13(a) are amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center."

6. Section 19.4(b) is amended by deleting the words "the Bureau's engineers" and substituting "MESA" therefor, and by deleting the words "the Bureau" in item (5) and substituting "MESA" therefor.

7. Section 19.4(d) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting therefor the words "by MESA".

8. Section 19.4(g) is amended by deleting the words "the Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center", and by deleting the words "the Bureau's engineers have" and substituting "MESA has" therefor.

§ 19.12 [Amended]

9. Section 19.12(a) is amended by deleting the words "the Bureau" and substituting therefor "MESA" and by deleting the words "seal of the Bureau of Mines" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration."

PART 20—ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

Part 20 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 20.11 [Amended]

1. The section heading of § 20.11 is revised by deleting the words "Bureau of Mines" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor.

Secs.	Secs.
20.0	20.11
20.1(c)	20.11(a)
20.2(a)	20.11(b)(1)
20.2(b)	20.11(b)(2)
20.2(d)	20.12(a)
20.5(e)	20.13(a)
20.5(f)	20.13(b)
20.8(a)	20.13(c)
20.8(b)	20.14
20.9(e)(1)	20.14(b)
20.9(e)(3)	20.14(c)

§ 20.3 [Amended]

3. Section 20.3 is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

§ 20.4 [Amended]

4. Paragraph (j) of § 20.4 is amended by deleting the words "the Bureau", and "MESA" is substituted therefor, and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 20.5 [Amended]

5. Section 20.5(a) is amended by deleting the words "the Central Experiment Station" and § 20.14(a) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center."

6. Section 20.5(b) is amended by deleting the words "the Bureau's engineers" and substituting therefor "MESA".

7. Section 20.5(c) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting therefor the words "by MESA".

§ 20.13 [Amended]

8. Section 20.13 is amended by deleting the words "the Bureau" and substituting therefor "MESA" and by deleting the words "seal of the Bureau of Mines" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration."

PART 21—FLAME SAFETY LAMPS

Part 21 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 21.7 [Amended]

1. The heading of § 21.7 is revised by deleting the words "Bureau of Mines" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines", "the U.S. Bureau of Mines", and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
21.0	21.7(b)(2)
21.1(b)	21.8(a)
21.2(a)	21.9(a)
21.2(b)	21.9(b)
21.7	21.9(c)
21.7(a)	21.10
21.7(b)(1)	21.10(b)

§ 21.3 [Amended]

3. Paragraph (j) of § 21.3 is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 21.4 [Amended]

4. Section 21.4 is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

§ 21.5 [Amended]

5. Section 21.5(a) is amended by deleting the words "the Central Experiment Station" and substituting "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213".

6. Section 21.5(b) is amended by deleting the words "the Bureau's engineers" and substituting "MESA" therefor.

7. Section 21.5(c) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting the words "by MESA" therefor.

§ 21.9 [Amended]

8. Section 21.9 is amended by deleting the words "the Bureau" and substituting therefor "MESA", and by deleting the words "seal of the Bureau of Mines" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration."

§ 21.10 [Amended]

9. Section 21.10(a) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center".

10. Section 21.10(c) is amended by deleting the word "Director's" and substituting the word "Administrator's" therefor.

PART 22—PORTABLE METHANE DETECTORS

Part 22 of Chapter I of title 30, Code of Federal Regulations is amended as follows:

§ 22.8 [Amended]

1. The heading of § 22.8 and § 22.8 in the table of contents is revised by deleting the words "Buerau of Mines" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
22.0	22.9
22.1(b)	22.10(a)(2)
22.2(c)	22.10(b)
22.7(c)	22.10(c)
22.7(d)	22.10(d)
22.8	22.11
22.8(a)	22.11(b)
22.8(b)	22.11(c)

§ 22.3 [Amended]

3. Paragraph (j) of § 22.3 is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 22.4 [Amended]

4. Section 22.4 is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

§ 22.5 and 22.11 [Amended]

5. Sections 22.5(a) and 22.11(a) are amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue."

6. Section 22.5(b) is amended by deleting the words "the Bureau's engineers" and substituting "MESA" therefor.

7. Section 22.5(c) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting the words "by MESA" therefor.

§ 22.10 [Amended]

8. Section 22.10(a)(1) is amended by deleting the words "seal of the Bureau of Mines" and substituting "emblem of the Mining Enforcement and Safety Administration".

PART 23—TELEPHONES AND SIGNALING DEVICES

Part 23 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 23.10 [Amended]

1. The heading of § 23.10 and § 23.10 in the table of contents is revised by deleting the words "Bureau of Mines" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
23.1(b)	23.10(b)
23.2(a)	23.11
23.2(b)	23.12(a)(2)
23.2(d)	23.12(b)
23.5(e)	23.12(c)
23.7(e)	23.13
23.9(e)	23.14
23.10	23.14(b)
23.10(a)	23.14(c)

§ 23.2 [Amended]

3. Section 23.2 is amended by adding paragraph (g) as follows: "(g) 'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration".

§ 23.3 [Amended]

4. Section 23.3 is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

§ 23.4 [Amended]

5. Paragraph (g) of § 23.4 is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 23.5 [Amended]

6. Section 23.5(a) is amended by deleting the words "the Bureau of Mines Central Experiment Station" and substituting "Approval and Testing, Pittsburgh Technical Support Center" therefor.

7. Section 23.5(b) is amended by deleting the words "the Bureau's engineers" and substituting "MESA" therefor.

8. Section 23.5(c) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting the words "by MESA" therefor.

9. Section 23.5(f) is amended by deleting the words "the Bureau's engineers have" and substituting "MESA has" therefor, and by deleting the words "the Bureau of Mines" and substituting "MESA" therefor.

§ 23.12 [Amended]

10. Section 23.12(a)(1) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor "emblem of the Mining Enforcement and Safety Administration."

§ 23.14 [Amended]

11. Section 23.14(a) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center".

PART 24—SINGLE-SHOT BLASTING UNITS

Part 24 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 24.5 [Amended]

1. The heading of § 24.5 is revised by deleting the words "Bureau of Mines" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
24.0(c)	24.7(b)
24.0(d)	24.7(c)
24.3(f)	24.8
24.5	24.9
24.5(b)	24.9(b)
24.6	24.9(c)

§ 24.0 [Amended]

3. Section 24.0 is amended by adding paragraph (e) as follows:

(e) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 24.1 [Amended]

4. Paragraph (i) of § 24.1 is amended by deleting the words "the Bureau" and substituting "MESA" therefor and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing,

Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15123".

§ 24.2 [Amended]

5. Section 24.2 is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

§ 24.3 [Amended]

6. Section 24.3(a) is amended by deleting the words "the Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213".

7. Section 24.3(b) is amended by deleting the words "the Bureau's engineers" and substituting "MESA" therefor.

8. Section 24.3(d) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting "by MESA" therefor.

9. Section 24.3(g) is amended by deleting the words "the Bureau's engineers have" and substituting "MESA has" therefor, and by deleting the words "the Bureau of Mines" and substituting "Mesa" therefor.

§ 24.7 [Amended]

10. Section 24.7(a) is amended by deleting the words "seal of the Bureau of Mines, United States Department of the Interior" and substituting "emblem of the Mining Enforcement and Safety Administration" therefor.

§ 24.9 [Amended]

11. Section 24.9(a) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and "the Central Experiment Station" and substituting "Approval and Testing, Pittsburgh Technical Support Center" therefor.

PART 25—MULTIPLE-SHOT BLASTING UNITS

Part 25 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 25.2 [Amended]

1. Paragraph (f) of section 25.2 is deleted and the following is substituted therefor: "(f) 'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration."

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
25.2(b)	25.10(c)
25.5	25.11(b)
25.6(b)	25.12
25.7(a)	25.12(b)
25.7(d)	25.13
25.7(l)	25.21(a)
25.10(a)	25.26(a)

§ 25.3 [Amended]

3. Section 25.3 is amended by deleting the words "the Bureau's Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center", and by deleting the word "Bureau" and substituting "MESA" therefor.

§ 24.4 [Amended]

4. Paragraph (j) of § 25.4 is amended by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213", and by deleting the words "the Bureau" and substituting "MESA" therefor.

5. Section 25.6(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" is substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, Attention: Chief, Branch of Electrical-Mechanical Testing" are deleted and "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" substituted therefor.

§ 25.9 [Amended]

6. Section 25.9(a) is amended by deleting the words "only Bureau personnel" and substituting therefor "necessary Government personnel" and by deleting the words "The Bureau" and substituting therefor "MESA" and by deleting the word "sole".

§ 25.11 [Amended]

7. Section 25.11(a) is amended by deleting the words "seal of the Bureau" and substituting "emblem of the Mining Enforcement and Safety Administration".

PART 26—LIGHTING EQUIPMENT FOR ILLUMINATING UNDERGROUND WORKINGS

Part 26 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 26.2 [Amended]

1. Paragraph (p) of § 26.2 is deleted and the following is substituted therefor: "(p) 'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration."

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
26.2(b)	26.15(b)
26.2(c)	26.16(a)
26.5	26.16(b)
26.7	26.17(b)
26.8(b)	26.19
26.9(a)	26.19(b)
26.9(b)	26.20
26.15(a)	

§ 26.3 [Amended]

3. Section 26.3 is amended by deleting the words "the Bureau's Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center" and by deleting the word "Bureau" and substituting therefor "MESA."

§ 26.6 [Amended]

4. Paragraph (k) of § 26.6 is amended by deleting the words "the Bureau" and substituting therefor "MESA" and by deleting the words "the Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 26.8 [Amended]

5. Section 26.8(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, Attention: Chief, Branch of Electrical-Mechanical Testing" are deleted and "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" substituted therefor.

§ 26.13 [Amended]

6. Section 26.13(a) is amended by deleting the words "Bureau of Mines."

§ 26.14 [Amended]

7. Section 26.14 is amended by deleting the words "only Bureau personnel" and substituting therefor "necessary Government personnel" and by deleting the words "the Bureau" and substituting therefor "MESA", and by deleting the word "sole."

§ 26.17 [Amended]

8. Section 26.17(a) is amended by deleting the words "seal of the Bureau" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration" and by deleting the words "the Bureau" and substituting "MESA" therefor.

§ 26.18 [Amended]

9. Section 26.18(a) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "Bureau of Mines File

No. BM29-C-____" and substituting therefor "MESA File No. ____."

PART 27—METHANE-MONITORING SYSTEMS

Part 27 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 27.2 [Amended]

1. Paragraph (a) of § 27.2 is deleted and the following is substituted therefor: "(a) 'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration."

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
27.2(h)	27.20(f)
27.2(k)	27.20(f) (Note)
27.2(n)	27.21(d)
27.4(c)	27.21(e)
27.4(d)	27.21(f)
27.4(e)	27.22(c)
27.5(a)	27.30
27.6	27.31
27.7	27.32(a)(1) Footnote (4)
27.10(b)	27.32(b)
27.10(c)	27.33
27.11	27.35
27.11(b)	27.36
27.11(c)	27.38
27.12	27.39(b)
27.20(a)	

§ 27.3 [Amended]

3. Section 27.3 is amended by deleting the words "the Bureau's Health and Safety Research and Testing Center" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center", and by deleting the word "Bureau" and substituting "MESA" therefor.

§ 27.4 [Amended]

4. Section 27.4(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" is substituted therefor.

(b) The words "the Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Electrical-Mechanical Testing" are deleted and "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" substituted therefor.

§ 27.8 [Amended]

5. Paragraph (h) of § 27.8 is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

The last paragraph of § 27.8 is amended by deleting the words "the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 27.10 [Amended]

6. Section 27.10 is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the word "sole".

7. Section 27.10(a) is amended by deleting the words "only Bureau personnel" and substituting therefor "necessary Government personnel".

PART 28—FUSES FOR USE WITH DIRECT CURRENT IN PROVIDING SHORT-CIRCUIT PROTECTION FOR TRAILING CABLES IN COAL MINES

Part 28 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§§ 28.32, 28.33 [Amended]

1. The headings of §§ 28.32 and 28.33 are revised by deleting the words "the Bureau" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor:

Secs.	Secs.
28.4(b)	28.23(h)
28.10(e)	28.24
28.10(f)	28.25(a)
28.20(a)	28.25(c)
28.20(b)	28.30
28.21(d)	28.32(a)
28.22(a)	28.32(b)
28.22(c)	28.32(c)
28.23(b)	28.33(a)
28.23(c)	28.33(b)
28.23(e)	28.40(a)
28.23(g)	28.40(b)

§ 28.4 [Amended]

3. Paragraph (d) of § 28.4 is deleted and the following is substituted therefor: "(d) 'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration".

§ 28.10 [Amended]

4. Section 28.10(c) is amended by deleting the words "the Bureau of Mines, Health and Safety Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213. Attention: Approval and Testing," and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

5. Section 28.10(d) is amended by deleting the words "the Bureau" and substituting therefor "MESA" and by deleting the words "the U.S. Bureau of Mines" and substituting therefor "U.S. Mining Enforcement and Safety Administration."

6. Section 28.10(g) is amended by inserting after the word "Testing" a comma and the words "Pittsburgh Technical Support Center", and by deleting the words "the Bureau" and substituting "MESA" therefor.

§ 28.23 [Amended]

7. Section 28.23(a) is amended by deleting the words "seal of the U.S. Bureau of Mines" and substituting therefor "emblem of the Mining Enforcement and Safety Administration", and the words "the Bureau" are deleted and and "MESA" substituted therefor.

§ 28.31 [Amended]

8. Section 28.31(b) is amended by deleting the words "Health and Safety Technical Support Center, Bureau of Mines" and substituting therefor "Pittsburgh Technical Support Center".

§ 28.40 [Amended]

9. Section 28.40(d) is amended by deleting the words "the Bureau" and substituting "MESA" therefor and by deleting the words "Health and Safety Technical Support Center, Bureau of Mines" and substituting therefor "Pittsburgh Technical Support Center".

PART 29—PORTABLE COAL DUST/ROCK DUST ANALYZERS AND CONTINUOUS DUTY, WARNING LIGHT, PORTABLE METHANE DETECTORS FOR USE IN COAL MINES

Part 29 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§§ 29.42, 29.43, 29.55 [Amended]

1. The headings of §§ 29.42, 29.43, and 29.55, and §§ 29.42, 29.43, and 29.55 in the table of contents are revised by deleting the words "the Bureau" and substituting "MESA" therefor.

2. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor:

Secs.	Secs.
29.4(b)	29.41(i)
29.10(a)	29.42(a)
29.12(c)	29.42(b)
29.12(d)	29.42(c)
29.20	29.43(b)
29.21(a)	29.43(c)
29.21(b)	29.50(a)
29.21(c)	29.50(b)
29.21(d)	29.51
29.30(a)	29.53(a)
29.30(b)	29.53(b)
29.31(e)	29.53(c)
29.32(a)	29.54(b)
29.32(c)	29.54(c)
29.33(a)	29.55(b)
29.33(c)	29.55(d)
29.33(e)	29.55(e)
29.33(f)	29.56(a)
29.34	29.56(b)
29.35(a)	29.61(e)
29.35(d)	29.61(f)
29.35(e)	29.76(c)
29.40	29.76(d)

§ 29.4 [Amended]

3. Section 29.4 is amended by adding a new paragraph (1) as follows: "(1) 'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration."

§ 29.10 [Amended]

4. Section 29.10(b) is amended by deleting the words "Approval and Testing, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center," and by deleting the words "the U.S. Bureau of Mines" and substituting therefor "U.S. Mining Enforcement and Safety Administration."

5. Section 29.10(c) is amended by deleting the words "Bureau of Mines" and substituting therefor "Pittsburgh Technical Support Center, 4800 Forbes Avenue" and by deleting the words "Health and Safety".

6. Section 29.10(d) is amended by inserting after the word "Testing" a comma and the words "Pittsburgh Technical Support Center", and by deleting the words "the Bureau" and substituting "MESA" therefor.

§ 29.12 [Amended]

7. Section 29.12(a) is amended by deleting the words "Bureau of Mines" and substituting therefor "Pittsburgh Technical Support Center, 4800 Forbes Avenue".

§ 29.33 [Amended]

8. Section 29.33(b) is amended by deleting the words "seal of the U.S. Bureau of Mines" and substituting therefor "emblem of the Mining Enforcement and Safety Administration" and by deleting the words "the Bureau" and substituting "MESA" therefor.

§ 29.36 [Amended]

9. Section 29.36 is amended by deleting the words "the Bureau of Mines, Approval and Testing" and substituting "Approval and Testing, Pittsburgh Technical Support Center".

§ 29.41 [Amended]

10. Section 29.41(b) is amended by deleting the words "Health and Safety Technical Support Center, Bureau of Mines" and substituting therefor "Pittsburgh Technical Support Center".

§ 29.52 [Amended]

11. Section 29.52(a) is amended by deleting the words "the Bureau" and substituting "MESA" therefor.

§ 29.55 [Amended]

12. Section 29.55(a) is amended by deleting the words "the Bureau" and substituting "MESA" therefor and by deleting the word "sole".

13. Section 29.55(c) is amended by deleting the words "Only Bureau personnel" and substituting therefor "Necessary Government personnel" and by deleting the words "the Bureau" and substituting "MESA" therefor.

14. Table B, item 1 under Inspectors' Samples is amended by deleting the word "Bureau" and substituting "MESA" therefor.

PART 31—DIESEL MINE LOCOMOTIVES

Part 31 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines", and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
31.2(a)	31.6(a)(1)
31.2(b)	31.6(a)(2)
31.2(d)	31.6(a)(4)
31.2(g)	31.6(c)(1)
31.2(j)	31.6(c)(2)
31.3(c) Note following item 13	31.7
31.3(d)(3)	31.8
31.3(e)	31.8(b)
31.3(f)	31.8(c)
31.3(g)	31.9
31.3(h)	31.9(b)(2)(ii)
31.4(i)(6)(i)	31.9(b)(2)(iv)
31.4(i)(7)(v)	31.9(b)(3)(i)
31.5(b)(4)	31.9(b)(4)(i)
31.5(b)(5)	31.10

§ 31.2 [Amended]

2. Section 31.2 is amended by adding a new paragraph (k) as follows:

(k) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 31.3 [Amended]

3. Section 31.3(b) is amended as follows:

(a) The words "the Bureau of Mine" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" is substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

4. Section 31.3(d)(1) is amended by deleting the words "the Bureau of Mines" and "the Bureau" and substituting "MESA" therefor, and by deleting the words "the Central Experiment Station" and substituting "Approval and Testing, Pittsburgh Technical Support Center" therefor.

5. Section 31.3(j) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting "by MESA" therefor.

§ 31.4 [Amended]

6. Section 31.4(a) is amended by deleting the words "The Bureau of Mines" and "that Bureau" and substituting "MESA" therefor.

§ 31.5 [Amended]

7. Section 31.5(a) is amended by deleting the words "engineers of the Bureau of Mines" and substituting "MESA" therefor.

8. Sections 31.5(a)(4)(vi), 31.5(a)(5)(vii), 31.5(a)(6)(iii), 31.5(a)(6)(iv), 31.5(b)(1), 31.5(b)(2)(ii) and 31.5(b)(3) are amended by deleting the words "the Bureau's engineers" and substituting "MESA" therefor.

§ 31.6 [Amended]

9. Section 31.6(b)(1) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor "emblem of the Mining Enforcement and Safety Administration."

10. Section 31.6(b)(2) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue."

§ 31.8 [Amended]

11. Section 31.8(a) is amended by deleting the words "the Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213".

PART 32—MOBILE DIESEL—POWERED EQUIPMENT FOR NONCOAL MINES

Part 32 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
32.1(b)	32.6(a)(2)
32.2(g)	32.6(a)(4)
32.2(h)	32.6(c)(1)
32.2(i)	32.6(c)(2)
32.2(j)	32.7
32.3(c) Note	32.8
32.3(d)(3)	32.8(b)
32.3(e)	32.8(c)
32.3(f)	32.8(d)
32.3(g)	32.8(e)
32.3(h)(1)	32.9
32.4(h)(4)(ii)	32.9(b)(2)(ii)
32.5(b)	32.9(b)(2)(iv)
32.5(c)	32.10
32.6(a)(1)	

§ 32.2 [Amended]

2. Section 32.2 is amended by adding a new paragraph (k) as follows:

(k) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 32.3 [Amended]

3. Section 32.3(a) is amended by deleting the words "the Central Experiment Station of the Bureau of Mines at" and substituting "Approval and Testing, Pittsburgh Technical Support Center,".

4. Section 32.3(b) is amended as follows:

(a) The words "the Bureau of Mines" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" is substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines" are deleted and "Approval and Testing, Pittsburgh Technical Support Center" substituted therefor.

5. Section 32.3(d)(1) is amended by deleting the words "the Bureau of Mines" and "the Bureau" and substituting therefor, and by deleting

the words "the Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center".

6. Section 32.3(j) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "wholly by the Bureau's personnel" and substituting the words "by MESA" therefor.

§ 32.4 [Amended]

7. Section 32.4(a) is amended by deleting the words "The Bureau of Mines" and "that Bureau" and substituting "MESA" therefor.

§ 32.5 [Amended]

8. Section 32.5(a)(1) is amended by deleting the words "engineers of the Bureau of Mines" and substituting "MESA" therefor.

§ 32.6 [Amended]

9. Section 32.6(b)(1) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor "emblem of the Mining Enforcement and Safety Administration."

10. Section 32.6(b)(2) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue".

§ 32.8 [Amended]

11. Section 32.8(a) is amended by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center".

PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

Part 33 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines", "Bureau of Mines", "the Bureau", and "Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
33.2(c)	33.10(a)
33.2(d)	33.11(c)
33.5(a) Footnote 1	33.12
33.6(c)	33.12(b)
33.6(d)(1)	33.13
33.6(h)	33.20(a)
33.6(i)	33.21
33.8(b)	33.36
33.9	33.37(d)

§ 33.2 [Amended]

2. Section 33.2 is amended by adding a new paragraph (i) as follows:

(i) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 33.3 [Amended]

3. Section 33.3 is amended by deleting the words "the Bureau's Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center".

§ 33.5 [Amended]

4. Section 33.5(e) is amended by deleting the words "the Central Experiment Station, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, Attention Chief, Branch of Health Research" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213".

§ 33.6 [Amended]

5. Section 33.6(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and "U.S. Mining Enforcement and Safety Administration" substituted therefor.

(c) The words "the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, Attention: Chief, Branch of Health Research" are deleted and "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" substituted therefor.

6. Section 33.6(e) is amended by deleting the last sentence reading "One copy of the application shall be marked Attention: Chief, Branch of Electrical-Mechanical Testing."

§33.8 [Amended]

7. Section 33.8(a) is amended by deleting the words "only Bureau personnel" and substituting therefor "necessary Government personnel" and by deleting the words "the Bureau" and substituting "MESA" therefor and by deleting the word "sole".

§ 33.11 [Amended]

8. Section 33.11(a) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor "emblem of the Mining Enforcement and Safety Administration", and by deleting the words "the Bureau" and substituting "MESA" therefor.

9. Section 33.30 is amended to read as follows:

§ 33.30 Test site.

Tests shall be conducted at an appropriate location determined by MESA.

PART 35—FIRE-RESISTANT HYDRAULIC FLUIDS

Part 35 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines" and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
35.2(c)	35.9(b)
35.4	35.10(e)
35.5(b)	35.11
35.5(d) item 4	35.12
35.6(f)	35.12(b)
35.9(a)	35.13

§ 35.2 [Amended]

2. Paragraph (b) of § 35.2 is deleted and the following is substituted therefor:

(b) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 33.5 [Amended]

3. Section 35.3 is amended by deleting the words "the Bureau's Central Experiment Station" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center" and by deleting the word "Bureau" and substituting "MESA" therefor.

§ 35.6 [Amended]

4. Section 35.6(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and the words "U.S. Mining Enforcement and Safety Administration" are substituted therefor.

(c) The words "The Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, Attention: District Supervisor, Health and Safety District B" are deleted and the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" are substituted therefor.

5. Section 35.6(g) is amended by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the words "the Central Experiment Station, Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center."

§ 35.8 [Amended]

6. Section 35.8 is amended by deleting the words "only Bureau personnel" and substituting therefor the words "necessary Government personnel" and by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the word "sole."

§ 35.10 [Amended]

7. Section 35.10(a) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration" and by deleting the initials "U.S.B.M." and substituting therefor "MESA".

PART 36—MOBILE DIESEL-POWERED TRANSPORTATION EQUIPMENT FOR GASSY NONCOAL MINES AND TUNNELS

Part 36 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

1. In the sections specified below the words "the Bureau of Mines" and "the

Bureau" are deleted wherever they appear and "MESA" is substituted therefor, and the words "the Bureau's" are deleted and "MESA's" substituted therefor:

Secs.	Secs.
36.2(d)	36.25(d) (1)
36.5	36.25(e)
36.6(b) (6)	36.25(f) (1)
36.6(c)	36.26(a)
36.6(d)	36.26(b)
36.6(f)	36.26(c)
36.6(g)	36.27(c)
36.7(a) item 16	36.29
36.9(b)	36.33(a)
36.10(a)	36.33(b)
36.11(b)	36.33(c)
36.12	36.41
36.12(b)	36.43(a)
36.13	36.43(b)
36.20(a)	36.44(a)
36.21	36.45(b)
36.23(d)	36.46(b)
36.24(a)	36.46(c)
36.25(b) (3)	36.48(a)
36.25(c) (1)	36.48 (Note)
36.26(c) (2)	36.49

§ 36.2 [Amended]

2. Paragraph (c) of § 36.2 is deleted and the following is substituted therefor:

(c) "MESA" means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 36.3 [Amended]

3. Section 36.3 is amended by deleting the words "the Bureau of Mines" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center" and by deleting the word "Bureau" and substituting "MESA" therefor.

§ 36.6 [Amended]

4. Section 36.6(a) is amended as follows:

(a) The words "the Bureau" are deleted and "MESA" substituted therefor.

(b) The words "United States Bureau of Mines" are deleted and the words "U.S. Mining Enforcement and Safety Administration" are substituted therefor.

(c) the words "the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, Attention: Chief, Branch of Electrical-Mechanical Testing" are deleted and the words "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213" are substituted therefor.

§ 36.7 [Amended]

5. Section 36.7(b) is amended by deleting the words "the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213. Attention: Chief, Branch of Electrical-Mechanical Testing" and substituting therefor "Approval and Testing, Pittsburgh Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213."

§ 36.9 [Amended]

6. Section 36.9(a) is amended by deleting the words "only Bureau personnel" and substituting therefor the words" necessary Government personnel" and by deleting the words "the Bureau" and substituting "MESA" therefor, and by deleting the word "sole."

§ 36.11 [Amended]

7. Section 36.11(a) is amended by deleting the words "seal of the Bureau of Mines" and substituting therefor the words "emblem of the Mining Enforcement and Safety Administration."

8. Section 36.40 is amended to read as follows:

§ 36.40 Test site.

Tests shall be conducted at MESA's Diesel Testing Laboratory, Bruceton, Pennsylvania, or other appropriate place(s) determined by MESA.

[FR Doc.74-14874 Filed 6-27-74;8:45 am]

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Rollover Protective Structures (ROPS) and Falling Object Protective Structures (FOPS) for Mobile Equipment

Background. Pursuant to the authority contained in section 101(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 U.S.C. 811(a)), there was published in the FEDERAL REGISTER for October 9, 1973 (38 FR 27841) a notice proposing to amend § 77.403 and to add a new § 77.403a to Part 77, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, pertaining to falling object protective structures (FOPS) and rollover protective structures (ROPS) for mobile equipment.

Written objections were timely filed with MESA stating the grounds for objections and requesting a public hearing on proposed amendments to § 77.403 and new § 77.403a. In accordance with section 101(f) of the Act, a notice of objections filed and hearing requested was published in the FEDERAL REGISTER for February 19, 1974 (39 FR 6118).

Following this notice, there was published in the FEDERAL REGISTER on March 6, 1974 (39 FR 8618), a notice of public hearing to be held for the purpose of receiving relevant evidence on the following issues:

(1) Whether forklift trucks should be required to be fitted with ROPS and FOPS.

(2) Whether mobile equipment manufactured before July 1, 1969 shall be required to be retrofitted with ROPS no later than 28 months after the effective date of § 77.403a.

(3) Whether the reference in § 77.403 to "substantial" FOPS should be clarified.

(4) Whether the reference in § 77.403a to "haulage vehicles" should be clarified.

(5) Whether the Department's standards should deviate from those of the Occupational Safety and Health Administration (OSHA), Corps of Engineers, or State of California, or whether such standards should be uniform.

The public hearing was held on April 5, 1974, in the Main Auditorium of the United States Department of the Interior. Presentations were made by the following organizations: Mining Enforcement and Safety Administration, United Mine Workers of America, Industrial Truck Association, Bituminous Coal Operators Association, Peabody Coal Company, Western Pennsylvania Surface Coal Mine Operators Association, Inc., Construction Industry Manufacturers Association, Associated Equipment Distributors, American Road Builders' Association, International Harvester Co., and the U.S. Army Corps of Engineers. The record was held open for twenty-one days from April 5, 1974, to permit submission of additional data and information.

A verbatim transcript of the hearing together with data and information submitted is available for public inspection in the Office of the Assistant Administrator, Coal Mine Health and Safety, MESA, Department of the Interior, Washington, D.C. 20240.

Findings. Section 101(g) of the Act (83 Stat. 747; 30 U.S.C. 811(g)), provides, in part, that within 60 days after completion of any public hearing on proposed mandatory safety standards, the Secretary of the Interior shall make findings of fact which shall be public. On the basis of the evidence received in written comments and objections and submitted at the public hearing, it is found that:

1. Rollovers and falling objects have been a prime cause of injuries and fatalities in surface coal mines and surface work areas of underground coal mines. During 1972 and 1973, twenty rollover and falling object fatalities occurred in surface coal mines and surface work areas of underground coal mines, and these fatalities were 30 percent of the total fatalities which occurred in such areas.

2. Fatalities and serious injuries to operators of mobile equipment in surface coal mines and surface work areas of underground coal mines will be significantly reduced by the installation of ROPS and FOPS.

3. All mobile equipment required to be provided with ROPS by § 77.403a is also required to be provided with seat belts which must be used as provided by § 77.1710(i). The protection provided by ROPS is only fully utilized when an equipment operator is using a seat belt. Therefore, that requirement is reiterated in § 77.403a(g).

4. Forklift or powered industrial trucks are designed and constructed in such a manner that rollovers are restricted by the vertical lifting mast.

5. Forklift or powered industrial truck operators are susceptible to injury from falling objects and such injury can be minimized by requiring falling object protective structures meeting the State of California, Division of Industrial Safety, General Industry Safety Orders, Register 72, Number 6, February 8, 1972, Article 25, Part 3655.

6. Most haulage vehicle cabs are mounted on stress-relieved frames that will not accommodate ROPS. No specifications for haulage vehicle FOPS and ROPS presently exist. In view of the fact that practical technology is not presently available to design and construct ROPS and FOPS for haulage vehicles, the requirements of ROPS and FOPS as to those vehicles are deleted from §§ 77.403 and 77.403a pending further study and until further notice is given pursuant to section 101 of the Act.

7. MESA has an independent responsibility under the Coal Mine Health and Safety Act of 1969 to protect the health and safety of the Nation's coal miners by improving the mandatory health and safety standards. Deviations adopted by MESA from OSHA, State of California, Corps of Engineers and Bureau of Reclamation standards are adopted to improve health and safety.

8. Practical technology is available to design and construct ROPS for pre-July 1, 1969 equipment, but there is evidence that some machine frames are not sufficient to support ROPS in event of a rollover. Therefore, the installation of ROPS on equipment manufactured before July 1, 1969, will not be required and accordingly such requirement is deleted pending further study and until further notice is given pursuant to section 101 of the Act.

9. If an authorized representative of the Secretary determines that a particular piece of mobile equipment, regardless of date of manufacture, is being operated so as to present an imminent danger, he retains the authority to issue a withdrawal order under section 104 of the Act.

10. Although § 77.403a(c) specifies time periods for installation of ROPS on mobile equipment, if an authorized representative of the Secretary determines that a ROPS is necessary to protect the life of the operator of the equipment, he may require by written notification a ROPS to be installed on such equipment by a specified earlier date.

11. "Substantial" ROPS can protect operators from hazards of falling objects. The SAE J 231 specification is "substantial" for the purposes of mobile equipment to which it is applicable. Structures affording equivalent protection to the operator from falling objects shall also be considered "substantial" by the duly authorized representative.

12. Certification of the design of ROPS is necessary to insure that the structures will withstand the loads to which they might be exposed. Labeling by the ROPS manufacturer, or designer or a written certification by a registered professional engineer that the ROPS complies with the specifications will meet the certification requirements of § 77.403a(d) and thereby insure competent design and allow for inspection of MESA inspectors.

13. Installation of ROPS in accordance with the manufacturer's or designer's instruction is required by § 77.403a (d) and certification of proper installation is therefore not required.

Based on evidence received in written comments and objections and at the public hearing of April 5, 1974, and in view of the foregoing reasons and facts, it is determined to modify the rollover protective structures and falling object protective structures standards for mobile equipment in surface coal mines and surface work areas of underground coal mines as proposed in the FEDERAL REGISTER for October 9, 1973 (38 FR 27841), by amending and revising §§ 77.403 and 77.403a as set forth below and by adding a new § 77.403b which incorporates certain publications by reference.

Effective date. This amendment shall be effective on September 1, 1974.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

JUNE 25, 1974.

Part 77, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, is hereby amended by revising § 77.403 and adding new §§ 77.403a and 77.403b to read as follows:

§ 77.403 Mobile equipment; falling object protective structures (FOPS).

(a) When necessary to protect the operator of the equipment, all rubber-tired or crawler-mounted self-propelled scrapers, front-end loaders, dozers, graders, loaders, and tractors, with or without attachments, that are used in surface coal mines or the surface work areas of underground coal mines shall be provided with substantial falling object protective structures (FOPS). FOPS which meet the requirements of the Society of Automotive Engineers (SAE) Standard J 231 shall be considered to be a "substantial" FOPS. An authorized representative of the Secretary may approve a FOPS which provides protection equivalent to SAE J 231.

(b) When necessary to protect the operator of the equipment, forklift or powered industrial trucks shall be provided with substantial FOPS. Such FOPS shall meet the requirements of the State of California, Division of Industrial Safety, General Safety Orders, Register 72, Number 6, February 8, 1972, Article 25, Section 3655—"Overhead Guards for High-Lift Rider Trucks."

§ 77.403a Mobile equipment; rollover protective structures (ROPS).

(a) All rubber-tired or crawler-mounted self-propelled scrapers, front-end loaders, dozers, graders, loaders, and tractors, with or without attachments, that are used in surface coal mines or the surface work areas of underground coal mines shall be provided with rollover protective structures (hereinafter referred to as ROPS) in accordance with the requirements of paragraphs (b) through (f) of this section, as applicable.

(b) *Mobile equipment manufactured on and after September 1, 1974.* All mobile equipment described in paragraph (a) of this section manufactured on and after September 1, 1974 shall be equipped with ROPS meeting the requirements of the Department of Labor specified in §§ 1926.1001 and 1926.1002 of Part 1926, Title 29, Code of Federal Regulations—Safety and Health Regulations for Construction.

(c) *Mobile equipment manufactured prior to September 1, 1974.* All mobile equipment described in paragraph (a) of this section manufactured prior to September 1, 1974 shall be equipped with ROPS meeting the requirements of paragraphs (d) through (f) of this section, as appropriate, no later than the dates specified in paragraphs (1), (2), and (3) of this paragraph (c), unless an earlier date is required by an authorized representative of the Secretary under paragraph (c)(4) of this section:

(1) Mobile equipment manufactured between July 1, 1971, and September 1, 1974, shall be equipped with ROPS no later than March 1, 1975.

(2) Mobile equipment manufactured between July 1, 1970, and June 30, 1971, shall be equipped with ROPS no later than July 1, 1975.

(3) Mobile equipment manufactured between July 1, 1969, and June 30, 1970, shall be equipped with ROPS no later than January 1, 1976.

(4) Irrespective of the time periods specified in paragraph (c) (1) through (3) of this section an authorized representative of the Secretary may require such mobile equipment to be equipped with ROPS at an earlier date when necessary to protect the operator of the equipment under the conditions in which the mobile equipment is, or will be operated. The authorized representative of the Secretary shall in writing advise the operator that the equipment shall be equipped with a ROPS and shall fix a time within which the operator shall provide and install the ROPS. If such ROPS is not provided and installed within the time fixed a notice shall be issued to the operator pursuant to section 104 of the Act.

(5) Nothing in this § 77.403a shall preclude the issuance of a withdrawal order because of imminent danger.

(d) Except as provided in paragraph (e) of this section, mobile equipment described in paragraph (a) of this section, manufactured prior to September 1, 1974, shall be deemed in compliance with this section if the ROPS is installed in accordance with the recommendations of the ROPS manufacturer or designer. The coal mine operator shall exhibit certification from the ROPS manufacturer or designer in the form of a label attached to the equipment, indicating the manufacturer's or fabricator's name and address, the ROPS model number, if any, the machine make, model or series number that the structure is designed to fit, and compliance with the applicable specification listed in paragraph (c) (1) or (2) of this section, or he shall, upon request of the authorized representative of the Secretary, furnish certification from a registered professional engineer that:

(1) The ROPS complies with the Society of Automotive Engineers (SAE) Standard J 397, "Critical Zone—Characteristics and Dimensions for Operators

of Construction and Industrial Machinery" or SAE J 397a, "Deflection Limiting Volume for Laboratory Evaluation of Rollover Protective Structures (ROPS) and Falling Object Protective Structures (FOPS) of Construction and Industrial Vehicles" and the following applicable SAE Standards:

(i) J 320a, "Minimum Performance Criteria for Rollover Protective Structure for Rubber-Tired Self-Propelled Scrapers" or J 320b, "Minimum Performance Criteria for Rollover Protective Structures for Prime Movers"; or

(ii) J 394, "Minimum Performance Criteria for Rollover Protective Structure for Rubber-Tired Front-End Loaders and Rubber-Tired Dozers" or J 394a, "Minimum Performance Criteria for Rollover Protective Structures for Wheeled Front-End Loaders and Wheeled Dozers"; or

(iii) J 395, "Minimum Performance Criteria for Rollover Protective Structure for Crawler Tractors and Crawler-Type Loaders" or J 395a, "Minimum Performance Criteria for Rollover Protective Structures for Track-Type Tractors and Track-Type Front-End Loaders"; or

(iv) J 396 or J 396a, "Minimum Performance Criteria for Rollover Protective Structures for Motor Graders"; or

(v) J 167, "Protective Frame with Overhead Protection—Test Procedures and Performance Requirements"; or

(vi) J 334a, "Protective Frame Test Procedures and Performance Requirements"; or

(2) The ROPS and supporting attachments will:

(i) Show satisfactory performance by actual test of a prototype involving a roll of 720° or more; or

(ii) Support not less than the weight of the vehicle applied as a uniformly distributed horizontal load at the top of the structure and perpendicular to a vertical plane through the longitudinal axis of the prime mover, and support two times the weight of the vehicle applied as a uniformly distributed vertical load to the top of the structure; [1] or

(iii) Support the following separately applied minimum loads:

(A) 125 percent of the weight of the vehicle applied as a uniformly distributed horizontal load at the top of the ROPS and perpendicular to a critical plane through the longitudinal axis of the prime mover; and

(B) A load of twice the weight of the vehicle applied as a uniformly distributed vertical load to the top of the ROPS after complying with subdivision (iii) (A) of this subparagraph. Stresses shall not exceed the ultimate strength. Steel used in the ROPS must have capability to perform at 0° F., or exhibit Charpy V-notch impact strength at 8 ft.-lb. at —20° F. with a standard Charpy V-notch Type A specimen and provide 20 percent elongation over two inches in a standard two inch gauge length on a 0.505 inch diameter tensile specimen. Bolts and nuts shall be SAE grade 8 (reference SAE J 429d, J 429e, J 429f or J 429g and J 995, J 995a or J 995b).

(e) *Mobile equipment manufactured prior to September 1, 1974 meeting certain existing governmental requirements for ROPS.* Mobile equipment described in paragraph (a) of this section, manufactured prior to September 1, 1974 and already equipped with ROPS, shall be deemed in compliance with this section if it meets the ROPS requirements of the State of California, the U.S. Army Corps of Engineers, the Bureau of Reclamation of the U.S. Department of the Interior in effect on April 5, 1972, or the Occupational Safety and Health Administration, U.S. Department of Labor. The requirements in effect are:

(1) State of California: Construction Safety Orders 1591(i), 1596, and Logging and Sawmill Safety Order 5243, issued by the Department of Industrial Relations pursuant to Division 5, Labor Code § 6312, State of California;

(2) U.S. Army Corps of Engineers: Safety—General Safety Requirements, EM–385–1–1 (March 1967);

(3) Bureau of Reclamation, U.S. Department of the Interior: Safety and Health Regulations for Construction, Part II (September 1971); and

(4) Occupational Safety and Health Administration, U.S. Department of Labor: Safety and Health Regulations for Construction, 29 C.F.R. 1926.1001 and 1926.1002.

(f) Field welding on ROPS shall be performed by welders who are certified by the coal mine operator or equipment distributor as being qualified in accordance with the American Welding Society Structural Welding Code AWS D1.1–73, or Military Standard MIL–STD 248, or the equivalent thereof.

(g) Seat belts required by § 77.1710(i) shall be worn by the operator of mobile equipment required to be equipped with ROPS by § 77.403a.

§ 77.403b Incorporation by reference.

In accordance with 5 U.S.C. 552(a), the publications to which references are made in §§ 77.403 and 77.403a and which have been prepared by organizations other than the Mining Enforcement and Safety Administration (MESA), are hereby incorporated by reference and made a part hereof. The incorporated publications are available at each Coal Mine Health and Safety District and Subdistrict Office of MESA. The U.S. Army Corps of Engineers, Safety—General Safety Requirements and the Occupational Safety and Health Administration regulations are also available from the U.S. Government Printing Office, Washington, D.C. 20402. Bureau of Reclamation Safety and Health Regulations for Construction are available from the Bureau of Reclamation, Division of Safety, Engineering and Research Center, Denver, Colorado. SAE documents are available from the Society of Automotive Engineers, Inc., Two Pennsylvania Plaza, New York, N.Y. 10001. American Welding Society Structural Welding Code D1.1–73 is available from the American Welding Society, Inc., 2501 NW 7th Street, Miami, Florida 33125. Military Standard MIL–STD 248 is available from the U.S. Government Printing Office, Washington, D.C. 20202.

[1] Paragraph (d) or section 77.403a is based on the ROPS criteria of the U.S. Army Corps of Engineers, Safety—General Safety Requirements EM 385–1–1, Change 1, No. 21, Para. 18.A.20 (March 27, 1972), except that subparagraph (2) (ii) of this paragraph (d) is substituted for Para. 18.A.20e(2) of the Corps requirements.

[FR Doc.74–14890 Filed 6–27–74;8:45 am]

CHAPTER VI—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

ESTABLISHMENT OF NEW CHAPTER

CROSS REFERENCE: For a document establishing a new 30 CFR Chapter VI, see FR Doc. 74–14874, *supra*.

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73–100R]

PART 90—PILOT RULES FOR THE GREAT LAKES AND INLAND WATERS

Lights and Day Signals; Passing a Floating Plant, Pilot Vessels; Correction

In FR Doc. 74–7288 appearing at pages 11541–11543 in the issue for Friday, March 29, 1974, the sentence "Sections 90.22 through 90.30 grouped under the centerhead entitled Miscellaneous are redesignated as §§ 90.38 through 90.46 and grouped under the same centerhead." that appears on page 11541 in paragraph two under the title "Part 90, Pilot Rules For The Great Lakes" should read "Sections 90.22, 90.23, 90.24, 90.25 and 90.30 grouped under the centerhead entitled Miscellaneous are redesignated as §§ 90.38, 90.39, 90.40, 90.41 and 90.46 respectively and grouped under the same centerhead."

Dated: June 20, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74–14882 Filed 6–27–74;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

Miscellaneous Amendments to Chapter

Correction

In FR Doc. 74–13740 appearing at page 20970 of the issue for Monday, June 17, 1974, make the following changes:

1. In the penultimate line of the "Exceptions" paragraph of § 158.4, "shall be out-" should read "shall be as out-".

2. Paragraph (a) of § 162.3 should read as follows:

(a) *Restricted Delivery.* Restricted delivery may be obtained as set forth in

§ 165.3 of this chapter and by the payment of additional fees as provided in § 165.3(b). For circumstances under which *Deliver to Addressee Only* restricted delivery will not be furnished, see § 165.3(d)(1).

3. In § 165.2(d)(1), the paragraph beginning "(i) The clearing clerk" should be designated as paragraph (ii).

4. In the third line of § 165.3(c), "paragraph (d)(i)" should read "paragraph (d)(1)".

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

Employment Under Government Contracts

This amendment of the Federal Procurement Regulations changes the policies and procedures in Subpart 1–12.2, Convict Labor. The policies and procedures in the FPR previously have reflected the requirements of the Act of February 23, 1887 (18 U.S.C. 436), P.L. 89–176, September 10, 1965 (18 U.S.C. 4082(c)(2)), and Executive Order 325A, May 18, 1905. On December 29, 1973, Executive Order 11755 was issued which changed the procedures under which prison labor could be employed in the performance of Government contracts. The changes permit the employment in the performance of Federal contracts of persons who are confined for violation of the laws of any of the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands and who are authorized to work at paid employment in the community under terms and conditions that are comparable to those that previously have been applicable to inmates under Federal sentence. In addition, the contract clause no longer includes a reference to hard labor.

[FPR Amdt. 128]

PART 1–7—CONTRACT CLAUSES

Subpart 1–7.1—Fixed-Price Supply Contracts

Section 1–7.103–5 is revised to read as follows:

§ 1–7.103–5 Convict labor.

Insert the clause set forth in § 1–12.204 under the conditions prescribed in § 1–12.203.

Subpart 1–7.2—Cost-Reimbursement Type Supply Contracts

Section 1–7.202–15 is revised to read as follows:

§ 1–7.202–15 Convict labor.

Insert the clause set forth in § 1–12.204 under the conditions prescribed in § 1–12.203.

Subpart 1–7.7—Transportation Contracts

Section 1–7.703–10 is revised to read as follows:

§ 1–7.703–10 Convict labor.

Insert the clause set forth in § 1–12.204.

Part 1–12—Labor

The table of contents for Part 1–12 is amended to prescribe new and revised entries as follows:

Subpart 1–12.2—Convict Labor

Sec.
1–12.200 Scope.
1–12.201 General.
1–12.202 Basic requirement.
1–12.203 Applicability.
1–12.204 Contract clause.

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

Subpart 1–12.2—Convict Labor

1. Section 1–12.200 is added to read as follows:

§ 1–12.200 Scope.

This subpart prescribes policies and procedures regarding the employment of prison inmates in the performance of Government contracts.

2. Section 1–12.201 is revised to read as follows:

§ 1–12.201 General.

(a) Executive Order 11755, December 29, 1973, states as follows: "The development of the occupational and educational skills of prison inmates is essential to their rehabilitation and to their ability to make an effective return to free society. Meaningful employment serves to develop those skills. It is also true, however, that care must be exercised to avoid either the exploitation of convict labor or any unfair competition between convict labor and free labor in the production of goods and services."

(b) The Act of February 23, 1887 (18 U.S.C. 436), provided that all officers or agents of the United States were as a matter of public policy forbidden, under appropriate penalties, to hire or contract out the labor of any criminals who might thereafter be confined in any prison, jail, or other place of incarceration for the violation of any laws of the Government of the United States.

(c) Public Law 89–176 (18 U.S.C. 4082(c)(2)) empowers the Attorney General to authorize Federal prisoners to work at paid employment in the community during their terms of imprisonment under conditions that protect against both the exploitation of convict labor and unfair competition with free labor.

3. Section 1–12.202 is revised to read as follows:

§ 1–12.202 Basic requirement.

Pursuant to the policy originally set forth in the Act of February 23, 1887, and in accordance with the requirements of Executive Order 11755, all contracts involving the use of appropriated funds which shall hereafter be entered into by any department or agency of the Executive branch for performance in any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands shall, unless otherwise provided by law, contain a clause forbidding, in the performance of such contracts, the employment of persons undergoing sentences of imprisonment which have been imposed by any Federal Court or court of a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

4. Section 1–12.203 is revised to read as follows:

§ 1–12.203 Applicability.

(a) The requirement in § 1–12.202 applies, except as stated in this § 1–12.203, to all contracts where performance involves the employment of labor within any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

(b) The requirement does to apply to contracts:

(1) Subject to the provisions of the Walsh-Healey Public Contracts Act (see Subpart 1–12.6) which contains its own requirement that "no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract" (As interpreted by the Secretary of Labor, the term convict labor does not prohibit the employment of Federal or State prisoners on (i) parole, (ii) probation, or (iii) employed under work release programs, meeting the same conditions applicable to the Federal program.);

(2) For the purchase of supplies or services from Federal Prison Industries, Inc.; or

(3) For the purchase from any State prison of finished supplies which may be secured in the open market or from existing stocks as distinguished from supplies requiring special fabrication.

(c) The requirement does not prohibit the employment by a contractor in the performance of such contracts of:

(1) Persons on parole or probation to work at paid employment during the term of their sentence;

(2) Persons who have been pardoned or who have served their terms; or

(3) Federal prisoners authorized by the Attorney General under 18 U.S.C. 4082(c)(2) to work at paid employment in the community during the term of their imprisonment if:

(i) The worker is paid or is in an approved work training program on a voluntary basis;

(ii) Representatives of local union central bodies or similar labor union organizations have been consulted;

(iii) Such paid employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

(iv) The rates of pay and other conditions of employment will not be less than those paid or provided for work of a similar nature in the locality in which the work is being performed.

(4) Non-Federal prisoners under the conditions provided in § 1–12.203(c)(3) where the Attorney General has certified that the work release laws or regulations of the jurisdiction are in conformity with the requirements of Executive Order 11755. The order also provides that after notice and opportunity for hearing, the Attorney General shall revoke any such certification if he finds that the work-release program of the jurisdiction involved is not being conducted in conformity with the requirements of Executive Order 11755 or with its intent or purpose.

5. Section 1–12.204 is added to prescribe the contract clause required by this subpart, as follows:

§ 1–12.204 Contract clause.

The contract clause required is as follows:

CONVICT LABOR

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment except as provided by Public Law 89–176, September 10, 1965 (18 U.S.C. 4082(c)(2)) and Executive Order 11755, December 29, 1973.

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.1—Forms For Advertised Supply Contracts

Section 1–16.101(c) is amended as follows:

§ 1–16.101 Contract forms.

* * * * *

(c) General Provisions (Supply Contract) (Standard Form 32, November 1969 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.103–3 shall be substituted for the provision entitled Examination of Records in Article 10, the Convict Labor clause prescribed by § 1–12.204 shall be substituted for the Convict Labor clause in Article 15, the Utilization of Labor Surplus Area Concerns clause prescribed by § 1–1.805–3(a) shall be substituted for the provision entitled Utilization of Concerns in Labor Surplus Areas in Article 22, and the Payment of Interest on Contractors' Claims clause set forth in § 1–1.322(b), the Utilization of Minority Business Enterprises clause set forth in § 1–1.1310–2(a), the Pricing of Adjustments clause set forth in § 1–7.102–20, and the Listing of Employment Openings clause set forth in § 1–12.1102–2 shall be added as additional articles of the General Provisions.

* * * * *

Subpart 1–16.4—Forms for Advertised Construction Contracts

Section 1–16.401 is amended as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(h) General Provisions (Construction Contract) (Standard Form 23–A, October 1969 edition). Pending the publication of a new edition of the form, the Convict Labor clause prescribed by § 1–12.204 shall be substituted for the Convict Labor clause in Article 20, and the Payment of Interest on Contractors' Claims clause set forth in § 1–1.322(b), the Utilization of Minority Business Enterprises clause set forth in § 1–1.1310–2(a), the Pricing of Adjustments clause set forth in § 1–7.602–12, and the Listing of Employment Openings clause set forth in § 1–12.1102–2 shall be added as additional articles of the General Provisions.

Effective date. This amendment is effective July 22, 1974, but may be observed earlier.

Dated: June 18, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–14833 Filed 6–27–74;8:45 am]

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3–1—GENERAL

Organizational Changes

Correction

In FR Doc. 74–14295 appearing on page 22265 of the issue for Friday, June 21, 1974, the fourth line of § 3–1.704–1 which reads "small business programs,[1] and represent-" should read "small business program. Within the".

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E–144]

PART 101–25—GENERAL

Subpart 101–25.1—General Policies

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.3—Procurement of GSA Stock Items

Subpart 101–26.5—GSA Procurement Programs

REVISED CRITERIA

This amendment (1) provides revised criteria for obtaining filing cabinets and (2) changes the point of contact for GSA assistance in selection of furniture and furnishings.

The table of contents for Part 101–25 is amended to read as follows:

§ 101–25.104.2 [Reserved]

Section 101–25.104–2 is deleted and reserved to read as follows:

§ 101–25.104–2 [Deleted]

Section 101–26.308 is revised to read as follows:

§ 101–26.308 Obtaining filing cabinets.

Each agency head, after taking actions prescribed in § 101–25.302–2, shall determine agency requirements for filing cabinets. When additional filing cabinets are to be obtained, requisitions shall be submitted in FEDSTRIP/MILSTRIP format by the ordering activity to the appropriate servicing GSA regional office.

Section 101–26.505–7 is revised to read as follows:

§ 101–26.505–7 GSA assistance in selection of furniture and furnishings.

The Customer Service Director in each GSA regional office will, upon request, furnish agencies with information on the types, styles, finishes, coverings, and colors of office and household furniture and furnishings available through the GSA purchase program. (See § 101–26.506.)

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

Effective date. This regulation is effective June 28, 1974.

Dated: June 19, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–14818 Filed 6–27–74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER O—CERTAIN BULK DANGEROUS CARGOES

[CGD 72–80]

PART 154—SPECIAL INTERIM REGULATIONS FOR ISSUANCE OF LETTERS OF COMPLIANCE

Letters of Compliance

The purpose of the amendments in this document is to amend the effective date of the requirements for certain cargoes which are listed in table I of Annex A to this part and which did not previously require a Letter of Compliance in Navigation and Vessel Inspection Circular No. 13–65 dated September 30, 1965.

Due to the large number of foreign vessels seeking to comply with the provisions of Part 154 and a continued shortage of Coast Guard personnel to handle the increased workload, it will not be possible prior to July 1, 1974 to complete processing of all foreign vessels currently applying for new or amended Letters of Compliance. In order to minimize the interruption of vessel operation and to permit a smooth implementation of the requirements of Part 154 by the Coast Guard, extension of the effective date to January 1, 1975 is considered essential for certain cargoes not previously requiring a Letter of Compliance.

The amendments in this document set forth three different effective dates. The cargoes in Table I of Annex A to this part are separated into three groups each of which has a different effective date. Since enumeration of the effective dates is made in the body of this part and since this enumeration is lengthy, it is not practical to restate these dates under the last paragraph of Part 154 entitled "Effective Date". Accordingly, the last paragraph entitled "Effective Date" has been simplified to read "The regulations in this part are effective on June 15, 1973. This date reflects the date on which Part 154 as a whole became effective. The specific

effective dates as they relate to different cargoes are contained within the body of Part 154.

Also, the submission of additional data followed by the review of the properties of certain cargoes has shown them to be not as hazardous as initially indicated. These cargoes are to be removed from the list of cargoes requiring a Letter of Compliance.

Since these amendments to Part 154 concern rules governing the Coast Guard's procedure and practice, they are exempt from notice and public procedure thereon by 5 U.S.C. 553(b)(3)(A). Additionally, since these amendments to Part 154 impose no additional burden on any person, they may be made effective in less than 30 days in accordance with 5 U.S.C. 553(d).

In consideration of the foregoing, Annex A of Part 154 of Title 46, Code of Federal Regulations is amended as follows:

1. In item 1, entitled "Purpose", by revoking the last sentence of the paragraph that begins "A Letter of Compliance, valid for two years, * * *" and inserting the following two sentences in place thereof:

The requirements for the following cargoes must be met before January 1, 1975:
Acetic Acid
Acetic anhydride
Acrylic acid
Adiponitrile
Aminoethylethanolamine
Ammonium hydroxide (not to exceed 28% NH_3)
Benzene
Benzene, toluene, xylene (crude)
Butyl acrylate (iso-, n-)
Butyraldehyde (iso-, n-) (crude)
Camphor oil
Carbon tetrachloride
Caustic potash solution
Caustic soda solution
Chlorobenzene
Cresols (mixed isomers)
Cyclohexanone
Decyl acrylate (iso-)
Dichlorobenzene (ortho)
Dichloroethyl ether
Diethanolamine
Diethylenetriamine
Diisopropanolamine
Ethyl acrylate (inhibited)
Ethylene cyanohydrin
Ethylenediamine
Ethylene dichloride
2-ethylhexyl acrylate (inhibited)
2-ethyl-3-propyl acrolein
Formaldehyde Solution (37–50%)
Formic Acid
Furfural
2-methyl-5-ethyl pyridine
Monoethanolamine
Monoisopropanolamine
Morpholine
Phosphoric acid
Phthalic anhydride (molten)
Propionic acid
Propionic anhydride
Pyridine
Styrene (inhibited)
Sulfur (molten)
Tetraethylene pentamine
Triethanolamine
Vinyl toluene (meta-, para-)

The requirements for all other cargoes which are included in Table I of Annex A of this part but not referenced in this paragraph are effective on July 1, 1974.

2. By revising the last paragraph, entitled "Effective date" to read as follows:

"The regulations in this part are effec- and zinc dialkyl dithiophosphate from Table 1 of Annex A and adding them to tive on June 15, 1973."

3. By striking diphenyl-diphenyl oxide Annex B.

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655 (b)(1)); 49 CFR 1–46 (b))

Effective date. These amendments are effective immediately.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

Title 47—Telecommunication

[FCC 74–632]

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

In the matter of amendment of Part 0—statement of organization, delegations of authority and other information reorganization of Office of Chief Engineer.

At a session of the Federal Communications Commission held at its offices in Washington, D.C.;

The Commission having under consideration the re-organization of the Office of Chief Engineer;

It appearing, that the amendments adopted herein would promote greater efficiency and effectiveness in Commission operations; and

It further appearing, that the amendments adopted herein relate to Commission organization and, therefore, compliance with the public notice and rulemaking procedures of the Administrative Procedure Act (5 USC s 553) is not required:

It is ordered, That, effective August 1, 1974, and pursuant to sections 4(f) and (i) and 5(b) of the Communications Act of 1934, as amended, the Office of Chief Engineer is re-organized;

It is further ordered, That pursuant to sections 4(f) and (i) and 5(b) of the Communications Act of 1934, as amended, Part 0 of the Commission's rules and regulations is amended, effective August 1, 1974, as set out below.

(Secs. 4, 5, 303, 307, 43 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: June 17, 1974.

Released: June 20, 1974.

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

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.32 is revised as follows:

§ 0.32 Units in the Office.

The Office of Chief Engineer is comprised of the following units:

(a) Immediate Office of the Chief Engineer.
(b) International and Operations Division.
(c) Research and Technical Division.
(d) Laboratory Division.
(e) Spectrum Management Task Force.

2. Section 0.33 is revised as follows:

§ 0.33 Immediate Office of Chief Engineer.

The Immediate Office of the Chief Engineer assists the Chief Engineer in planning, directing, coordinating, and executing his functions. The Immediate Office of the Chief Engineer is composed of the Chief Engineer, the Deputy Chief Engineer, a Planning and Coordinating Staff, a Spectrum Allocations Staff and an Administrative Section.

(a) *Plans and coordination staff.* This staff is responsible for developing medium and long range programs for the Office of Chief Engineer (OCE) and evaluating program accomplishments and advises the Chief Engineer of their effectiveness. In carrying out these responsibilities, the staff:

(1) Develops and coordinates overall policies, programs, objectives, and priorities for all programs and activities in consultation with the Divisions and activities of the Office of Chief Engineer; insures that programs are consistent with Commission policies; reviews program performance, accomplishments and effectiveness; recommends changes in policies, programs, objectives and priorities.

(2) Analyzes short and long term technical developments and the impact that predicted growth of existing and new technology will have on the Chief Engineer's mission and workload; develops plans to integrate new and revised requirements for the Divisions and activities into current and future programs.

(3) Develops and evaluates (through such techniques as cost benefit-analysis) alternative engineering techniques; considers potential tradeoffs between various technologies applicable to accomplishing the Chief Engineer's mission; recommends changes in present engineering techniques and organizations which will maximize mission accomplishment under alternative resource allocations.

(4) Recommends legislation and rule changes; reviews legislation and rulemaking proposals initiated by other offices which will have a potential impact on the Office of Chief Engineer programs and operations; determines impact in terms of engineering techniques and organization, workload and resource requirements.

(5) Provides the Chief Engineer with planning projections of future requirements for personnel, technical equipment and real property requirements to support programs.

(6) Maintains liaison with other agencies and communications users on matters concerning program development and evaluation.

(7) Develops and applies techniques for measuring program performance and provides the Chief Engineer with program progress and evaluation reports.

(8) Assists the Divisions in formulating budget estimates and justifications for approved programs.

(b) *Spectrum Allocations Staff.* This staff is responsible for the conduct of surveys, studies, and proceedings aimed at achieving optimum use of the Spectrum. In carrying out its responsibilities, the staff:

(1) Conducts engineering surveys of the usage being made of frequency bands allocated to the various U.S. radio services throughout the usable spectrum and makes engineering studies directed toward obtaining the most efficient use of the radio spectrum from existing services and to provide for the frequency requirements of new users of radio.

(2) Administers those portions of Part 2 of the Commission's rules dealing with the assignment and use of frequencies and the U.S. Table of Frequency Allocations, including development and initiation of rule making proceedings pertaining to changes in the Table of Frequency Allocations.

(3) Conducts engineering studies, directed toward obtaining the greatest number of usable channels within a given frequency band through the use of the least channel width practical.

(4) Conducts studies and initiates rulemaking to optimize use of the radio spectrum.

(5) Anticipates and develops solutions for future allocations problems.

(6) Accomplishes coordination of frequency allocation problems with the public, with other offices of the Commission and with other government agencies.

3. Section 0.34 and headnote are revised to read as follows:

§ 0.34 Research and Technical Division.

The Research and Technical Division reviews and analyzes technical and scientific data relating to terrestial and space communications; conducts scientific studies in wave propagation, satellite and space communications; studies technical aspects of potential new uses of radio; conducts special projects to obtain theoretical and experimental data on new or improved techniques; develops practical applications for various radio services in consultation with the Bureaus concerned; conducts technical studies of equipment design and performance; and provides Commission representation at national and international conferences.

4. Section 0.35 and headnote are revised to read as follows:

§ 0.35 Laboratory Division.

The Laboratory Division studies new phenomena, proposed new systems, and new equipment looking toward the greater use of radio, the reduction of interference, and the establishment of appropriate rules and regulations; participation in various intergovernmental, national, and international organizations looking toward the standardization of equipment and measuring units and methods as well as the more efficient use of the radio spectrum or the reduction of interference; designs and assembles apparatus for special tests and studies, and performs special tests and studies concerning propagation, equipment or systems, and evaluates the results of such tests or studies with regard to the Commission's problems, often looking toward new or modified rules; acts on application for type approval and makes type approval tests on equipment including those equipments under Parts 15, 18, 73, 81, 83, and 95 of this chapter requiring type approval; acts on applications for type acceptance of equipment and issues lists of type accepted and type approved equipment; acts on applications for advance approval of subscription television technical systems and issues lists of approved subscription television technical systems; conducts technical studies of equipment design and performance; provides information and comments on test procedures and test results to assist in the evaluation of material supporting certifications; conducts specials tests of equipments in connection with the certification and type acceptance programs; designs; develops and constructs equipment for use in connection with other Commission activities; standardizes and calibrates equipment and installations for other Commission activities and makes tests of radio devices for other Government departments and agencies.

5. Section 0.36 and headnote are revised to read as follows:

§ 0.36 International and Operations Division.

The International and Operations Division administers Part 5 of this chapter regulating the Experimental Radio Services; performs engineering and management functions with respect to equipment certifications and the formulation of rules, technical standards and general policy for Parts 15 and 18 of this chapter; reviews patents as they are issued by the Patent Office to determine which patents may dominate radio services regulated by the Commission and notifies the General Counsel as to such findings; provides Commission representation on, and coordination with, the Interdepartment Radio Advisory Committee (IRAC) and, as may be required, on other national and international telecommunication bodies; coordinates frequency allocation policy matters involving government users of radio with the Office of Telecommunications Policy; maintains the Commission's master frequency record of assignments made; notifies United States frequency assignments to the International Frequency Registration Board of the International Telecommunication Union; performs staff functions relating to international communications conferences and agreements having to do with frequency allocation and assignment; and communicates as necessary with administrations in foreign countries, through appropriate channels, concerning matters which relate to assignment of radio frequencies and to control of radio interference.

§ 0.37 [Deleted]

6. Section 0.37 is deleted in its entirety.

[FR Doc.74-14848 Filed 6-27-74;8:45 am]

Title 49—Transportation

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

[Docket No. 1-5; Notice 11]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Brake Hoses

This notice amends Standard No. 106, Brake hoses, 49 CFR 571.106, by modifying the definition of "permanently attached end fitting", the effective date for brake hose assemblies and vehicles, several labeling requirements, and certain tensile strength, constriction, and corrosion resistance requirements, in response to petitions for reconsideration of amendments published January 29, 1974 (39 FR 3680) (Notice 9) and February 26, 1974 (39 FR 7425) (Notice 10). In addition, Toyo Kogyo Company, in a letter request for interpretation, pointed out an inadvertent change of language in Notice 8 (38 FR 31302, November 13, 1973) which is corrected in this notice.

NOTICE 9

Notice 9 amended the standard to permit the use of "a designation that identifies the manufacturer" of an end fitting, hose or hose assembly in place of a manufacturer identification code which the NHTSA is not yet prepared to issue. Any designation which is filed with the NHTSA may be used until the permanent code is implemented. The only comment on Notice 9 was made by Weatherhead Company, which objected to any interim marking on grounds of expense and advocated elimination of all label identification from the hose. The NHTSA considers identification other than a colored thread to be reasonable and necessary for rapid recognition, and Weatherhead's first petition is denied.

Although not raised by Weatherhead in its petition, several assemblers have objected that the manufacturer designation requirement conflicts with the general industry practice of marking hose with the distributor's designation. The NHTSA requirement that the manufacturer designation appear on one side of the hose in the required format does not in any way prevent labeling of hose with the distributor's designation on the opposite side of the hose along with other optional information.

Weatherhead petitioned for revision of the identification requirements to permit designations other than block capital letters and numerals. The necessary language has already been added to the standard in Notice 10.

Weatherhead also requested a modification of the definition of "end fitting" that would exclude end fitting components from the labeling requirements in order to accommodate the practice of assembler intermixing of components made by different manufacturers. Such an exclusion of components, combined with the present exclusion of labeling crimped-on fittings, would eliminate all

identification requirements for all fittings. While unlabeled crimped fittings may be traced through the hose assembler's band, "renewable" or reusable fittings must be labeled at least once to permit location of any defective fitting which was attached to new hose and then reused after it passed out of the control of the assembler and the NHTSA. Although the NHTSA does not find labeling of each part of a fitting to be feasible, it does not consider it unduly burdensome for an assembler to ensure that the newly-assembled fitting is composed entirely of parts made by the manufacturer whose designation appears on one part. This also responds to International Harvester's request for interpretation on labeling multi-piece fittings.

NOTICE 10

Notice 10 amended the standard in response to petitions for reconsideration of the regulation as it had been issued in final form November 13, 1973 (38 FR 31302). The twelve petitions for reconsideration of this notice emphasized confusion over the status of hose, fittings, and assemblies manufactured before the effective date, and disagreement with certain labeling requirements and the applicability of the standard to particular hose types and applications.

The use of hose and fittings manufactured before the September 1, 1974, effective date raises two problems. The most difficult of these problems is that the components may not conform to any or all of the performance requirements of Standard 106, and therefore could not be made into assemblies or vehicles after the appropriate effective date. To alleviate this "existing stock" problem, Notice 10 delayed the effective date of the standard for vehicles 4 month to permit the utilization of non-106 components. This did not solve the problem, however, as pointed out by Ford and by White Motor Corporation, because the hose and fittings made immediately before the effective date must be made into assemblies after the effective date before they can be used in vehicles. This notice therefore delays the effective date of the standard for six months as it applies to assemblies. The March 1, 1975, date is set with reference to materials submitted by vehicle and hose and fitting manufacturers that support a delay somewhat longer than 4 months to absorb existing stocks. Because it will take some months to stock inventories with conforming assemblies after March 1, 1975, the effective date of the standard for vehicles is delayed until September 1, 1975.

The delay in effective date for assemblies and vehicles will minimize difficulties in the transition to hose marked with the DOT symbol. This transition problem arises because of the requirement that the DOT appear on conforming hose, fittings, and assemblies, but that it not appear on hose to which no safety standard applies, that is, hose manufactured before the standard's effective date. This principle has been consistently followed in the labeling of tires and other items of motor vehicle equipment to avoid confusion in the meaning of the symbol and the concept of compliance. The problem does not arise in the labeling of hydraulic hose for use in passenger cars because a standard already applies and the DOT symbol can be used to indicate compliance with it.

The difficulty in labeling brake hose with the DOT symbol is not that of a September 1, 1974, "midnight changeover." The problem is that any hose assemblies used in new vehicles must conform to the standard as of the effective date for vehicles. With the present change, the hose and fittings used as original equipment must bear the DOT symbol as of September 1, 1975. The new effective dates provide six months to absorb pre-standard stock in assemblies and then six more months to prepare conforming assemblies for use in 1976 model vehicles. What stock remains can of course be sold in the replacement market.

The greatest number of petitions concerned the applicability of the standard to specific hose types and applications in the vehicle. Three petitions again sought the exclusion of plastic tubing from the standard, stating reasons which have already been responded to in detail in the preamble to Notice 10. The major concern in this area appears to be whether specific tubing assemblies are subject to the high tensile strength tests for "relative motion." This term has raised numerous requests for interpretation, and to make clearer the tensile strength distinction, "relative motion" has been replaced with more specific wording. The new language specifies that hose assemblies (other than coiled nylon tube assemblies which meet the requirements of BMCS Regulations (49 CFR 393.45)) used between chassis and axles or between towing and towed vehicles must meet the higher tensile strength requirements.

The American Trucking Association (ATA) mistakenly concluded that the signal line between tractor and trailer was totally excluded from the standard, and also the line to any reservoir and to the spring brakes. All these lines fall within the definition of brake hose because the signal pressure, the pressure to the reservoir, and the pressure to the spring brake chamber in each case is "used to apply force to the brakes". This wording should not be misread as restricted to pressure directly used to apply the brakes.

The definition of brake hose has been reworded to avoid a problem in another area. As presently worded only hose actually used in the brake system would qualify as brake hose and be entitled to be labeled with the DOT symbol. The rewording permits hose "manufactured for use in a brake system" to be labeled with the DOT symbol even if it is used, for example, as a supply line to the windshield wiper system.

Weatherhead requested further definition of the term "flexible" as it is used in the definition of brake hose. The NHTSA continues to believe that this concept can best be treated on a case-by-case request for interpretation and, as noted in Notice 10, will continue to make interpretations upon request.

Chrysler petitioned for a change in the wording of the definition of "brake hose", apparently directed toward the exclusion of the hydraulic brake booster assembly from the standard. Ford, General Motors, and the Motor Vehicle Manufacturers Association (MVMA) also petitioned to exclude the hydraulic booster lines on the grounds that they are subject to a different working environment than brake hose. The most important difference is the constant flow of fluid through them, requiring a long, complicated, tuned, and expandable hose. The NHTSA has concluded that the difference in requirements for the hydraulic booster system justifies special performance requirements for this application. Until these requirements are developed, hydraulic brake booster hose running from pump to accumulator will be considered to be exempt from the requirements of this standard. Hose running from accumulator to booster will also be exempted if redundant booster is provided. This exemption applies to hoses for which Rolls Royce petitioned for exemptions from certain test requirements.

White Motor Corporation petitioned to include "the chassis portion" in the definition of brake hose assembly, incorrectly assuming that the discussion of chassis plumbing in the preamble to Notice 10 limited the definition to brake line mounted to the frame at one point. Chassis plumbing was emphasized in Notice 10 only because inclusion of that part of the brake system in the standard had been questioned by several petitioners. In answer to White, Standard No. 106 is not limited to hose "installed on the chassis to the point of the last mechanical connection", but includes any hose equipped with end fittings for use in a brake system.

The ATA expressed dissatisfaction at the applicability of hose assembly requirements to assemblies made in the field from all-new components. The NHTSA has accommodated emergency repairs by excluding hose assemblies which contain used components, whether renewable or reusable. There is no reason, however, to routinely exempt the smaller assemblers from the requirements of the standard simply because past practices have permitted fabrication of assemblies in the field by anyone who has the necessary equipment. In this regard, the NHTSA believes the practice of refabrication of hose assemblies in the correct length in the field for emergency repairs promotes safety, by not forcing substitution of a permanent assembly which is only a "close fit". For this reason Weatherhead's petition to require permanent fittings on all brake hose is denied.

Several questions were raised with regard to end fittings. Most important to manufacturers is elimination of the reference to two- and three-piece end fittings in the definition of permanently attached end fittings. This definition, as well as the reference in S5.2.3, has been changed to eliminate this design restriction.

The status of intake manifold connectors and booster check valves typically clamped to the ends of vacuum booster hose were also questioned. "Brake hose end fitting" is defined as "a coupler, other than a clamp, designed for attachment to the end of a brake hose." As typically configured, the couplers are the clamps, and the intake manifold connection and brake booster check valve are engine components to which the brake hose has been attached by the clamp couplers. Therefore neither component is subject to Standard 106.

Several petitions addressed the labeling of fittings, as well as hose and assemblies. Two of the major concerns, use of the DOT symbol and the marking of multi-piece end fittings, have been discussed earlier.

Labeling of brake hose "at intervals of no more than six inches, measured from the end of one legend to the beginning of the next" can create several problems; for example, spray painting of a vehicle frame in which hose has been mounted. Mack argued that the legend need appear only once on hose which has been made into an assembly and mounted in a vehicle. The NHTSA has concluded that the value of the continuous line and legend, as a ready source of the hose characteristics on bulk hose and as aid to untwisted installation, is exhausted when an assembly has been mounted. Therefore S5.2.2 has been modified to require only that the legend appear at least once on assemblies mounted in vehicles. It is emphasized that masking material used in painting must be removed so that the labeling does appear on the completed vehicle. Only the required information may appear along one side of the hose.

The labeling distance of a maximum 6 inches between legends is intended to ensure adequate repetition on bulk hose without restricting the size of the legend. A manufacturer is free to make the legend as short or long as he feels is necessary to make the information clear, and on this basis, Midland-Ross' petition to require labeling at 6-inch intervals measured from the beginning of one legend to the beginning of the next is denied. Weatherhead expresses confusion over a Notice 10 preamble reference to the complete legend appearing in 4 inches. This statement was only intended to illustrate a situation where a mixture of optional and required labeling would interfere with the appearance of complete labeling on some hose assemblies, and it did not imply a requirement that the legend must be 4 inches long.

Although no manufacturer specifically requested a change, the NHTSA has concluded that clarity would not be substantially degraded by permitting required label information to appear in any order. The requirement for a specific order of label information has accordingly been deleted in order to reduce waste associated with hose cutting. The lettering height of one-eighth of an inch is considered necessary for clarity and will be retained.

Mack requested confirmation that end fitting labeling may be covered with paint until a person strips off the paint to read the labeling. This interpretation is incorrect. To be useful, label information must be clearly visible for easy reference.

Midland-Ross requested clarification of the use of the letters "SP". These letters distinguish, two types of air brake hose: regular ½-inch hose and hose that requires special reusable fittings. This is the only situation where different hoses share the same size designation. The NHTSA cannot agree with Midland that wider use of the letters would clarify the use of other components.

Weatherhead challenged as discriminatory the required labeling by manufacturers of hose assemblies other than those assembled and installed by a vehicle manufacturer in vehicles manufactured by him. The argument relied in part on a statutory requirement that "every manufacturer * * * shall furnish to the distributor or dealer at the time of delivery of such vehicle or equipment * * * the certification that * * * [it] conforms * * * in the form of a label or tag * * *." (15 U.S.C. 1403).

This section covers vehicles and equipment only "at the time of delivery" to a distributor or dealer. In contrast, the exception in question applies to hose assemblies mounted in vehicles by their manufacturers which do not fall under the language of section 1403.

Weatherhead also requested an alternative labeling procedure in place of banding which the NHTSA has determined is not desirable because it detracts from the uniformity of the labeling procedure, and accordingly this petition is denied.

Several manufacturers have requested approval of specific banding techniques, including a molded rubber ring, a metal band crimped together, and an adhesive label which adheres to the hose. The NHTSA interprets a band as a label which encircles the hose completely, and attaches to itself. To constitute labeling at all, the band must, of course, be affixed to the hose in such a manner that it can not be easily removed.

Manufacturers raised objections to the specific performance requirements as they apply to hose types. Manufacturers of hydraulic hose assemblies requested exclusion of various types of end fittings from the constriction requirements to permit L-shaped and T-shaped fittings, distribution blocks, and residual valves, which are designed to have small diameters. The NHTSA has concluded that the major constriction problems occur in joining the hose to the fitting, and has amended the constriction requirements so that they apply only to that part of the fitting in which hose is inserted.

Weatherhead requested a calibration factor for the expansion test procedure used with hydraulic hose. The NHTSA explained in its last notice that, although calibration factors exist and must be taken into account in any performance test, it is inappropriate to state a calibration factor as part of the performance requirement. Weatherhead's petition is accordingly denied.

Several manufacturers pointed out the inadvertent substitution of "rupture" as the performance requirement to be met in the tensile strength tests of hydraulic hose and air brake hose. This language has been replaced with a requirement of no separation of the end fittings from the hose. With regard to "rupture", it should be noted that the definition of the term was not substantively changed in Notice 10, but only rearranged for clarity.

Another omission has been corrected by the addition of language to the corrosion resistance requirements of air and vacuum brake hose fittings to allow the same displacement of a protective coating which is permitted for hydraulic hose end fittings. It is noted for the benefit of manufacturers who have requested interpretation that discoloration of a brass end fitting is not of itself considered to be corrosion.

Most manufacturers objected to the restrictive elements of Table III, making various arguments for increasing the number of sizes available for use with reusable fittings. Table III, however, is intended to be a first step toward standardization of reusable fittings and hose, and dislocations of former practices must be expected in restricting the choice of available sizes and types. The petitions to eliminate Table III restrictions, or to add new sizes to it, are denied for these reasons. Weatherhead argued that permanent as well as reusable hose should be subject to size limits, but the NHTSA has found that this would be a design restriction without corresponding safety benefit. The hose used with permanent fittings is generally assembled by high volume manufacturers, not repair operations in the field, and the mismatch problem, to which standardization of reusable hose is addressed, should not occur. The petition is therefore denied.

In response to Parker-Hannifin's inquiry, the NHTSA favors no one fitting type among the choice of reusable air brake fittings.

Stratoflex questioned a leakage requirement in a hydrostatic test of air brake hose when at the same time an air pressure test permits a limited amount of air leakage. The NHTSA makes the distinction on the basis of the rubber composition which permits air but not water to permeate the hose wall.

With regard to vacuum hose requirements, Midland-Ross petitioned for the use of wording in S9.2.9 that appeared in Notice 8, believing it to be more clear than the language substituted for it in Notice 10. On balance, the NHTSA agrees

that "adjacent layers" accurately describes heavy as well as light hose construction, and it is reestablished. It should be understood that this wording includes separation of the outer cover from the tube.

Toyo Kogyo, in a letter request for interpretation, questioned a language change between the Notice 7 proposal (36 FR 5855, March 30, 1971) and the Notice 8 rule, in S9.2.8. The swell test of vacuum hose called for "no leakage * * * after which there shall be no separation of the inner tube from the fabric reinforcement of the hose." By error, the Notice 8 requirement instead called for no "collapse," which would require absolutely no deformation of the hose in terms of decreased interior diameter. The NHTSA did not intend to increase the requirement and this notice reestablishes the intended performance level. It should be noted that a "no collapse" requirement would have been inconsistent with the shorter vacuum test requirements of S9.2.7.

One manufacturer asked for an explanation of the use of "[Reserved]". This term is used in the Code of Federal Regulations to indicate an omission or deletion, to avoid having to renumber the following units. It does not indicate reservation for any specific purpose.

Several minor changes are made to the standard to correct typographical errors found in Notice 10. It is also noted that the Notice 10 amendment of S5.2.3 appearing in the FEDERAL REGISTER appeared to delete paragraph (e), which in fact remains in the standard.

In consideration of the foregoing, both Standard No. 106 (49 CFR 571.106) in its presently effective form, and Standard No. 106–74 (49 CFR 571.106–74) as it is effective September 1, 1974, are amended.

A. The present Standard No. 106 (§ 571.106) is amended by the correction of S4 to read as follows:

S4. *Optional compliance.* Hydraulic brake hose may meet the requirements of this standard or, at the option of the manufacturer, until September 1, 1974, the requirements of Standard No. 106–74, *Brake hoses* (49 CFR 571.106–74).

B. Standard No. 106–74 (49 CFR 571.-106–74) is amended as follows:

1. The standard's title is amended to read: § 571.106, Standard No. 106–74; *Brake hoses.*

2. In S4. *Definitions,* the definition of "Brake hose" is amended to read:

"Brake hose" means a flexible conduit manufactured for use in a brake system to transmit or contain the fluid pressure or vacuum used to apply force to a vehicle's brakes.

3. In S4. *Definitions,* the definition of "Permanently attached end fitting" is amended to read:

"Permanently attached end fitting" means an end fitting that is attached by deformation of the fitting about the hose by crimping or swaging, or an end fitting that is attached by use of a sacrificial sleeve or ferrule that requires replacement each time a hose assembly is rebuilt.

4. S5.2.2 is amended to read:

S5.2.2 Each hydraulic brake hose shall be permanently labeled at intervals of not more than 6 inches, measured from the end of one legend to the beginning of the next, in block capital letters and numerals at least one-eighth of an inch high, with the information listed in paragraphs (a) through (d). In the case of hose which has been installed by a vehicle manufacturer in vehicles manufactured by him, the information may appear only once.

* * * * *

(d) The nominal inside diameter of the hose expressed in inches or fractions of inches, or the nominal outside diameter of the tube expressed in inches or fractions of inches followed by the letters OD. (Example of inside diameter; ⅛, ½ (½SP in the case of ½ inch special air brake hose). Example of outside diameter; ¼ OD.)

5. S5.2.3 is amended in part to read:

S5.2.3 Except for an end fitting that is attached by deformation of the fitting about a hose by crimping or swaging, each hydraulic brake hose fitting shall be permanently etched, embossed, or stamped, in block capital letters and numerals at least one-sixteenth of an inch high with the following information:

* * * * *

(b) A designation that identifies the manufacturer of the fitting, which shall be filed in writing with: Office of Standards Enforcement, "Brake Hose Identification," National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. The designation may consist of symbols other than the block capital letters specified by S5.2.3.

* * * * *

6. S5.3.1 is amended to read:

S5.3.1 *Constriction.* Except for that part of an end fitting which does not contain hose, every inside diameter of any section of a hydraulic brake hose assembly shall be not less than 64 percent of the nominal inside diameter of the brake hose.

7. S5.3.4 is amended to read:

S5.3.4 *Tensile strength.* A hydraulic brake hose assembly shall withstand a pull of 325 pounds without separation of the hose from its end fittings (S6.4).

8. S5.3.6 *Water absorption and tensile strength.* A hydraulic brake hose assembly, after immersion in water for 70 hours (S6.5), shall withstand a pull of 325 pounds without separation of the hose from its end fittings (S6.4).

9. S7.3.1 is amended to read:

S7.3.1 *Constriction.* Except for that part of an end fitting which does not contain hose, every inside diameter of any section of an air brake hose assembly shall be not less than 66 percent of the nominal inside diameter of the brake hose.

10. S7.3.10 is amended to read:

S7.3.10 *Tensile strength.* An air brake hose assembly other than a coiled nylon tube assembly which meets the requirements of § 393.45 of this title) designed for use between frame and axle or between a towed and a towing vehicle shall withstand, without separation of the hose from its end fittings, a pull of 250 pounds if it is ¼ in or less, or a pull of 325 pounds if it is larger than ¼ in. An air brake hose assembly designed for use in any other application shall withstand, without separation of the hose from its end fitting, a pull of 50 pounds if it is ¼ in or less, 150 pounds if it is ⅜ or ½ in, or 325 pounds if it is larger than ½ in (S8.9).

11. S7.3.11 is amended to read:

S7.3.11 *Water absorption and tensile strength.* After immersion in distilled water for 70 hours (S8.10), an air brake hose assembly other than a coiled tube assembly which meets the requirements of § 393.45 of this title designed for use between frame and axle or between a towed and a towing vehicle shall withstand without separation of the hose from its end fittings a pull of 250 pounds if it is ¼ in or less, or a pull of 325 pounds if it is larger than ¼ in. After immersion in distilled water for 70 hours (S8.10), an air brake hose assembly designed for use in any other application shall withstand without separation of the hose from its end fittings a pull of 50 pounds if it is ¼ in or less, 150 pounds if it is ⅜ or ½ in, or 325 pounds if it is larger than ½ in (S8.9).

12. S7.3.13 is amended to read:

S7.3.13 *End fitting corrosion resistance.* After 24 hours of exposure to salt spray, air brake hose end fittings shall show no base metal corrosion on the end fitting surface except where crimping or the application of labeling information causes a displacement of the protective coating.

13. S9.2.1 is amended to read:

S9.2.1 *Constriction.* Except for that part of an end fitting which does not contain hose, every inside diameter of any section of a vacuum brake hose assembly shall be not less than 75 percent of the nominal inside diameter of the hose if for heavy duty, or 70 percent of the nominal inside diameter of the hose if for light duty.

14. S9.2.8 is amended to read:

S9.2.8 *Swell.* Following exposure to Reference Fuel A, every inside diameter of any section of a vacuum brake hose shall not be less than 75 percent of the nominal inside of the hose if for heavy duty, or 70 percent of the nominal inside diameter of the hose if for light duty. The vacuum brake hose shall show no leakage and there shall be no separation of the inner tube from the fabric reinforcement of the hose in a vacuum test of 26 inches of Hg for 10 minutes (S10.7).

15. S9.2.9 is amended to read:

S9.2.9 *Adhesion.* A vacuum brake hose shall withstand a force of 8 pounds per inch of length before separation of adjacent layers (S10.8).

16. S 9.2.11 is amended to read:

S9.2.11 *End fitting corrosion resistance.* After 24 hours of exposure to salt spray, vacuum brake hose end fittings shall show no base metal corrosion of the

end fitting surface except where crimping or the application of labeling information has caused displacement of the protective coating.

Effective dates. September 1, 1974, for brake hose and brake hose end fittings; March 1, 1975, for brake hose assemblies; September 1, 1975, for vehicles to which the standard applies.

(Secs. 103, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegation of authority at 49 CFR 1.51).

Issued on June 24, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-14857 Filed 6-25-74;1:15 pm]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1148; Amdt. 2]

PART 1033—CAR SERVICE

Graham County Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of June, 1974.

Upon further consideration of Service Order No. 1148 (38 FR 22482 and 34664), and good cause appearing therefor:

It is ordered, That:

§ 1033.1148 S.O. 1148 (Graham County Railroad Company authorized to operate over trackage in Graham County, North Carolina), Service Order No. 1148 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-14908 Filed 6-27-74;8:45 am]

[S.O. 1188]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of June 1974.

It appearing, That the Chicago and North Western Transportation Company (CNW) is unable to operate over its line between La Salle Junction, Illinois and Spring Valley, Illinois, because of track conditions; that the Chicago, Rock Island and Pacific Railroad Company (RI) has agreed to operate over CNW tracks at Spring Valley in order to provide service to shippers located along such tracks; that the CNW has consented to the use of its tracks at Spring Valley by the RI; that operation by the RI over the aforementioned tracks of the CNW 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:

§ 1033.1188 S.O. 1188

(a) *Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company.* The Chicago, Rock Island and Pacific Railroad Company (RI) be, and it is hereby, authorized to operate over tracks of the Chicago and North Western Transportation Company (CNW) at Spring Valley, Illinois.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the RI over tracks of the CNW is deemed to be due to carrier's disability, the rates applicable to traffic moved by the RI over these tracks of the CNW shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., June 25, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-14909 Filed 6-27-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINSTRATON, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 258—FISHERMEN'S PROTECTIVE ACT PROCEDURES

Provision for Fees

Section 7 of the Fishermen's Protective Act, as amended (22 U.S.C. 1971-1977), authorizes, among other things, the Secretary of Commerce to from time to time establish by regulation fees which shall be paid by the owners of vessels entering into agreements under section 7 of the Act. These fees are credited to the Fishermen's Guarantee Fund and used to carry out the provisions of section 7 of the Act. Section 7 of the Act guarantees to the owners of vessels entering into agreements payment of certain costs and losses resulting from the seizure of a vessel of the United States by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States.

Regulations governing administration of section 7 of the Act, Fishermen's Protective Act Procedures (50 CFR Part 258), have annually established fees based on anticipated claims projected from prior experience. The purpose of the following amendment to § 258.5 of Fishermen's Protective Act Procedures is to establish fees for the next agreement year (July 1, 1974, through June 30, 1975).

All parties holding Guarantee Agreements for the present agreement year (July 1, 1973, through June 30, 1974) who wish them extended through June 30, 1975, by amendment to such Agreement (rather than entering into an entirely new Agreement) must submit their fees in accordance with § 258.5(b) of the following amendment. Failure to do so will result in termination of those Agreements.

This amendment relates to matters which are exempt from the rulemaking requirements of the Administrative Procedures Act (5 U.S.C. 553). In addition, the amendment makes no substantive change in the program's conduct. This amendment is hereby adopted and will come effective June 28, 1974.

Section 258.5 of Fishermen's Protective Act Procedures (50 CFR Part 258) is hereby amended by revising § 258.5 as follows:

§ 258.5 Fees.

(a) The fees are established to provide for payment of the administrative costs

and at least one-third of the estimated claims to be paid from the fund. They are set on the basis of anticipated losses and prior experience. The fees may be adjusted from time to time by amendment to this part at any time, after appropriate notice, in order to meet the requirements of the Act.

(b) Fees to be paid by applicants for, or holders of, Guarantee Agreements executed (by amendment of otherwise) for the period beginning July 1, 1974, and terminating June 30, 1975, shall be as follows: for each vessel, $60 plus $1.80 per gross ton as listed on the vessel's document (fractions of a ton are not included). Although fees are due on July 1, 1974, all parties holding Guarantee Agreements as of July 1, 1974 (by amendment or otherwise), for the period terminating June 30, 1975, shall have until August 1, 1974 (midnight, local time), to pay the fees established herein.

(c) No return of a fee or portion of a fee will be made after a Guarantee Agreement is executed by both parties. Failure to pay increased fees within 30 days of adjustment shall constitute a basis for termination of the Guarantee Agreement.

(d) A Guarantee Agreement may, with the consent of the Secretary, be assigned to a new owner of a vessel if the ownership of the vessel is transferred during the period in which the agreement is in force.

By order of the Administrator, National Oceanic and Atmospheric Administration.

T. P. GLEITER,
Acting Administrator.

JUNE 25, 1974.

[FR Doc.74-14888 Filed 6-27-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 12]

SPECIAL CLASSES OF MERCHANDISE

Importation of Pesticides and Devices; Notice of Proposed Rulemaking

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and section 17(e) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972, Pub. L. 92–516 (7 U.S.C. 136o(e)), it is proposed to amend Part 12 of the Customs regulations (19 CFR Part 12) to set forth regulations for the control of imported pesticides and devices. It is also proposed to make certain other conforming changes in Part 12 of the Customs regulations to reflect the inclusion of the proposed regulations in that part.

The Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Pub. L. 92–516, provides that regulations for the enforcement of section 17(c) of that Act (7 U.S.C. 136o(c)), relating to the importation of pesticides and devices, shall be issued by the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency.

Accordingly, it is proposed to amend Part 12 of the Customs regulations in the manner set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

It is proposed to amend § 12.1(b) of the Customs regulations to read as follows:

§ 12.1 Cooperation with certain agencies; joint regulations.

* * * * *

(b) *Federal Insecticide, Fungicide, and Rodenticide Act.* The importation of pesticides and devices is governed by section 17(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136o(c)), and regulations issued under the authority of section 17(e) of that Act (7 U.S.C. 136o (e)) by the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, as set forth below (§ 12.110 et seq.).

* * * * *

§ 12.2 [Deleted]

It is proposed to amend Part 12 of the Customs regulations by deleting § 12.2, *Shippers' declarations.*

It is proposed to amend § 12.3 of the Customs regulations to read as follows:

§ 12.3 Release under bond.

No food, drug, device, cosmetic, pesticide, hazardous substance, or dangerous caustic or corrosive substance, the subject of § 12.1 shall be released except in accordance with the laws and regulations applicable thereto. Where any such merchandise is to be released under bond pursuant to regulations applicable thereto, a bond on Customs Form 7551, 7553, or 7595, containing a condition for the return of the merchandise, or any part thereof, to Customs custody upon demand of the district director of Customs, shall be required.

It is proposed to amend Part 12 of the Customs regulations by adding the following new sections under the new center heading Pesticides and Devices.

PESTICIDES AND DEVICES

Sec.
12.110 Definitions.
12.111 Registration.
12.112 Notice of arrival of pesticides and devices.
12.113 Arrival of shipment.
12.114 Release or refusal of delivery.
12.115 Release under bond.
12.116 Samples.
12.117 Procedure after examination.

AUTHORITY: R.S. 251, as amended 19 U.S.C. 66; sec. 17(e), Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972; Pub. L. 92–516 (7 U.S.C. 1360 (e)).

PESTICIDES AND DEVICES

§ 12.110 Definitions.

Except as otherwise provided below, the terms used in §§ 12.111 through 12.117 shall have the meanings set forth for those terms in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.), hereinafter referred to as "the Act." The term "Administrator" shall mean the Administrator of the Environmental Protection Agency.

§ 12.111 Registration.

All imported pesticides are required to be registered under the provisions of section 3 of the Act, and under the regulations (40 CFR 162.10) promulgated thereunder by the Administrator before being permitted entry into the United States. Devices, although not required to be registered, must not bear any statement, design, or graphic representation that is false or misleading in any particular.

§ 12.112 Notice of arrival of pesticides and devices.

(a) *General.* An importer desiring to import pesticides or devices into the United States shall submit to the Administrator a Notice of Arrival of Pesticides and Devices (Environmental Protection Agency Form 3540–1), hereinafter referred to as a Notice of Arrival, prior to the arrival of the shipment in the United States. The Administrator shall complete the Notice of Arrival, indicating the disposition to be made of the shipment of pesticides or devices upon its arrival in the United States, and shall return the completed Notice of Arrival to the importer or his agent.

(b) *Chemicals imported for use other than as pesticides.* Chemicals which can be used as pesticides but which are not imported for such use and are not shown on the Abbreviated List of Pesticides compiled by the Environmental Protection Agency, may be entered without the submission of the Notice of Arrival.

§ 12.113 Arrival of shipment.

(a) *Notice of arrival presented.* Upon the arrival of a shipment of pesticides or devices, the importer or his agent shall present to the district director of Customs at the port of arrival the Notice of Arrival completed by the Administrator and indicating the Customs action to be taken with respect to the shipment. The district director shall compare entry documents for the shipment of pesticides or devices with the Notice of Arrival and notify the Administrator of any discrepancies.

(b) *Notice of arrival not presented.* When a shipment of pesticides or devices arrives in the United States without the presentation by the importer or his agent of the Notice of Arrival completed by the Administrator, the shipment shall be detained by the district director at the importer's risk and expense until the completed Notice of Arrival is presented or until other disposition is ordered by the Administrator, but not to exceed a period of 30 days, or such extended period, not in excess of 30 additional days, as the district director for good cause may specially authorize. An application of the importer or his agent requesting an extension of the initial 30-day period shall be filed with the district director at the port of arrival.

(c) *Disposition of pesticides or devices remaining under detention.* A shipment that remains detained or undisposed of due to failure of presentment of a completed Notice of Arrival or nonreceipt of an order of the Administrator as to its disposition shall be treated as a prohibited importation. The district director shall cause the destruction of any such shipment not exported by the consignee within 90 days after the expiration of the detention period specified or authorized pursuant to § 12.113(b).

§ 12.114 Release or refusal of delivery.

If the completed Notice of Arrival directs the district director of Customs to release the shipment of pesticides or devices, the shipment shall be released to the consignee. If the completed Notice of Arrival directs the district director to refuse delivery of the shipment, the shipment shall be refused delivery and treated as a prohibited importation. The

district director shall cause the destruction of any shipment refused delivery and not exported by the consignee within 90 days after notice of such refusal of delivery.

§ 12.115 **Release under bond.**

If the completed Notice of Arrival so directs, a shipment of pesticides or devices offered for importation shall be detained at the importer's expense by the district director of Customs pending an examination by the Administrator to determine whether the shipment complies with the requirements of the Act. However, a shipment detained for examination may be released to the consignee prior to a determination by the Administrator provided a bond is furnished on Customs Form 7551, 7553, or 7595 for the return of the merchandise to Customs custody. The bond shall be in the amount required under § 25.4(a) of this chapter. When a shipment of pesticides or devices is released to the consignee under bond, the shipment shall not be used or otherwise disposed of until the determination is made by the Administrator.

§ 12.116 **Samples.**

Upon the request of the Administrator, either on the completed Notice of Arrival or otherwise, the district director of Customs shall deliver to the Administrator samples of the imported pesticides or devices, together with all accompanying labels, circulars, and advertising matter pertaining to such merchandise. The district director shall notify the consignee, in writing, that the samples of imported pesticides or devices, together with all accompanying labels, circulars, and advertising matter pertaining to such merchandise have been delivered to the Administrator.

§ 12.117 **Procedure after examination.**

(a) *Merchandise complying with the Act.* If, upon examination or analysis of a sample from a shipment of pesticides or devices, the sample is found to be in compliance with the Act, the Administrator shall notify the district director of Customs that the shipment may be released to the consignee.

(b) *Merchandise not complying with the Act.* If the Administrator notifies the district director that the merchandise is in violation of the Act, the district director shall either (1) refuse delivery to the consignee, or (2) if the shipment has been released to the consignee under bond, demand redelivery of the shipment under the terms of the bond. If the merchandise is not redelivered within 30 days after the date of demand by the district director, the district director shall assess liquidated damages in the full amount of the bond. The district director shall cause the destruction of any merchandise refused delivery to the consignee, or redelivered by the consignee pursuant to a demand therefor, and not exported by the consignee within 90 days after notice of such refusal of delivery or within 90 days after such redelivery, as applicable.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration of such communications, they must be received not later than July 29, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: June 21, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-14915 Filed 6-27-74;8:45 am]

Internal Revenue Service

[26 CFR Parts 20, 25]

VALUATION OF BONDS

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form as set forth below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by July 30, 1974. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or in appropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rulemaking is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by July 30, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Estate Tax regulations (26 CFR Part 20) under section 2031 of the Internal Revenue Code of 1954 and the Gift Tax regulations (26 CFR Part 25) under section 2512 of such code in order to provide an alternative method of valuing listed bonds based on selling prices for estate and gift tax purposes in cases where quotations, which are required to be taken into account under the existing regulations if the valuation is based on selling prices, are not available.

Generally, under §§ 20.2031-2(b) and 25.2512-2(b) of the existing regulations, the fair market value per bond for estate and gift tax purposes is the mean between the highest and lowest quoted selling prices on the valuation date (date of death, alternate valuation date, or date of gift, as the case may be) if there is a market for such bonds on a stock exchange, in an over-the-counter market, or otherwise. However, from March 27, 1973, through April 30, 1973, many of the major financial news publications generally available to the public did not publish the high and low quotations for listed bonds on a daily basis. During this period, such publications reported only the closing quotations on a daily basis. Accordingly, this document contains proposed amendments to provide an alternative method for valuing listed bonds on the basis of selling prices if the highest and lowest selling prices for such bonds are not generally available for the valuation date.

The proposed amendments to §§ 20.2031-2(b) and 25.2512-2(b) provide that, if it is established that the highest and lowest selling prices are not generally available in the case of listed bonds, the mean between the closing selling price on the valuation date and the closing selling price on the day before the valuation date is the fair market value per bond. Recognition of the closing selling price on the day before the valuation date, as well as the closing price for the valuation date, will tend to smooth out significant fluctuations in price. Special rules are provided for valuing bonds where there were no sales of those bonds on the day before the valuation date or on the valuation date.

Proposed amendments to the regulations. In order to provide an alternative method of valuing listed bonds based on selling prices for estate and gift tax purposes in cases where quotations for the highest and lowest selling prices are not generally available, the Estate Tax regulations (26 CFR Part 20) under section 2031 of the Internal Revenue Code of 1954 and the Gift Tax regulations (26 CFR Part 25) under section 2512 of such Code are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 20.-2031-2 is amended to read as follows:

§ 20.2031–2. Valuation of stocks and bonds.

* * * * *

(b) *Based on selling prices.*—(1) In general, if there is a market for stocks or bonds, on a stock exchange, in an over-the-counter market, or otherwise, the mean between the highest and lowest quoted selling prices on the valuation date is the fair market value per share or bond. If there were no sales on the valuation date but there were sales on dates within a reasonable period both before and after the valuation date, the fair market value is determined by taking a weighted average of the means between the highest and lowest sales on the nearest date before and the nearest date after the valuation date. The average is to be weighted inversely by the respective numbers of trading days between the selling dates and the valuation date. If the stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in should be employed. In valuing listed securities, the executor should be careful to consult accurate records to obtain values as of the applicable valuation date. If quotations of unlisted securities are obtained from brokers, or evidence as to their sale is obtained from officers of the issuing companies, copies of the letters furnishing such quotations or evidence of sale should be attached to the return.

(2) If it is established with respect to bonds for which there is a market on a stock exchange, that the highest and lowest selling prices are not available for the valuation date in a generally available listing or publication of general circulation but that closing selling prices are so available, the fair market value per bond is the mean between the quoted closing selling price on the valuation date and the quoted closing selling price on the trading day before the valuation date. If there were no sales on the trading day before the valuation date but there were sales on a date within a reasonable period before the valuation date, the fair market value is determined by taking a weighted average of the quoted closing selling price on the valuation date and the quoted closing selling selling on the nearest date before the valuation date. The closing selling price for the valuation date is to be weighted by the number of trading days between the previous selling date and the valuation date. If there were no sales within a reasonable period before the valuation date but there were sales on the valuation date, the fair market value is the closing selling price on such valuation date. If there were no sales on the valuation date but there were sales on dates within a reasonable period both before and after the valuation date, the fair market value is determined by taking a weighted average of the quoted closing selling prices on the nearest date before and the nearest date after the valuation date. The average is to be weighted inversely by the respective numbers of trading days between the selling dates and the valuation date. If the bonds are listed on more than one exchange, the records of the exchange where the bonds are principally dealt in should be employed. In valuing listed securities, the executor should be careful to consult accurate records to obtain values as of the applicable valuation date.

Example (1). Assume that sales of stock nearest the date of the gift (Friday, June 15) occurred two trading days before (Wednesday, June 13) and three trading days after (Wednesday, June 20) and on these days the mean sale prices per share were $10 and $15, respectively. The price of $12 is taken as representing the fair market value of a share of stock as of the date of the gift

$$\frac{((3\times 10)+(2\times 15)).}{5}$$

Example (2). Assume the same facts as in example 1 except that the mean sale prices per share on June 13 and June 20 were $15 and $10 respectively. The price of $13 is taken as representing the fair market value of a share of stock as of the date of the gift

$$\frac{(3\times 15)+(2\times 10).}{5}$$

Example (3). Assume that on the date of the gift (Tuesday, April 3, 1973) the closing selling price of certain listed bonds was $25 per bond and that the highest and lowest selling prices are not available in a generally available listing or publication of general circulation for that date. Assume further, that the closing selling price of such bonds was $21 per bond on the day before the date of the gift (Monday, April 2, 1973). Thus, under paragraph (b)(2) of this section, the price of $23 is taken as representing the fair market value per bond as of the date of the gift

$$\frac{(25+21).}{2}$$

Example (4). Assume that on the valuation date (Tuesday, April 3, 1973) the closing selling price of a listed bond was $25 per bond and that the highest and lowest selling prices are not available in a generally available listing or publication of general circulation for that date. Assume further, that the closing selling price of the same listed bond was $21 per bond on the day before the valuation date (Monday, April 2, 1973). Thus, under paragraph (b)(2) of this section the price of $23 is taken as representing the fair market value per bond as of the valuation date

$$\frac{(25+21).}{2}$$

Example (5). Assume the same facts as in example (4) except that there were no sales on the day before the valuation date. Assume further, that there were sales on Thursday, March 29, 1973, and that the closing selling price on that day was $23. The price of $24.50 is taken as representing the fair market value per bond as of the valuation date

$$\frac{((1\times 23)+(3\times 25)).}{4}$$

Example (6). Assume that no bonds were traded on the valuation date (Friday, April 20). Assume further, that sales of bonds nearest the valuation date occurred two trading days before (Wednesday, April 18) and three trading days after (Wednesday, April 25) the valuation date and that on these two days the closing selling prices per bond were $29 and $22, respectively. The highest and lowest selling prices are not available for these dates in a generally available listing or publication of general circulation. Thus, under paragraph (b)(2) of this section, the price of $26.20 is taken as representing the fair market value of a bond as of the valuation date

$$\frac{((3\times 29)+(2\times 22)).}{5}$$

PAR. 2. Paragraph (b) of § 25.2512–2 is amended to read as follows:

* * * * *

§ 25.2512–2 Stocks and bonds.

* * * * *

(b) *Based on selling prices*—(1) In general, if there is a market for stocks or bonds, on a stock exchange, in an over-the-counter market or otherwise, the mean between the highest and lowest quoted selling prices on the date of the gift is the fair market value per share or bond. If there were no sales on the date of the gift but there were sales on dates within a reasonable period both before and after the date of the gift, the fair market value is determined by taking a weighted average of the means between the highest and lowest sales on the nearest date before and the nearest date after the date of the gift. The average is to be weighted inversely by the respective numbers of trading days between the selling dates and the date of the gift. If the stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in should be employed. In valuing listed securities, the donor should be careful to consult accurate records to obtain values as of the date of the gift. If quotations of unlisted securities are obtained from brokers, or evidence as to their sale is obtained from the officers of the issuing companies, copies of letters furnishing such quotations or evidence or sale should be attached to the return.

(2) If it is established with respect to bonds for which there is a market on a stock exchange, that the highest and lowest selling prices are not available for the date of the gift in a generally available listing or publication of general circulation but that closing prices are so available, the fair market value per bond is the mean between the quoted closing selling price on the date of the gift and the quoted closing selling price on the trading day before the date of the gift. If there were no sales on the trading day before the date of the gift but there were sales on dates within a reasonable period before the date of the gift, the fair market value is determined by taking a weighted average of the quoted closing selling prices on the date of the gift and the nearest date before the date of the gift. The closing selling price for the date of the gift is to be weighted by the respective number of trading days between the previous selling date and the date of the gift. If there were no sales within a reasonable period before the date of the gift but there were sales on the date of the gift, the fair market value is the closing selling price on the date of the gift. If there were no sales on the date of the gift but there were sales within a reasonable period both before and after the date of the gift, the fair market value is determined by taking a weighted average of the quoted closing selling prices on the nearest date before and the nearest

date after the date of the gift. The average is to be weighed inversely by the respective numbers of trading days between the selling dates and the date of the gift. If the bonds are listed on more than one exchange, the records of the exchange where the bonds are principally dealt in should be employed. In valuing listed securities, the donor should be careful to consult accurate records to obtain values as of the date of the gift.

(3) The application of this paragraph may be illustrated by the following examples:

(3) The application of this paragraph may be illustrated by the following examples:

Example (1). Assume that sales of X Company common stock nearest the valuation date (Friday, June 15) occurred two trading days before (Wednesday, June 13) and three trading days after (Wednesday, June 20) and on these days the mean sale prices per share were $10 and $15, respectively. The price of $12 is taken as representing the fair market value of a share of X Company common stock as of the valuation date

$$\frac{(3\times10)+(2\times15)}{5}.$$

Example (2). Assume the same facts as in example (1) except that the mean sale prices per share on June 13 and June 20 were $15 and $10, respectively. The price of $13 is taken as representing the fair market value of a share of X Company common stock as of the valuation date

$$\frac{(3\times15)+(2\times10)}{5}.$$

Example (3). Assume the decedent died on Sunday, October 7, and that Saturday and Sunday were not trading days. If sales of X Company common stock occurred on Friday, October 5, at mean sale prices per share of $20 and on Monday, October 8, at mean sale prices per share of $23, the price of $21.50 is taken as representing the fair market value of a share of X Company common stock as of the valuation date

$$\frac{(1\times20)+(23\times1)}{2}.$$

Example (4). Assume the same facts as in example 3 except that there were no sales on the day before the date of the gift. Assume further, that there were sales on Thursday, March 29, 1973, and that the closing selling price on that day was $23. The price of $24.50 is taken as representing the fair market value per bond as of the date of the gift

$$\frac{((1\times23)+(3\times25))}{4}.$$

Example (5). Assume that no bonds were traded on the date of the gift (Friday, April 20). Assume further, that sales of bonds nearest the date of the gift occurred two trading days before (Wednesday, April 18) and three trading days after (Wednesday, April 25) the date of the gift and that on these two days the closing selling prices per bond were $29 and $22, respectively. The highest and lowest selling prices are not available for these dates in a generally available listing or publication of general circulation. Thus, under paragraph (b)(2) of this section the price of $26.20 is taken as representing the fair market value of a bond as of the date of the gift

$$\frac{((3\times29)+(2\times22))}{5}.$$

* * * * *

[FR Doc.74-14949 Filed 6-27-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 75]

MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

Illumination in Underground Coal Mines; Notice of Findings of Fact

Background. Pursuant to the authority contained in section 101(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 U.S.C. 811(a)), there was published in the FEDERAL REGISTER for December 31, 1970 (35 FR 20009) a notice of proposed rulemaking which prescribed the illumination to be provided in the working places of underground coal mines, and in addition, the reflection efficiency of permissible electric face equipment, and the restriction on visual impedance and pulsation frequencies of lighting devices installed on such equipment.

Based upon written comments, suggestions, and objections submitted to the Bureau of Mines concerning this notice of proposed rulemaking, and upon consultation meetings held in accordance with section 101(c) of the Act, it was deemed advisable to withdraw the proposed rulemaking of December 31, 1970, and to propose revised illumination standards.

In the FEDERAL REGISTER for October 27, 1971 (36 FR 20607) there was published, as proposed rulemaking, §§ 75.1719, 75.1719-1, 75.1719-2, 75.1719-3, and 75.1719-4 of Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, setting forth mandatory standards which would: (1) Prescribe the illumination to be provided in the working places of underground coal mines; (2) specify requirements for lighting fixtures; (3) provide for methods of measuring light; and (4) specify requirements for mining machines, hard hats, and cap lamps.

Written objections were timely filed with the Bureau of Mines stating the grounds for objections and requesting a public hearing on the proposed amendments. In accordance with section 101(f) of the Act, a notice of objections filed and hearing requested was published in the FEDERAL REGISTER for February 19, 1974 (39 FR 6118).

Following this notice, there was published in the FEDERAL REGISTER for March 6, 1974 (39 FR 8618), a notice of public hearing to be held for the purpose of receiving relevant evidence on the following issues:

(1) Whether promulgation of illumination standards should await completion of research projects and field tests to ensure that technology is available to implement such standards.

(2) Whether longwall working places should be excluded from the scope of illumination standards because of a potential diminution of safety due to the creation of unavoidable shadows and other variations in light intensity.

(3) Whether some tasks require merely a limited field of vision and can therefore be adequately illuminated by cap lamps.

(4) Whether proposed § 75.1719-4 is properly within the scope of illumination standards, since the section relates to minimum reflectance requirements for mining machinery and hats, the use of red flectors or reflecting tape on mining machinery and hard hats, and the mandatory wearing of approved personal cap lamps or an equivalent portable light.

The public hearing was held on April 4, 1974, in the Main Auditorium of the United States Department of the Interior. Presentations were made by the following organizations: Mining Enforcement and Safety Administration, United Mine Workers of America, Bituminous Coal Operators' Association, Inc., Bethlehem Steel Corp., Consolidation Coal Co., Armco Steel Corp., Pennsylvania Department of Environmental Resources, American Mining Congress, Mining Progress, Inc., National Independent Coal Operators Association, Island Creek Coal Co., and Ocean Energy. The record was held open for twenty-one days from April 4, 1974, to permit submission of additional data and information.

A verbatim transcript of the hearing is available for public inspection in the Office of the Assistant Administrator, Coal Mine Health and Safety, MESA, Department of the Interior, Washington, D.C. 20240.

Findings. Section 101(g) of the Act (83 Stat. 747; 30 U.S.C. 811 (g)), provides, in part, that within 60 days after completion of any public hearing on proposed mandatory safety standards, the Secretary of the Interior shall make findings of fact which shall be public. On the basis of evidence in written comments, statements, and data received in response to the proposed rulemaking and at the public hearing, it is found that:

(1) The value of 0.06 footlamberts is the minimum level of illumination necessary for the safe performance of underground mining operations, and is a practical and attainable level.

(2) Practical stationary lighting fixtures and machine-mounted lighting systems for self-propelled mining equipment (including longwall mining equipment) have been developed which will illuminate the underground working places to 0.06 footlamberts while such mining equipment is being operated in such places. Stationary lighting fixtures and machine-mounted lighting systems have been tried under actual mining conditions and at various coalbed heights and have been found acceptable to both operators and miners.

(3) Practical technology exists for illuminating longwall mining systems without creation of shadows or other variations in light intensity which result in a potential dimunition of safety.

(4) Portable task luminaires or area lighting systems for various nonmachine underground operations require frequent repositioning which in many cases increases the miners' exposure to electrical shock and ignition hazards. Therefore, illumination of working places while self-propelled mining equipment is not being operated in working places will

not be required, and such requirements are deleted pending further study and until further notice is given pursuant to section 101 of the Act.

(5) Section 101(a) of the Act gives the Secretary of the Interior a broad mandate to "develop, promulgate, and revise * * * improved mandatory safety standards for the protection of life and the prevention of injuries in a coal mine." The illumination related requirements of § 75.1719–4 are such an improved safety standard whereby increased protection is provided to miners, and the development and promulgation of this standard is clearly within the Secretary's broad discretionary authority.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

JUNE 25, 1974.

[FR Doc.74–14875 Filed 6–27–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER AND CIGAR-FILLER AND BINDER

Tobacco Allotment and Marketing Quota

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department is preparing to amend the regulations pertaining to the determination of acreage allotments and farm marketing quotas, lease and transfer of farm acreage allotments, the collection of penalties, the marketing of tobacco and the records and reports incident thereto for Fire-Cured, Dark Air-Cured, Virginia Sun-Cured, Cigar-Binder (types 51 and 52), and Cigar-Filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1972–73 and subsequent years.

The purpose of this document is to give notice of proposed changes in the regulations. The significant changes relate to excluding warehouse leaf account purchases from total producer first sales in computing allowable warehouse floor sweepings and to give notice to the marketing quota penalty rate for the 1974–75 marketing year. Other minor changes are included.

1. Sections 724.51(k) and 724.90(d) would be amended to exclude warehouse leaf account purchases from total first sales in computing allowable warehouse floor sweepings.

2. Section 724.52(b) would be changed to drop the provisions that any allotment of less than 0.01 acre be increased to 0.01 acre. In such cases, the regular rule for rounding would be applied.

3. Section 724.62(b) would clarify that a new farm allotment shall not be allocated to a farm where the farm operator has an ownership interest in or operates another farm in the United States for which a tobacco allotment or quota is established for the current year.

4. Section 724.69(c) and 724.70(a) would be amended to provide that in executing lease and transfer agreements, the requirement that signatures be witnessed for producers may be waived where the producer is unduly inconvenienced and the required signature is obtained by mail.

5. Section 724.88 would be amended to add the average market price for the 1973–74 marketing year and the penalty rate per pound for the 1974–75 marketing year for the kinds of tobacco covered by this regulation.

6. Section 724.95(h) would be amended to reflect minor changes in reporting requirements on MQ–108.

7. Section 724.104(a) would be amended to reflect title changes.

It is proposed that the regulations be amended as follows:

1. Section 724.51(k) is amended to read as follows:

§ 724.51 Definitions.

* * * * *

(k) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided,* That the floor sweepings above the pounds determined by multiplying the total first sales of tobacco at auction for the season for the warehouse by the percentage below shall be deemed to be leaf account tobacco. For the purpose of computing allowable floor sweepings, tobacco purchased for the warehouse leaf account shall not be included in determining total producer first sales. Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

Kind of Tobacco	*Percentage*
Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured.	0.02 (two hundredths of 1 percent).

* * * * *

2. Section 724.52(b) is amended to read as follows:

§ 724.52 Extent of determination, computations, and rule of rounding fractions.

* * * * *

(b) *Allotments.* Farm acreage allotments shall be rounded to hundredths of acres in accordance with the provisions of Part 793 of this chapter.

* * * * *

3. Section 724.62(b)(2) is amended to read as follows:

§ 724.62 Determination of acreage allotments for new farms.

* * * * *

(b) *Eligibility requirements for operator.* * * *

(2) *Interest in another farm.* The farm operator shall not own or have an ownership interest in, or operate any other farm in the United States for which a tobacco allotment or quota for any kind of tobacco is established for the current year.

* * * * *

4. In § 724.70, the last two sentences of paragraph (a)(1) are amended to read as follows:

§ 724.70 Transfer of Fire-Cured, Dark Air-Cured and Virginia Sun-Cured tobacco allotment by lease, sale, or by owner under section 318 of the Act.

* * * * *

(a) *Person eligible to file a record of transfer (Form ASCS–375) (1) Sale or Lease.* * * * The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations or may be unduly inconvenienced may be waived provided the county office mails Form ASCS 375 for the required signature. In the case of a permanent transfer, a statement signed by all parties to the transaction confirming that the sale has been made shall be filed with the county committee.

* * * * *

5. Section 724.88 is amended by adding paragraph (f).

§ 724.88 Rate of penalty.

* * * * *

(f)(1) *The 1973–74 average market price.* The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture for the 1973–74 marketing year was:

AVERAGE MARKET PRICE

Kind of tobacco:	*Cents per pound*
Fire-Cured (type 21)	75.5
Fire-Cured (types 22, 23, 24)	71.7
Dark Air-Cured	61.9
Virginia Sun-Cured	69.2
Cigar-Filler and Binder (types 42, 43, 44, 53, 54, and 55)	59.1
Cigar-Binder (types 51 and 52)	72.8

(2) *1974–75 rate of penalty per pound.* The penalty rate per pound for the kinds of tobacco listed below upon marketings of excess tobacco subject to marketing quotas during the 1974–75 marketing year shall be:

RATE OF PENALTY

Kinds of tobacco:	*Cents per pound*
Fire-Cured (type 21)	57
Fire-Cured (types 22, 23, 24)	54
Dark Air-Cured	46
Virginia Sun-Cured	52
Cigar-Filler and Binder (types 42, 43, 44, 53, 54, and 55)	44
Cigar-Binder (types 51 and 52)	[1]

[1] Quotas terminated for 1974 crop.

6. In § 724.90(d) the last sentence is amended to read as follows:

§ 724.90 Penalties considered to be due from warehousemen, dealers, buyers, and other excluding the producer.

* * * * *

(d) *Leaf account tobacco.* * * * The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the floor

sweepings for the season determined by multiplying the limitation set forth in § 724.51(k) by total first sales at auction, excluding warehouse leaf account purchases, for Fire-Cured, Dark Air-Cured and Virginia Sun-Cured tobacco.

* * * * *

7. In § 724.95, paragraph (h)(1) is amended to read as follows:

* * * * *

§ 724.95 **Producer's records and reports.**

* * * * *

(h) *Report of production and disposition.* * * *

(1) the total harvested acres * * *

* * * * *

8. Section 724.104(a) is amended to read as follows:

§ 724.104 **Examination of records and reports.**

(a) *Examination.* For the purpose of ascertaining the correctness of any report made or record kept or of obtaining information required to be furnished, in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of Investigation and Office of Audit, Program Operations Division and Tobacco and Peanuts Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer adjustment invoices, accounts, canceled checks, check registers, check stubs, correspondence, contracts, documents, warehouse bill-out invoices, or daily summary journal sheet, and memoranda as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

Prior to the issuance of the proposed change in the regulations, data, views, or recommendations pertaining thereto which are submitted to the Director, Program Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, will be given consideration. To be sure of consideration, such submission should be postmarked not later than July 15, 1974. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday thru Friday, in Room 3629 South Building, 14th and Independence Avenue, SW, Washington, D.C.

Signed at Washington, D.C., on June 24, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-14813 Filed 6-27-74;8:45 am]

[7 CFR Part 725]

FLUE-CURED TOBACCO

Tobacco Acreage Allotment and Marketing Quota

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department is preparing to amend the regulations pertaining to the determination of acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection of penalties, and the records and reports incident thereto for flue-cured tobacco.

The purpose of this document is to give notice of proposed changes in the regulations. The significant changes relate to dropping acreage allotments as a criteria for price support and giving notice of the marketing quota penalty rate for 1974–75 marketing year. Other minor changes are included.

1. Sections 725.51(p) and 725.94(c) would be amended to exclude warehouse leaf account purchases from total first sales in computing allowable warehouse floor sweepings.

2. Section 725.53(b) would be changed to drop the provision that any allotment of less than 0.01 acre be increased to 0.01 acre. In such cases, the regular rule for rounding would be applied.

3. Section 725.69(b) would clarify that a new farm allotment shall not be allocated to a farm where the farmowner and operator have an ownership interest in or operate another farm in the United States for which a tobacco allotment or quota is established for the current year.

4. Section 725.72(c) would be amended to provide that in executing lease and transfer agreements, the requirement that signatures be witnessed for producers may be waived where the producer is unduly inconvenienced and the required signature is obtained by mail.

5. A new paragraph (r) in § 725.72 is added to provide that when a farm marketing quota is reduced to zero for a violation of the marketing quota regulations, no marketing quota may be transferred to the farm for that year. This provision was inadvertently dropped when the regulations were reissued in October 1973.

6. Section 725.87 would be amended to drop the provision for issuing a no price support marketing card when the acreage allotment is exceeded and to provide for issuing a no price support marketing card where the producer fails to certify the flue-cured tobacco acreage on the farm as provided in Part 718 of this chapter.

7. Section 725.92 would be amended to add the average market price for 1973–74 marketing year and the penalty rate per pound for the 1974–75 marketing year.

8. Section 725.98 would be amended to reflect minor changes in reporting requirements on MQ–108.

9. Sections 725.99, 725.109 and 725.110 would be amended to reflect title changes.

10. Section 725.102(b) would be amended to change season dealer reporting date from March 1 to February 1.

11. Section 725.116 would be revoked since the requirements of this section relative to transfers across county lines for selected counties were applicable only for the 1973–74 marketing year.

It is proposed that the flue-cured tobacco regulations for 1973–74 and subsequent marketing years be amended as follows:

1. The Table of Contents is amended by revising § 725.109 to read as follows:

Sec.

* * * * *

725.109 Duties of Kansas City ASCS Data Systems Field Office.

* * * * *

2. Section 725.51(p) is amended to read as follows:

§ 725.51 **Definitions.**

* * * * *

(p) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided,* That the floor sweepings above the pounds determined by multiplying 0.50 (five-tenths of 1 percent) percentage times the total first sales of tobacco at auction for the season for the warehouse shall be deemed to be leaf account tobacco. For the purpose of computing allowable floor sweepings, tobacco purchased for the warehouse leaf account shall not be included in determining total producer first sales. Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

* * * * *

3. Section 725.53(b) is revised to read as follows:

§ 725.53 **Extent of determinations, computations, and rule for rounding fractions.**

* * * * *

(b) *Allotments.* Farm acreage allotment shall be rounded to hundredths of acres in accordance with the provisions of Part 793 of this chapter.

* * * * *

4. Section 725.69(b)(2) is revised to read as follows:

§ 725.69 **Determination of acreage allotments for new farms.**

* * * * *

(b) *Eligibility requirements for operator.* * * *

(2) *Interest in another farm.* The farm operator shall not own or have an ownership interest in, or operate any other farm in the United States for which a tobacco allotment or quota for any kind of tobacco is established for the current year.

* * * * *

5. In § 725.72, the last sentence of paragraph (c)(3) is amended and a new paragraph (r) is added to read as follows:

§ 725.72 Lease and transfer of tobacco marketing quotas.

(c) *Filing and approval of transfer agreement.* * * *

(3) * * * The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations or may be unduly inconvenienced may be waived provided the county office mails Form ASCS–375 for the required signature.

* * * * *

(r) *Zero marketing quota farms.* If the farm marketing quota for a farm for the current crop year is reduced to zero for a violation of the tobacco marketing quota regulations, no marketing quota may be tranferred to such farm for the current crop year.

6. In § 725.87, paragraph (d) is revised and paragraph (i) is deleted.

§ 725.87 Issuance of marketing cards.

* * * * *

(d) *Farms not eligible for price support.* The marketing card issued for a farm shall have the notation "No Price Support" where either of the following conditions exist:

(1) The producer fails to certify the flue-cured tobacco acreage on the farm as provided in Part 718 of this chapter.

(2) Tobacco is produced on land owned by the Federal Government in violation of a lease restricting the production of tobacco.

(3) The county committee has determined that the tobacco was treated with DDT or TDE after being transplanted in the field or after being harvested from the farm.

* * * * *

(i) [Deleted]

7. Section 725.92(b) is amended by adding "1973–74" in the average market price data table in subparagraph (1) and "1974–75" in the penalty data table in subparagraph (2) to read as follows:

§ 725.92 Rate of penalty.

* * * * *

(b) (1) *Average market price.* The average market price as determined by the Crop Reporting Board for the marketing year specified was:

AVERAGE MARKET PRICE

Marketing year:	*Cents per pound*
1972–73	85.3
1973–74	88.1

(2) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing year specified shall be:

RATE OF PENALTY

Marketing year:	*Cents per pound*
1973–74	64
1974–75	66

8. The last sentence in § 725.94 (c) is amended to read as follows:

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

* * * * *

(c) *Leaf account tobacco.* * * * The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the maximum allowable floor sweepings for the season determined by multiplying the limitation set forth in § 725.51 (p) by the total first sales at auction excluding warehouse leaf account purchases.

* * * * *

9. In § 725.98, paragraph (f)(1) is amended to read as follows:

§ 725.98 Producer's records and reports.

* * * * *

(f) *Report of production and disposition.* * * *

(1) The total harvested acres * * *

* * * * *

§ 725.99 [Amended]

10. In § 725.99, subdivision (xvii) of paragraph (a)(4), the reference to "Kansas City Data Processing Center (KCDPC)" is changed to "Data Systems Field Office (DSFO)" and in paragraph (d)(2), the reference to "KCDPC" is changed to "DSFO".

§ 725.102 [Amended]

11. Section 725.102 is amended by changing the reference made to "March 1" to "February 1" in the first sentence of paragraph (b).

12. Section 725.109 will be revised to read as follows:

§ 725.109 Duties of Kansas City ASCS Data Systems Field Office.

Numerous recordkeeping and reporting provisions required by these regulations are the responsibility of the Kansas City ASCS Data Systems Field Office (also referred to as DSFO). The duties of DSFO are set forth in writing in frequent issuance of internal procedures.

13. Section 725.110 will be revised to read as follows:

§ 725.110 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or for obtaining the information required to be furnished, in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizzing, stemming, packing, or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of Investigation and Office of Audit, and of the Program Operations Division and Tobacco and Peanuts Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer, adjustment invoices, accounts, cancelled checks, check register, check stubs, correspondence, contracts, documents, warehouse bill-out invoices or daily summary journal sheet, the tissue copy of Form MQ–72–1, Report of Tobacco Auction Sale, journal of producer marketing cards retained at warehouse and memoranda as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

§ 725.116 [Revoked]

14. Section 725.116, 1973–74 Marketing year disaster transfers by lease, is hereby revoked.

Prior to the issuance of the proposed change in the regulations, data, views, or recommendation pertaining thereto which are submitted to the Director, Program Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be sure of consideration, such submission should be postmarked not later than July 15, 1974. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3629 South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C., on June 24, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74–14814 Filed 6–27–74;8:45 am]

[7 CFR Part 726]

BURLEY TOBACCO

Marketing Quota Regulations

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department is preparing to amend the regulations pertaining to the determination of farm marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection of penalties, and the records and reports incident thereto for burley tobacco.

The purpose of this document is to give notice of proposed changes in the regulations. The significant changes relate to excluding warehouse leaf account purchases from total producer first sales in computing allowable warehouse floor sweepings and to give notice of the marketing quota penalty rate for 1974–75 marketing year. Other minor changes are included.

1. Sections 726.51(n) and 726.88(c) would be amended to exclude warehouse leaf account purchases from total first sales in computing allowable warehouse floor sweepings.

2. Section 726.65(b) would clarify that a new farm quota shall not be allocated to a farm where the farm operator has an ownership interest in or operates another farm in the United States for which a tobacco allotment or quota is established for the current year.

3. Section 726.68 would be amended by amending paragraph (e) to provide that in executing lease and transfer agreements, the requirement that signatures be witnessed for producers may be waived where the producer is unduly inconvenienced and the required signature is obtained by mail. Also, a new paragraph (x) is added to provide that the county committee shall not approve a lease and transfer to a farm where the committee determines the primary purpose is to pyramid the quota.

4. Section 726.81 would be amended by revoking the provision that a lease only marketing card may be issued for a farm where there is no tobacco available for marketing and the farm is otherwise eligible to lease marketing quota.

5. Section 726.86 would be amended to add the average market price for the 1973–74 marketing year and the penalty rate per pound for the 1974–75 marketing year.

6. Section 726.92(e) would be amended to reflect minor changes in reporting requirements on MQ–108–1.

7. Sections 726.93, 726.100, and 726.101 would be amended to reflect titles changes.

It is proposed that the burley tobacco regulations for 1971–72 marketing years be amended as follows:

1. The Table of Contents is amended by revising § 726.100 to read as follows:

Sec.

* * * * *

726.100 Duties of Kansas City ASCS Data Systems Field Office.

* * * * *

2. Section 726.51(n) is amended to read as folows:

§ 726.51 Definitions.

* * * * *

(n) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided,* That the floor sweepings above the pounds determined by multiplying 0.0024 by the total first sales of tobacco at auction for the season for the warehouse shall be deemed to be leaf account tobacco. For the purpose of computing allowable floor sweepings, tobacco purchased for the warehouse leaf account shall not be included in determining total producer first sales. Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

* * * * *

3. Section 726.65(b)(2) is amended to read as follows:

§ 726.65 Determination of marketing quotas for new farms.

* * * * *

(b) *Eligibility requirements for operator.* * * *

(2) *Interest in another farm.* The farm operator shall not own or have an ownership interest in, or operate any other farm in the United States for which a tobacco allotment or quota for any kind of tobacco is established for the current year.

* * * * *

4. Section 726.68 is amended by changing the last sentence of paragraph (e) and adding a new paragraph (x).

§ 726.68 Transfer of burley tobacco from marketing quota by lease or by owner.

* * * * *

(e) *Record of transfer on ASCS–375.* * * * The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations or may be unduly inconvenienced may be waived provided the county office mails Form ASCS–375 for the required signature.

* * * * *

(x) *Approval of leases for pyramiding quota prohibited.* The county committee shall not approve a lease and transfer to a farm where it is determined that the primary purpose of the transfer is to pyramid the quota on the farm (pyramiding for the purpose of this subparagraph means leasing to and from the farm for a period of 2 or more years to protect and increase the quota with no satisfactory evidence of plans for producing the quota during such period).

§ 726.81 [Amended]

5. Section 726.81 is amended by revoking paragraph (g).

6. Section 726.86(c) is amended by adding "1973–74" in the average market price data table in subparagraph (1) and "1974–75" in the penalty data table in subparagraph (2) to read as follows:

§ 726.86 Rate of penalty.

* * * * *

(c)(1) *Average market price.* The average market price as determined by the Crop Reporting Board for the marketing year specified was:

AVERAGE MARKET PRICE

Marketing year:	*Cents per* pound
1970–71	72.2
1971–72	80.9
1972–73	79.2
1973–74	92.9

(2) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing year specified shall be:

RATE OF PENALTY

Marketing Year:	*Cents per pound*
1971–72	54
1972–73	61
1973–74	59
1974–75	70

7. The last sentence in § 726.88(c) is amended to read as follows:

§ 726.88 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

* * * * *

(c) *Leaf account tobacco.* * * * The actual quantity of floor sweepings which the State executive director determines had been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the maximum allowable floor sweepings for the season determined by multiplying the limitation set forth in § 726.51(n) by the total first sales at auction excluding warehouse leaf account purchases.

* * * * *

8. In § 726.92, the second sentence of paragraph (e) is amended to read as follows:

§ 726.92 Producer's records and reports.

* * * * *

(e) *Report of production and disposition.* * * * The operator on each farm or any producer on the farm (even though no quota was established for the farm) shall, upon written request on Form MQ–108–1 from the county committee, within 15 days after deposit of such request in the United States mail, addressed to such person at his last known address, furnish the Secretary on MQ–108–1 a written report of the amount of tobacco produced on the farm which is unmarketed at the end of the marketing season and its location. * * *

* * * * *

§ 726.93 [Amended]

9. In § 726.93, the reference to "Kansas City Data Processing Center (KCDPC)", in the last sentence of paragraph (a)(4) is changed to "Data Systems Field Office (DSFO)", and in paragraph (d)(2) the reference to "KCDPC" is changed to "DSFO".

10. Section 726.100 is revised to read as follows:

§ 726.100 Duties of Kansas City ASCS Data Systems Field Office.

Numerous recordkeeping and reporting provisions required by these regulations are the responsibility of the Kansas City ASCS Data Systems Field Office (also referred to as DSFO). The duties of the center are set forth in writing in frequent issuances of internal procedures.

11. Section 726.101 would be revised to read as follows:

§ 726.101 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining the information required to be furnished, in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of Investigation and Office of Audit, and of the Program Operations Division and Tobacco and Peanuts Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer adjustment invoices, accounts, cancelled checks, check register, check stubs, correspondence, contracts, documents, warehouse bill-out invoices or daily summary journal sheet, the tissue copy of Form MQ–72–1, Report of Tobacco Auction Sale, journal of producer marketing cards retained at warehouse and memoranda as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

Prior to the issuance of the proposed change in the regulations, data, views, or recommendations pertaining thereto which are submitted to the Director, Program Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be sure of consideration, such submission should be postmarked not later than July 15, 1974. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday thru Friday, in Room 3629 South Building, 14th and Independence Avenue, SW., Washington, D.C.

Signed at Washington, D.C., on June 24, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74–14815 Filed 6–27–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–EA–41]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the N. Philadelphia, Pa., Control Zone (39 FR 412) and Transition Area (39 FR 556); alter the Willow Grove, Pa., Control Zone (39 FR 437); and revoke the Langhorne, Pa., Transition Area (39 FR 526).

A review of the North Philadelphia, Pa. Control Zone, Willow Grove, Pa. Control Zone, and North Philadelphia, Pa. Transition Area indicates that alteration of these airspace designations is necessary to provide controlled airspace in accordance with present criteria for designation of controlled airspace.

The Langhorne, Pa. Transition Area can be revoked, since the controlled airspace required for IFR arrivals and departures at Buehl Field, Langhorne, Pa. is included in the proposed alteration of the North Philadelphia, Pa. Transition Area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before July 29, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal areas of North Philadelphia, Willow Grove and Langhorne, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Willow Grove, Pa. Control Zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 40°12'00" N., 75°08'55" W. of Willow Grove NAS, Willow Grove, Pa., extending clockwise from a 347° bearing to a 253° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 253° bearing to a 347° bearing from the airport; within 3 miles each side of the Willow Grove TACAN 136° radial, extending from the TACAN to 7 miles southeast of the TACAN; within 3.5 miles each side of the Willow Grove TACAN 325° radial, extending from the 5-mile radius and 5.5-mile radius zones centered on Willow Grove NAS to 8.5 miles northwest of the TACAN; within 3.5 miles each side of a 330° bearing from the Willow Grove RBN, extending from the 5 mile radius and 5.5-mile radius zone centered on Willow Grove NAS to 10 miles northwest of the RBN; within a 5-mile radius of the center, 40°12'15" N., 75°04'30" W. of Warminster NAF, Warminster, Pa.; within 1.5 miles each side of the Yardley VORTAC 244° radial, extending from the 5-mile radius zone centered on Warminster NAF to 2 miles southwest of the VORTAC; within 3 miles each side of the Warminster TACAN 083° radial, extending from the 5-mile radius zone centered on Warminster NAF to 6 miles east of the TACAN, excluding the south portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone centered on Warminster NAF with the North Philadelphia, Pa. control zone 6-mile radius zone and excluding that portion of the control zone southeast extension described by reference to the Willow Grove TACAN 136° radial that coincides with the North Philadelphia, Pa. control zone. This control zone is effective from 0700 to 2400 hours, local time, Monday through Friday; and 0001 to 2400 hours, local time, Saturday and Sunday or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the North Philadelphia, Pa. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 40°04'49" N., 75°00'45" W. of North Philadelphia Airport, Philadelphia, Pa., extending clockwise from a 030° bearing to a 252° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 030° bearing from the airport, excluding the north portion subtended by a chord drawn between the points of intersection of the 6-mile radius zone with that portion of the Willow Grove, Pa. control zone 5-mile radius zone centered on Warminster NAF.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the North Philadelphia, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 40°04'49" N., 75°00'45" W. of North Philadelphia Airport, Philadelphia, Pa., extending clockwise from a 058° bearing to a 227° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 227° bearing to a 277° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending from a 277° bearing to a 058° bearing from the airport; within 3.5 miles each side of the North Philadelphia VOR 045° radial, extending from the VOR to 10 miles northeast of the VOR; within an 8.5-mile radius of the center, 40°16'39" N., 74°48'49" W. of Mercer County Airport, Trenton, N.J., extending clockwise from a 055° bearing to a 245° bearing from the airport; within a 10-mile radius of the center of the airport extending clockwise from a 245° bearing to a 055° bearing from the airport; within 5 miles each side of the Yardley VORTAC 251° radial, extending from the VORTAC to 5 miles west of the VORTAC; within 3.5 miles each side of the Yardley VORTAC 070° radial, extending from Yardley VORTAC to 16 miles east of the VORTAC; within a 5-mile radius of the center 40°08'15" N., 75°16'00" W. of Wings Field, Philadelphia, Pa., extending clockwise from a 118° bearing to a 181° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 181° bearing to a 305° bearing from the airport; within a

5.5-mile radius of the center of the airport, extending clockwise from a 305° bearing to a 118° bearing from the airport; within 4.5 miles northwest 6.5 miles southeast of a 052° bearing and a 232° bearing from a point 40°05'06" N., 75°21'24" W., extending from 5.5 miles northeast to 11.5 miles southwest of said point; within 5 miles each side of a 254° bearing from a point 40°05'06" N., 75°21'24" W., extending from said point to 6.5 miles west of said point; within 5 miles each side of 231° bearing from the Ambler, Pa. RBN 40°07'33" N., 75°17'08" W., extending from the RBN to 6.5 miles southwest of the RBN; within a 9-mile radius of the center, 40°12'00" N., 75°08'55" W. of Willow Grove NAS, Willow Grove, Pa.; within 5 miles each side of the Willow Grove TACAN 136° radial, extending from the 9-mile radius area to 11.5 miles southeast of the TACAN; within 5 miles each side of the Willow Grove TACAN 325° radial, extending from the 9-mile radius area to 13.5 miles northwest of the TACAN; within an 8.5-mile radius of the center, 40°12'15" N., 75°04'30" W. of Warminster NAF, Warminster, Pa. extending clockwise from a 025° bearing to a 254° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 254° bearing to a 025° bearing from the airport; within 4 miles each side of a 262° bearing from the Willow Grove RBN, extending from the RBN to 8.5 miles west of the RBN; within 1.5 miles each side of the Yardley VORTAC 244° radial, extending from the 8.5-mile radius area centered on Warminster NAF to the VORTAC; within 5 miles each side of the Warminster TACAN 259° radial, extending from the TACAN to 9.5 miles west of the TACAN; within 4.5 miles each side of the Warminster TACAN 083° radial, extending from the TACAN to 9 miles east of the TACAN; within a 5-mile radius of the center, 40°13'15" N., 75°12'45" W. of Turner Field, Prospectville, Pa.; within 8 miles southwest and 3.5 miles northeast of the North Philadelphia VOR 312° radial, extending from 20 miles northwest of the VOR to 31.5 miles northwest of the VOR; within 5 miles each side of the North Philadelphia VOR 312° radial, extending from 20 miles northwest of the VOR to 26 miles northwest of the VOR; within 2.5 miles each side of the North Philadelphia VOR 312° radial extending from 18 miles northwest of the VOR to 20 miles northwest of the VOR; within a 5-mile radius of the center, 40°11'18" N., 74°53'54" W. of Buehl Field, Langhorne, Pa., extending clockwise from a 032° bearing to a 254° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 254° bearing to a 320° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 032° bearing from the airport; within 2 miles each side of the North Philadelphia VOR 038° radial, extending from the 5-mile radius to the North Philadelphia VOR.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by revoking the Langhorne, Pa. Transition Area.

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

Issued in Jamaica, N.Y., on June 14, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

[FR Doc.74-14856 Filed 6-27-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 575]

[Docket No. 25; Notice 12]

UNIFORM TIRE QUALITY GRADING; CORRECTION

In FR Doc. 74-3697, appearing at page 20808 in the issue of June 14, 1974, make the following corrections:

§ 575.104 [Amended]

In paragraph (d)(2)(iii)(B), appearing in the first column on page 20811, the number "525" should read "500."

In the third column on page 20811, the first subparagraph (ix) (in paragraph (e)(2)) is a typographical error and should be deleted.

In the third column on page 20811, in paragraph (e)(2)(ix)(A) the initials NRTSA should read NHTSA.

(Secs. 103, 112, 119, 201, 203, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on June 25, 1974.

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

[FR Doc.74-14858 Filed 6-27-74;8:45 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Docket No. OPS-29; Notice No. 74-4]

RECOMMENDATIONS MADE BY THE NATIONAL TRANSPORTATION SAFETY BOARD

Advance Notice of Proposed Rulemaking

This advance notice of proposed rulemaking invites public comment on a report issued recently by the National Transportation Safety Board. It is Report Number NTSB-PAR-74-3, entitled Pipeline Accident Report—Missouri Public Service Company, Clinton, Missouri, December 9, 1972. The 27-page report is available to the public through the National Technical Information Service, Springfield, Virginia 22151.

The report describes and analyzes a gas explosion and fire which occurred in downtown Clinton at 6:06 p.m. on Saturday, December 9, 1972. Eight people were killed and seven were injured as a result of the accident. Missouri Public Service Company personnel had arrived at the site of the leak 50 minutes before the explosion; they did not stop the flow of gas to the leak site until 1 hour and 40 minutes after the explosion.

The Board found that the probable cause of the accident "was the ignition of gas that had leaked from a cast iron main cracked by a combination of soil stresses and railroad vibration, which applied a bending force to the pipe in an area weakened by graphitization." The Board found that contributing factors "were the failure of the gas company to shut off the flow of gas to the leak site and the inadequate efforts of the gas-company personnel to prevent the ignition of the leaking gas detected in the building."

The Board concluded the report by recommending that:

1. The Office of Pipeline Safety of the Department of Transportation:

(a) Revise 49 CFR 192.741 to require pipeline operators to telemeter gas pressure or flow data in such a way as to insure prompt warnings of significant system failures shown by pressure or flow changes. The type and location of the data points should be considered on an individual basis and should include single-fed systems serving substantial numbers of customers.

(b) Define what constitutes an emergency and provide clarification of the requirements of emergency procedures under 49 CFR 192.615, Emergency plans.

(c) Require that designated emergency valves be the valves closed initially when a section of main is required to be isolated in an emergency.

2. The American Society of Mechanical Engineers Gas Piping Standards Committee:

(a) Develop guidelines for the use of telemetering on gas distribution systems so that system failures can be promptly detected.

(b) Expand the guidelines on the prevention of accidental ignition, to provide for more comprehensive guidance to pipeline operators when gas is detected in buildings and structures. The guidelines should include such subjects as ventilation of structures, prohibition of electrical switch operation, and occupant evacuation. This work should be coordinated with the guidelines currently being developed concerning the action to be taken by the first gas company employee arriving at the scene of an emergency.

3. The Missouri Public Service Company:

(a) Expand its emergency procedures to include the actions to be taken in all types of emergencies.

(b) Install telemetering equipment at the Clinton and other town border stations, so that system failures can be promptly detected.

(c) Expand its formal training program to provide employees who respond to reported leaks with the knowledge and techniques required to assist them in handling emergency situations.

(d) Take remedial action to reduce the possibility of breakage of cast-iron mains. This action should include replacement of those sections of cast-iron main susceptible to failure.

(e) Develop a sectionalizing program of its high-pressure distribution system so that preplanned procedures are available to isolate any section of its system in an emergency.

(f) Train and equip all appropriate radio-equipped field personnel (including electric servicemen) to locate and operate main line valves in emergencies.

(g) Provide valve location and other necessary information to dispatchers in radio contact with servicemen, supervisors, and repair crews, so that emergency efforts can be expeditiously coordinated.

The Office of Pipeline Safety (OPS) is considering each of the recommendations addressed to it by the Board. To make a proper evaluation on all of these proposals—to define the safety problems raised by the Board's report and to weigh the technical feasibility and economic practicability of the Board's recommendations—OPS needs more information than is presently available. OPS is issuing this advance notice of proposed rule making as a means of getting the information it needs and will take any action that is deemed appropriate.

OPS has a policy of seeking information from all knowledgeable sources so that its regulations will be founded on a broad base of facts. This policy provides for industry, other Federal and State agencies, and the general public to participate in the identification and definition of safety problems, the development and evaluation of alternative solutions of those problems, and the choice of the proper solution for each problem. An advance notice of proposed rulemaking, inviting public participation at any early stage in the consideration of a regulatory proposal, is an application of this policy.

While it is primarily interested in the three recommendations addressed to it, OPS is also interested in comment on the recommendations addressed to the American Society of Mechanical Engineers and the Missouri Public Service Company, since they relate to the overall OPS safety responsibility. Each person should feel free to comment on all aspects of the recommendations, but OPS particularly invites comment on (1) definition of each of the safety problems which are implicit in the recommendations, (2) applicability and effectiveness of the present regulations in relation to those problems, (3) other ways (both regulatory and nonregulatory) in which each of the safety problems might be solved, and (4) analysis of the technical feasibility and economic practicability of each of the possible solutions.

This notice is not a proposal to change the regulations. Its only function is to generate information to use in evaluating the Board's recommendations. If the evaluation leads to the conclusion that the regulations should be amended, OPS will publish a notice of proposed rulemaking setting forth the proposed changes and inviting comment on those proposals. If the evaluation leads to the conclusion that the regulations should not be amended, OPS will take such other action on each of the recommendations as may be appropriate, such as issuing advisory material or rejecting the recommendation.

OPS invites interested persons to furnish the requested information by submitting written comments on Report Number NTSB-PAR-74-3, with particular attention to the recommendations. Comments should identify the notice number and be submitted in duplicate to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. All comments received by September 2, 1974, will be considered by the Director before taking final action on the notice. As they are received, comments will be placed in the public docket and thereafter will be available for examination by interested persons.

This advance notice of proposed rulemaking is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672), (18 U.S.C. 831–835), section 6(e)(4) of the Department of Transportation Act (49 U.S.C. 1655(e)(4)), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on June 21, 1974.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.74-14783 Filed 6-27-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Ch. II]

SWIMMING POOL WATER SLIDES

Advance Notice of Proposed Rulemaking

The Consumer Product Safety Commission has preliminarily determined (1) that hazards associated with swimming pool water slides present unreasonable risks of death or injury and (2) that one or more consumer product safety standards are necessary to eliminate or reduce those unreasonable risks of injury.

On May 30, 1973, the National Swimming Pool Institute and the Aquaslide 'N' Dive Corporation petitioned the Consumer Product Safety Commission, pursuant to section 10 of the Consumer Product Safety Act (Pub. Law 92-573, 86 Stat. 1212-1215; 15 U.S.C. 2059), to commence a proceeding for the development of a consumer product safety standard for swimming pool water slides.

The Commission was also in receipt of NEISS data indicating that there were a substantial number of injuries associated with swimming pools in general. It was estimated that during the fiscal year ending June 30, 1973, approximately 42,000 persons in the United States suffered injuries associated with swimming pools serious enough to require emergency room treatment. In-ground swimming pools and associated equipment were ranked number 16 on the Commission's Consumer product hazard index. Above ground swimming pools and associated equipment were ranked number 60. Accordingly, the Commission will in the future be addressing swimming pool hazards other than those associated with slides. However, since the data indicated that some of the most severe injuries incurred within the swimming pool environment were associated with swimming pool water slides, the Commission on October 9, 1973, on the basis of outside reports of injuries received by the Commission, and tests conducted at Nova University (Ft. Lauderdale, Fla.) and the University of Utah, granted the petition requesting the Commission to commence a proceeding to develop a consumer product safety standard for swimming pool water slides. In addition, the Commission is also considering a variety of approaches in an attempt to reduce injuries associated with swimming pools and related products.

Copies of the petition, the briefing package prepared for the Commission by its staff in connection with the petition, and the information referred to above are available for public inspection in the Office of the Secretary.

Accordingly, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), this notice commences a proceeding for the development of a consumer product safety standard applicable to swimming pool water slides.

The Commission recognizes that swimming pool water slides could be regulated under the provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) which give the Commission authority over toys and other articles intended for use by children. In this regard section 30(d) of the Consumer Product Safety Act (15 U.S.C. 2079(d)) provides that a risk of injury which is associated with consumer products and which could be eliminated or reduced to a sufficient extent by action taken under the Federal Hazardous Substances Act may be regulated by the Commission only in accordance with the provisions of that act. However, injury reports concerning swimming pool water slides indicate that many of the most severe injuries associated with swimming pool water slides have been sustained by adults. While regulations adopted pursuant to the Federal Hazardous Substances Act might be adequate to eliminate or reduce injuries associated with swimming pool water slides incurred by children, the Commission does not believe that the scope of regulations developed under that act would be broad enough to adequately protect adults. The Commission reaches this conclusion because such factors as the weight of adults, their velocity when entering a pool and their entry angle into the pool necessitate considerations different than those used for children. Accordingly, the Commission finds that the development of a mandatory standard under the Consumer Product Safety Act is necessary to eliminate or reduce to a sufficient extent the risk of injuries associated with swimming pool water slides sustained by both children and adults.

The development period for this standard shall end on November 25, 1974. The Commission, however, may extend the development time if it finds for good cause that a different period of time is appropriate. Any such extension will be announced by a notice in the FEDERAL REGISTER.

Persons interested in submitting existing standards or offering to develop a standard must follow the regulations (16 CFR Part 1105 issued under section 7 of the act) concerning the submission of existing standards, offers to develop standards, and the development of standards. Relevant portions of the procedures prescribed by Part 1105 for submitting an existing standard as a proposed consumer product safety standard or offering to develop a consumer product safety standard are included below.

Part 1105 was promulgated in the FEDERAL REGISTER of May 7, 1974 (39 FR 16206). Copies may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. 20207 (202-634-7700).

In accordance with section 7(b) of the act and the regulations (16 CFR Part 1105) issued under section 7 of the act, this notice (1) identifies the product and the nature of the risks of injury associated with the product, (2) is based on a determination that a consumer product safety standard is necessary to eliminate or reduce the risks of injury, (3) includes information with respect to existing standards known to the Commission that may be relevant to this proceeding, and (4) invites any person to submit an existing standard as a proposed consumer product safety standard or to submit an offer to develop a proposed consumer product safety standard for swimming pool water slides.

A. *Nature of the risk of injury.* Information about injuries associated with swimming pool water slides indicating a need for remedial action has been developed by Commission staff and other sources. This includes tests conducted by Nova University, tests conducted by the University of Utah for Aqua Slide 'N' Dive Corp., and outside reports of injuries received by the Commission. Copies of this information are available for public inspection in the Office of the Secretary.

After review of said information, the Commission has preliminarily determined that the hazards associated with swimming pool water slides present unreasonable risks of death or injury. The hazards and the nature of the risks of injury include:

1. Quadriplegia and paraplegia resulting from users (primarily adults using the water slide for the first time) sliding down the slide in a head first position and upon entry striking the bottom of the pool.

2. Leg fractures resulting from persons sliding down water slides and hitting their feet on the pool bottom.

3. Injuries resulting from a person using a water slide and hitting other persons in the water.

4. Injuries resulting from persons falling off the pool slide ladder.

B. *Existing standards.* The Commission has received information about the existence and provisions of the following standards that may be relevant to this proceeding: "National Swimming Pool Institute Suggested Minimum Standards for Residential Swimming Pools" and "National Swimming Pool Institute Suggested Minimum Standards for Public Swimming Pools."

The Commission makes the following observations regarding these NSPI standards:

1. Installation and usage instructions for slides are not included in the standards.

2. The standards lack a technical rationale justifying safety parameters such as a) the curving and slope of the slide, b) the slope of the ladder, c) dimensions and coefficient of friction of the ladder rungs and d) the water entry angle of the slide.

3. Not included in the standards is the technical rationale for specifying the minimum water depth near the bottom edge of the slide.

4. Lacking in the standards is the relationship between the minimum, unobstructed horizontal distance in front of the slide to a) the slide height, b) the chute angle, c) the chute height and d) the velocity of the diver.

5. It is not evident in the standards that the minimum distances between slides, diving boards and the sides of the pool were specified on the basis of safety criteria.

6. The standards do not include safety performance tests for slides.

Copies of these NSPI standards are available for public inspection in the Office of the Secretary.

C. *Invitation to offerors.* Pursuant to section 7 of the act and the regulations thereunder (16 CFR Part 1105), an invitation is hereby extended to all standards writing organizations, trade associations, consumer organizations, professional or technical societies, testing organizations and laboratories, university or college departments, wholesale or retail organizations, Federal, State, or local government agencies, engineering or research and development establishments, ad hoc associations, companies, and persons (all hereinafter called persons) to submit to the Commission on or before July 29, 1974, either of the following:

1. One or more existing standards as a proposed consumer product safety standard in this proceeding.

2. An offer to develop one or more proposed consumer product safety standards applicable to swimming pool water slides to reduce or eliminate any or all of the unreasonable risks of injury associated with swimming pool water slides identified in this notice.

Persons who are not members of an established organization may form a group for the express purpose of submitting offers and developing standards. Such groups are referred to in the regulations as ad hoc associations (16 CFR 1105.5). An offer by an ad hoc association may be submitted by an individual member if the offer states that it is submitted on behalf of the members of the association. The individual member submitting the offer must submit to the Commission a notarized copy of a power of attorney from each member of the group authorizing that individual member to submit an offer on behalf of each other member.

D. *Submission of existing standards.* Persons may submit a standard previously issued or adopted by any private or public organization or agency, domestic or foreign, or any international standards organization, that contains safety-related requirements which the person believes would be adequate to prevent or reduce the unreasonable risks of injury associated with swimming pool water slides.

To be considered for publication as a proposed consumer product safety rule, standards previously issued or adopted must consist of (1) requirements as to performance, composition, contents, design, construction, finish, or packaging, or (2) requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instructions, or (3) any combination of (1) and (2).

The submission should, to the extent possible:

1. Identify the specific portions of the existing standard that are appropriate for inclusion in the proposed rule.

2. Be accompanied, to the extent that such information is available, by a description of the procedures used to develop the standard and a listing of the persons and organizations that participated in the development and approval of the standard.

3. Be supported by test data and other relevant documents or materials to the extent that they are available.

4. Contain suitable test methods reasonably capable of being performed by the Commission and by persons subject to the act or by private testing facilities.

5. Include data and information to demonstrate that compliance with the standard would be technically practicable.

6. Include data and information, to the extent that it can reasonably be obtained, on the potential economic effect of the standard, including the potential effect on small business and international trade. The economic information should include data indicating (a) the types and classes as well as the approximate number of consumer products that would be subject to the standard; (b) the probable effects of the standard on the utility, cost, and availability of the products; (c) any potential adverse effects of the standard on competition; and (d) the standard's potential disruption or dislocation, if any, of manufacturing and other commercial practices.

7. Include information, to the extent that it can reasonably be obtained, concerning the potential environmental impact of the standard.

E. *Offers to develop standards.* 1. Any person may submit an offer to develop a proposed consumer product safety standard for swimming pool water slides. Each offer shall include a detailed description of the procedure the offeror will utilize in developing the standard. Each offer shall also include:

a. A description of the plan the offeror will use to give adequate and reasonable notice to interested persons (including individual consumers, manufacturers, distributors, retailers, importers, trade associations, professional and technical societies, testing laboratories, Federal and State agencies, educational institutions, and consumer organizations) of their right and opportunity to participate in the development of the standard;

b. A description of the method whereby interested persons who have responded to the notice may participate, either in person or through correspondence, in the development of the standard; and

c. A realistic estimate of the time required to develop the standard, including a detailed schedule for each phase of the standard development period.

2. Each offeror shall submit with the offer the following information to supplement the description of the standard development procedure:

a. A statement listing the number and experience of the personnel, including voluntary participants the offeror intends to utilize in developing the standard. This list should distinguish between (i) persons directly employed by the offeror, (ii) persons who have made a commitment to participate, (iii) organizations that have made commitments to provide a specific number of personnel, and (iv) other persons to be utilized, although unidentified and uncommitted at the time of the submission of the offer. The educational and experience qualifications of these personnel relevant to the development of the standard should also be included in the statement. This list should include only those persons who will be directly involved in person in the development of the standard.

b. A statement describing the type of facilities or equipment the offeror plans to utilize in developing the standard and how the offeror plans to gain access to the facilities or equipment.

3. Prior to accepting an offer to develop a standard, the Commission may require minor modifications of the offer as a condition of acceptance.

F. *Contributions to the offeror's cost.* 1. The Commission may, in accepting an offer, agree to contribute to the offeror's cost in developing a proposed consumer product safety standard in any case in which the Commission determines:

a. That a contribution is likely to result in a more satisfactory standard than would be developed without a contribution; and

b. That the offeror is financially responsible.

2. If an offeror desires to be eligible to receive a financial contribution from the Commission toward the offeror's cost of developing a proposed consumer product safety standard, the offeror shall submit with his offer to develop a standard:

a. A request for a specific contribution with an explanation as to why such a contribution is likely to result in a more satisfactory standard than would be developed without a contribution;

b. A statement asserting that the offeror will employ an adequate accounting system that is in accordance with generally accepted accounting principles to record standards development costs and expenditures; and

c. A request for an advance payment of funds if necessary to enable the offeror to meet operating expenses during the development period.

G. *Submission information.* All submissions, offers, inquiries, or other communications concerning this notice should be addressed to the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C. 20207 (phone 202–634–7700). Submissions in response to this notice should be in five copies if possible and must be received by the Office of the Secretary not later than July 29, 1974, to be considered in this proceeding.

Dated: June 25, 1974.

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

[FR Doc.74–14876 Filed 6–27–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 122, 423]

STEAM ELECTRIC POWER CATEGORY AND THERMAL DISCHARGES

Proposed Effluent Limitations and Procedures; Hearing

In the matter of steam electric power generating point source category, proposed effluent limitations guidelines; thermal discharges, proposed procedures for imposition of alternative effluent limitations:

Notice is hereby given that the Environmental Protection Agency (EPA) will hold a public hearing on July 11 and 12 to consider comments received on the proposed regulations described above. The meeting will be held at the Thomas Jefferson Memorial Auditorium, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C., and will commence at 9:30 a.m., Thursday, July 11.

The Agency has determined to hold a public forum because of the complexity of the technical and environmental issues raised in connection with the proposed regulations and because of the importance of these regulations to the generation of electric power. The purpose of the meeting will be to allow persons who have commented on the effluent limitations and guidelines for the steam electric power industry proposed on March 4, 1974 (39 FR 8294) or on the procedures for imposition of alternative effluent limitations on thermal discharge proposed March 28, 1974 (39 FR 11434) to elaborate or explain in detail the nature and basis of their comments and to seek clarification of the Agency's proposed regulations. Accordingly, while the hearing is open to the public, opportunity for presentation of oral statements will be restricted to individuals and representatives of organizations who have filed comments on the above proposed regulations during the public comment period which closed June 26.

Persons wishing to present oral statements at the hearing should notify Mr. William Frick, Associate General Counsel for Water, Room 511 West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460 (202–755–0753) by July 5 indicating the specific nature of the subjects and approximate time required for their presentation. The Agency would encourage such persons to also submit written statements covering their testimony in advance of the hearing. However, because of the necessity to comply with deadlines established by the U.S. District Court for the District of Columbia, the hearing has been scheduled with relatively short advance notice. Accordingly, such submissions, while appreciated, are not required.

Dated: June 25, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74–14918 Filed 6–27–74;8:54 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

NEW YORK STATE DIVISION OF HUMAN RIGHTS, ET AL.

New Proposed 706 Agencies

Pursuant to § 1601.12(g), 29 CFR Chapter 14 as revised and published in the FEDERAL REGISTER, 37 FR 9214–9220, May 6, 1972, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes designation of the agencies listed below as 706 agencies (§ 1601.12(c), and Provisional 706 agencies as defined in 1601.12(d)(11), for purposes of receiving charges deferred by the Commission pursuant to section 706 (c) and (d) of title VII of the Civil Rights Act of 1964, as amended, and for purposes of according weight to the final findings and orders of those agencies pursuant to §1601.12(g)(1), and commences the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(g)(1). At the expiration of the 15-day period the Commission may effect designation of each of these agencies by publishing the list of them as an amendment to §1601.12(k). Additions to the list may be made by the Commission by similar notice and publication. The designated 706 agency to be added to the list under § 1601.12(k) is:

New York State Division of Human Rights.

The Provisional 706 agencies are:

Iowa Commission of Civil Rights.
Wisconsin Equal Rights Division, Department of Industry, Labor, and Human Relations.

JOHN H. POWELL, Jr.
Chairman.

[FR Doc.74–14974 Filed 6–27–74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 3]

RULES OF PRACTICE AND PROCEDURE

Exclusion of Withheld Material; Extension of Time

Notice was published in the FEDERAL REGISTER on May 14, 1974 (39 FR 17238), of a proposed amendment to the Federal Trade Commission's rules of practice and procedures by the addition of a new § 3.40 which would bar the offer or introduction into evidence, as substantiation for an advertising claim, of substantiating materials which were required to be but were not timely submitted in response to Commission process under sections 6 or 9 of the Federal Trade Commission Act calling for such materials. The period for public comment was 45 days, ending on June 28, 1974.

Due to the expressed interest in the proposed rule, the Commission has determined it is in the public interest to extend the period for public comment for an additional 15 days. All comments are now due on July 15, 1974, to be submitted to the Secretary, Federal Trade Commission, Pennsylvania Avenue and 6th Street, NW., Washington, D.C. 20580. All comments will remain on the public record at the above address until July 15, 1974, and will be available for inspection in Room 130 during normal business hours.

By the Commission.

Dated: June 25, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-14863 Filed 6-27-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 108]

LOANS TO LOCAL AND STATE DEVELOPMENT COMPANIES

Firm Commitment Provisions for State Development Companies

Notice is hereby given that pursuant to authority contained in section 501 of the Small Business Investment Act of 1958 (SBI Act), Public Law 85-699, 27, Stat. 694, as amended, it is proposed to revise, as set forth below, § 108.501-1(g), 13 CFR Part 108.

Prior to the final adoption of such revision, consideration will be given to any comments. Such comments should be submitted in writing, in triplicate, to the Office of Community Development, Small Business Administration (SBA), Washington, D.C. 20416, on or before July 8, 1974.

Revised § 108.501-1(g) would remove the requirement that State Development Companies pay a fee for a loan commitment. There is no service rendered for such fee now called for in the regulations.

It is proposed that Part 108 be amended by revising § 108.501-1 to read as follows:

§ 108.501-1 Section 501 Loans.

* * * * *

(g) Firm Commitment. A firm commitment may be given by SBA for a period of one year from the date of approval of a loan application.

Dated: June 20, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-14873 Filed 6-27-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order No. 232]

OFFICE OF TRADE, ENERGY, AND FINANCIAL RESOURCES POLICY COORDINATION

Notice of Establishment

By virtue of the authority vested in me as Secretary of the Treasury, including the authority vested in me by Reorganization Plan No. 26 of 1950, it is ordered as follows:

1. There is hereby established, within the Office of the Secretary, the Office of Trade, Energy, and Financial Resources Policy Coordination, under the supervision of an Assistant Secretary, consisting of (a) the Office of Trade and Raw Materials Policy, under the supervision of a Deputy Assistant Secretary, (b) the Office of Energy Policy, under the supervision of a Deputy Assistant Secretary, and (c) the Office of Financial Resources Policy Coordination, under the supervision of a Deputy Assistant Secretary.

2. The functions of the Office of Trade, Energy, and Financial Resources Policy Coordination are:

(a) Formulating and implementing Treasury positions on (1) U.S. trade and commercial policy, in general, (2) multilateral and bilateral trade negotiations, (3) strengthening of U.S. economic relationships with the USSR, Eastern Europe, China and such other countries and areas as may be designated by the Secretary, and (4) programs in relation to the Secretary's responsibilities for trade relations with Canada, and such other countries and areas as may be designated by the Secretary;

(b) Formulating and implementing Treasury positions on (1) questions relating to basic natural resources, including non-fuel minerals and agricultural commodities, and (2) oceans policy matters;

(c) Providing support to the Secretary in his role as Chairman of the Committee on Energy, by coordinating energy policy and implementation within the Administration and otherwise;

(d) Being responsible for relations with Middle East oil producing countries, including providing support for Joint Commissions with such countries and coordinating Joint Commissions with other countries as the Secretary may designate.

(e) Coordinating Treasury policy with respect to U.S. capital markets, the formation of capital and such related matters as the role of commercial banks in the securities business;

(f) Developing and recommending a range of policy positions that the Secretary should initiate with respect to the present and future financial problems and capital needs of industry.

(g) Coordinating Treasury positions on legislation affecting U.S. capital markets and serving as a Treasury focal point for business, Congress and the public in this area.

3. The functions of the Assistant Secretary for Trade, Energy, and Financial Resources Policy Coordination are to manage the Office, serve as the principal advisor and provide staff assistance to the Secretary with respect to the foregoing and such other matters as the Secretary may designate.

4. There are hereby transferred to the Office of Trade, Energy, and Financial Resources Policy Coordination all programs and associated personnel, positions, records, personal property, and Exchange Stabilization and "Salaries and Expenses" Funds heretofore assigned (a) to the Deputy Assistant Secretary for Trade, Office of the Assistant Secretary (International Affairs), except those associated with trade financing (export promotions); (b) elsewhere within the Office of the Assistant Secretary (International Affairs) for the performance of the functions set forth above; (c) to the Office of Energy Advisor as described in Treasury Order No. 225; and (d) to the Office of Natural Resources and Energy as described in Treasury Order No. 226.

5. The Assistant Secretary for Trade, Energy, and Financial Resources Policy Coordination is authorized to reassign programs, functions and associated positions and resources among the three subordinate offices established above as he deems necessary, consistent with the policies and procedures governing the Exchange Stabilization Fund.

6. Treasury Orders No. 225 (May 11, 1973) and No. 226 (September 1, 1973) are hereby cancelled.

Dated: June 23, 1974.

[SEAL] WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.74-14843 Filed 6-27-74;8:45 am]

Office of the Secretary

NORTHERN BLEACHED HARDWOOD KRAFT PULP FROM CANADA

Notice of Affirmation of Determination and Referral to Tariff Commission

A "Finding of Dumping" with respect to prime grade and off-grade northern bleached hardwood kraft pulp from Canada was published as Treasury Decision 73-28 in the Federal Register of January 23, 1973 (38 FR 2210).

On April 5, 1974, a petition was received by the Treasury Department requesting revocation of the finding.

The Department has reviewed its previous determination of sales at less than fair value with respect to the merchandise in question. Using information available subsequent to the initial investigation concerning sales of the merchandise to the United States, it was determined that the purchase price of the merchandise remains lower than its home market price in a significant number of instances. Further, no assurances have been offered by any Canadian producer or exporter of the merchandise that future sales of northern bleached hardwood kraft pulp to the United States will be at not less than fair value.

Accordingly, the Department hereby affirms its determination that prime grade and off-grade northern bleached hardwood kraft pulp from Canada is being, and is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921 (19 U.S.C. 160(a)).

Since the grounds upon which the petition for revocation is based relate primarily to considerations involving the injury determination of the Tariff Commission, the petition is being referred to the Tariff Commission for such review of its injury determination as the Commission may deem appropriate.

If the Tariff Commission, upon review of its injury determination, rescinds such determination, the Treasury Department will issue a notice revoking the finding of dumping, effective with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of notice of the Commission's decision in the FEDERAL REGISTER. If the Tariff Commission leaves unchanged its prior affirmative injury determination, the finding shall continue in effect.

This notice is published pursuant to the general provisions of § 153.41 of the Customs Regulations (19 CFR 153.41).

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

JUNE 26, 1974.

[FR Doc.74-14984 Filed 6-27-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meetings

JUNE 21, 1974.

The USAF Scientific Advisory Board Air Force Systems Command Aeronauti-

cal Systems Division Advisory Group Committee on Advanced Control Technology will hold a closed meeting on July 9 and 10, 1974, from 9 a.m. until 5 p.m., in Room 222, Building 14, Wright-Patterson AFB, Ohio.

The Committee will hold classified discussions on research and development programs.

The USAF Scientific Advisory Board Information Processing Panel will hold a closed meeting on July 23, 1974, from 8 a.m. until 5 p.m., at Headquarters, Military Airlift Command (MAC), Scott AFB, Illinois.

The Panel will receive classified briefings on the operation of MAC.

The USAF Scientific Advisory Board Information Processing Panel will hold a closed meeting on July 24, 1974, from 8 a.m. until 5 p.m., at the Foreign Technology Division, Wright-Patterson AFB, Ohio.

The Panel will hold classified discussions and receive briefings on intelligence-related programs and requirements in information processing.

The USAF Scientific Advisory Board Air Force Systems Command Electronic Systems Division Group will hold a closed meeting on July 31, 1974, from 8 a.m. until 5 p.m., at L. G. Hanscom Field, Bedford, Massachusetts.

The Group will hold classified discussions and receive briefings on the Electronic Systems Division Programs. For further information on these meetings, contact the USAF Scientific Advisory Board Secretariat at 697-8404, Area Code 202.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-14836 Filed 6-27-74;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD MISSION RESOURCES PANEL

Notice of Meeting; Correction

JUNE 24, 1974.

The agenda for the USAF Scientific Advisory Board Mission Resources Panel meeting scheduled for July 11, 1974, at the Lowry Technical Training Center, has been revised to include tours and classified briefings of technical training courses in munitions and avionics. This meeting was originally submitted for publication as an open meeting (39 FR 20815, June 14, 1974). In view of the new agenda items, the Executive Secretary of the Scientific Advisory Board has determined that this meeting will be closed to the public.

For further information concerning this meeting, contact the Scientific Advisory Board Secretariat at 202-697-8845.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-14835 Filed 6-27-74;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, July 2, 1974.
Tuesday, July 9, 1974.
Tuesday, July 16, 1974.
Tuesday, July 23, 1974.
Tuesday, July 30, 1974.

These meetings will convene at 9:45 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 USC 532(b) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD(C).

JUNE 25, 1974.

[FR Doc.74-14886 Filed 6-27-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

HEALY LAKE

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him pursuant to the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 22, 1973, his Final Decision determining the eligibility of the Native Village of Healy Lake, said decision appearing in 39 FR 6744 (1974).

On April 4, 1974, the State of Alaska, Acting through the Attorney General, State of Alaska filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Healy Lake but was late in filing its appeal.

No other Notice of Appeal has been filed by the State of Alaska from the Final Decision of the Director on the eligibility of the Native Village of Healy Lake.

No other appeals have been filed from the Final Decision of the Director on the eligibility of the Native Village of Healy Lake.

Since no appeal from the Final Decision of the Director on the eligibility of the Native Village of Healy Lake was filed within 30 days of the publication of such decision in the FEDERAL REGISTER, the Ad Hoc Board on April 15, 1974, dismissed the appeal by the State of Alaska from the Final Decision of the Director on the eligibility of the Native Village of Healy Lake published in the FEDERAL REGISTER on February 22, 1974, 39 FR 6744 (1974), has now become final.

In accordance with the Ad Hoc Board's Final Order Dismissing the Appeal of the State of Alaska, the Director, Juneau Area Office, Bureau of Indian Affairs does hereby certify the Native Village of Healy Lake to be eligible for benefits under the Alaska Native Claims Settlement Act, said decision not being appealable, and also issues to the Native Village of Healy Lake a Certification of Eligibility.

CLARENCE ANTIOQUIA,
Director.

JUNE 17, 1974.

[FR Doc.74-14834 Filed 6-27-74;8:45 am]

Bureau of Land Management

OUTER CONTINENTAL SHELF OFFSHORE EAST TEXAS AND LOUISIANA

Oil and Gas Lease Sale No. S1

INTRODUCTION

1. The purpose of this Outer Continental Shelf (OCS) Lease Sale notice is to reoffer those tracts not leased as a result of OCS Lease Sale No. 34 held on May 29, 1974, and OCS Lease Sale No. 33 held on March 28, 1974, which tracts were analyzed in the Final Environmental Impact Statements (FEIS) for these sales. Copies of these FEIS may be obtained from the Bureau of Land Management, Office of Public Affairs,

Washington, D.C. 20240, and from the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, The Plaza Tower, Suite 3200, 1001 Howard Avenue, New Orleans, Louisiana 70113. Tracts to be offered from these two sales are listed separately in paragraph 15 herein. Block numbers listed for these tracts in paragraph 15 remain the same is they were when listed for Sales No. 34 and No. 33 and as discussed in their respective FEIS. The lease stipulations included in paragraphs 10, 11, 12, and 13 herein are in substance the same as those stipulations included in the Lease Sale notices for sale No. 34 published on April 26, 1974, and for sale No. 33 published on February 25, 1974.

BID SUBMISSION PROCEDURES

2. Pursuant to sec. 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331–1343) and the regulations issued thereunder (43 CFR Part 3300), sealed bids mailed to the Manager, Gulf of Mexico Outer Continental Shelf Office, at the above address must be received by 9:30 a.m., c.s.t., on July 30, 1974, for the lease of oil and gas in tracts described in paragraph 15 herein, in areas of the OCS adjacent to the States of Texas and Louisiana. Bids delivered in person to the Manager will be received at this office at the above address through 4:15 p.m., c.s.t., July 29, 1974. On July 30, 1974, bids may be delivered in person to the Manager only at the Tulane Room, Braniff Place, 1500 Canal Street, New Orleans, Louisiana 70112, between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t. Bids received by the Manager after 9:30 a.m., on that date will be returned to the bidders unopened. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager by 9:30 a.m. July 30, 1974. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR 3302.1, 3302.4, and 3302.5.

FORM OF BID

3. A separate bid in a separate envelope must be submitted for each tract. The envelope should be labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., July 30, 1974." A suggested form of bid is set out in paragraph 17. Bidders must submit with each bid one-fifth of the amount bid in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. Oil payment, overriding royalty, logarithmic or sliding scale bids may not be submitted. No bid for less than a full tract as listed in paragraph 15 will be considered. Bidders are warned against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders.

4. Each bidder must have submitted by 9:30 a.m., c.s.t., July 30, 1974, the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375, on Form 1140–8 (November 1973) and Form 1140–7 (December 1971).

5. Tracts being offered for lease may be located on the following official leasing maps:

(1) Outer Continental Shelf—Texas Leasing Maps No. 5, 5B, 6, 6A, 7, 7A, 7B and 7C. These eight maps are arranged in a set, which sells for $5.00.

(2) Outer Continental Shelf—Louisiana Leasing Maps 1 thru 11a—Set of 26. These maps may be purchased for $15.00 per set.

(3) Outer Continental Shelf Leasing Maps NG 15–2 (Garden Banks), NG 15–1 (Bay City), NH 15–12 (New Orleans), NG 15–3 (New Orleans South No. 1), and NH 16–10 (Mobile South No. 2). These maps may be purchased for $2.00 each.

These maps and copies of the Compliance Report Certification Form 1140–8 (November 1973) and copies of the Affirmative Action Program Representation Form 1140–7 (December 1971) may be obtained from the Manager, Gulf of Mexico Outer Continental Shelf Office at the above address.

BID OPENING

6. Bids will be opened on July 30, 1974, at 10:00 a.m., c.s.t., in the Tulane Room, Braniff Place at the above address. The opening of bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, July 30, 1974, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Any cash, checks, drafts, or money orders submitted with the bids may be deposited in an unearned escrow account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

ACCEPTANCE OR REJECTION OF BIDS

8. No bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless: (1) The bidder has complied with all requirements of this notice; (2) his bid is the highest valid cash bonus bid for that tract; (3) and the amount of the bonus bid has been determined to be adequate by the United States. No bid will be considered for acceptance unless it offers a cash bonus in the amount of $25 or more per acre or fraction thereof. The United States reserves the right to reject any bid submitted, including, but not by way of limitation, the right to reject any bid for inadequacy even though the bonus bid is in the amount of $25 or more per acre or fraction thereof.

LEASE TERMS

9. Leases issued as a result of this sale will be on Form 3300–1 (February 1971), as modified, in accordance with paragraphs 10, 11, 12, and 13 and containing the rental and royalty provisions of paragraph 14 of this notice, and with the exclusion of the following wording in section 3(a)(1), paragraph 3, sentence 2, * * * "and gas used for purposes of production from and operations upon the leased area or unavoidably lost * * *." Attention is directed to the Equal Opportunity Clause in section 3(h) and the Certification of Nonsegregated Facilities Clause in section 3(i) of the lease. Copies of the lease form, without the stipulations to be included according to the terms of paragraphs 10, 11, 12, and 13 and the rental and royalty provisions included in paragraph 14 of this notice are available from the Manager, Gulf of Mexico Outer Continental Shelf Office.

10. All leases issued as a result of this lease sale will contain the following stipulations:

(1) The lessee agrees that, prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter referred to as "operation," he will conduct geophysical surveys sufficient to determine the possible existence of any sites, structures, or objects of historical or archaeological significance that may be affected by such operation. Such sites, structures, or objects are hereafter in this stipulation included in the term "cultural resource." If these geophysical surveys indicate anomalies that suggest the possible existence of a cultural resource, the lessee will either: (1) Have a qualified marine archaeologist confirm or refute the existence of a cultural resource using such other equipment and survey techniques as may be necessary; or (2) relocate the site of such operation so as not to disturb the area in which an anomaly has been identified; or (3) show how such operation will not disturb the area in which an anomaly has been identified.

All data obtained in the course of the geophysical and any archaeological surveys shall be submitted to the Supervisor with any application for drilling or other activity. If the Supervisor determines there are indications that a possible cultural resource may be affected by the proposed operation he shall direct the lessee to utilize the services of a marine archaeologist to survey the area unless an archaeological survey has been completed.

Upon completion of any archaeological survey, a report shall be forwarded by the Supervisor to the Manager, Gulf of Mexico OCS Office, Bureau of Land Management for review and recommendations. Should the archaeological survey report indicate that a cultural resource may be affected by the operation and the lessee chooses not to relocate, the lessee shall take no action that may result in the disturbance of the cultural resource until the Supervisor has given directions as to its disposition.

The lessee agrees that, if any cultural resource should be accidentally discovered after the completion of the archaeological survey, he will report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

(2) Structures for drilling or production, including pipelines, shall be kept to the minimum necessary for proper exploration, development, and production and, to the greatest extent consistent therewith, shall be placed so as not to interfere with other significant uses of the OCS, including commercial fishing. To this end, no structure, for drilling or production, including pipelines,

may be placed on the OCS until the Supervisor has found that the structure is necessary for the proper exploration, development, and production of the leased area and that no reasonable alternative placement would cause less interference with other significant uses of the OCS including commercial fishing. The lessee's exploratory and development plans, filed under 30 CFR 250.34, shall identify the anticipated placement and grouping of necessary structures, including pipelines, showing how such placement and grouping will have the minimum practicable effect on other significant uses of the OCS, including commercial fishing.

(3) The lessee shall have the pollution containment and removal equipment available as required by OCS Order No. 7, of August 28, 1969, as may be amended. After notification by the Operator to the Supervisor of a significant oil spill as defined by OCS Order No. 7, or an oil spill of any size or quantity which cannot be immediately controlled, the operator shall immediately deploy the appropriate equipment to the site of the oil spill, unless, because of weather and attendant safety of personnel the Supervisor shall modify this requirement.

11. Leases issued as a result of this lease sale embracing tracts S1–1 thru S1–143 inclusive, will contain the following stipulation relating to pipeline placement.

The lessor specifically reserves the right to require any pipelines between a structure on the OCS and an onshore facility to be placed in certain designated areas or corridors through the submerged lands of the OCS.

12. Leases issued as a result of this lease sale embracing tracts S1–126 thru S1–142 inclusive, will contain the following stipulation relating to Department of Defense activities:

(1) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the OCS, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the OCS, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Matagorda Island Air Force Range, Matagorda Island, Texas. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against, and to defend at its own expense the United States against, all claims for loss, damage, or injury sustained by the agents, employees or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

13. Leases issued as a result of this lease sale for tracts S1–107, S1–108, S1–110, S1–111, S1–115, S1–116, S1–117, S1–118, S1–119, S1–121, S1–123, S1–124, and S1–125 will contain the following stipulation for protection of the East and West Flower Garden Banks, now being used as a unique study area.

Notwithstanding the terms of section 2(c) of the lease, no structures, drilling rigs, or pipelines will be allowed within the following aliquot parts established for the East and West Flower Garden Banks:

WEST FLOWER GARDEN BANK

Tract S1–115
NE¼SE¼SE¼; S½SE¼SE¼
Tract S1–116
NW¼SW¼NE¼; S½S½NE¼; SE¼NW¼; NE¼SW¼; NE¼NW¼SW¼; S½NW¼SW¼; S½SW¼; SE¼
Tract S1–123
W½W½NW¼; W½NW¼SW¼; NW¼SW¼SW¼
Tract S1–124
E½; SE¼NE¼NW¼; E½SE¼NW¼; E½NE¼SW¼; NE¼SE¼SW¼
Tract S1–125
NE¼NE¼; N½NW¼NE¼; NE¼SE¼NE¼

EAST FLOWER GARDEN BANK

Tract S1–110
W½SW¼NW¼; SE¼SW¼NW¼; W½SW¼; W½E½SW¼; SE¼SE¼SW¼
Tract S1–111
SW¼NE¼NE¼; S½NW¼NE¼; S½NE¼; SE¼NE¼NW¼; N½SE¼NW¼; SE¼SE¼NW¼; NE¼SW¼; N½SE¼SW¼; SE¼SE¼SW¼; SE¼
Tract S1–119
NE¼; E½E½NW¼; N½SE¼

Oil and gas operations are restricted as follows within the zones established by lines extending 3.8 statute miles outward in all directions from a point, the coordinates of which are X=3,742,875; Y=71,280 on East Flower Garden Bank and a point, the coordinates of which are X=3,674,965; Y=50,690, on West Flower Garden Bank. Drill cuttings and drilling muds must be disposed of by shunting the material to the bottom through a downpipe that terminates 20 feet or closer to the bottom.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crewboats, supply boats, pipelaying vessels) involved with exploration and development operations within a zone 3.8 statute miles outward from those points on the East and West Flower Garden Banks described above.

No drilling permits will be issued by the Supervisor until he has found that the lessee's exploration and development plan filed under 30 CFR 250.34 is adequate to insure that exploration and production operations in the leased area will have no significant adverse effect on the biotic community of high value reef sites on the Flower Garden Banks. As a part of the development plan, a reef monitoring program must be included. The monitoring program will be designed to assess the effects of oil and gas exploration and development operations on the viability of the coral reefs. The development plan should indicate that the monitoring program will be conducted by qualified independent scientific personnel and that program personnel and equipment will be available at the time of operations. The monitoring team will submit its findings on an interim ongoing basis, or immediately in case of imminent danger to the reefs resulting directly from drilling or other operations. To further aid the Supervisor in his findings, he shall request reports on potential effects and recommended measures that may be necessary to prevent or mitigate the effects from the Manager, Gulf of Mexico OCS Office, Bureau of Land Management, and the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico.

14. Leases will provide for a royalty rate of one-sixth and yearly rental or minimum royalty of $3 per acre or fraction thereof. The successful bidder will be required to pay the remainder of the bid and the first year's rental of $3 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3304.1 prior to the issuance of each lease.

TRACT DESCRIPTION

15. The tracts offered for bid are as follows:

A. Unleased tracts from Sale #34 held on May 29, 1974

TEXAS

OCS OFFICIAL LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5

(Approved July 16, 1954)

Tract No.	Block	Description	Acreage
S1–1	A–16	All	5760
S1–2	A–23	All	5760
S1–3	A–29	All	5760
S1–4	A–35	All	5760
S1–5	A–36	All	5760

OCS OFFICIAL LEASING MAP, BRAZOS AREA—SOUTH ADDITION, TEXAS MAP NO. 5B

(Approved Sept. 24, 1959)

Tract No.	Block	Description	Acreage
S1–6	A–52	All	5760
S1–7	A–106	All	5760

OCS OFFICIAL LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6

(Approved July 16, 1954)

Tract No.	Block	Description	Acreage
S1–8	A–96	All	5760
S1–9	A–98	All	5760
S1–10	A–100	All	5760
S1–11	A–101	All	5760
S1–12	A–108	All	5760
S1–13	A–109	All	5760

OCS OFFICIAL LEASING MAP, GALVESTON AREA—SOUTH ADDITION, TEXAS MAP NO. 6A

(Approved Sept. 24, 1959)

Tract No.	Block	Description	Acreage
S1–14	A–119	All	5760
S1–15	A–120	All	5760
S1–16	A–155	All	5760

Tract No.	Block	Description	Acreage
S1-17	A-160	All	5760
S1-18	A-162	All	5760
S1-19	A-177	All	5760
S1-20	A-178	All	5760
S1-21	A-187	All	5760
S1-22	A-189	All	5760
S1-23	A-190	All	5760
S1-24	A-192	All	5760
S1-25	A-200	All	5760
S1-26	A-211	All	5760
S1-27	A-213	All	5760
S1-28	A-215	All	5760
S1-29	A-217	All	5760
S1-30	A-219	All	5760
S1-31	A-221	All	5760
S1-32	A-224	All	5760
S1-33	A-226	All	5760
S1-34	A-241	All	5760
S1-35	A-243	All	5760
S1-36	A-245	All	5760
S1-37	A-246	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA, TEXAS MAP NO. 7

(Approved July 16, 1954; Revised Aug. 1955)

Tract No.	Block	Description	Acreage
S1-38	107	All	5760
S1-39	141	E½	2880

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA—EAST ADDITION, TEXAS MAP NO. 7A

(Approved Jan. 23, 1967)

Tract No.	Block	Description	Acreage
S1-40	A-252	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA—SOUTH ADDITION, TEXAS MAP NO. 7B

(Approved Sept. 24, 1959)

Tract No.	Block	Description	Acreage
S1-41	A-416	All	5760
S1-42	A-422	All	5760
S1-43	A-424	All	5760
S1-44	A-425	All	5760
S1-45	A-430	All	5760
S1-46	A-431	All	5760
S1-47	A-432	All	5760
S1-48	A-434	All	5760
S1-49	A-435	All	5760
S1-50	A-440	All	5760
S1-51	A-450	All	5760
S1-52	A-451	All	5760
S1-53	A-455	All	5760
S1-54	A-460	All	5760
S1-55	A-461	All	5760
S1-56	A-462	All	5760
S1-57	A-468	All	5760
S1-58	A-470	All	5760
S1-59	A-472	All	5760
S1-60	A-473	All	5760
S1-61	A-500	All	5760
S1-62	A-512	All	5760
S1-63	A-527	All	5760
S1-64	A-528	All	5760
S1-65	A-529	All	5760
S1-66	A-538	All	5760
S1-67	A-541	All	5760
S1-68	A-543	All	5760
S1-69	A-546	All	5760
S1-70	A-549	All	5760
S1-71	A-550	All	5760
S1-72	A-551	All	5760
S1-73	A-552	All	5760
S1-74	A-557	All	5760
S1-75	A-569	All	5760
S1-76	A-574	All	5760
S1-77	A-576	All	5760
S1-78	A-578	All	5760
S1-79	A-579	All	5760
S1-80	A-580	All	5760
S1-81	A-584	All	5760
S1-82	A-586	All	5760
S1-83	A-587	All	5760
S1-84	A-588	All	5760
S1-85	A-589	All	5760
S1-86	A-590	All	5760
S1-87	A-591	All	5760
S1-88	A-592	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA—EAST ADDITION—SOUTH EXTENSION, TEXAS MAP NO. 7C

(Approved Sept. 24, 1959)

Tract No.	Block	Description	Acreage
S1-89	A-267	All	5760
S1-90	A-271	All	5760
S1-91	A-280	All	5760
S1-92	A-281	All	5760
S1-93	A-287	All	5760
S1-94	A-288	All	5760
S1-95	A-296	All	5760
S1-96	A-300	All	5760
S1-97	A-307	All	5760
S1-98	A-308	All	5760
S1-99	A-315	All	5760
S1-100	A-344	All	5760
S1-101	A-345	All	5760
S1-102	A-346	All	5760
S1-103	A-352	All	5760
S1-104	A-353	All	5760
S1-105	A-354	All	5760
S1-106	A-357	All	5760
S1-107	A-366	All	5760
S1-108	A-367	All	5760
S1-109	A-372	All	2880
S1-110	A-374	All	5760
S1-111	A-375	All	5760
S1-112	A-378	All	5760
S1-113	A-379	All	5760
S1-114	A-381	All	5760
S1-115	A-383	All	5760
S1-116	A-384	All	5760
S1-117	A-385	All	5760
S1-118	A-387	All	5760
S1-119	A-388	All	5760
S1-120	A-392	All	2903
S1-121	A-394	All	5760
S1-122	A-395	All	5760
S1-123	A-397	All	5760
S1-124	A-399	All	5760
S1-125	A-401	All	5760

OCS OFFICIAL LEASING MAP, BAY CITY NG-15-1

(Approved June 8, 1973)

Tract No.	Block	Description	Acreage
S1-126	N637 E77	All	5760
S1-127	N637 E78	All	5760
S1-128	N637 E79	All	5760
S1-129	N637 E80	All	5760
S1-130	N638 E67	All	5760
S1-131	N638 E68	All	5760
S1-132	N638 E77	All	5760
S1-133	N638 E78	All	5760
S1-134	N638 E79	All	5760
S1-135	N638 E80	All	5760
S1-136	N639 E67	All	5139.50
S1-137	N639 E69	All	4555.90
S1-138	N639 E77	All	2217.29
S1-139	N639 E78	All	1924.48
S1-140	N639 E79	All	1631.57
S1-141	N639 E80	All	1338.55
S1-142	N640 E73	All	2033.13

OCS OFFICIAL LEASING MAP, GARDEN BANKS, NG-15-2

(Approved Feb. 15, 1973)

Tract No.	Block	Description	Acreage
S1-143	N638 E96	All	2742.80

B. Unleased tracts from Sale #33 held on March 28, 1974

LOUISIANA

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA, LOUISIANA MAP NO. 1

(Approved June 8, 1954; Revised July 22, 1954)

Tract No.	Block	Description	Acreage
S1-144	28	S½N½S½; S½S½S½	
	37	N½	4375
S1-145	143	S½	2500
S1-146	170	E½	2500

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA—WEST ADDITION, LOUISIANA, MAP NO. 1A

(Approved Nov. 15, 1955; Revised Jan. 30, 1957)

Tract No.	Block	Description	Acreage
S1-147	442	All	5000
S1-148	443	All	5000

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA—SOUTH ADDITION, LOUISIANA MAP NO. 1B

(Approved Sept. 8, 1959)

Tract No.	Block	Description	Acreage
S1-149	446	All	5000
S1-150	447	All	5000
S1-151	448	All	5000
S1-152	451	All	5000
S1-153	463	All	5000
S1-154	465	All	5000
S1-155	472	All	5000
S1-156	473	All	5000
S1-157	477	All	5000
S1-158	478	All	5000
S1-159	494	All	5000
S1-160	525	All	5000
S1-161	622	All	5000
S1-162	623	All	5000
S1-163	631	All	5000
S1-164	653	All	3722.39
S1-165	654	All	2818.39

OCS OFFICIAL LEASING MAP, EAST CAMERON AREA—SOUTH ADDITION, LOUISIANA MAP NO. 2A

(Approved Sept. 8, 1959)

Tract No.	Block	Description	Acreage
S1-166	346	All	5000
S1-167	355	All	5000
S1-168	356	All	5000
S1-169	357	All	5000
S1-170	358	All	5000
S1-171	360	All	2500
S1-172	361	All	3099.24
S1-173	362	All	3043.14
S1-174	363	All	2500
S1-175	364	All	5000
S1-176	365	All	5000
S1-177	366	All	5000
S1-178	367	All	5000
S1-179	378	All	2500
S1-180	379	All	2987.03

OCS OFFICIAL LEASING MAP, VERMILLION AREA—SOUTH ADDITION, LOUISIANA MAP NO. 3B

(Approved Sept. 8, 1959)

Tract No.	Block	Description	Acreage
S1-181	376	All	5000
S1-182	378	All	4020.43
S1-183	383	All	5000
S1-184	390	All	2500
S1-185	392	All	5000
S1-186	394	All	5000
S1-187	396	All	5000
S1-188	400	All	3948.24
S1-189	401	All	5000
S1-190	403	All	5000
S1-191	404	All	5000
S1-192	405	All	5000
S1-193	408	All	5000
S1-194	411	All	5000
S1-195	412	All	3912.14
S1-196	413	All	

OCS OFFICIAL LEASING MAP, SOUTH MARSH ISLAND AREA—SOUTH ADDITION, LOUISIANA MAP NO. 3C

(Approved Sept. 8, 1959)

Tract No.	Block	Description	Acreage
S1-197	148	All	5000
S1-198	155	All	5000
S1-199	156	All	5000
S1-200	168	All	2500
S1-201	181	All	2500
S1-202	182	All	3473.79
S1-203	193	All	5000
S1-204	194	All	5000
S1-205	195	All	5000
S1-206	199	All	3582.09
S1-207	201	All	5000
S1-208	202	All	5000
S1-209	203	All	5000
S1-210	204	All	5000

OCS OFFICIAL LEASING MAP, SOUTH MARSH ISLAND AREA—NORTH ADDITION, LOUISIANA MAP NO. 3D

(Approved Apr. 16, 1971)

Tract No.	Block	Description	Acreage
S1-211	255	All	5000

OCS OFFICIAL LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4

(Approved June 8, 1954; Revised July 22, 1954)

Tract No.	Block	Description	Acreage
S1-212	60	All	5000
S1-213	79	All	5000
S1-214	80	All	5000
S1-215	87	N½	2500
S1-216	156	All	5000

OCS OFFICIAL LEASING MAP, EUGENE ISLAND AREA—SOUTH ADDITION, LOUISIANA NO. 4A

(Approved Sept. 8, 1959)

Tract No.	Block	Description	Acreage
S1-217	337	E½	2500
S1-218	345	All	5000
S1-219	374	All	5000
S1-220	375	All	5000
S1-221	390	All	5000
S1-221A	346	All	5000

OCS OFFICIAL LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5

(Approved June 8, 1954)

Tract No.	Block	Description	Acreage
S1-222	148	W½	2500

OCS OFFICIAL LEASING MAP, SOUTH TIMBALIER AREA, LOUISIANA MAP NO. 6

(Approved June 8, 1954; Revised July 22, 1954; Dec. 9, 1954)

Tract No.	Block	Description	Acreage
S1-223	182	All	2148.46
S1-224	183	All	2148.46

OCS OFFICIAL LEASING MAP, GRAND ISLE AREA, LOUISIANA MAP NO. 7

(Approved June 8, 1954)

Tract No.	Block	Description	Acreage
S-225	33	All	

OCS OFFICIAL LEASING MAP, GARDEN BANKS, NG-15-2

(Approved Feb. 15, 1973)

Tract No.	Block	Description	Acreage
S1-226	N634 E101	All	5760
S1-227	N634 E102	All	5760
S1-228	N634 E103	All	5760
S1-229	N635 E101	All	5760
S1-230	N635 E102	All	5760
S1-231	N635 E103	All	5760
S1-232	N636 E102	All	5760
S1-233	N636 E103	All	5760
S1-234	N639 E116	All	5760
S1-235	N639 E117	All	5760
S1-236	N639 E118	All	5760
S1-237	N639 E120	All	5760
S1-238	N639 E121	All	5760
S1-239	N640 E111	All	5760
S1-240	N640 E116	All	3648.30
S1-241	N640 E117	All	2864.28
S1-242	N640 E118	All	5333.75
S1-243	N640 E120	All	5608.89
S1-244	N640 E121	All	3472.91
S1-245	N640 E123	All	4208.51
S1-246	N640 E124	All	4289.25
S1-247	N640 E125	All	4369.83
S1-248	N641 E111	All	1298.25
S1-249	N641 E112	All	1836.77
S1-250	N641 E113	All	2138.06
S1-251	N641 E118	All	2188.71
S1-252	N641 E120	All	2534.10

OCS OFFICIAL LEASING MAP, NEW ORLEANS SOUTH NO. 1, NG-15-3

(Approved Feb. 15, 1973)

Tract No.	Block	Description	Acreage
S1-253	N641 E131	All	5744.12

OCS OFFICIAL LEASING MAP, NEW ORLEANS, NH-15-12

(Approved Feb. 15, 1973)

Tract No.	Block	Description	Acreage
S1-254	N642 E131	All	664.43

OCS OFFICIAL LEASING MAP, MOBILE SOUTH NO. 2 NH-16-10

(Approved Feb. 15, 1973)

Tract No.	Block	Description	Acreage
S1-255	N660 E59	All	3283.56
S1-256	N661 E59	All	
	N662 E59	All	
	N662 E60	All	2658.55
S1-257	N661 E61	All	5611.56

16. Some of the tracts offered for lease may fall in fairway areas (including the prolongations thereof) or anchorage areas, or both, as designated by the District Engineer, Corps of Engineers, U.S. Army. For the location of those areas and operational restrictions imposed by that agency, the appropriate District Engineer should be consulted.

SUGGESTED BID FORM

17. It is suggested that bidders submit their bids addressed to:

Manager, Gulf of Mexico Outer Continental Shelf Office
Bureau of Land Management
Department of the Interior
The Plaza Tower, Suite 3200
1001 Howard Avenue
New Orleans, Louisiana 70113

in the following form:

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the land of the OCS specified below:

Tract No.	Total Amount bid	Amount Per acre	Amount Submitted with bid

N.O. Misc. No. ..... Percent .....

Company

Signature
(Please type signer's name under signature)

WITHDRAWAL OF TRACTS

18. The United States reserves the right to withdraw any tract from this sale prior to the issuance of a written acceptance of a bid for that tract.

IMPORTANT

19. It is strongly recommended that prior to conducting any drilling activity, lessees who may acquire leases on tracts S1-16 thru S1-18; S1-21 thru S1-24; S1-27 thru S1-32; S1-35 thru S1-37; S1-62 thru S1-68; S1-70 thru S1-88 and S1-126 thru S1-142; inclusive, pursuant to this offering inspect the ocean floor and remove all hazardous military ordnance from the immediate drilling area. Tracts S1-126 thru S1-142 are within an area presently being used by the Department of Defense and where hazardous military ordnance may occur. All other tracts identified above are within an area formerly used by the Department of Defense. For this reason hazardous military ordnance may also be found on these tracts.

GEORGE L. TURCOTT,
Associate Director,
Bureau of Land Management.

Approved: June 24, 1974.

JACK O. HORTON,
Assistant Secretary
of the Interior.

[FR Doc.74-14780 Filed 6-27-74;8:45 am]

[Bureau Order No. 701, Amdt. No. 19]

LANDS AND RESOURCES

Redelegation of Authority

Bureau Order No. 701 dated July 23, 1964, is further amended as follows:

Paragraph (z) in section 1.9 and section 3.9 is amended to read as follows:

SEC. 1.9 *Land Use.*

* * * * *

(z) *Recreation.*

All actions relating to recreation management pursuant to 43 CFR Parts 6000-6290.

* * * * *

SEC. 3.9 *Land Use.*

* * * * *

(z) *Recreation.*

All actions relating to recreation management pursuant to 43 CFR Parts 6000–6290.

GEORGE L. TURCOTT,
Associate Director.

JUNE 17, 1974.

[FR Doc.74–14832 Filed 6–27–74;8:45 am]

[New Mexico 20893]

NEW MEXICO

Notice of Application

JUNE 19, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Navajo Refining Company has applied for a 2-inch crude oil pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 S., R. 30 E.,
Sec. 9, SE¼SE¼;
Sec. 10, SW¼SW¼.

This pipeline will convey crude oil across 0.207 miles of national resource land in Eddy County, New Mexico.

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

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

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

[FR Doc.74–14839 Filed 6–27–74;8:45 am]

[New Mexico 21805–08; 21814–17; 21828–29 and 21851]

NEW MEXICO

Notice of Applications

JUNE 20, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 2⅜ inch and ten 4½ inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 7 W.,
Sec. 7, SE¼SE¼;
Sec. 8, SE¼NE¼ and NE¼SE¼;
Sec. 10, S½SE¼;
Sec. 11, SE¼SE¼ and SW¼SW¼;
Sec. 14, lots 1, 2, and 3;
Sec. 15, N½SW¼;
Sec. 20, N½NE¼;
Sec. 21, S½NW¼ and NW¼SW¼;
Sec. 22, NE¼NW¼ and S½NW¼;
Sec. 27, N½NW¼ and SW¼NW¼.

These pipelines will convey natural gas across 2.246 miles of national resource land in Rio Arriba County, New Mexico.

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

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

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

[FR Doc.74–14837 Filed 6–27–74;8:45 am]

[New Mexico 21809 and 21810]

NEW MEXICO

Notice of Applications

JUNE 20, 1974.

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

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 8 W.,
Sec. 24, E½SW¼, NW¼SE¼;
Sec. 27, SE¼NE¼.

These pipelines will convey natural gas across .448 miles of national resource land in San Juan County, New Mexico.

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

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

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

[FR Doc.74–14838 Filed 6–27–74;8:45 am]

CALIFORNIA

Order Providing for Opening of Public Lands

JUNE 18, 1974.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

HUMBOLDT MERIDIAN

CALIFORNIA 1526

T. 3 S., R. 2 W.,
Sec. 15, lot 1, NE¼SW¼, W½NE¼, NW¼;
Sec. 16, lots 1, 2, 3, 4, and 5, NE¼NE¼;
Those portions of the S½SW¼, Sec. 24 and of the NW¼, Sec. 25 described as follows: Beginning at the southeast corner of lot 5 of said Section 25; thence north 62 degrees 25 minutes 30 seconds west 4270.8 feet to the true point of beginning; thence north 60 degrees west 330 feet; thence north 30 degrees east 1320 feet; thence south 60 degrees east 330 feet; and thence south 30 degrees west 1320 feet to the true point of beginning.

CALIFORNIA 822

T. 4 S., R. 1 E.,
Sec. 20, W½NW¼, NW¼SW¼.
T. 4 S., R. 1 W.,
Sec. 4, lot 1;
Sec. 5, lots 3 and 4 and SE¼NE¼.

CALIFORNIA 573

T. 3 S., R. 1 W.,
Sec. 15, SE¼;
Sec. 19, lots 1, 2, 3, and NE¼NW¼;
Sec. 30, lot 4, NW¼NE¼, E½NW¼, and NE¼SW¼;
Sec. 32, lots 1 and 2, W½NE¼, NE¼SW¼, and SE¼;
T. 3 S., R. 2 W.,
Sec. 14, N½S½ and SW¼SE¼;
Sec. 15, E½NE¼, N½SE¼;
Sec. 23, Lot 5;
Sec. 24, SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 25, Lots 1, 2, 3, 4, and 5, and N½NE¼;
Sec. 26, Lot 1;
Excepting from the SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼ Sec. 24, and Lots 1, 2, 3, 4, and 5, and the N½NE¼ Sec. 25, T. 3 S., R. 2 W., Humboldt Meridian, California, those portions thereof within the tract of land conveyed to Paul Smith and Ann Smith, his wife, by Deed recorded June 25, 1962, in Book 692, page 468 of Official Records, in the office of the County Recorder of said County, which tract is described as follows: On the westerly side by the mean high water line of the Pacific Ocean; on the easterly side by a line distant 1320 feet easterly from and parallel with the mean high water line of the Pacific Ocean; on the northerly side by a line drawn at right angles to the mean high water line of the Pacific Ocean and distant 660 feet northerly from the center of Spanish Flat Cabin, said 660 feet being measured at right angles to said northerly boundary; on the southerly side by a line drawn at approximately a right angle to the mean high water line of the Pacific Ocean and parallel with the northerly line above described and distant 660 feet southerly from the center of Spanish Flat Cabin, said 660 feet being measured at right angles to said southerly boundary, all as shown on the record of Survey for Paul Smith filed July 8, 1966 in Book 22, Page 83 of Surveys, in the office of the County Recorder of said County.
T. 4 S., R. 1 W.,
Sec. 5, Lot 2;
T. 4 S., R. 1 E.,
Sec. 4, SW¼NE¼ and NW¼SE¼.

The area described aggregates approximately 2,546.78 acres in Humboldt County.

2. The above described lands are situated in the King Range area and were acquired for the purpose of consolidating the public lands and providing for proper multiple-use management of all the resources. The lands lie within the boundaries described in section 9 of Public Law 91–476 (84 Stat. 1057), an act which provides for the establishment of the King Range National Conservation Area.

3. The United States does not have jurisdiction as to 50 percent of the minerals in the following described lands, as the mineral rights were not reconveyed by exchange:

HUMBOLDT MERIDIAN

T. 4 S., R. 1 E.,
Sec. 4, SW¼NE¼, NW¼SE¼.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on July 29, 1974, be open to the operation of the public land laws. All valid applications received at or prior to 10 a.m. July 29, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Except as to the 50 percent mineral reservation described in paragraph 3 above, the lands will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws at 10 a.m. July 29, 1974; except the following lands in California 573 which have always been subject to location under the mining laws and to application and offers under the mineral leasing laws:

T. 3 S., R. 2 W.,
Sec. 14, SW¼SE¼, N½S½;
Sec. 24, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 25, N½NE¼.
T. 3 S., R. 1 W.,
Sec. 19, Lot 1, NE¼NW¼;
Sec. 32, SE¼, W½NE¼.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-14840 Filed 6-27-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-141]

DEAN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Dean Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 4 Strip Mine.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition to secure a waiver of 30 CFR 77.1605(k) Petitioner states in pertinent part that:

1. Berms have already been installed on that portion of the elevated roadway where they are most needed.

2. The remaining portion of the haulage road is substantially less hazardous than that on which berms have been provided.

3. The operator has an excellent safety record in its hauling operations due to careful maintenance of rolling stock, supervised traffic system and extra wide roads.

4. Installation of berms on the remaining portion of the elevated roadway would interfere with drainage, particularly melting snow, since this road is at an elevation of 2300 feet and higher.

5. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

6. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

7. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

8. A traffic system shall be put into effect for these roads requiring that the loaded trucks have the right-of-way in all no-passing or one-lane traffic areas.

9. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

10. All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

11. All haulage vehicles shall have:

(a) Original manufacturers brakes.

(b) Engine or Jacobs brakes, except on gasoline powered trucks which do not have Jacob brakes but the engines of which serve as effective brakes.

(c) Original manufacturers parking brakes.

12. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

13. A minimum width of 24 feet shall be provided and maintained along two-lane roads, and where widths of less than 24 feet are provided and maintained, the roads shall be designated as single-lane roads.

14. On roads that afford only one traffic lane, a minimum width of 16 feet, except where roads are shot out of solid rock, in which case they shall be 12 feet, shall be maintained, with passing points provided at intervals of not more than 1,000 feet.

15. Where abrupt drop-offs are present along the outer banks, elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

Petitioner asserts that its proposed alternative will at all times afford the same protection as the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 29, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

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

JUNE 20, 1974.

[FR Doc.74-14828 Filed 6-27-74;8:45 am]

[Docket No. M 74-136]

LOVILIA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Lovilia Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its No. 4 Mine located in Monroe County, Iowa.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with § 75.1405 is 30 CFR 75.1405-1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

(1) Mining in the subject mine is accomplished primarily by the conventional mechanical mining method, that is, loading machine, cutting machine, shuttle cars, rock and coal drills, etc. The mined coal from the operating section is dumped directly into mine cars and the mine cars are then pushed and pulled by electric locomotives over a rail haulage system to a dump inside the mine near the bottom of a coal shaft, up which the coal is transported by elevator to the surface by means of a box-like container called a "skip."

(2) The haulage system in use at this mine does not involve coupling or uncoupling mine cars while they are in motion. Furthermore none of the three motormen involved in the haulage ever leave their seats in the locomotive cockpit to couple or uncouple mine cars. Coupling and uncoupling by motormen involves simply lifting or dropping a pin in one of the cars. The pin's head is rounded and far above the point where the body of the pin engages the coupling link. The only other coupling and uncoupling of cars is performed by the "Bottom Man" and this is done only when cars are at a standstill and with special precautions as will be hereinafter described in more detail.

(3) Except for the furnishing of a link aligning tool, which was a practice instituted recently, the haulage and dumping system described herein has been in effect at this mine since 1964. During this period a total of nearly 2,000,000 tons of coal were produced, hauled and dumped without a single lost time accident involving haulage or dumping. Previous to opening this mine, Petitioner operated another mine from 1951 until 1963 with the same haulage and dumping system and again without any lost time accidents attributable to hauling or dumping.

(4) The mine has a remaining life expectancy of 5 to 8 years and has been engineered for the particular system of haulage largely because of the unpredictable grade and sensitive and unique roof conditions.

(5) By modern coal car standards the mine cars are small, being only 124 inches long (excluding bumpers), 64 inches wide,

and 28 inches deep. The total height of the car from the top of the sides to the rail ties is 41 inches. The wheel base is 46 inches.

(6) Each car is fitted on each end with a rounded, wooden bumper which is centered on the car end and which projects at its furthest point 10 inches from the end of the car. Thus when two cars are coupled together the adjacent ends of the two cars are 20 inches apart. The bumpers are each 36 inches wide at their widest point (nearest the end of the car), thus allowing 13 inches from this point to the car side.

(7) A 1 x 5 inch steel draw bar is fastened the full length of the car down its center and projects beyond each car end over each bumper. The draw bar is bent upward at each end at the point where it emerges from the car body and then bent downwards so as to parallel the surface of the bumper. A 2½ inch diameter hole is provided at each end of the draw bar. These holes are positioned about 2 inches above identical holes in the bumpers. The bumper holes are actually located in a steel insert which is positioned in the center of the wooden bumper.

(8) Coupling of cars is performed by horizontally positioning a steel link between the respective adjoining drawbars and bumpers of the cars to be coupled and then inserting two 2 inch steel pins to fix the link in position. The link used at this mine is made of 1¾ inch diameter steel with a 14 inch inside clearance. The pins have enlarged, rounded heads which prevent them from dropping through the holes.

(9) In actual practice only one pin must be inserted to couple two cars. The front end of each car already contains a link locked into position at one end by a fixed pin. This pin is fixed into position at its bottom end by a nut and cannot be removed merely by lifting.

(10) The rear end of each car contains only a pin, but the pin is not fixed into position. It may be lifted upward to disengage a link from the front end of another car or may be dropped downward to engage such link.

(11) Coal is delivered to the hoisting shaft in ten-car trips by three trolley locomotives hereinafter identified as M1, M2, and M3. Because of the unpredictable grades and also, as a safety measure, one motor is coupled to the lead car of the loaded trip and another motor is coupled to the last car of the trip and serves as a push motor. When a loaded trip reaches the hoisting shaft and after the trip comes to a complete stop, the bottom man, who is also referred to as a dumper or coupler, places two wooden chocks under the front and back wheel of the lead car on the side from which he works to prevent any movement of the cars. Without leaving his seat and while the loaded cars are not in motion, the M1 motorman pulls the pin on the lead car and pulls his motor toward the shaft until his motor clears the switch points of a back switch in the track. The switch is spring controlled so as to always switch a motor or empty car into the back-hole empty car track. The motorman then reverses his motor and pulls it into the back-hole empty car track; and without leaving his seat couples his motor to the lead car of a ten car empty trip that is not in motion and has been previously dumped and coupled by the bottom man.

(12) While the M1 motorman has been performing the foregoing duties, the M3 motorman, while the cars are not in motion and without leaving his seat, pulls the pin from the rear car of the ten car loaded trip which he has just helped deliver to the hoisting shaft. He then reverses his motor and travels on the main line back toward the working face and stops outby the track switch, that connects the back-hole empty car track with the main line. He waits here until the motorman on M1 clears the switch with the last car on the empty car trip he has picked up from the back-hole empty track. The M3 motor then follows the empty trip being pulled by the M1 motor to a point inby a switch that is located at the outside end of a track loop on which the loader head is located. While this entire cycle as described was being performed, the M2 motorman, without leaving his seat and pulling cars that have not been uncoupled, has been loading a ten car empty trip by moving the cars under the loader head as the shuttle cars dump directly into the cars. When the M2 motorman leaves the loader head with his loaded trip and clears the switch with the last car on his loaded trip he stops his trip. The M3 motorman then pulls out of the switch and while the cars are not in motion and without leaving his seat, couples his motor to the rear car of the loaded trip. The M2 motor with the help of the M3 motor then travels to the hoisting shaft and repeats the cycle as previously described. When the M2 motor leaves the loader head with his loaded trip the M1 motor pulls his empty trip under the loader head to start another loading cycle. This part of the haulage cycle as described is accomplished without coupling or uncoupling any moving cars and without any one of the three motormen leaving his seat.

(13) After the ten car loaded trip has been delivered to the hoisting shaft by haulage motors, and after both motors have uncoupled from the loaded trip and started back toward the working face, the bottom man takes over to dump the loaded trip which is standing with no haulage motors coupled to the trip and with wheel chocks under the front and rear wheels of the lead car. The bottom man then, without having to go between the cars and while the cars are not in motion, pulls the pin on the second car. He then pulls the wheel chocks from the lead car and this car rolls by gravity and stops at track switch A. As the lead car rolls forward to this position the balance of the trip rolls forward by gravity and the two wheel chocks are again placed under the front and back wheel of the lead car bringing the trip to a stop while the bottom man completes his dumping of the lead car. The dumping is accomplished by placing a hook under the top half of the draw bar on the rear end of the lead car that is standing at point A. The hook is fastened to a 3/16" improved plow steel cable and travels through a heavy-duty pulley that is anchored overhead directly above the rocker car dump. The cable is spooled on an electric powered hoist that is securely anchored on the floor. After the bottom man places the hook in the draw bar he proceeds to operate the hoist with a portable power cable which has a hand control attached to the end of the cable. The control has forward and reverse buttons which gives the operator full control of the dumping at all times. As the car is pulled forward toward the shaft and comes onto the rocker dump and is pulled upward to a full dump position, it discharges the load of coal into a skip located deep enough below the dumped car to allow it to discharge the load freely. The hoist is then reversed and the rocker dump with the car comes back to its original position. This allows the operator to release the hook from the car and signal the hoisting engineer to hoist the loaded skip. The empty car then runs by gravity into the back-hole empty car track. This procedure is repeated until the entire trip is dumped and the ten car empty trip is standing uncoupled in the back-hole empty car track. The bottom man then proceeds to couple the empty trip which at this time is not in motion. It is not necessary to go between the cars to couple or uncouple them. When the cars are standing together bumper to bumper, there is a 20" clearance between the beds of the cars. The pins are suspended on a chain that is bolted to the car in a position at least 12" off center and toward the side where the coupler performs the coupling and uncoupling of the cars. The combination of the 20" clearance between the car bodies and the fact that it is only 31" from the outside of the car to the center of the pin hole; and the location of the chain on which the pins are suspended enables the coupler to perform his job without going between the cars. Each motorman and the bottom man are provided with a tool which he uses when it is necessary to reposition the links that couple the cars together.

(14) Petitioner submits that the application of the foregoing provision of the Act and the foregoing regulations, if applied to petitioner's mine, would result in a diminution of safety over the present system in effect.

(15) Petitioner has explored the possibility of adapting the mine cars with automatic couplers, but has not been able to discover how this could be done without effectuating a diminution in safety now being provided miners under the present haulage and dumping system.

This diminution of safety would result because:

A—Installation of automatic couplers would prevent the mine cars from negotiating the tight curves in the mine haulage system. This would result in derailments and require employees to position themselves between cars for releasing, adjusting or securing couplings. To replace the present short radius switches with those of wider radius would require removing coal pillars and widening the switching areas. This procedure would expose more roof and interfere with the critical roof support patterns needed in this mine, thereby creating a far more serious hazard than any which could be imagined from use of pin and link coupling.

B—Automatic couplers do not allow the vertical flexibility which is so critical in this mine with its numerous irregular slopes. The result would be the creation of those superseding hazards that go with derailments, and the constant need for workmen to position themselves under and between cars to extricate, adjust or position the automatic couplers. The pin and link system provides vertical flexibility.

(16) The present haulage and coupling system is much superior to the one using automatic couplers. It has been developed, tested and tried over the years and its safety has been demonstrated.

(17) The pin and link couplings are component parts of a mining system which was carefully designed to take into account the particular characteristics of the coal seam being mined and must be considered in that context. These couplings are interwoven with and related to the need for narrow mine cars, short radius switches and narrow haulage-ways. Pin and link couplings in this mine relate to considerations of roof control and prevention of serious mine haulage accidents.

(18) Because of the small narrow mine cars used, the bottom dumper does not position himself between mine cars in order to couple or uncouple, and the motormen never leave the safety of the decks of their locomotives. The dumping system also provides for coupling and uncoupling when cars are at a standstill.

(19) Petitioners are reluctant to depart from their safe, tried system to one which would have obvious built-in safety hazards if applied to this mine.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 29, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

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

JUNE 20, 1974.

[FR Doc.74-14829 Filed 6-27-74;8:45 am]

[Docket No. M 74-99-A] [1]

UNITED POCAHONTAS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), United Pocahontas Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Layland Mine No. 3 located near Layland, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with § 75.1405 is 30 CFR 75.1405-1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled. In support of its petition, Petitioner states:

(1) Mining is accomplished by the continuous mining method, that is, continuous mining machines, shuttle cars, rock and coal drills, etc. The mined coal from each operating section is dumped on the section onto a belt which then loads into mine cars which are then pulled by electric locomotives over a rail haulage system to the outside of the mine for dumping.

(2) The mine cars used for hauling coal and supplies are all bottom-dumping cars. This differs from the 25 mine cars which have been set aside for use in hauling rock and slate. The slate cars are of various types, are front-dumping and are not included in this petition. The coal haulage cars are delivered to each operating section in strings of from 10 to 20 cars depending on the availability of cars for the particular section, the extent of the mining activity and other logistical factors. At the loading point where the belt discharges into the mine cars, the front car is hooked onto a cable which is affixed to a stationary hoisting device which is electrically operated and which is used to position the cars in turn for loading under the dump into which the shuttle cars have deposited their load of coal. Once loaded, the mine cars are then hauled by electric locomotive to the outside dump where, without being uncoupled, the hinged bottoms of each car automatically open as the car is positioned over the dumping station.

(3) There are currently in use at this mine approximately 20 mine cars used in coal haulage. These are of two different makes of cars and their ages vary from 10 to 20 years. All of the mine cars are fitted with standard link-and-pin coupling devices.

(4) Many of the haulage way rail switches leading from the main line into the working areas of the mine were installed when the mine was first being developed and are of shorter radius than those which are now being installed. These switches cannot be replaced with wider-radius switches without removing portions of the adjacent coal pillars which help provide roof support.

(5) Investigation of the possibility of installation of automatic couplers on the coal cars has been conducted, but serious safety problems have been presented which suggest a diminution of safety over the present method. In recent weeks mine management has become aware of the existence of an alternate method which does not possess the disadvantages of the automatic coupler and which achieves the same measure of protection to miners sought to be achieved by use of the automatic coupler.

(6) It is Petitioner's understanding that the Mine Enforcement and Safety Administration has further interpreted the phrase "regularly coupled and uncoupled" as excluding mine cars which are coupled together by pin and link arrangements provided the pin, when in coupling position, is secured by a suitable locking pin or nut so that the cars thus coupled cannot be uncoupled simply by lifting the pin. Thus a string of coal cars which have been coupled together by link and fixed pin arrangements are not required to have automatic couplers except on the end of the exterior car of the string which is from time to time (irregularly) coupled to some other piece of haulage equipment. This interpretation has not been published.

(7) Petitioner submits that the application of the foregoing provision of the Act and the foregoing regulations and interpretations, if applied to petitioner's mine would result in a diminution of safety over the present system in effect. Beyond this, however, in order to better achieve the purposes sought to be achieved by the Act and regulations and thus to provide a standard which provides a better measure of protection to the miners in said mine, petitioner proposes an alternate method, as set forth hereinafter.

(8) *Alternate method.* Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this mine on and after March 30, 1974, is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A—All cars in use at the captioned mine for transporting coal and supplies will be coupled together in units or strings of cars using pin and link couplings and each pin will be fixed in position by welding a stop on the mine car to prevent it from disengaging the link. The front end of the front car of each string will be fitted with a coupling lever so designed as to permit an employee to lift or drop the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operation to position the link, this also will be done without the employee positioning himself between the units—he will effectuate this alignment by using a specially designed Hand Link Aligner tool which shall be part of the equipment of all haulage crews.

It is presently planned that most, if not all, mine car units or strings will consist of ten cars. However in the event it becomes more practical to combine cars into strings of more or less than ten cars, each string of cars will nevertheless meet the specifications of fixed pin on all coal haulage cars and coupling lever on the front car.

B—All employees at the captioned mine will be trained and instructed in the proper operation and use of the Coupling Levers and the Hand Link Aligners and their proper use will be mandatory requirements for coupling and uncoupling of all mine car coal haulage units at this mine. More specifically in this regard:

(1) All present employees at this mine will, by April 30, 1974, be instructed on the function and use of the Coupling Lever and Hand Link Aligners.

(2) Thereafter, any new employee hired at this mine will be given instruction on the function and use of the Coupling Lever and Hand Link Aligners as part of his orientation before he commences actual work.

(3) This instruction of all employees will again be repeated at six month intervals. The first such re-instruction shall be given during the first five work days in November 1974, the next during the first five work days in May, 1975, etc. etc. Employees absent from work during these periods will be re-instructed within the first five work days after they return to work.

(4) The Company will maintain a permanent record of the names and dates when each mine employee received this instruction and re-instruction.

(5) The requirement that, upon conversion of coal haulage mine cars at this mine, coupling and uncoupling be done by means of Coupling Levers and Hand Link Aligners shall be a mandatory safety rule at this mine and a notice to this effect shall be posted on the regular Company and Union bulletin boards at the mine.

(6) For the period March 30, 1974, through June 30, 1974, as each multiple mine car unit is converted and placed into operation, it will be subject to the modified standard set forth in this petition and such unit will only be coupled and uncoupled by use of the Coupling Lever and Hand Link Aligner in accord with the modified standard. Effective July 1, 1974, all coal haulage mine cars in operation at this mine must have been converted and the modified standard will become fully operative except as an extension of time has been provided by stipulation of all the parties or by order of an administrative law judge of the Interior Department Office of Hearings and Appeals. In the event shortages and/or unavailability of materials or other conditions beyond the control of management prevent completion of full conversion by July 1, 1974, the petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing such agreement the petitioner may request from the Office of Hearings and Appeals the assignment of an administrative law judge and conduct of a hearing for the purpose of determining whether

[1] Petitions with Docket Numbers M 74-99-A and M 74-99-B originally appeared as a single petition with Docket No. M 74-99 in FEDERAL REGISTER, Vol. 39, No. 82—Friday, April 26, 1974, at 14782. The original petition has been divided into two petitions in order to better reflect the differences between the coal haulage cars and the slate haulage cars operating in the subject mine.

an extension of time should be granted and, if granted, the duration of such extension. The parties by stipulation, or the assigned administrative law judge by order following notice to all parties and conduct of hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

(9) *Safety considerations.* The alternate method set forth above will provide no less than the same measure of protection to miners at the Layland No. 3 Mine than that sought to be afforded by section 314(f) of the Act and Interior Department Regulations 30 CFR 75.1405 and 75.1405–1. Under the circumstances at this mine it will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used. This is because:

A—Automatic couplers lack the flexibility of permitting mine cars to negotiate some of the rail curves in this mine. If this were attempted the result would be derailments with possible roof falls and other sources of injury to mine personnel. The radii of these rail curves cannot be enlarged without removing some of the coal from the adjacent coal pillars. Such removal would reduce the protection from roof falls, a most serious and overriding cause of concern in underground coal mines.

B—Any modification of the present mine cars with automatic couplers would have to be accomplished by affixing coupler units to the bumpers of the present cars. The point where such couplers are affixed to the present chassis would be subject to severe strain and stress that would be much more likely to cause coupling misalignment and failure than in the case of the pin-link arrangement or in the case of new car units where the automatic coupler has been designed as part of the car chassis. The prospect of derailments and runaway cars, with the attendant dangers to employees, is less likely if pin and link couplings were used.

C—The two types of mine cars, particularly under the haulage layout at this mine, require a much more flexible coupler arrangement than is possible with the relatively rigid automatic couplers, posing the danger of derailments and runaway cars. The coupling arrangement proposed in this alternate system, involving the flexible pin and link coupling, with safeguards, provides a much safer operation.

D—No imminent danger is presently involved. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the use of automatic couplers. Petitioner is in the process of installing prototype Coupling Levers on two mine cars and constructing prototype Hand Link Aligners.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 29, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

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

JUNE 20, 1974.

[FR Doc.74-14831 Filed 6-27-74;8:45 am]

[Docket No. M74-99-B] [1]

UNITED POCAHONTAS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), United Pocahontas Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Layland Mine No. 3 located near Layland, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with § 75.1405 is 30 CFR 75.1405–1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

(1) Mining is accomplished by the continuous mining method, that is, continuous mining machine, shuttle cars, rock and coal drills, etc. The mined coal from each operating section is dumped on the section onto a belt which then loads into mine cars which are then pulled by electric locomotives over a rail haulage system to the outside of the mine for dumping.

(2) The mine cars used for hauling coal and supplies are bottom dumping cars and a petition for modification related to the automatic coupler requirements has been concurrently filed. Those cars are not the subject of this petition which pertains to the mine cars which have been set-aside and will be used for slate and rock hauling. (Hereinafter called "slate cars").

(3) Because the circumstances at this mine involve considerable rehabilitation, particularly in connection with the main passageways, the amount of rock and slate that must be removed to the outside is greater than that involved in a normal mining operation. In order to assure that sufficient means are provided to expedite this rehabilitation work so that modernization of the mine may be accomplished, a total of approximately 25 mine cars has been set aside and will be used exclusively for rock and slate haulage. This abnormal activity is anticipated to continue for two or three years and then level off to a more routine rock hauling.

(4) Since the slate cars are subject to greater physical stress than those which haul coal since bottom dumping is not a convenient or effective means for discharging the rock and slate, and because of the anticipated limited period of use of most of the slate cars in this mine, the slate cars are the older, front-dump mine cars which are not as suitable for coal haulages.

(5) The cars set aside as slate cars are fitted with link-pin type couplings, and there are three types of such cars. All of them are front-dumping, that is the entire front of the car is hinged upward as the car chassis is tilted thus permitting the entire contents to be emptied into the dump. Such arrangement is particularly fitted for dumping loads which contain large pieces of rock or slate. It is not practical to group these slate cars in multiple units or strings with fixed pins in the interior coupling because each slate car must be dumped separately, unlike the case of bottom-dump cars.

(6) The slate cars are hauled by electric locomotive over passageways through old parts of the mine to a different location from where the coal is transported. Many of the rail switches that form part of this haulageway were installed when the mine was first being developed and are of shorter radius than those now being installed in new parts of the mine. These switches cannot be replaced with wider-radius switches without removing portions of the adjacent coal pillars which help provide roof support.

(7) Investigation of the possibility of installation of automatic couplers on the coal cars has been conducted, but serious safety problems have been presented which suggest a diminution of safety over the present method. In recent weeks mine management has become aware of the existence of an alternate method which does not possess the disadvantages of the automatic coupler and which achieves the same measure of protection to miners sought to be achieved by use of the automatic coupler.

(8) Petitioner submits that the application of the Section 314(f) of the Act and 30 CFR 75.1405 regulations and interpretations, if applied to petitioner's mine would result in a diminution of safety over the present system in effect. Beyond this, however, in order to better achieve the purposes sought to be achieved by the Act and regulations and thus to provide a standard which provides a better measure of protection to the miners in said mine, petitioner proposes an alternate method, as set forth hereinafter.

(9) *Alternate method.* Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this mine on and after March 30, 1974, is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A—All slate cars in use at the captioned mine will be fitted with a coupling lever so designed as to permit an employee to lift or drop the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operation to position the link this also will be done without the employee positioning himself between the units. He will effectuate this alignment by using a specially designed Hand Link Aligner tool which shall be part of the equipment of all haulage crews.

B—All employees at the captioned mine will be trained and instructed in the proper operation and use of the Coupling Levers and the Hand Link Aligners and their proper

[1] Petitions with Docket Numbers M74-99-A and M74-99-B originally appeared as a single petition with Docket No. M74-00 in FEDERAL REGISTER, Vol. 39, No. 82—Friday, April 26, 1974, at 14782. The original petition has been divided into two petitions in order to better reflect the differences between the coal haulage cars and the slate haulage cars operating in the subject mine.

use will be mandatory requirements for coupling and uncoupling of all slate cars at this mine. More specifically in this regard:

(1) All present employees at this mine will, by April 30, 1974, be instructed on the function and use of the Coupling Lever and Hand Link Aligners.

(2) Thereafter, any new employee hired at this mine will be given instruction on the function and use of the Coupling Lever and Hand Link Aligners as part of his orientation before he commences actual work.

(3) This instruction of all employees will again be repeated at six month intervals. The first such re-instruction shall be given during the first five work days in November, 1974, the next during the first five work days in May, 1975, etc., etc. Employees absent from working during these periods will be re-instructed within the first five work days after they return to work.

(4) The Company will maintain a permanent record of the names and dates when each mine employee received this instruction and re-instruction.

(5) The requirement that, upon conversion of slate cars at this mine, coupling and uncoupling be done by means of Coupling Levers and Hand Link Aligners shall be mandatory safety rule at this mine and a notice to this effect shall be posted on the regular Company and Union bulletin boards at the mine.

(6) For the period March 30, 1974, through June 30, 1974, as each slate car is converted and placed into operation, it will be subject to the modified standard set forth in this petition and such unit will only be coupled and uncoupled by use of the Coupling Lever and Hand Link Aligner in accord with the modified standard. Effective July 1, 1974, all slate cars in operation at this mine must have been converted and the modified standard will become fully operative except as an extension of time has been provided by stipulation of all the parties or by order of an administrative law judge of the Interior Department Office of Hearings and Appeals. In the event shortages and/or unavailability of materials or other conditions beyond the control of management prevent completion of full conversion by July 1, 1974, the petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing such agreement the petitioner may request from the Office of Hearings and Appeals the assignment of an administrative law judge and conduct of a hearing for the purpose of determining whether an extension of time should be granted and, if granted, the duration of such extension. The parties by stipulation, or the assigned administrative law judge by order following notice to all parties and conduct of hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

(10) *Safety considerations.* The alternate method set forth above will provide no less than the same measure of protection to miners at the Layland No. 3 mine than that sought to be afforded by Section 314(f) of the Act and Interior Department Regulations 30 CFR 75.1405 and 75.1405-1. Under the circumstances at this mine the method will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used. This is because:

A—Automatic couplers lack the flexibility of permitting mine cars to negotiate some of the rail curves in this mine. If this were attempted the result would be derailments with possible roof falls and other sources of injury to mine personnel. The radii of these rail curves cannot be enlarged without removing some of the coal from the adjacent coal pillars. Such removal would reduce the protection from roof falls, a most serious and overriding cause of concern in underground coal mines.

B—Any modification of the present mine cars with automatic couplers would have to be accomplished by affixing coupler units to the bumpers of the present cars. The point where such couplers are affixed to the present chassis would be subject to severe strain and stress that would be much more likely to cause coupling misalignment and failure than in the case of the pin-link arrangement or in the case of new car units where the automatic coupler has been designed as part of the car chassis. The prospect of derailments and runaway cars, with the attendant dangers to employees, is less likely if pin and link couplings were used.

C—The use of three types of mine cars, particularly under the haulage layout at this mine, require a much more flexible coupler arrangement than is possible with the relatively rigid automatic couplers, posing the danger of derailments and runaway cars. The coupling arrangement proposed in this alternate system, involving the flexible pin and link coupling, with safeguards, provides a much safer operation.

D—No imminent danger is presently involved. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the use of automatic couplers. Petitioner is in the process of installing prototype Coupling Levers on two mine cars and constructing prototype Hand Line Aligners.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 29, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

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

JUNE 20, 1974.

[FR Doc.74-14830 Filed 6-27-74;8:45 am]

Office of the Secretary

[INT DES 74-71]

NUECES RIVER PROJECT, TEXAS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed water supply project for the purpose of furnishing additional municipal and industrial water supplies to Corpus Christi and nearby communities of the Coastal Bend area of Texas. Written comments may be submitted to the Regional Director (address below) within 45 days of this notice.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225. Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo, Texas 79101. Telephone (806) 376-2401.

Planning Office, Bureau of Reclamation, Post Office Box 1946, Austin, Texas 78767. Telephone (512) 397-5641.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: June 25, 1974.

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

[FR Doc.74-14878 Filed 6-27-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Notice of Meeting

The second meeting of the Flue-Cured Tobacco Advisory Committee will be held in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602 at 10 a.m. on July 19, 1974.

The purpose of the meeting is to advise and counsel the Secretary of Agriculture regarding an equitable apportionment of the available tobacco inspectors amongst the markets he has designated pursuant to the Tobacco Inspection Act, 7 U.S.C. 511-511g.

Matters to be discussed include the estimated quantity of tobacco ready for market in each marketing area and other matters as specified in 7 CFR Part 29, Subpart G, § 29.9404.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to attend the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street SW., United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

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

[FR Doc.74-14913 Filed 6-27-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Environmental Impact Statement

An environmental impact statement entitled, Maritime Administration

Tanker Construction Program, NTIS Report No. EIS730725–F, was published on May 30, 1973. The statement concerns proposed assistance to private industry to aid in the construction in the United States of a fleet of oil-carrying vessels during the decade of the 1970's. Vessel classes included range from approximately 35,000 DWT to 400,000 DWT.

The Maritime Subsidy Board has received the following application for assistance under the Tanker Construction Program and has determined that the vessels to be constructed with such assistance are of the type, design and characteristics of those vessels treated in the above mentioned environmental impact statement. As a consequence the Board has found that no supplement to the impact statement mentioned herein, nor any new impact statement need be prepared with respect to these vessels. Future Board action with respect to the application will be, from an environmental standpoint, based on the above mentioned impact statement. These applications are:

(1) VLCC I—Corporation for one ship;
(2) VLCC II—Corporation for one ship;
(3) Zapata Bulk Transport, Inc.—For two ships;
(4) EXXON Company, U.S.A.—For two ships.

They are to be of MarAd Design T11–S–116a, about 390,000 DWT as proposed to be built by Newport News Shipbuilding and Dry Dock Company and known as Newport News project PD–1040, Bulk Oil Carrier. This class of ship is described in detail in the EIS as an example of a Jumbo Very Large Crude Carrier ("Jumbo VLCC") given in Section II. The environmental impact of such designs are covered throughout the Statement in various sections.

The basis for the Board's determinations, as described herein, are available for public inspection in the Office of the Secretary, Room 3099, Maritime Administration, Commerce Department Building, 14th & "E" Streets, NW., Washington, D.C. 20230.

Dated: June 25, 1974.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–14786 Filed 6–27–74;8:45 am]

TANKER CONSTRUCTION PROGRAM

Environmental Impact Statement

An environmental impact statement entitled, Maritime Administration Tanker Construction Program, NTIS Report No. EIS730725–F, was published on May 30, 1973. The statement concerns proposed assistance to private industry to aid in the construction in the United States of a fleet of oil-carrying vessels during the decade of the 1970's. Vessel classes included range from approximately 35,000 DWT to 400,000 DWT.

The Maritime Subsidy Board has received the following application for assistance under the Tanker Construction Program and has determined that the vessels to be constructed with such assistance are of the type, design and characteristics of those vessels treated in the above mentioned environmental impact statement. As a consequence the Board has found that no supplement to the impact statement mentioned herein, nor any new impact statement need be prepared with respect to these vessels. Future Board action with respect to the application will be, from an environmental standpoint, based on the above mentioned impact statement. This application is:

Pierce Tanker Corporation/Buchanan Tanker Corp. Application for two additional ships. It is to be identical to the four ships now under construction at Seatrain Shipbuilding Corporation and are known as Mar Ad Design T10–S–92a. They are to be 225,000 DWT and are described in detail in the EIS as an example of a "Very Large Crude Carrier (VLCC)" given in Section II. The environmental impact of such designs are covered throughout the statement in various sections.

The bases for the Board's determinations, as described herein, are available for public inspection in the Office of the Secretary, Room 3099, Maritime Administration, Commerce Department Building, 14th & "E" Streets, N.W., Washington, D.C. 20230.

Dated: June 26, 1974.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–15026 Filed 6–27–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

CANCER CONTROL EDUCATION REVIEW COMMITTEE

Notice of Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Cancer Control Education Review Committee, National Cancer Institute, July 12, 1974, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 3, which was published in the FEDERAL REGISTER (39 FR 17989) May 22, 1974. The meeting was planned as a follow-up of the meeting of the Cancer Control Education Review Committee held on May 31, 1974; however the necessary discussions were completed during the May Committee meeting.

Dated: June 24, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74–14900 Filed 6–27–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA–441–DR, Docket No. NFD–215]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated June 10, 1974, and amended June 12, 1974, and amended June 13, 1974, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 10, 1974:

The counties of:

Cherokee	Ottawa
Okfuskee	Seminole
Okmulgee	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 24, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–14844 Filed 6–27–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74–170]

NEW YORK HARBOR VESSEL TRAFFIC SYSTEM ADVISORY COMMITTEE

Notice of Open Meeting

This is to give notice pursuant to Public Law 92–463, sec. 10(a), approved October 6, 1972, that the New York Harbor Vessel Traffic System Advisory Committee will conduct an open meeting on Wednesday, July 10, 1974, in the Auditorium of Building 108, Governors Island, New York beginning at 10:30 a.m.

Members of the Committee and their industry positions are:

Admiral John M. Will, USN (Ret.), State of New York Board of Commissioners of Pilots
Captain H. C. Breitenfeld, United New York Sandy Hook Pilots' Benevolent Association
Captain W. H. Burrill, State of New Jersey Board of Commissioners of Pilots
Mr. Richard Dewling, U.S. Environmental Protection Agency
Captain T. J. McGovern, United New Jersey Sandy Hook Pilots' Benevolent Association
Mr. A Giallorenzi, American Institute of Merchant Shipping—Petroleum Industry Representative
Mr. A. Hammon, Port Authority of New York and New Jersey
Captain T. A. King, U.S. Department of Commerce, Maritime Administration
Commodore F. Lindner, Long Island Sound Commodores Association
Colonel H. W. Lombard, USA, Department of the Army, Corps of Engineers
Mr. Robert W. Sanders, New York Harbor Panel, Marine Towing and Transportation Industry
Captain R. D. Sante, USN, U.S. Navy, Military Sealift Command
Captain S. M. Seledee, American Institute of Marine Underwriters

Captain J. G. Stillwaggon, Interport Pilots' Associates, Inc.
Captain K. C. Torrens, American Institute of Merchant Shipping

The Agenda for the July 10, 1974 meeting consists of:

1. Report of the Executive Committee given by Captain K. C. Torrens, Chairman of the Executive Committee.
2. Report of the Long Island Sound Sub-Committee given by Captain D. M. Kennedy, Chairman of the Long Island Sound Sub-Committee.
3. Report of the Hudson River Sub-Committee given by Captain H. C. Breitenfeld, Chairman of the Hudson River Sub-Committee.
4. Report from the New York Vessel Traffic System Staff on the proposed voluntary security broadcast system to become effective throughout New York Harbor; including discussions of the broadcast points and the potential methods of traffic separation.
5. Comments from the floor.

The New York Harbor Vessel Traffic System Advisory Committee was established by the Commander, Third Coast Guard District on April 1, 1973, to advise on the need for, and development, installation and operation of a Vessel Traffic System for the New York Harbor. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing Commander H. A. Pledger, Project Officer, Vessel Traffic System, Third Coast Guard District, Governors Island, New York 10004, or by calling (212) 264-0409.

Dated: June 1, 1974.

B. F. ENGEL,
Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc.74-14881 Filed 6-27-74;8:45 am]

[CGD 74-171]

SHIP STRUCTURE COMMITTEE

Notice of Renewal

This is to give notice pursuant to Pub. L. 92-463, approved 6 October 1972, that the charter for the Ship Structure Committee has been renewed by the Secretary of Transportation for a two year period commencing 1 July 1974 through 30 June 1976.

The purpose of the Committee is to conduct an aggressive research program which will, in the light of changing technology in marine transportation, improve the design, materials and construction of the hull structure of ships by an extension of knowledge in these fields for the ultimate purpose of increasing the safe operation of ships. The Committee is composed of an ex-officio representative appointed by each of the following: Commandant, U.S. Coast Guard, Department of Transportation; Commander, Naval Ship Systems Command, Department of the Navy; Commander, Military Sealift Command, Department of the Navy; Assistant Secretary for Maritime Affairs, Department of Commerce; President, American Bureau of Shipping, the only non-government member.

Interested persons may seek additional information by writing:

Secretary, Ship Structure Committee
U.S. Coast Guard
Washington, D.C. 20590

Dated: June 21, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74-14880 Filed 6-27-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-289]

METROPOLITAN EDISON CO. ET AL.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Co., Jersey Central Power and Light Co. and Pennsylvania Electric Co., for operation of Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment removes a temporary condition from the license regarding the containment spray additive tanks. This amendment relates to radiological safety matters previously considered but does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the licensee's letter dated June 17, 1974, and (2) the Commission's related Safety Evaluation, dated June 24, 1974. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Government Publication Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

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

Dated at Bethesda, Maryland, this 24th day of June, 1974.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branching No. 2-3, Directorate Licensing.

[FR Doc.74-14869 Filed 6-27-74;8:45 am]

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORP.

Issuance of Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated June 14, 1974, the Atomic Energy Commission (the Commission) has issued Construction Permit No. CPPR-112 to the Niagara Mohawk Power Corporation for construction of a boiling water nuclear reactor at the applicant's site on the south shore of Lake Ontario in the town of Scriba, Oswego County, New York. The proposed reactor, known as the Nine Mile Point Nuclear Station Unit 2, is designed for a rated power of approximately 3323 megawatts thermal with a net electrical output of approximately 1086 megawatts.

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

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

The construction permit is effective as of its date of issuance. The earliest date for the completion of the facility is January 31, 1978, and the latest date for completion is July 31, 1978. The permit shall expire on the latest date for completion of the facility.

A copy of (1) the Initial Decision, dated June 14, 1974; (2) Construction Permit No. CPPR-112; (3) the report of the Advisory Committee on Reactor Safeguards, dated July 17, 1973; (4) the Directorate of Licensing's Safety Evaluation, dated June 15, 1973; (5) the Preliminary Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report, dated June 1972 and supplements thereto; (7) the Draft Environmental Statement dated January 17, 1973; and (8) the Final Environmental Statement, dated June 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Oswego City Library, 120 East Second Street, Oswego, New York 13126. A copy of the construction permit and the Safety Evaluation may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 24th day of June, 1974.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Project Branch 2-1, Directorate of Licensing.

[FR Doc.74-14868 Filed 6-27-74;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Proposed Issuance of Amendment to Facility Operating License

The Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-28 which would authorize the Vermont Yankee Nuclear Power Corp. (the licensee) to operate the Vermont Yankee Nuclear Power Station (the facility), a boiling water reactor, using 8 x 8 fuel assemblies (containing U-235) and also would revise the provisions in the Technical Specifications relating to the limiting conditions for operation associated with fuel densification for the 8 x 8 fuel assemblies. The applicant is presently licensed to possess and operate its facility located on the Connecticut River near Vernon, Vermont, at power levels up to 1593 MWt using a full core of 7 x 7 fuel assemblies (containing U-235).

The Commission has found that the application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. Prior to issuance of the license amendment, the Commission's Directorate of Licensing will have (1) made the remainder of the findings required by the Act and the Commission's regulations and (2) completed a favorable Safety Evaluation on the application dated May 21, 1974.

On or before July 29, 1974, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR § 2.714. As required in 10 CFR § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by July 29, 1974. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details, see the application by (1) the Vermont Yankee Nuclear Power Corp. dated May 21, 1974, (2) the Technical Report on the General Electric Co. 8 x 8 Fuel Assembly dated February 5, 1974, by the Directorate of Licensing, and (3) the Report of the Advisory Committee on Reactor Safeguards dated February 12, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brooks Memorial Library at 224 Main Street, Brattleboro, Vermont. As the Safety Evaluation report to be prepared by the Directorate of Licensing on the application and the license amendment become available, they may be inspected at the above locations and a single copy of each may be obtained.

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

Dated at Bethesda, Maryland, this 25th day of June 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Directorate of Licensing.

[FR Doc.74-14936 Filed 6-27-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON PILGRIM STATION, UNIT 1

Notice of Change of Meeting Time and Participants

JUNE 26, 1974.

The FEDERAL REGISTER notice, published at 39 FR 22289 (June 21, 1974), relating to the July 9, 1974 meeting of the ACRS Subcommittee on Pilgrim Station, Unit 1, is revised as follows:

(1) The portion of the meeting which will be open to the public will begin at 9:30 a.m. instead of 11:30 a.m.

(2) Representatives of the AEC Division of Reactor Safety Research will also participate in agenda-item discussions with the Subcommittee.

Other matters pertaining to this meeting remain unchanged.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-15037 Filed 6-27-74;11:29 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280; C.A.B. Agreement 24430; Order 74-6-106]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Commodity Rates

JUNE 25, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote.

The agreement would extend to September 30, 1975, the effectiveness of certain commodity rates between Europe and points in IATA Traffic Conference 3 (Asia / Australia / Australasia), which were originally scheduled to expire October 1, 1974. The rates are not available to or from any United States point, and therefore have no application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.15, it is not found that Resolutions JT 23 (Mail 339) 590 and JT 123 (Mail 231) 590, incorporated in Agreement C.A.B. 24430, affect air transportation as defined by the Act.

Accordingly, it is ordered That:

Jurisdiction be and hereby is disclaimed with respect to Agreement 24430.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

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[1] Designated as Boston Edison Company Rate Schedule FPC No. 75.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-14902 Filed 6-27-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry or Withdrawal From Warehouse for Consumption

JUNE 19, 1974.

On August 30, 1973, there was published in the FEDERAL REGISTER (38 FR 23437), a letter dated August 24, 1973, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Malaysia and exported to the United States during the twelve-month period beginning September 1, 1973. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraphs 5 and 8 of the Bilateral Cotton Textile Agreement of September 15, 1970 between the Governments of the United States and Malaysia, which provide that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; and for the limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of June 19, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 46, produced or manufactured in Malaysia and exported to the United States during the twelve-month period which began on September 1, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JUNE 19, 1974.

DEAR MR. COMMISSIONER: On August 24, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning September 1, 1973 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in Malaysia in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraphs 5 and 8 of the Bilateral Cotton Textile Agreement of September 15, 1970 between the Governments of the United States and Malaysia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of August 24, 1973 for cotton textile products in Category 46 to 25,414 dozen.[2]

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-14841 Filed 6-27-74;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Proposed Addition

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on April 17, 1974 (39 FR 13805).

Pursuant to the above notice the following service is added to Procurement List 1974.

SERVICE

Industrial Class 7699	*Price*
Typewriter repair and maintenance (JO) Veterans Administration Center and Hospital (Wood), and Veterans Administration Regional Office Milwaukee, Wisconsin	List of prices available from GSA, PMDS, Region 5

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-14889 Filed 6-27-74;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of September 15, 1970 between the Governments of the United States and Malaysia which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

[2] This level has not been adjusted to reflect any entries made on and after September 1, 1973.

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/76]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency 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 (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before August 27, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular 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 this 60-day period.

APPLICATIONS RECEIVED

EPA Reg. No. 5535-94. J. & L. Adikes, Inc., 182-12 93rd Avenue, Jamaica NY 11423. *Gro-Well Chinch Bug and Lawn Insect Killer.* Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.77%; Aromatic petroleum derivative solvent 2.43%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 241-110. American Cyanamid Company, P.O. Box 400, Princeton NJ 08540. *Malathion ULV Concentrate Insecticide.* Active Ingredients: Malathion (O,O-Dimethyl dithiophosphate of diethyl mercaptosuccinate 95%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5481–RTG. Amvac Chemical Corporation, 4100 E. Washington Boulevard, Los Angeles CA 90023. *Toxaphene 8E Agricultural Insecticide Emulsifiable Liquid.* Active Ingredients: Toxaphene (Technical Chlorinated Camphene) (67% to 69% Chlorine) 70.0%; Aromatic Petroleum Derivative Solvent 11.0%; Kerosene 6.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11725–E. Bio-Tek Industries, Inc., 1212 Menlo Drive, N.W., Atlanta GA 30318. *Formula-7SF Super Insecticide Concentrate.* Active Ingredients: Pyrethrins 0.105%; Allethrins 0.066%; Piperonyl Butoxide, Technical 0.210%; N-octyl bicycloheptene dicarboximide 0.350%; Petroleum Distillate 99.269%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11725–G. Bio-Tek Industries, Inc. *TEK SR–6 Residual Insecticide Spray.* Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, technical 0.260%; O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Petroleum distillate 99.188%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11725–R. Bio-Tek Industries, Inc. *Rid-It Residual Insecticide Spray.* Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide, Technical 0.100%; N-octyl bicycloheptene dicarboximide 0.166%; O-Isopropoxyphenyl Methylcarbamate 1.000%; Petroleum Distillate 83.684%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11725–U. Bio-Tek Industries, Inc. *TEK SF–2 Super Fog Insecticide Spray.* Active Ingredients: Pyrethrins 0.30%; Piperonyl Butoxide, Technical 0.60%; N-Octyl bicycloheptene dicarboximide 1.00%; Petroleum Distillate 98.10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9461–IA. Celanese Coatings & Specialties Co., Devoe Marine Division, P.O. Box 99038, Jeffersontown KY 40299. *Devoe Marine Formula 218 Devran Permament Red Anti-Fouling Paint MD–3888.* Active Ingredients: Cuprous Oxide 30.25%; Bis (Tributyltin) Oxide 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 704–GG. Chemical Systems Inc., 173 West Fullerton Avenue, Chicago IL 60614. *Chemical Systems IS–66.* Active Ingredients: Technical piperonyl butoxide 2.50%; Pyrethrins 0.50%; Petroleum distillate 98.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 239–2395. Chevron Chemical Company, 940 Hensley Street, Richmond CA 94801. *Ortho Reglone.* Active Ingredients: Diquat dibromide [6,7-dihydrodipyrido (1,2-a: 2',1'-c) pyrazinediium dibromide] 35.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1416–UN. Churchill Chemical Company, P.O. Box 312, Galesburg IL 61401. *Styx Residual Insecticide.* Active Ingredients: Petroleum distillate 99.184%; O,O-diethyl O-(2-isopropyl 6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; N-octyl bicycloheptene dicarboximide 0.166%; Technical piperonyl butoxide 0.100%; Pyrethrins 0.050%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32695–G. Dale-Alley Company, Box 444, St. Joseph MO 64502. *Alley Co-Ral Animal Insecticide.* Active Ingredients: O,O-Diethyl O-(3-chloro-4-methyl-2-oxo-(2H)-1-benzopyran-7-yl) phosphorothioate 1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 464–LNT. The Dow Chemical Company, P.O. Box 1706, 9008 Bldg., Midland MI 48640. *Dow Amine-Four Herbicide.* Active Ingredients: Alkanolamine Salts (of the Ethanol series) of 2,4-Dichlorophenoxyacetic acid 57.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279–EOTT. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport NY 14105. *Pyrenone Garden Spray.* Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide, Technical 0.500%; Petroleum Distillate 8.075%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34463–R. Elio E. Grandi, Grandi Associates International Ltd., U.S. Agent, Suite 250, Watergate 600, Washington DC 20037; Veneziani Zonca Vernici SPA, Via Malapina, 8 34147, Trieste, Italy. *Ancient Mariner No-Scrub Anti-Fouling Paint.* Active Ingredients: Cuprous oxide 18.00%; Bis (tri-n-butyltin) oxide 4.70%; bioMet triphenyltin fluoride 12.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11037–RG. Hacienda Enterprises, 565 Charles Street, San Jose CA 95112. *Hacienda Diazinon Insect Spray.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25.00%; Xylene 56.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UEE. Helena Chemical Company, Clark Tower—5100 Poplar Avenue, Suite 2900, Memphis TN 38137. *Helena 90% Sulfur Dust.* Active Ingredients: Sulfur as elemental 90.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UEG. Helena Chemical Company. *Helena 10% Sevin—50% Sulfur Dust (Insecticide-Fungicide).* Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 10%; Sulfur 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UEL. Helena Chemical Company. *Helena Diazinon 4 Dust (Insecticide).* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UEN. Helena Chemical Company. *Helena Soil Fumigant 12.1 E. C. Nematicide.* Active Ingredients: 1,2-Dibromo-3-Chloropropane and Related Halogenated C_3 Compounds 84.21%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UER. Helena Chemical Comany. *Helena Dibrom 8 E Naled Insecticide.* Active Ingredients: Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) 58%; Xylene 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UEU. Helena Chemical Company. *Helena Grain Preserver 100.* Active Ingredients: Propionic Acid 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342–OUG. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City OK 73125. *Fasco Ferbam 76–WP Fungicide.* Active Ingredients: Ferbam (Ferric diemthyldithiocarbamate) 76.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342–OUE. Kerr-McGee Chemical Corp. *Fasco Terraclor 2 E.C.* Active Ingredients: Pentachloronitrobenzene 24.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342–OUU. Kerr-McGee Chemical Corp. *Fasco Neutral C–Z–S–B No. 4.* Active Ingredients: Copper, as Metallic 4.42%; Sulphur, as Elemental S 75.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1148–EA. Leffingwell Chemical Company, 111 S. Berry Street, Brea CA 92621. *Roto-Flo 50R.* Active Ingredients: Petroleum Oil 80.00%; Rotenone 0.20%; Other cube extractives 0.30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1148–EI. Leffingwell Chemical Company. *Flowable 60.* Active Ingredients: Petroleum Oil 82.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1148–EO. Leffingwell Chemical Company. *Unicide 75.* Active Ingredients: Petroleum Oil 99.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1148–ET. Leffingwell Chemical Company. *Unicide 60.* Active Ingredients: Petroleum Oil 99.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1148–GN. Leffingwell Chemical Company. *Flowable 75.* Active Ingredients: Petroleum Oil 82.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 802–73. The Chas. H. Lilly Co., 109 S.E., Alder, Portland OR 97214. *Miller's Polysul Summer & Dormant Spray.* Active Ingredients: Calcium Polysulphide 28.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34278–R. Peaceful Valley Farms, P.O. Box 10404, Eugene OR 97401. *Pyrethrem Insect Powder.* Active Ingredients: Pyrethrins 0.22%; Petroleum distillate 3.78%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 11525–16. Peterson/Puritan, Inc., Helger Lane, Danville IL 61832. *P/P Disinfectant Deodorant "B".* Active Ingredients: 2-phenylphenol 0.172%; 2-chloro-4-phenylphenol 0.034%; Ethanol 67.512%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–298. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, NY 10001. *Prentox Super Concentrate No. 179—An Insecticide For Formulating Use.* Active Ingredients: Petroleum Distillates 49.0%; Piperonyl Butoxide, Technical 39.0%; Pyrethrins 12.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–299. Prentiss Drug & Chemical Co., Inc. *Prentox Prentiss Private Formula No. 375—For Manufacturing Purposes Only.* Active Ingredients: Methylated Naphthalenes 79.00%; Piperonyl Butoxide, Technical 10.00%; 2,2-dichlorovinyl dimethyl phosphate 9.30%; Related compounds 0.70%; Pyrethrins 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–324. Prentiss Drug & Chemical Co., Inc. *Prentox Pyronyl 20–2 Dust—For Manufacturing Purposes Only.* Active Ingredients: Pyrethrins 2.0%; Piperonyl Butoxide, Technical 20.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–328. Prentiss Drug & Chemical Co., Inc. *Prentox Carbamate Concentrate Contains 10% Baygon—An Insecticide For Formulating Use.* Active Ingredients: o-Isopropoxyphenyl methylcarbamate 10.00%; 2-Butoxyethanol 89.36%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655-340. Prentiss Drug & Chemical Co., Inc. *Prentox DDVP Aerosol Concentrate—An Insecticide For Formulating Use.* Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 31.00%; Related compounds 2.30%; 1,1,1-trichloroethane 66.70%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655-355. Prentiss Drug & Chemical Co., Inc. *Prentox Methoxychlor 2# Emulsifiable Concentrate—An Insecticide For Formulating Use.* Active Ingredients: Methoxychlor Technical 24.2%; Heavy Aromatic Naphtha 72.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655-362. Prentiss Drug & Chemical Co., Inc. *Prentox Zinc Phosphide Technical—A Rodenticide For Formulating Use.* Active Ingredients: Zinc Phosphide 80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3509-RRA. Safe-Way Farm Products Company, 2519 East 5th Street, Austin TX 78762. *Safe-Way Brand Toxaphene-6 Emulsifiable.* Active Ingredients: Toxaphene 60.2%; Xylene 29.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3509-RRL. Safe-Way Farm Products Company, 2519 East 5th Street, Austin TX 78762. *Safe-Way Brand 10-1 Pentachlorophenol Wood Preservative.* Active Ingredients: Pentachlorophenol 33.2%; Other Chlorinated Phenols 4.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 201-281. Shell Chemical Company, Agricultural Division, Suite 300-1700 K Street, N.W., Washington DC 20006. *Bladex 4 Water Dispersible Suspension Herbicide.* Active Ingredients: 2-(4-chloro - 6 - ethylamino - s - trizin-2-yl-amino) - 2 - methylpropionitrile 43%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3743-213. Southern Agricultural Chemicals, Inc., P.O. Drawer 527, Kingstree SC 29556. *Royal Brand Sevin 50% Wettable.* Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1828-AL. The Sterling Company, 2801-05 Locust Street, St. Louis MO 63103. *Plastic Hang-Up Moth Case.* Active Ingredients: Paradichlorobenzene 99.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 998-RRN. Superior Chemical Products Inc., 3942 Frankford Street, Philadelphia PA 19124. *Superior Diazinon 2D Insecticide Dust.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 2%. Method of Support. Application proceeds under 2(c) of interim policy.

EPA File Symbol 10292-EN. Venus Laboratories, 1025 Industrial Drive, Bensenville IL 60106. *1-Piece Unitab Screens For Both Toilets & Urinals Sanitizer and Deodorizer.* Active Ingredients: Didecyl Dimethyl Ammonium Chloride 50% 2.0%; Phosphoric Acid 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 168-LNR. Wasatch Chemical Division, Entrada Industries, Inc., P.O. Box 6219, Salt Lake City UT 84106. *Morgro Dursban Insecticide.* Active Ingredients: Chloropyrifos [O,O-diethyl O-(3,5,6-trichloro - 2 - pyridyl) phosphorothioate] 6.00%; Aromatic Petroleum Derivative Solvent 88.24%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: June 19, 1974.

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

[FR Doc. 74-14442 Filed 6-7-74; 8:45 am]

[FIFRA Docket No. 246, et al.]

CHAPMAN CHEMICAL CO., ET AL.

Postponement of Hearing

Notice is hereby given that commencement of the hearing in the above matter, relating to cancellation of registrations of pesticides containing mercury, which was set for hearing for July 9, 1974 (39 FR 20633), has been postponed and the hearing is now set to commence on October 1, 1974, at 9:30 o'clock a.m. Due notice will be given of the place of the hearing.

BERNARD D. LEVINSON,
Administrative Law Judge.

JUNE 25, 1974.

[FR Doc. 74-14917 Filed 6-27-74;8:45 am]

ALACHLOR

Extension of Temporary Tolerances

Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO. 63166, was granted temporary tolerances for combined negligible residues of the herbicide alachlor (2 - chloro - 2', 6' - diethyl - N - (methoxymethyl) acetanilide) and its metabolites expressed as alachlor in or on the raw agricultural commodities black-eyed peas, dry beans, lima beans, peas (with pod removed), popcorn, popcorn forage, and snap beans at 0.1 part per million on June 23, 1972, in connection with Pesticide Petition No. 2G1176 (notice was published in the FEDERAL REGISTER of June 30, 1972 (37 FR 12990)). The tolerances expired June 23, 1973.

The firm received a 1-year extension of the temporary tolerances for residues in or on dry beans, lima beans, and peas (with pod removed) at 0.1 part per million and new temporary tolerances were established for combined negligible residues of the herbicide and its metabolites expressed as the herbicide in or on the forages of green peas, dry beans, and green lima beans at 0.2 part per million on March 28, 1974 (notice was published in the FEDERAL REGISTER of April 2, 1974 (39 FR 12062)). The expiration date of the extended and established temporary tolerances was June 23, 1974. However, the expiration date of the temporary permit which was to run concurrently with the extended and established temporary tolerances is March 28, 1975.

It is concluded that the temporary tolerances should be extended so that the expiration date will coincide with that of the temporary permit. The temporary tolerances in or on dry beans, lima beans, and peas (with pod removed) at 0.1 part per million and the forages of green peas, dry beans, and green lima beans at 0.2 part per million are therefore extended on condition that the herbicide will be used in accordance with the aforementioned temporary permit which provides for distribution under the Monsanto Company name.

As extended, these temporary tolerances expire March 28, 1975. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j)), 68 Stat. 516; 21 U.S.C. 346a(j), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: June 21, 1974.

WILLIAM S. MURRAY,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-14919 Filed 6-27-74;8:45 am]

2,4,5-TRICHLOROPHENOXYACETIC ACID AND HERBICIDES POTENTIALLY CONTAINING TETRACHLORODIOXIN

Withdrawal of Cancellation and Withdrawal of Intent to Hold Hearings

Please take notice that pursuant to the authority vested in me by sections 6(b)(1) and 6(b)(2) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, I hereby withdraw the order of cancellation of 2,4,5-Trichlorophenoxyacetic Acid (2,4,5-T) only insofar as it relates to rice dated August 6, 1971 (36 FR 14777, August 11, 1971) and I further withdraw (1) the notice of intent to hold hearing on all registered uses of 2,4,5-T dated July 19, 1973 (38 FR 19859-60, July 24, 1973) and (2) the notice of intent to hold hearing on all registered uses of herbicides derived from 2,4,5 Trichlorophenol, including Silvex and Erbon, dated May 10, 1974 (39 FR 17466, May 16, 1974). All suspensions of uses of 2,4,5-T remain in effect, and all cancellations of uses of 2,4,5-T for which a hearing was not requested similarly remain in effect. See also USDA-PRD, PR 70-11, April 20, 1970 and USDA-PRD, PR 70-13, May 1, 1970.

Accordingly, I hereby withdraw the proceedings initiated by the aforementioned Order and Notices (FIFRA Consolidated Docket No. 295) and the new proceeding (FIFRA Docket No. 302) initiated by the Notice dated May 10, 1974 (39 FR 17466, May 16, 1974).

I take these actions for the reasons given in the statement which accompanies this notice and without prejudice to the issuance of such orders or notices

in the future if such issuance is warranted in the judgment of the appropriate officials of this Agency.

Dated: June 24, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-14920 Filed 6-27-74;8:45 am]

2,4,5-TRICHLOROPHENOXYACETIC ACID AND HERBICIDES POTENTIALLY CONTAINING TETRACHLORODIOXIN

Residue Monitoring Program

Concern over the use of 2,4,5-Trichlorophenoxyacetic Acid (2,4,5-T) in the United States initially arose when 2,4,5-T was used as a defoliant during the Vietnamese War. On August 6, 1971 this agency issued an order reaffirming cancellation of 2,4,5-T on food crops for human consumption (36 FR 14777, August 11, 1971), and on July 19, 1973 the Agency issued a notice of intent to hold hearing on all registered uses of 2,4,5-T (38 FR 19859-60, July 24, 1973) pursuant to section 6(b)(2) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended. A similar section 6(b)(2) notice of intent to hold hearing on all registered herbicides derived from 2,4,5-Trichlorophenol, including Silvex and Erbon, was issued on May 10, 1974 (39 FR 17466, May 16, 1974).

All herbicides derived from 2,4,5-Trichlorophenol, including 2,4,5-T, Silvex and Erbon, have the potential of containing tetrachlorodioxin (TCDD). As study of 2,4,5-T by this Agency continued, concern focused on the contaminant TCDD. By 1973 residue monitoring devices had been developed that appeared capable of monitoring TCDD in parts per trillion (ppt), the degree of sensitivity needed for measurement of TCDD in man and the human food chain. The 1973 notice specifically delayed the hearing on 2,4,5-T until April 1974 "to permit the Agency to complete an environmental and human monitoring project on the presence of the tetrachlorodioxin impurity found in 2,4,5-T and the extent to which the dioxin may adversely affect human and animal health." (38 FR 19860, July 24, 1973). The residue monitoring program was the only means available to determine if TCDD is bioaccumulating in man and the human food chain. Without the answer to the question of bioaccumulation, the danger of TCDD cannot be assessed.

As reported by attorneys of this Agency on March 21, 1974 in FIFRA Consolidated Docket No. 295, methodological problems have delayed the TCDD residue monitoring project. Since that date, the methodological problems have not been solved. Problems at first thought to relate only to human and rice samples now are found to relate to all samples. No date for completion of the TCDD residue monitoring can be given, and in fact, completion of the project by the Agency may be two or more years away.

Under the circumstances, it does not seem appropriate to continue administrative proceedings when the evidence which would largely determine the outcome of those proceedings remains scientifically unavailable. The Agency will continue its TCDD residue monitoring program and will take such further action as it deems appropriate once the results of the monitoring project are available.

Dated: June 24, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-14921 Filed 6-27-74;8:45 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 772]

DEPUTY GOVERNOR AND DIRECTOR, CREDIT SERVICE, ET AL.

Delegation of Authority

JUNE 24, 1974.

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Deputy Governor and Director, Credit Service;
(2) Deputy Governor for Bank Services;
(3) General Counsel;
(4) Chief Examiner;
(5) Director, Accounting, Budget and Data Management Division;
(6) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective on the above written date, and supersedes Farm Credit Administration Order No. 769, dated February 1, 1974 (39 FR 4604).

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.74-14788 Filed 6-27-74;8:45 am]

FEDERAL ENERGY OFFICE

ENERGY FORECASTING ADVISORY COMMITTEE

Cancellation of Meeting

A meeting of the Energy Forecasting Advisory Committee, for the Federal Energy Office scheduled for 10 a.m., Friday, June 28, 1974, Room 3140-A, 12th & Pennsylvania Avenue, NW., Washington, D.C. has been cancelled. A notice of meeting was published in the issue of June 10, 1974 (39 FR 20416).

Issued at Washington, D.C. on June 25.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-15014 Filed 6-27-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Notice of Meeting

JUNE 17, 1974.

Pursuant to section 10(a) of Public Law 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, July 8; Tuesday, July 9; and Wednesday, July 10, 1974. The meeting will commence at 9 a.m. on July 8, 9, 10, at the Madison Hotel, 15th and M Streets, NW, Washington, D.C. in the Arlington Room.

MONDAY, JULY 8

9-11 a.m.—General Discussion.
2:30 p.m.—Simplification of Regulations as They Pertain to Term Certificates.
Variable Rate Mortgages.
Variable Rate Certificates.
Regional Banks' Advance Policy.
Increase Terms on Home Loans.
Pledging of Collateral for FHLB Advances.
Developments in the Conventional Mortgage-Backed Securities Program.

TUESDAY, JULY 9

Insurance Premiums in Excess of $20,000 Coverage.
Requirements of Purchase of FHLB Stock.
Board Policy on EFTS Experimentation.
Evaluating Regulation Changes that Affect Savings Operations for S&L's.
a. Are there necessary or reporting items that could be supplied?
b. Are there unnecessary reports or requirements?
c. Are there new savings plans that could be explored?
General Advice on Board Mergers, Branching and Chartering.
Planning for the Impact of Inflation on S&L Industry on Local and National Level (Part 2).
Change Rate of Return Paid on Passbook Accounts and 90 Day Notice Accounts Within an Interest Distribution Period.
Increase Terms of Construction Loans Secured by Homes or Combination Homes and Businesses from 1½ to 3 Years.
Family Trust Service for S&L's.

WEDNESDAY, JULY 10

9-11 a.m.—General Discussion.

The meeting will be open to the public on July 8 from 9-5, on July 9 from 9-5, and on July 10 from 9-5.

THOMAS R. BOMAR,
Chairman,
Federal Home Loan Bank Board.

[FR Doc.74-14865 Filed 6-27-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 886]

HC&D MOVING & STORAGE CO., INC.

Order of Revocation

HC&D Moving & Storage Company, Inc., P.O. Box 4008, Honolulu, Hawaii 96813 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 886 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 886 be and is hereby revoked effective June 17, 1974, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL

REGISTER and served upon HC&D Moving & Storage Company, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.74-14903 Filed 6-27-74;8:45 am]

SOUTH ATLANTIC NORTH EUROPE RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 18, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of Agreement Filed by:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 9984-4, among the member lines of the above-named rate agerement, extends the basic agreement to cover activities related to intermodal cargo movements viz: Per diem, free time and detention on carrier provided containers, chassis and related equipment; positioning of such equipment; interchange with connecting carriers; terminal and handling operations including wharfage, free time and demurrage, receipt, delivery and consolidation of cargo, establishment of depots and container freight stations and other related matters.

Dated: June 25, 1974.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-14796 Filed 6-27-74;8:45 am]

UNITED STATES LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 18, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. 10135

(Discussion Agreement)

Notice of Agreement Filed by:

Mr. R. A. Velez, Vice President Corporate Pricing, United States Lines, Inc., One Broadway, New York, N.Y. 10004.

Agreement No. 10135, entered into by 21 American and foreign flag common carriers by water, all members of the Far East Conference and/or the Pacific Westbound Conference, covers an arrangement whereby the carriers acting through their authorized representatives may meet, discuss, consider and, if possible, agree upon matters relating to (1) the movement of cargo originating at any port or point in the United States and destined to any port or point in countries in the Far East areas within the scope of either conference, and (2) rates, divisions, cost of interchange and like matters with inland carriers involved in the joint or through movement of cargo in the trades covered, including determinations as to whether such matters will be left to the individual carriers or negotiated jointly by the carriers pursuant to the respective conference agreements. Any action under the agreement requires a recommendation to the conferences consented to by three-fourths of the carriers, which shall not be implemented until such time as the conferences, acting pursuant to their respective conference agreements, shall have adopted appropriate resolutions and, where appropriate, filed the required tariff.

Dated: June 25, 1974.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-14795 Filed 6-24-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP74-310]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

JUNE 21, 1974.

Take notice that on May 31, 1974, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP74-310 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 68,693 linear feet of 6-inch pipeline, approximately 1,399 linear feet of 10-inch casing pipe, and certain related facilities on its G-8 6-inch system near Freetown, Massachusetts, 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 been engaged in a retesting program on its system since 1968 in order to increase the certified maximum operating pressure under the Pipeline Safety Regulations of the Department of Transportation. Applicant estimates that the cost of testing a part of its G-8 6-inch line extending from a point near Freetown, Massachusetts, to a point near Rochester, Massachusetts, would approximate $500,000. Applicant reasons that because of the small size of said line, the high cost of certification, and the fact that this segment of pipeline is already looped by 8-inch and 20-inch pipelines which are fully adequate to accommodate all anticipated requirements, abandonment of said 6-inch pipeline is the most economical alternative. Applicant states that abandonment of said pipeline and appurtenant facilities will not impair its ability to meet existing commitments to its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1974, 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.74-14803 Filed 6-27-74;8:45 am]

[Docket Nos. E-8187 and E-8700]

BOSTON EDISON CO.

Notice of Extension of Time

JUNE 20, 1974.

On June 11, 1974, the Town of Norwood filed a motion for extension of time to answer motion of Boston Edison Company for severance of discrimination issue from one proceeding to a related proceeding or, alternatively, for consolidation of two proceedings. The motion states Boston Edison Company has no objection to the motion.

Upon consideration, notice is hereby given that the time is extended to and including June 21, 1974, within which answers may be filed to the above motion.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14804 Filed 6-27-74;8:45 am]

[Docket No. E-8810]

BOSTON EDISON CO.

Order Accepting for Filing and Making Effective, Subject To Refund System Sales Contract Denying Waiver of Notice Requirements Without Prejudice to Requesting Waiver Upon Condition and Establishing Hearing Procedures

JUNE 21, 1974.

On May 21, 1974, Boston Edison Company (Edison) filed in the above captioned docket a system sales agreement [1] dated November 1, 1972 with New England Power Company (New England). In its filing, Edison states that the proposed agreement provides for the sale of 60MW of system capacity and related energy to New England for the period of November 1, 1973, to October 31, 1974, contingent upon the availability of Edison's Pilgrim Unit No. 1. Edison also states similar contracts (with the exception of transmission provisions) were filed with the Commission in Docket Nos. E-8137 and E-8139. Edison states that the payment provisions of the rate schedule are designed to reimburse Edison for fixed and operating costs incurred in connection with service under the contract. Finally, Edison requests a waiver of the 30 day prior notice requirement to permit an effective date of November 1, 1973.

The filing of May 21, 1974 was noticed on June 3, 1974, setting June 13, 1974 as the due date for responses. To this date no comments, protests or petitions to intervene have been received.

We have reviewed the system sale agreement and have concluded that inter alia, the proposed rate, over-all return and the cost basis of the rate may be excessive and therefore the proposed rate may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. This agreement was not filed with the Commission until 4½ months after the commencement date for the service. Under the provisions of the Federal Power Act and the regulations thereunder public utilities are required to file rate schedules at least 30 days prior to the date on which service under such schedules is to commence. This notice requirement can be waived for good cause shown. However, under circumstances when a public utility files a proposed initial rate schedule of one year's duration approximately 4½ months after service commences and prevents a thorough examination of such rate schedule before the service terminates, our ability to protect the consumer against what may be unjust, unreasonable, unduly discriminatory or otherwise rates and charges is jeopardized.[2] Consequently, we shall deny waiver of the notice requirements of our regulations and shall assign the agreement an effective date of June 21, 1974, 30 days after filing. Pursuant to our authority in Section 309 of the Federal Power Act, we shall also make such filing subject to refund of any amounts found to be excessive after the hearing which shall be hereinafter ordered. Moreover, we shall require Edison to refund all amounts collected under the agreement prior to June 21, 1974, without prejudice to Edison filing within 15 days of the issuance of this order, a request that we accept the agreement to become effective as of November 1, 1973, Edison's proposed effective date, based upon an agreement by Edison that the rates charged under this agreement shall be subject to refund pending final disposition upon the conclusion of the hearing to be held in this proceeding. After receipt of Edison's response, if any, we shall issue a further order taking appropriate action.

The Commission finds: (1) The requested waiver of § 35.3 of the Commission's regulations should be denied.

(2) The proposed system sale agreement filed by Edison on May 21, 1974 in Docket No. E-8810 should be accepted for filing to become effective, subject to refund, on June 21, 1974, 30 days after filing.

(3) Good cause exists to require Edison to refund all amounts collected under the agreement prior to June 21, 1974, without prejudice to Edison filing with the Commission within 15 days of the issuance of this order a request that the Commission accept the agreement to be effective as of November 1, 1973, Edison's proposed effective date, based upon an agrement by Edison that the rates charged under the agreement shall be subject to refund as of that effective date, pending final disposition upon the conclusion of the hearing hereinafter ordered.

(4) It is necessary and appropriate and in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Edison's agreement.

The Commission orders: (A) The requested waiver of § 35.3 of the Commission's regulations is hereby denied.

(B) The proposed system sale agreement filed by Edison on May 21, 1974 in Docket No. E-8810 is accepted for filing to become effective subject to refund on June 21, 1974, 30 days after filing.

(C) Edison shall refund all amounts collected under the agreement prior to June 21, 1974, without prejudice to Edison filing with the Commission within 15 days of the issuance of this order, a request that the Commission accept the contract to be effective as of November 1, 1973, Edison's proposed effective date, based on an agreement by Edison that the rates charged under the contract shall be subject to refund as of that effective date pending final disposition upon the conclusion of the hearing hereinafter ordered.

(D) Pursuant to the authority of the Federal Power Act, and the Commission's rules and regulations and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held on October 8, 1974, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of Edison's agreement.

(E) Edison shall serve its prepared testimony and exhibits on or before July 30, 1974. The Commission Staff shall serve its prepared testimony and exhibits on or before August 27, 1974. All intervenor evidence shall be served on or before September 10, 1974. Any rebuttal evidence by Edison shall be served on or before September 24, 1974.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in

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[2] Northeast Utilities Company, — FPC —, issued May 31, 1974, in Docket Nos. E-8756, et al.

the Commission's Rules of Practice and Procedure.

(G) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-14791 Filed 6-27-74;8:45 am]

[Docket No. RP73-93]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JUNE 21, 1974.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on June 10, 1974, tendered for filing changes in its FPC Gas Tariff, Second Revised Volume No. 1, Second Substitute Second Revised Sheet Nos. 5, 6, and 66, superseding Substitute Second Revised Sheet Nos. 5, 6, and 66, all to be effective October 1, 1973, were filed pursuant to the Commission's Order approving settlement agreement which was issued May 10, 1974, in Docket No. RP73-93. CIG also filed tariff sheets to be effective January 1, 1974, March 1, 1974, and April 1, 1974, reflecting purchased gas cost adjustments approved in Docket No. RP72-122 and increased rates to reflect the transfer of its producing properties to a wholly owned subsidiary, CIG Exploration, Inc. This transfer was approved in Docket Nos. CP 73-184 and RP74-68.

Copies of the filing were served upon the Company's jurisdictional customers and certain public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 3, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-14797 Filed 6-27-74;8:45 am]

[Docket Nos. E-8105 and E-8811]

CONNECTICUT LIGHT AND POWER CO.

Order Rejecting Unit Sales Contracts Without Prejudice to Requesting Waiver Upon Condition and Denying Waiver of Notice Requirements

JUNE 21, 1974.

On April 2, 1973, the Connecticut Light and Power Company (CL&P) submitted for filing (E-8105) on behalf of the Northeast Utilities System (NU) a proposed agreement between the members of NU (CL&P, The Hartford Electric Light Company, and Western Massachusetts Electric Company) and New Bedford Gas and Edison Light Company (New Bedford). The agreement provides for the sale and transmission of capacity and energy from certain NU gas turbine generating units to New Bedford for the period March 1, 1973, to April 30, 1974. On July 10, 1973, the Commission issued an order accepting the rate schedule for filing but providing for an investigation under section 206 of the Federal Power Act.

On September 28, 1973, CL&P submitted for filing (E-8422) an agreement providing for the sale and transmission of capacity and energy by NU from certain gas turbine generating units to Public Service Company of New Hampshire (PSNH). The term of the agreement is from November 1, 1973, through April 30, 1974. The agreement utilizes a formula to determine rates which is identical to that contained in the agreement which is under investigation in Connecticut Light and Power Company, Docket No. E-8105, et al., discussed above. Accordingly, the Commission issued an order on October 29, 1973, in Connecticut Light and Power Company, Docket Nos. E-8418, E-8421, and E-8422 which accepted the agreement for filing but made it subject to the outcome of the proceedings in Docket No. E-8105.

On April 19, 1974, CL&P, on behalf of NU filed an amendment to the agreement discussed above (E-8105) which would increase New Bedford's entitlements from the Cos Cob, South Meadow, and Silver Lake gas turbine units from 19.163 percent to 25.059 percent for the period March 1, 1974, through April 30, 1974.

On May 22, 1974, CL&P, on behalf of NU filed an amendment to the agreement discussed above (E-8422) which would increase PSNH's entitlements from the Cos Cob, South Meadow and Silver Lake gas turbine units from 5.896 percent to 35.377 percent for the period April 1, 1974, through April 30, 1974.

Notice of the filing in E-8105 was issued on April 30, 1974, and in E-8811 on June 3, 1974, setting May 13, 1974, and June 14, 1974, respectively, as the dates for responses. No comments or petitions were received.

We have reviewed these contracts and note that, with respect to the proposed agreement providing for the additional sales to New Bedford, the term of the agreement is from March 1, 1974, through April 30, 1974. The filing was submitted on April 19, 1974. For the proposed agreement with PSNH, the term of the agreement is from April 1, 1974, through April 30, 1974. The filing was submitted on May 22, 1974. Thus, in neither case were the filings submitted prior to the date service was to commence and clearly not less than 30 nor more than 90 days prior to the proposed effective date as required by § 35.3 of the regulations. In fact, the period of the agreement with PSNH was over prior to the filing date and was nearly over at the time of the filing relative to New Bedford. It would, therefore, appear appropriate to assume an implied request for waiver of the notice requirements with respect to both submittals.

Under the provisions of the Federal Power Act and the regulations thereunder, public utilities are required to file rate schedules at least 30 days prior to the date on which service under such schedules is to commence. This notice requirement can be waived for good cause shown. However, under circumstances when a public utility files its proposed rate schedules after service thereunder has terminated, our ability to protect the consumer against what may be unjust, unreasonable, unduly discriminatory or otherwise unlawful rates and charges is jeopardized. Consequently we shall deny waiver of the notice requirements of our regulations and reject these filings. However, this shall be without prejudice to CL&P filing with the Commission, within 15 days of issuance of this order, a request that we accept the contracts to be effective as of their proposed effective dates based upon an agreement by CL&P that the rates charged under these contracts shall be subject to refund pending final disposition upon the conclusion of a hearing. In the event CL&P declines to file such a request and agreement, we believe our responsibility to protect the ratepayers against what may be excessive rates and charges requires that we reaffirm our rejection of these contracts and order that rates charged thereunder be repaid in full pursuant to our authority under section 309 of the Federal Power Act. After receipt of CL&P's response, if any, we shall issue a further order taking appropriate action.[1]

The Commission finds: (1) The requested waiver of the Commission's regulations in Docket Nos. E-8105 and E-8811 should be denied.

(2) The proposed amendments to the unit sales agreements should be rejected without prejudice to CL&P filing and requesting that the Commission accept the

[1] Northeast Utilities Company, ____ FPC ____ issued May 31, 1974, in Docket Nos. E-8756, et al.

filings to be effective as proposed, contingent upon an agreement by CL&P that the rates charged under the proposed agreements shall be subject to refund pending final disposition upon conclusion of a hearing.

The Commission orders: (A) The requested waiver of the Commission's regulations in Docket Nos. E–8105 and E–8311 is denied.

(B) The proposed amendments to the unit sales agreements filed by CL&P on April 19, 1974 and May 22, 1974 are rejected as failing to meet the requirements of section 205 of the Federal Power Act and § 35.3 of the regulations thereunder, without prejudice to NU filing with the Commission, within 15 days of the issuance of this order, a request that the Commission accept the contracts to be effective as of their proposed effective dates based on an agreement by CL&P that the rates charged under these contracts shall be subject to refund pending final disposition upon the conclusion of a hearing.

(C) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14792 Filed 6–27–74;8:45 am]

[Docket No. CP74–312]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

JUNE 21, 1974.

Take notice that on June 3, 1974, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP74–312 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas transmission facilities located in Westmoreland County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to retire from transmission service (1) its measuring and regulating station XSN–54, an existing delivery point to its affiliate, The Peoples Natural Gas Company (Peoples) and (2) its 4,920 horsepower Tonkin Compressor Station. Applicant states that Peoples has consented to the proposed abandonment of station XSN–54 because no deliveries have been made at this connection since 1967, and Peoples anticipates that no such deliveries will be required in the future. Applicant further states that due to recent mild winters and the reduction below past projections in natural gas market requirements, Tonkin Station has not been needed to transmit increased summer purchases, made upstream of Tonkin Station, to Applicant's northern storage pools since 1969. Applicant believes that its present northern storage reserve replacement capability of 100,000 Mcf of gas per day without Tonkin Station is sufficient to meet present market requirements. Applicant adds that beginning in 1976 it will begin the purchase of large volumes of liquefied natural gas from its affiliate Consolidated System LNG Company at Leidy, Pennsylvania. Applicant believes that since Leidy is downstream of Tonkin Station, the introduction of large volumes of gas at this point will eliminate any foreseeable need for Tonkin Station.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1974, 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 Commissions' 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.74–14794 Filed 6–27–74;8:45 am]

[Docket No. E–7806]

ILLINOIS POWER CO.

Notice of Filing of Amended Rate Schedules

JUNE 21, 1974.

Take notice that on June 10, 1974, the Illinois Power Company (Illinois) tendered for filing amendments to purchase agreements with nine electric cooperative associations designated:

Rate Schedule	*Party*
FPC No. 52	Clinton County Electric Cooperative, Inc.
FPC No. 53	Corn Belt Cooperative.
FPC No. 54	Farmers Mutual Electric Co.
FPC No. 55	Illinois Valley Electric Cooperative, Inc.
FPC No. 56	McDonough Power Cooperative.
FPC No. 57	Monroe County Electric Cooperative, Inc.
FPC No. 58	Southwestern Electric Cooperative, Inc.
FPC No. 59	Tri-County Electric Cooperative, Inc.
FPC No. 60	Western Illinois Power Cooperative, Inc.

The filing was made pursuant to the Commission's Order Approving Settlement issued March 19, 1974, which ordered Illinois to eliminate a twenty-five month moratorium provision.

Any person desiring to be heard or to make any protest with reference to said amendment to said application should on or before July 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The amendment to said application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14799 Filed 6–27–74;8:45 am]

[Docket No. E–8424]

JERSEY CENTRAL POWER AND LIGHT CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

JUNE 21, 1974.

On June 13, 1974, the Boroughs of Madison, Butler, Lavalette, Pemberton and Seaside Heights, New Jersey (Boroughs) filed a motion for a further extension of the procedural dates fixed by notice issued May 20, 1974. The motion states that counsel for company concurs in this motion and staff counsel has no objection to the proposed extension.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of testimony and exhibits by interveners.	July 12, 1974
Service of rebuttal evidence by company.	Aug. 7, 1974
Prehearing conference and hearing.	Aug. 13, 1974 (10 a.m. e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–14798 Filed 6–27–74;8:45 am]

[Docket Nos. CI74-537 and CI74-538]

MARATHON OIL CO. AND PHILLIPS PETROLEUM CO.

Order Granting Interventions, Consolidating Proceedings, Scheduling Formal Hearing, and Requiring the Filing of Conditional Applications and Amendments

JUNE 21, 1974.

On March 26, 1974, Marathon Oil Company (Marathon) filed in Docket No. CI74-537 a conditional application pursuant to section 7 of the Natural Gas Act (Act) requesting authorization to sell liquefied natural gas (LNG) from Alaska to Northwest Natural Gas Company (Northwest Natural).[1] Northwest Natural is a distribution company which currently operates within the State of Oregon and holds a declaration of exemption from jurisdiction issued pursuant to section 1(c) of the Act. Concurrent with its application and in the same docket, Marathon filed a petition for a declaratory order disclaiming Commission jurisdiction over the proposed LNG sale, or, alternatively, for an order waiving all requirements of the Regulations under the Act with respect to such sale.

On March 28, 1974, Phillips Petroleum Company (Phillips) filed in Docket No. CI74-538 an application related to Marathon's, also proposing the sale of Alaskan LNG to Northwest Natural. Phillips' application, like that of Marathon, was accompanied by a petition for declaratory order disclaiming or waiving jurisdiction over the proposed sale. Both applications are filed as an alternative to the Commission disclaiming or waiving jurisdiction over the proposed sales, and are conditional upon the Commission denying applicants' petitions for declaratory orders.

Marathon and Phillips (hereafter referred to as Applicants) proposes to sell to Northwest Natural from their liquefaction plant a minimum of 30 percent and 70 percent, respectively, of 10.95 trillion Btu annually.[2] Marathon indicates that this LNG will be sold from available supplies only after its export commitment to Japan is satisfied. Pursuant to contracts with Northwest Natural, Applicants plan to pass title to the LNG at the interface of the flanges connecting the loading piping of LNG tankers arranged for by Northwest Natural and under the control of Northwest Natural, with the piping of the connecting storage facilities at the existing docking facilities near Kikiski, Alaska. Applicants' contracts with Northwest Natural provide for an initial rate of 80 cents per million Btu. The applications indicate that the same plant, port and docking facilities with minor modifications will be utilized to supply LNG to Northwest Natural as are used to export LNG to Japan. Phillips submits that it will rework wells, complete additional wells in the North Cook Inlet Field, and make minor modifications to its existing facilities in order to provide the LNG service proposed herein.

Upon delivery of LNG to Northwest Natural, the LNG is expected to be transported by tanker to Newport, Oregon, where a regasification plant is proposed to be constructed by Northwest Natural. Applicants anticipate that Northwest Natural will introduce the natural gas derived from such LNG into Northwest Natural's existing natural gas distribution system solely within the state of Oregon.

Applicants seek declaratory orders disclaiming or waiving jurisdiction over the proposed sales of LNG to Northwest Natural, asserting that the LNG will be resold entirely within the state of Oregon and regulated therein by a state regulatory authority, and such gas will be entirely consumed within Oregon; there will be no jurisdictional transportation of gas through an interstate pipeline since all transportation of LNG will be by tanker. (Applicants here cite the Commission's order terminating a proposed rule-making in Docket No. R-377, issued May 4, 1973, 38 FR 12819); the sale of LNG may be deemed intrastate in nature since all acts, delivery, and sale are within the state of Alaska; since there has been no general rulemaking, statement of general policy or hearing applicable to the State of Alaska, formulation of policies as to Alaskan sales are premature and the present project does not present facts upon which broad policy determinations can be determined.

In the alternative, if waiver or disclaimer is not granted, Applicants request certificates of public convenience and necessity authorizing the sale of LNG to Northwest, upon the terms of their contracts with Northwest. Marathon requests that this authorization be granted expressly for a term extending no later than June 1, 1984.

Notices of intervention have been timely filed (except where indicated by asterisk) in each of the above dockets by the People of the State of California and the Public Utilities Commission of the State of California, jointly*; the Idaho Public Utilities Commission*; The Public Service Commission of the State of New York (New York); the Public Utility Commission of Oregon; and the Washington Utilities and Transportation Commission*. New York requests formal hearing on the applications. New York contends that the applications raise several significant issues, involving, inter alia, the jurisdictional consequences of the sale by the producers (presumably the Applicants) to Northwest Natural; the effect of Commission action in this case on "setting the initial price for natural gas produced in Alaska for resale in interstate commerce to pipelines or distributors in the lower 48 states," and the jurisdictional effect of the proposed transactions on Northwest Natural.

Petitions to intervene have been timely filed (except where indicated by asterisk) in both dockets by the California Gas Producers Association*, Cascade Natural Gas Corporation; Distrigas Corporation; Exxon Corporation, Northwest Natural; Southern California Gas Company (SoCal), the Pacific Alaska LNG Company (PacAlaska), jointly; Southern Natural Gas Company and Southern Energy Company, jointly; Washington Natural Gas Company; and the Washington Water Power Company. SoCal and PacAlaska specifically request an evidentiary hearing on Applicants' proposal. They oppose Applicants' request for waiver or disclaimer of jurisdiction, and further oppose the alternative relief requested in the application herein in the absence of a full evidentiary record. SoCal and PacAlaska enumerate several jurisdictional issues allegedly raised by the applications, claim there would be far-reaching effects of any decision herein, and note the lack of any application for revaporization facilities and for the transportation of revaporized LNG.

Marathon, with the support of Phillips, filed an answer opposing the SoCal-PacAlaska petition. Marathon contends, inter alia, that SoCal and PacAlaska have not set forth sufficient grounds to warrant granting their petitions to intervene; that, in any event, the jurisdictional issues actually raised in Applicants' petitions and conditional applications can be decided without evidentiary hearings; that any hearing convened should be limited to address issues actually raised by these proceedings, and not "extraneous" questions such as those posed by SoCal and PacAlaska.[3] Marathon accordingly urges that SoCal and PacAlaska be denied intervention; that the jurisdictional issues be decided on the basis of the pleadings heretofore filed; and that, should a hearing be convened, the issues should be limited to those actually presented by the appplications on file.

Marathon's and Phillips' applications, which propose sales from facilities jointly leased or owned by Applicants, under interrelated sales agreements to a common purchaser raise common questions of law and fact making their consolidation appropriate. Moreover, the novelty of Applicant's proposal, the apparently contested nature of the proceedings and the requests of SoCal, PacAlaska, and New York for an evidentiary record make a formal hearing desirable in the public interest, and we shall so order.

We agree with Applicants that issues not raised by their proposal cannot and should not be addressed in hearing. Despite Applicants' arguments to the contrary, however, several jurisdictional issues are raised by, and should be resolved, in these proceedings. Such issues include, inter alia; whether the wellhead price of

[1] Marathon's application, captioned as "Alternative and Conditional," is intended to be effective only if its petition for declaratory order is denied, as further explained below.

[2] Phillips states that its share represents approximately 30,000 Mcf of gas per day.

[3] Marathon also contends that New York "seeks to broaden the issues" properly raised in the proceedings and urges that New York's participation be limited to issues actually raised.

the gas produced by Applicants for liquefaction and sale is subject to Commission regulation, and, if so, whether such price is in the public interest; whether the transportation and liquefaction of the gas within Alaska, and the facilities required for such transportation and liquefaction are subject to the Commission's certificate jurisdiction and requirements; whether the sale of LNG to Northwest Natural in Alaska is the sale of gas in interstate commerce for resale subject to our jurisdiction; whether the transportation of gas by Northwest Natural by ocean tanker is jurisdictional; whether Northwest Natural will become an interstate pipeline company as a result of the proposed transaction; and whether facilities used by Northwest Natural for the unloading, storage and regasification of LNG in Oregon are subject to our jurisdiction.

The evidentiary record here provided for should develop facts necessary to address and resolve the jurisdictional issues enumerated, all factual issues raised, and any other issues that may become apparent during the proceedings. Moreover, to allow for the expeditious disposition of the case in the event that the Commission should determine that it does have jurisdiction over each of the projects various facets. Applicants should present evidence sufficient to allow appropriate authorizations to issue if deemed to be required by the public convenience and necessity. Such evidence should address, for example, the reasonableness of the wellhead price of gas, the adequacy and reliability of supply, the economic and technical feasibility of the total proposal, the existence of a market and appropriateness of the end use to which the gas will be put, the environmental acceptability of the project, and all other matters required by the Natural Gas Act and the Rules and Regulations thereunder for the production, transportation and sale for resale of gas in interstate commerce. In this connection and in the interest of expediting disposition of these proceedings should jurisdiction be found to attach, Applicants should also file, by the date hereafter specified, amendments to their conditional applications to seek authorization for the construction and operation, as appropriate, of all facilities, from wellhead to ship's flange, proposed to be used for the transportation, liquefaction, storage, loading and terminalling of LNG Alaska. Such amendments, and any evidence filed in support thereof, should include justification and support for the wellhead price attributed to the gas involved, and the rates or charges proposed for the transportation, liquefaction and processing of the gas. Northwest Natural, the proposed beneficiary and recipient of the volumes herein involved, should similarly file appropriate conditional applications for the construction and operation of the facilities proposed for the transportation, unloading, storage, regasification, ultimate disposition and sale of the gas, including justification for any rates or charges to be imposed. Both Applicants and Northwest Natural should include information required by the National Environmental Quality Act and our Rules and Regulations implementing it.

The Commission further finds: (1) It is necessary and appropriate in the public interest that the above-named petitioners be allowed to intervene in these proceedings.

The Commission orders: (A) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any one of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(B) The above-named proceedings are consolidated for hearing and disposition.

(C) Pursuant to the Natural Gas Act, the regulations under the Natural Gas Act, and the Commission's rules of practice and procedure, a formal hearing shall be convened in the above-named proceedings in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., on September 4, 1974, concerning the issues specified above and any other issues that shall become apparent during the proceedings. The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

(D) The Applicants, and any intervenors supporting Applicants, shall file their direct case on or before August 12, 1974. Applicants' evidence should address the issues and matters specified above and be sufficient to allow a determination on any of the issues raised by the applications or amendments filed or to be filed in these proceedings. The Presiding Administrative Law Judge assigned to the proceedings shall set dates for the filings of answering and rebuttal testimony after Applicants' entire direct case has been presented and cross-examined.

(E) Applicants shall file, on or before July 22, 1974, conditional on our jurisdictional rulings herein, amendments to their applications as specified in the body hereof.

(F) In anticipation of the possibility that Northwest Natural shall be found to be a natural gas company as a result of the transactions here proposed, or that any of these transactions should be found to be jurisdictional, Northwest Natural, the proposed recipient and beneficiary of the gas involved shall file on or before July 22, 1974, applications conditional on our jurisdictional findings for authorizations as specified in the body hereof.

(G) Northwest Natural shall file its direct case in support of the conditional applications required by paragraph (F) above on or before August 12, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-14806 Filed 6-27-74;8:45 am]

JUNE 21, 1974.

[Docket Nos. RP71-16, et al.]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Proposed PGA Rate Adjustments

Take notice that on June 14, 1974, Midwestern Gas Transmission Co. (Midwestern), tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Fifth Revised Sheet No. 5 and alternatively, Substitute Fifth Revised Sheet No. 5, to be effective August 1, 1974. Midwestern states that the sole purpose of these revised tariff sheets is to reflect PGA rate adjustments pursuant to the PGA clauses in Articles XVII and XVIII of the General Terms and Conditions of its tariff.

Midwestern states that as to the Southern System, the Current Purchased Gas Cost Rate Adjustment pursuant to Section 2 of Article XVII on Midwestern's Fifth Revised Sheet No. 5 reflects the increased rates filed by Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), on May 16, 1974, and June 7, 1974, including Tennessee's R&D rate adjustment. Midwestern further states that in the event such rate increase is not effective on or before August 1, 1974, Midwestern is filing its Substitute Fifth Revised Sheet No. 5 to reflect the Current Purchased Gas Cost Rate Adjustment for the Southern System resulting from Tennessee's alternative rate increase, excluding its R&D rate adjustment.

Midwestern further states that both filed tariff sheets reflect (1) a Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account for the Southern System pursuant to section 3 of Article XVII, and (2) a Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account for the Northern System pursuant to section 3 of Article XVIII.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory 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 July 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed

a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14793 Filed 6-27-74;8:45 am]

[Docket No. RP74-75]

NORTHERN NATURAL GAS CO.

Notice of Filing of Change in Rates

JUNE 21, 1974.

Take notice that on June 14, 1974, Northern Natural Gas Company submitted for filing revised tariff sheets to its presently effective FPC Gas Tariffs. These tariff sheets are identified as follows:

Third Revised Volume No. 1

First Substitute Fourth Revised Sheet No. 4a
Second Substitute Fourth Revised Sheet No. 4a

Original Volume No. 2

First Substitute First Revised Sheet No. 1c
Second Substitute First Revised Sheet No. 1c

Northern advises that these tariff sheets are being filed in compliance with the Commission's Order entitled "Order Granting in Part and Denying in Part Application For Rehearing and Amending Prior Order", which was issued May 17, 1974.

First Substitute Fourth Revised Sheet No. 4a and First Substitute First Revised Sheet No. 1c are proposed to become effective December 27, 1973. These tariff sheets contain Base Tariff Rates which have been approved by the Federal Power Commission and are not subject to refund as provided in the Commission's Orders issued March 22 and May 17, 1974, in Docket Nos. RP71-107 (Phase II), RP72-127 and RP74-75.

Second Substitute Fourth Revised Sheet No. 4a and Second Substitute First Revised Sheet No. 1c are proposed to become effective December 28, 1973. These tariff sheets provide for an increase in Base Tariff Rates of .12¢ per Mcf. The increase reflects the cost of service on certain amounts of advance payments which were included in the Advance Payment Tracker filing of October 25, 1973. These tariff sheets reflect rates subject to refund effective December 28, 1973, pursuant to the Commission's Order issued March 22, 1974, as modified by its May 17, 1974 Order.

Northern advises that a copy of this filing has been mailed to all interested parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14801 Filed 6-27-74;8:45 am]

[Docket No. E-8812]

PACIFIC POWER AND LIGHT CO. AND IDAHO POWER CO.

Notice of Application

JUNE 21, 1974.

Take notice that on May 13, 1974, Pacific Power and Light Company (Pacific) and Idaho Power Company filed a joint application seeking written confirmation that the Federal Power Commission would not exercise jurisdiction under section 204 of the Federal Power Act over a proposed guaranty agreement.

Pacific, a Maine Corporation, is an electric utility Company which operates in the States of California, Oregon, Washington, Idaho, Montana and Wyoming.

Idaho a Maine Corporation, is an electric utility, operating in the States of Oregon, Idaho and Nevada.

Pacific owns all the stock of Pacific Minerals, Inc., a Wyoming Corporation, and Idaho owns all the stock of Idaho Energy Resources Co., a Wyoming Corporation, which, pursuant to an agreement dated as of February 1, 1974, have formed a joint venture, Bridger Coal Company (Bridger), for the purpose of mining and selling coal from reserves owned or to be owned by Bridger.

Bridger presently leases, under a temporary lease scheduled to terminate on or before July 31, 1974, certain mining equipment from a trust, whose trustees are not affiliated with Bridger, Pacific or Idaho and whose beneficiary is likewise an unaffiliated institutional investor. It is contemplated that on or before that date the temporary lease will be superseded by a definitive lease.

The lease will be a net lease under which Bridger will be responsible for maintaining, operating, repairing, and insuring the equipment and paying substantially all taxes (other than certain net income taxes) and other costs arising out of the ownership, possession and use of the equipment. Rental payments would be in amounts sufficient to pay principal and interest on the trust borrowings, plus specified additional amounts. Upon expiration of the lease term with respect to each item of equipment Bridger will have a fair market value purchase option and fair rental value renewal options. In the event certain tax rulings are not obtained by a specified date, Bridger will be obliged to purchase the equipment at a stipulated price. This leased equipment consists of two drag lines, two coal shovels and one blast hole drill, having an aggregate estimated cost of approximately $10,800,000.

As an inducement to the trust to lease the equipment to Bridger, Pacific and Idaho intend to guarantee Bridger's obligations under the lease. Pacific will guarantee two-thirds and Idaho will guarantee one-third of all of Bridger's obligations under the lease. The obligations guaranteed by the terms of the Guaranty are the obligations of Bridger under the lease.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14800 Filed 6-27-74;8:45 am]

[Docket No. CI72-662]

SUN OIL CO., ET AL.

Notice of Petition To Amend

JUNE 20, 1974.

Take notice that on June 4, 1974, Sun Oil Company (Operator), et al. (Petitioner), P.O. Box 2880, Dallas, Texas 75221, filed in Docket No. CI72-662 a petition to amend the order of the Commission issued in the subject docket on August 30, 1973 (50 FPC __), pursuant to section 7(c) of the Natural Gas Act by authorizing a one year extension of the term of that order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order dated August 30, 1973, in the subject docket, Petitioner was authorized to continue the sale of natural gas to United Gas Pipe Line Company (United) from the East Dykesville Field, Claiborne Parish, Louisiana, for a one year term beginning July 17, 1973, at a rate of 45.0 cents per Mcf at 15.025 psia, subject to Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Petitioner states that because United is still experiencing emergency gas supply shortages, both Petitioner and United desire that said sale of gas continue without interruption for a period of one year beginning July 17, 1974, or the date satisfactory authorization is received from the Commission, whichever is later. Petitioner states that the new contract for the extended limited-term sale, dated May 3, 1974, provides for a rate of 65.0 cents per Mcf, adjusted for

Btu content; however, Petitioner advises it is willing to accept authorization conditioned to 45.0 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14805 Filed 6-27-74;8:45 am]

THE SUPERIOR OIL CO.

Order Accepting in Part and Rejecting in Part Rate Filings

JUNE 21, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth below.

Under the proposed rate increases Superior proposes to collect full reimbursement for the 2.0 percent increase in the Wyoming Severance Tax under its FPC Gas Rate Schedule Nos. 91 and 95, and full reimbursement for the 1.25 percent increase in the New Mexico Severance Tax under its FPC Gas Rate Schedule No. 94. Since the ceiling rates in Opinion No. 658 have not changed as a result of the tax increases. Superior is not entitled to file these increases under the area rate clauses in its contracts. However, Superior is entitled to file for partial reimbursement under the tax reimbursement provisions in such contracts. The proposed increases therefore are accepted insofar as they reflect contractual reimbursement and rejected insofar as they exceed such rate due to lack of contractual authorization.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
	The Superior Oil Co.	91	4	Mountain Fuel Supply Co. (Trail Field, Sweetwater County, Wyo., Uinta-Green River Basin Sub Area) (Rocky Mountain Area):	$262	5-31-74	5-31-74	Accepted [3]	24.2496	[1] 24.4896	
	do	95	5	Mountain Fuel Supply Co. (Pioneer Field, Sweetwater County, Wyo., Uinta-Green River Basin Sub Area) (Rocky Mountain Area):	387	5-31-74	5-31-74	Accepted [3]	24.2496	[1 2] 24.6995	
	do	94	4	El Paso Natural Gas Co. (Jicarilla Lease (Deeper Zones), Rio Arriba County, N. Mex., San Juan Basin Sub Area) (Rocky Mountain Area).	207	[3] 5-24-74	7-1-74	Accepted [3]	25.3138	[4] 25.9695	

*Unless otherwise stated, the pressure base is 14.73 lb/in²a.
[1] Reflects contractually due tax reimbursement for 50 percent of the 2 percent increase in the Wyoming Severance Tax.
[2] Inclusive of Btu adjustment upward from 1,050 Btu (1,059 Btu Gas).
[3] As amended by filing dated June 4, 1974, and received June 6, 1974.
[4] Reflects reimbursement for 7/8 of the 1.25 percent increase in the New Mexico Gas Severance Tax pursuant to applicant's favored nation clause and triggered by the request for 7/8 reimbursement filed by Amoco Production Co. on May 30, 1974, under its FPC Gas Rate Schedule No. 363.
[5] The proposed rate is accepted as of the date set forth in the "Effective Date Unless Suspended" column insofar as it reflects contractual reimbursement and rejected insofar as it exceeds such rate due to lack of contractual authorization.

[FR Doc.74-14809 Filed 6-27-74;8:45 am]

[Docket Nos. RP71-130 and RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Order Accepting Tendered Tariff Sheets for Filing Upon Condition, Suspending Tariff Sheets, Providing for Hearing

JUNE 21, 1974.

On May 28, 1974, Texas Eastern Transmission Corporation (TETCO) tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1.[1]

The purpose of the filing is to redistribute demand charges among TETCO's DCQ and GS Rate Schedule customers to reflect the levels of curtailment imposed upon them. Revenues lost through a reduction in demand charges will be recouped concurrently by means of a surcharge on commodity rates. The proposed method of collecting demand charges would replace the current scheme, in effect subject to refund, of waiving demand charge adjustments when failure to deliver contract quantities is due to gas supply shortage.

Alternate Second Revised Sheet No. 92N and Original Sheet No. 92 amend section 12.4 of TETCO's Tariff to provide for a Demand Charge Adjustment (DCA) Commodity Surcharge Account. The sheets provide that the account be established for the eight month period beginning May 1, 1974, and thereafter for each six month period commencing January 1 and July 1, of each year. The account shall be debited by the demand charge adjustments made under the DCQ and GS Rate Schedules. The account will be credited by amounts recovered by TETCO from customers under the DCQ and GS Rate Schedules by means of the DCA Commodity Surcharge. The account shall be separated into subaccounts for each of the DCQ and GS Rate Schedules.

Amended section 12.4 also provides that a DCA Commodity Surcharge Rate be computed for each of the DCQ and GS Rate Schedules for the eight month period beginning May 1, 1974, and for each six month period thereafter. The DCA Commodity Surcharge Rate shall be computed by dividing the sum of (i) the total amount projected by TETCO to be credited to the demand charges of buyers under the applicable rate schedule for the period and (ii) the balance as of three months prior to January 1 and July 1 of each year in the applicable subaccount of the DCA Commodity Surcharge Account, by the sale determinants under the applicable Rate Schedule as projected by TETCO for each period. The DCA Commodity Surcharge Rates shall be rounded to the nearest 1/10 mil ($.0001) and shall be applied to the commodity component of the applicable rate schedule. At least 45 days prior to January 1 or July 1 of each year, TETCO will file a statement showing the computation of the DCA Commodity Surcharge Rate effective for the next period. The dates for rate adjustments under section 12.4 coincide with the dates used in TETCO's Purchase Gas Adjustment Provision.

[1] The revised sheets are designated as Ninth Revised Sheet Nos. 13, 13A, 13B, 13C, 13D; Alternate First Revised Sheet Nos. 17 and 24; Alternate Second Revised Sheet No. 92N and Original Sheet No. 92Ø. These sheets will supersede Eighth Revised Sheet Nos. 13, 13A, 13B, 13C, 13D; Original Sheet Nos. 17 and 24; and First Revised Sheet No. 92N.

TETCO requests that the Commission waive § 154.22 (18 CFR 154.22) of its regulations under the Natural Gas Act to permit TETCO to place the filing into effect as of May 1, 1974.

We are unable to permit the instant filing to become effective retroactively to May 1, 1974, because the Natural Gas Act does not permit the imposition of retroactive rates. TETCO customers who have already been billed for the month of May, 1974, would not be billed for that month under new rates.

As we have said in several previous orders in these dockets, we approve in principle of the type of adjustments TETCO proposes herein to make. We will accept for filing the sheets tendered on May 28, 1974, on the express condition that TETCO file by June 30, 1974, substitute sheets which eliminate reference to May 1, 1974 as the date on which the first accounting period begins, and specify that they become effective as of July 1, 1974. The sheets so filed shall be suspended until July 1, 1974 when they will be permitted to take effect as provided for by section 4 of the Natural Gas Act.

The suspension period is necessary because one of the issues in the curtailment hearings currently being held in these dockets is whether to allow TETCO to collect its full demand charges under a permanent curtailment plan. TETCO's May 28, filings do, in effect, permit TETCO to collect full demand charges although there is a redistribution of these charges among customers to reflect different degrees of curtailment. Thus a hearing will be held on the May 28, filing and this hearing shall be consolidated with the curtailment hearings in these dockets.

Public notice of the filing was given on June 12, 1974, with protests and petitions to intervene due by June 28, 1974. A protest by Brooklyn Union Gas Company was received on June 17, 1974.

The Commission finds:

(1) The Tariff Sheets submitted by TETCO and designated in footnote 1 above have not been shown to be lawful and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful under the Natural Gas Act.

(2) Good cause exists to accept for those sheets be suspended, and that a public hearing be initiated in accordance with the procedures set forth below, all as hereinafter ordered.

(3) Good cause exists to consolidate for hearing and determination the hearing initiated by this order and the curtailment hearings in these dockets.

The Commission orders:

(A) The tariff sheets tendered for filing on May 28, 1974 by TETCO and designated in footnote 1 above are hereby accepted for filing.

(B) The acceptance made in Ordering Paragraph (A) above is conditioned upon the filing by TETCO, on or before June 30, 1974, of substitute sheets which omit reference to May 1, 1974, as the date on which the first DCA Account period begins. The acceptance made in Ordering Paragraph A above is further conditioned upon TETCO moving to place the substitute sheets into effect on July 1, 1974.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch I), a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning the lawfulness of the proposed changes in the General Terms and Conditions of TETCO's FPC Gas Tariff, Third Revised Volume No. 1.

(D) Pending such hearing and decision, the revised tariff sheets tendered by TETCO on May 28, 1974, are hereby suspended and the use thereof deferred until July 1, 1974, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. The substitute sheets required to be filed by Ordering Paragraph (B) shall, if and when filed, be subject to the identical suspension as the sheets filed on May 28, 1974.

(E) The hearing initiated in Ordering Paragraph (C) above shall be consolidated with the curtailment hearing currently being held in these dockets.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14802 Filed 6-27-74;8:45 am]

[Docket No. RP73-35]

TRUNKLINE GAS CO.

Notice of Change in Tariff

JUNE 21, 1974.

Take notice that on June 14, 1974, Trunkline Gas Company (Trunkline) tendered for filing Substitute Ninth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1. Trunkline states that the filing is in accordance with the provisions of Article V of the Stipulation and Agreement in Docket No. RP72-23, et al., approved by the Commission's Order of April 11, 1972, and pursuant to section 18 of the general terms and conditions of Trunkline's FPC Gas Tariff, Original Volume No. 1. The company submits that the foregoing tariff sheet reflects an increase of 2.37¢ per Mcf for advance payment tracking pursuant to the above-mentioned Article V and also reflects an increase in the current cost of gas and recovery of amounts in the deferred purchased gas account pursuant to section 18 of the general terms and conditions of Trunkline's FPC Gas Tariff, Original Volume No. 1. An effective date of August 1, 1974, is proposed.

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 July 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14789 Filed 6-27-74;8:45 am]

[Rate Schedule Nos. 188, et al.]

RATE CHANGES

Notice of Filings Pursuant to Commission's Opinion No. 639

JUNE 21, 1974.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 15, 1974, file with the Fedearl Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party 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.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
June 7, 1974	Koch Industries, Inc., P.O. Box 2256, Wichita, Kans. 67201.	14	Arkansas Louisiana Gas Co.	Other Southwest.
June 5, 1974	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.	69	Tennessee Gas Pipe Line Co.	Texas Gulf Coast.
Do	do	70	do	Do.
June 7, 1974	Murphy Oil Corp., 200 Jefferson Ave., El Dorado, Ark. 71730.	10	Natural Gas Pipeline Co. of America.	Do.
May 31, 1974	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	188	Phillips Petroleum Co.	Hugoton-Anadarko.
June 3, 1974	Atlantic Richfield, P.O. Box 2819, Dallas, Tex. 75221.	359	Texas Eastern Transmission Corp.	Texas Gulf Coast.
June 4, 1974	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	374	United Gas Pipe Line Co.	South Louisiana.
Do	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	14	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Do	do	16	do	Do.
Do	do	20	do	Do.
Do	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	35	do	Other Southwest.
June 5, 1974	Burmah Oil & Gas Co., Golden Center 1, 2800 North Loop West, P.O. Box 94193, Houston, Tex. 77018.	1	Cities Service Gas Co.	Do.

[FR Doc.74-14807 Filed 6-27-74;8:45 am]

[Docket No. RP74-35]

UNITED NATURAL GAS CO.

Notice of Tendered Tariff Revisions

JUNE 21, 1974.

Take notice that on June 17, 1974, United Natural Gas Company (United Natural) tendered for filing Eighth Revised Sheet No. 3-A to United Natural Gas Company's FPC Gas Tariff, Original Volume No. 1. This tariff sheet is to supersede Seventh Revised Sheet No. 3-A which was filed June 12, 1974.

The Company states that the revised tariff sheet reflects an adjustment in rates of 2.89¢ per Mcf ($1,326,181 annually) over the revenues that would be generated under the June 12, 1974 filing. The Company attributes the increased costs to the following suppliers' increases:

Consolidated Gas Supply Corporation (Docket No. RP72-157)
Tennessee Gas Pipeline Company (Docket No. RP74-73)
Texas Eastern Transmission Corporation (Docket No. RP74-41)
Transcontinental Gas Pipe Line Corporation (Docket No. RP74-48)

Filed concurrently with the above was United Natural Gas Company's Alternate Eighth Revised Sheet No. 3-A. United Natural states that this revised tariff sheet reflects an adjustment in rates of 2.79¢ per Mcf (1,280,292 annually) over those that would be generated under the June 12, 1974 filing. United Natural explains that if Tennessee Gas Pipeline Company's Fourth Substitute Revised Sheet No. 12A is approved, its proposed Alternate Sheet should be made effective.

United Natural requests an effective date of July 1, 1974 for its tendered tariff sheets and requests waiver of the 45 day notice requirement set forth in § 16.6 of the General Terms and Conditions of its FPC Tariff and further requests waiver of any of the Commission's rules and regulations as may be required to establish a July 1, 1974 effective date. In support of such waiver the company states that it did not receive its suppliers' revised rates in sufficient time to make a timely filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14790 Filed 6-27-74;8:45 am]

[Docket No. CP72-251]

NORTHERN NATURAL GAS CO.

Dallas Center Underground Storage Project; Availability of Final Environmental Impact Statement

Notice is hereby given in the above docket, that on June 26, 1974, in accordance with § 2.82(b) of Commission Order 415-C, a Final Environmental Impact Statement prepared by the staff of the Federal Power Commission was made available. This final statement deals with the environmental impact of an application filed by Northern Natural Gas Co. in Docket No. CP72-251 for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act requesting authorization for the testing of a proposed underground gas storage field near Dallas Center, Iowa. The proposal would include the drilling of 12 injection-withdrawal wells and several observation wells, 13.8 miles of pipeline, and other miscellaneous appurtenant facilities. Comments on the Draft Environmental Impact Statement were solicited by letter dated December 10, 1973, and comments on the Modified Draft Environmental Impact Statement were solicited by letter dated April 15, 1974.

This final statement has been circulated to Federal, State, and local agencies, and has been placed in the public files of the Commission, and is available for public inspection, both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and at its Regional Office located in Room 1051, 610 South Canal Street, Chicago, Illinois 60606. Copies are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

Dated: June 26, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-14953 Filed 6-27-74;8:45 am]

FEDERAL RESERVE SYSTEM

BANKERS TRUST NEW YORK CORP.

Acquisition of Bank

Bankers Trust New York Corporation, New York, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Mohawk Valley State Bank, Utica, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 10, 1974.

Board of Governors of the Federal Reserve System, June 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14826 Filed 6-27-74;8:45 am]

COLONIAL-AMERICAN BANKSHARES CORP.

Formation of Bank Holding Company

Colonial-American Bankshares Corporation, Roanoke, Virginia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successor by merger to Colonial-American National Bank of Roanoke, Roanoke, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 8, 1974.

Board of Governors of the Federal Reserve System, June 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14824 Filed 6-27-74;8:45 am]

EQUITABLE BANCORPORATION

Acquisition of Bank

Equitable Bancorporation, Baltimore, Maryland, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Truckers and Savings Bank, Salisbury, Maryland. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 15, 1974.

Board of Governors of the Federal Reserve System, June 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14822 Filed 6-27-74;8:45 am]

FIRST ALGONQUIN CO.

Order Approving Formation of Bank Holding Company

First Algonquin Company, LaGrange, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of Algonquin State Bank, Algonquin, Illinois ("Bank").

Notice of the receipt of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was recently organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, with total deposits of $13.5 million, is the 526th largest bank in Illinois with 0.03 percent of deposits in the State. (All banking data are as of June 30, 1973.) Bank is the seventh largest of twelve banks in the Elgin banking market,[1] with about 4 percent of total commercial bank deposits therein. Since Applicant has no present operations or subsidiaries, consummation of the proposal would not eliminate existing or potential competition, nor have an adverse effect on other area banks.

Three principals of Applicant are also principals in two other one-bank holding companies, F.N.B.C. of LaGrange, Inc., LaGrange, Illinois, and Wesco Investment Corporation, West Chicago, Illinois, which own approximately 30 percent and 64 percent of First National Bank of LaGrange, Inc., LaGrange, Illinois ("First National"), and West Chicago State Bank, West Chicago, Illinois ("West Chicago"), respectively. First National (deposits of $32.4 million) and West Chicago (deposits of $16.6 million) are each located in the Chicago banking market and hold, in the aggregate, less than .2 of one percent of the total commercial deposits therein. Since these banks are located in a separate but adjacent banking market, and in view of their common ownership as well as the State's prohibition on branching, no competition exists between them and Bank, and it appears unlikely that such competition would develop in the future. On the basis of the record, the Board concludes that competitive considerations are consistent with approval of this application.

The financial and managerial resources and future prospects of Applicant, which will depend initially upon those of Bank, are considered satisfactory and consistent with approval. Income to be derived from Bank should be adequate to service the debt incurred by Applicant as an incident to the acquisition. Accordingly, financial and managerial considerations are consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also regarded as being consistent with approval in view of Applicant's intention to institute certain changes in Bank's operations and provide additional services such as daily compounding of passbook savings interest, expanded banking hours, and increased consumer lending. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before July 19, 1974, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 19, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-14825 Filed 6-27-74;8:45 am]

[1] The Elgin banking market is approximated by the southern one-half of McHenry County and the northern one-third of Kane County, Illinois.

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Governor Mitchell.

FIRST FINANCIAL GROUP OF NEW HAMPSHIRE, INC.

Order Denying Acquisition of Bank

First Financial Group of New Hampshire, Inc. (formerly The Manchester Corporation), Manchester, New Hampshire, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Nashua Trust Company, Nashua, New Hampshire ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in the State, has one banking subsidiary, The Manchester Bank, Manchester, New Hampshire ("Manchester Bank"), the largest commercial bank in the State with deposits of $137 million, representing 10.2 percent of the total deposits in commercial banks in New Hampshire.[1] Bank, with deposits of $61.5 million, representing 4.6 percent of total State commercial bank deposits, is the fifth largest banking organization and the fourth largest commercial bank in the State. While Applicant's rank as the second largest banking organization in New Hampshire would remain unchanged as a result of the proposed acquisition, the acquisition of Bank would have an adverse effect on the level of concentration of banking resources both in the State and in the respective markets[2] in which Applicant and Bank operate. The Board views these results as adverse considerations lending weight toward denial of the application.

Bank is the third largest of six commercial banks in the Nashua banking market, which is approximated by the Nashua SMSA,[3] and controls 27 percent

[1] Unless otherwise indicated, all banking data are as of June 30, 1973.

[2] The relevant banking markets include the only two SMSAs in New Hampshire, while only 16 of the 79 commercial banks in the State operate in both banking markets, those 16 banks hold over 40 percent of the State's total commercial bank deposits.

[3] The Nashua SMSA includes Nashua and the towns of Hudson, Merrimack, Amherst, and Milford.

of total deposits in that market. The two larger commercial banks in the market control respectively, 31.5 and 29.8 percent of total deposits therein. Manchester Bank is the largest of twelve commercial banks in the Manchester banking market, approximated by the Manchester SMSA,[4] holding almost 44 percent of total deposits of commercial banks in the market. In terms of total deposits, Manchester Bank is over three times as large as its next largest commercial bank competitor. While the Manchester SMSA and the Nashua SMSA are separate but contiguous banking markets in southern New Hampshire, eighteen miles separate the closest banking offices of Manchester Bank and Bank. From the facts of record, it appears that little existing competition would be eliminated by the proposed acquisition in view of the fact that both Manchester Bank and Bank compete primarily in separate market areas.

The Board is concerned with the significant adverse effects the proposed acquisition would have upon competition in the future in both the Manchester and Nashua banking markets. Between 1960 and 1970, both market areas experienced rapid population growth; the Manchester SMSA increased 14.4 percent while the Nashua SMSA (which abuts the northern border of Massachusetts and is only 38 miles from Boston) increased approximately 55 percent. In fact, the Nashua SMSA is the fastest growing area in the State in terms of population. Applicant appears to have both the resources and expertise to enter the Nashua SMSA de novo, and in view of Applicant's proximity to the relevant market as well as the attractiveness of that market for de novo entry, Applicant may be regarded as a likely future entrant into the Nashua SMSA. Approval of the instant proposal would preclude such an alternative and thereby foreclose the addition of an alternative commercial banking competitor to the Nashua market and also eliminate the possibility of deconcentration[5] in the market. In addition, it should be noted that Manchester Bank could branch into certain portions of the Nashua market which are now open to branching by Bank. This potential competition would also be foreclosed by consummation of Applicant's proposal. Thus, the Board concludes that consummation of the proposal would have significant adverse effects on potential competition in the Nashua market.

Similarly, Bank appears to have both the resources and expertise to form a bank holding company and thereafter to enter the Manchester SMSA through acquisition of an existing bank located therein or by establishing a new bank. Bank, as the State's largest independent bank, appears to be one of few remaining potential lead banks for a holding company in the State. The towns of Derry, Goffstown and Manchester have high population per commercial banking office ratios and would appear to be attractive areas for a de novo bank. Bank's entry into the Manchester market would have a salutary effect on competition by introducing a viable competitor to the market with the resources to compete effectively with Manchester Bank, by far the largest commercial banking competitor in that market. Given these factors, the Board concludes that consummation of the proposed acquisition would have significant adverse effects on potential competition in the Manchester market.

On the basis of the foregoing and the facts of record, the Board concludes the competitive considerations relating to this application are significantly adverse. Consummation of the proposed transaction would (1) increase the concentration of banking resources in the State and perpetuate the levels of banking concentration in both the Manchester and Nashua markets; (2) eliminate some slight existing competition between Applicant and Bank; (3) foreclose significant potential competition in both the Manchester and Nashua banking markets; and (4) remove Bank as a potential Statewide competitor as a lead bank in a newly formed holding company. Accordingly, the Board views the competitive considerations as requiring denial of the application unless these anticompetitive effects are outweighed by considerations relating to benefits to the public in meeting the convenience and needs of the communities to be served.

The financial condition of Applicant and Manchester Bank is satisfactory and the financial condition of Bank is regarded as generally satisfactory. Managerial resources for Applicant, Manchester Bank and Bank are satisfactory and the future prospects for all are favorable. Applicant has indicated that it would assist Bank in expanding its mortgage lending and municipal financing services and Bank has plans to assist Applicant in providing trust and credit card services at Manchester Bank. These services, however, are presently available in the respective markets and there is no evidence that the banking needs of the areas are not being met. Moreover, the Board does not regard the addition of such services as outweighing the significant adverse effects flowing from the proposal, as required by the Act.

Accordingly, on the basis of the record, the Board finds that the anticompetitive aspects of the proposed acquisition are not outweighed by considerations relating to the convenience and needs of the communities to be served. It is the Board's judgment that consummation of the proposed transaction would not be in the public interest and that the application should be, and is hereby, denied.

By order of the Board of Governors,[6] effective June 21, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-14827 Filed 6-27-74;8:45 am]

[4] The Manchester SMSA includes the towns of Manchester, Bedford, Goffstown, Hooksett, Pembroke, Allenstown, Londonderry, and Derry.

[5] The three largest commercial banks in the Nashua market control 88.3 percent of the total deposits therein.

[6] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Governor Mitchell.

SECURITY NEW YORK STATE CORP.

Proposed Retention of Sibley Corporation

Security New York State Corporation Rochester, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of Sibley Corporation, Rochester, New York. Notice of the application was published on April 24, 1974, in The Times-Union and the Rochester Democrat & Chronicle, on May 16, 1974, in The Ithaca Journal and the Albany Times Union and on May 17, 1974, in The Post-Standard, newspapers of general circulation in the New York cities of Rochester (two newspapers), Ithaca, Albany and Syracuse, respectively.

Applicant states that the subsidiary would engage in the activities of mortgage banking including the origination and servicing of permanent mortgages and the granting of construction loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 17, 1974.

Board of Governors of the Federal Reserve System, June 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14819 Filed 6-27-74;8:45 am]

SOCIETY CORP.

Order Approving Acquisition of Society Life Insurance Company

Society Corporation, Cleveland, Ohio, a bank holding company within the

meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of Society Life Insurance Company, Phoenix, Arizona ("Company"), a company to be organized de novo to engage in the underwriting, as reinsurer, of credit life and credit accident and health insurance in connection with extensions of credit by Applicant's banking subsidiaries. It would also offer joint credit life insurance in connection with extensions of credit. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 15074). The time for filing comments and views has expired, and the application and all comments and views received have been considered in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls 12 banks with aggregate deposits of $1.4 billion representing about 5 percent of total deposits in commercial banks in Ohio.[1] Company will be formed under Arizona law as a full reserve life insurance company. Since Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies made available in connection with extensions of credit by Applicant's banking subsidiaries located in Ohio. Such insurance would be directly underwritten by an insurer qualified to underwrite in Ohio and will thereafter be assigned or ceded to Company under a reinsurance agreement.

Credit life and credit accident and health insurance is generally made available by banks and other consumer lenders and is designed to insure repayment of a loan in the event of the death or disability of a borrower. Applicant also proposes to underwrite joint credit life insurance. The Board has permitted such insurance to be underwritten by subsidiaries of bank holding companies when both of the insured parties are comakers or cosigners of a note issued in connection with an extension of credit. Applicant will limit its underwriting of joint credit life insurance to such instances.

In connection with this addition of credit life and credit accident and health underwriting to the list of permissible activities for bank holding companies, the Board has stated that:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an Applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by projected reduction of rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it will provide single and joint credit life insurance at a rate 4 percent below the maximum rate authorized by Ohio law and will offer credit accident and health insurance at approximately a 5 percent reduction below the maximum rate provided by State law. The Board believes that the reductions in price of credit life and credit accident and health insurance policies proposed by Applicant is a consideration favorable to the public interest. The Board concludes, therefore, that such public benefits, in the absence of any evidence in the record indicating the presence of any adverse statutory factors, provide support for approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. The determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 19, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-14820 Filed 6-27-74;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Banks

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successors by merger to Union Bank of Fort Worth, Fort Worth, Texas ("Union Bank") and First National Bank of Hurst, Hurst, Texas ("Hurst Bank"). The banks into which Union Bank and Hurst Bank are to be merged have no significance except as means to facilitate the acquisitions of the voting shares of Union Bank and Hurst Bank. Accordingly, the proposed acquisitions of the successor organizations are treated herein as the proposed acquisitions of Union Bank and Hurst Bank.

Notices of the applications, affording opportunity for interested persons to submit comments and views, have been given in accordance with section 3(b) of the Act. The times for filing comments and views have expired, and none have been timely received. The Federal Reserve Bank of Dallas, acting pursuant to delegated authority, has considered the applications in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest multibank holding company in Texas, presently controls fifteen banks with aggregate deposits of approximately $1,787 million, representing 5.14 percent of the total commercial bank deposits in Texas.[1] Approval of the present acquisitions would not produce a significant increase in the concentration of banking resources in Texas.

Union Bank and Hurst Bank are situated within the Fort Worth banking market, which is approximated by the Fort Worth RMA. Union Bank, the eighteenth largest of 45 banks in the Fort Worth market, has deposits of approximately $24.5 million, representing 1.14 percent of market deposits. Hurst Bank has deposits of about $27.1 million, representing a 1.25 percent share of market deposits, and is the seventeenth largest bank in the market. Approval of the applications would have no adverse effects on competition. Applicant is not currently represented in the market, and following consummation of the proposed transactions Applicant would control only 2.4 percent of total deposits in the Fort Worth market, which contains two leading banking organizations, each controlling over 30 percent of market deposits. Union Bank and Hurst Bank are located some fifteen miles apart and some 26 miles and 10 miles respectively from Applicant's nearest subsidiary, which is located in the adjacent Dallas RMA banking market. There is no substantial existing competition among Union Bank, Hurst Bank, and any of Applicant's current subsidiaries due to distances involved and the number of intervening banks, nor is there a reasonable probability of a substantial degree of development of such competition in the future, in view of those factors of distances and intervening banks as well as Texas' prohibition of branch banking. Removal of the Hurst Bank from the market as an independent entity and vehicle for market entry would not have

[1] All banking data are as of December 30, 1973.

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Governor Mitchell.

[1] All deposit figures are as of June 30, 1973, and reflect holding company formations and acquisitions approved by the Board through March 1, 1974. Subsequent to the latter date, the Board has approved Applicant's proposed acquisition of Southeast Bank, Houston, Texas, and the Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board, has approved Applicant's proposed acquisitions of Westwood Commerce Bank (a proposed new bank), Houston, Texas, and Guaranty National Bank and Trust of Corpus Christi, Corpus Christi, Texas.

an adverse effect on potential competition due to Hurst Bank's relatively small size and small share of market deposits, as well as the number of independent banks still available as potential entry points. Similar considerations, especially in light of the wide disparity in size between Union Bank and the larger downtown Fort Worth banks, would prevent any adverse effects on potential competition with regard to its being acquired by Applicant.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, Union Bank and Hurst Bank are regarded as generally satisfactory and consistent with approval in view of the additions of equity capital in the amounts of $200,000 to Union Bank and $120,000 to Hurst Bank. Although there is no evidence that the convenience and needs of the communities involved are not adequately being served, considerations of the convenience and needs of the communities to be served lend weight toward approval. Affiliation with Applicant will enable both Union Bank and Hurst Bank to offer expanded or improved services in the areas of trust and investment advice, real estate financing and international banking. Acquisition by Applicant will permit Union Bank to participate more fully in the redevelopment of the area near downtown Fort Worth in which Union Bank will be relocated. Applicant's acquisition of Hurst Bank will permit the latter to become more actively engaged in the financing of the civic expansion of the growing Hurst community. It is the judgment of the Federal Reserve Bank of Dallas that the proposed acquisitions are in the public interest and that the applications should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Dallas approves the applications, provided that the transactions shall not be consummated (a) before July 15, 1974, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective June 14, 1974.

[SEAL] ROBERT H. BOYKIN,
Secretary.

[FR Doc.74-14821 Filed 6-27-74;8:45 am]

VIRGINIA NATIONAL BANKSHARES, INC.

Acquisition of Bank

Virginia National Bankshares, Inc., Norfolk, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Community Bank and Trust Company, Springfield, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 16, 1974.

Board of Governors of the Federal Reserve System, June 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-14823 Filed 6-27-74;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Notice of Public Meeting

Notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet at 10 a.m. in Room 712, 1800 G Street NW, Washington, D.C., on Wednesday, July 10, 1974.

The principal agenda items will be: (1) A discussion of the results of the recently completed 1974 ITU Maritime WARC; (2) the development of an FMAC study program in support of its advisor role to OTP; (3) impact of electric power facilities on terrestrial communications systems; and (4) briefings on electronic conferencing facilities and on "Hertzian Cables."

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting, and other information pertaining to the meeting may be obtained from Mr. L. R. Raish, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-5623).

Dated: June 24, 1974.

BRYAN M. EAGLE,
Advisory Committee Management Officer.

[FR Doc.74-14784 Filed 6-27-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 25, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

FEDERAL ENERGY OFFICE

Certification of Requirements for Use under Allocation Levels not Subject to an Allocation Fraction; Form FEO 25; annual; Weiner; reseller of petroleum products.

GENERAL SERVICES ADMINISTRATION

Report on Minority Business Enterprise Subcontracting Program; Form GSA 2968; quarterly; EGG/Sunderhauf; contractors building Government buildings.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration: Child Abuse: Formal and Informal Decision-Making Process; Form ADAMMH 0530; occasional; Brown; individuals in agencies dealing with child abuse.

Center for Disease Control: Investigation of Health Hazards in the Painting Trades; Form —; singletime; Ellett; members of International Brotherhood of Painters and Allied Trade Union.

Departmental: Rural Physicians' Capacity Utilization Telephone Survey; Form OS 27-74; single time; Brown; physicians' offices.

REVISIONS

FEDERAL ENERGY OFFICE

Suppliers' Monthly Allocation Worksheet; Form FEO 22; monthly; Weiner; distributors of petroleum products.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental: Individual School Campus Report; Form OS 25-74; annual; Planchon/Sunderhauf; public elementary and secondary school districts.

EXTENSIONS

FEDERAL RESERVE BOARD

Demand Deposit Ownership Survey; Form —; monthly; Evinger (x).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health: Letter to Survivors of Deceased Twin Pairs with Diagnosis of Cancer in Index File; Form —; single time; Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-14994 Filed 6-27-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 3-4404]

BOLTON GROUP, LTD.

Order Permanently Suspending Exemption

JUNE 18, 1974.

I. The Bolton Group, Ltd. ("Issuer") (24NY-7651), a New York corporation with offices located at 210 East 52nd Street, New York, New York, filed with the Commission on June 14, 1972, a notification on Form 1-A with attached exhibits including an offering circular relating to a public offering on a best efforts all-or-none basis of 100,000 units at an offering price of $1.25 per unit to be sold by Park Securities, Inc. ("Park"). On May 4, 1973, a Form 2-A was filed representing that Park had sold the 100,000 units in the period September 1, 1972, to October 6, 1972, inclusive.

II. The Commission on December 11, 1973, temporarily suspended the Regulation A exemption of The Bolton Group, Ltd., stating it had reasonable cause to believe that:

A. The notification and offering circular as filed and amended and the Form 2-A were incomplete, inaccurate and contained untrue statements of material facts and omitted to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The plan and manner of distribution of the offering;

2. The identity of underwriters and purchasers including, among others, Daniel J. Claridy, Richard Pinto, Charles Ciccotto, N. Carroll Mallow and Ciro Cozzolino and the interests of such persons in the distribution;

3. The number of units to be and that were sold to the public;

4. The price to be and that was paid by the public for the units; and

5. The compensation of underwriters.

B. The manner in which the securities would be and were traded in the aftermarket.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933.

III. No hearing having been requested by The Bolton Group, Ltd. within thirty days after the entry of an order temporarily suspending the exemption of the Issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be permanently suspended;

It is ordered, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, That the exemption of The Bolton Group, Ltd. under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14892 Filed 6-27-74;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

JUNE 21, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 24, 1974 through July 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14898 Filed 6-27-74;8:45 am]

[File No. 3-4405]

EKG SERVICE CORP.

Order Permanently Suspending Exemption

I

EKG Service Corp. ("Issuer") (24NY-7661), a Delaware corporation with offices located at 925 Clifton Avenue, Clifton, New Jersey, filed with the Commission on June 28, 1972, a notification on Form 1-A with attached exhibits, including an offering circular relating to a public offering on a best efforts all-or-one-third basis of 100,000 shares of common stock at an offering price of $5.00 per share to be sold by Park Securities, Inc. ("Park"). On May 7, 1973, a Form 2-A was filed representing that Park had sold 33,333 shares between October 10, 1972, and December 29, 1972, inclusive.

II

The Commission on December 11, 1973, temporarily suspended the Regulation A exemption of EKG Service Corp., stating it had reasonable cause to believe that:

A. The notification and offering circular as filed and amended and the Form 2-A were incomplete, inaccurate and contained untrue statements of material facts and omitted to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The plan and manner of distribution of the offering;

2. The identity of underwriters and purchasers including among others Daniel J. Claridy and Richard Pinto and the interests of such persons in the distribution;

3. The number of shares to be sold to the public;

4. The price to be paid by the public for the shares;

5. The compensation of underwriters;

6. The manner in which the securities would be traded in the aftermarket;

7. The terms and conditions upon which closing of the offering was to take place and the manner in which the closing was executed, including among other things:

(a) Duration of the selling period;

(b) The return of payments to prospective purchasers if one-third of the offering was not sold and paid for in the selling period; and

(c) Identity of purchasers.

B. The offering was made in violation of section 17(a) of the Securities Act of 1933.

III

No hearing having been requested by EKG Service Corp. within thirty days after the entry of an order temporarily suspending the exemption of the Issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be permanently suspended;

It is ordered, pursuant to Rule 261(a), of the general rules and regulations under the Securities Act of 1933, as amended, That the exemption of EKG Service Corp. under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14891 Filed 6-27-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

JUNE 20, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 21, 1974 through June 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14893 Filed 6-27-74;8:45 am]

[File No. 500-1]

FRANKLIN NATIONAL BANK

Notice of Suspension of Trading

JUNE 21, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the preferred stock and 4.75 percent debentures of Franklin National Bank (New York, N.Y.) being traded otherwise than on a national securities exchange is required

in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 24, 1974 through July 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14896 Filed 6-27-74;8:45 am]

[File No. 500-1]

FRANKLIN NEW YORK CORP.

Notice of Suspension of Trading

JUNE 21, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock and 7.30 percent notes of Franklin New York Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended for the period from June 24, 1974 through July 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14897 Filed 6-27-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

JUNE 20, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 21, 1974 through June 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14895 Filed 6-27-74;8:45 am]

[File No. 500-1]

STRATTON GROUP, LTD.

Notice of Suspension of Trading

JUNE 21, 1974.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 24, 1974 through July 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14899 Filed 6-27-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Notice of Suspension of Trading

JUNE 20, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 21, 1974 through June 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-14894 Filed 6-27-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1072; Amdt. 1]

ILLINOIS

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Illinois as a major disaster area following heavy rains and flooding beginning on or about May 17, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional Counties: Alexander, Jersey, Monroe and Randolph, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond State lines. (See 39 FR 22195)

Applications may be filed at the:

Small Business Administration
Regional Office
219 South Dearborn Street
Chicago, Illinois 60604

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 12, 1974.

Dated: June 14, 1974.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.74-14871 Filed 6-27-74;8:45 am]

[Notice of Disaster Loan Area 1072; Amdt. 2]

ILLINOIS

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Illinois as a major disaster area following heavy rains and flooding beginning on or about May 17, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following additional County: Fulton and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines. (See 39 FR 22195 and Amendment 1 this issue)

Applications may be filed at the:

Small Business Administration
Regional Office
219 South Dearborn Street
Chicago, Illinois 60604

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 19, 1974.

Dated: June 20, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-14872 Filed 6-27-74;8:45 am]

[Proposed License No. 06/06-0172]

VENTURE CAPITAL CORP., NEW MEXICO

Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1974)), under the name of Venture Capital Corporation of New Mexico, 200 Lomas Boulevard, NW, Albuquerque, New Mexico 87102, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Benirwin Bronstein, 4416 Royene NE., Albuquerque, N. Mex., President, Treasurer, Director.

Thomas G. Morris, 910 Warm Sands Dr. SE., Albuquerque, N. Mex., Vice President, Director.

Edward L. Lujan, 3700 Andrew NE., Albuquerque, N. Mex., Secretary, Director.

Mr. Benirwin Bronstein will initially own all the issued and outstanding stock. The corporation shall have only one class of stock. There is authorized 50,000 shares of common stock and it is proposed that this stock will be sold to no more than five shareholders. The initial capitalization will be $300,000.

The Applicant will conduct its operations principally in the State of New Mexico and in other areas within the United States and its territories and possessions as may from time to time be approved by SBA. A diversified investment policy will be maintained.

Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operations of the new company in accordance with the Act and regulations.

Notice is further given that any interested person may, on or before July 15, 1974, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Albuquerque, New Mexico.

Dated: June 20, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-14870 Filed 6-27-74;8:45 am]

VETERANS ADMINISTRATION

REHABILITATION/NURSING HOME CARE BUILDING; SEPULVEDA, CALIFORNIA

Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Statement for a 120-Bed Rehabilitation/Nursing Home Care Building, Veterans Administration Hospital, Sepulveda, California", dated March 1974, has been prepared as required by the National Environmental Policy Act of 1969. Persons wishing to review a copy of the document may do so at the following office:

Mr. Arthur W. Farmer, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420.

This project consists of the construction of a 120-bed seismically designed rehabilitation and nursing home care building and related sitework. This building will have four 30-bed wings of one-story design connected to a two-story administrative and support building. The building will provide hospital beds for those patients requiring a longer stay than is normal in the general medical and surgical area of the hospital. Related sitework includes a new access road (±550') and a new 72-car parking lot.

This new addition at the Sepulveda Veterans Administration Hospital of Los Angeles represents in part the replacement beds that were removed from the West Los Angeles Veterans Administration Hospital during reconstruction and demolition operations in 1972. This statement discusses the environmental impact of our nursing home replacement at Sepulveda. Included with the statement are the comments received on the Draft Statement and the Veterans Administration's response to those comments. Notice of Availability of the Draft Statement was published in the FEDERAL REGISTER dated September 20, 1973 (38 FR 26412).

The Environmental Impact Statement will be furnished upon request addressed to the Assistant Chief Medical Director for Administration at the above address.

Dated: June 24, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-14887 Filed 6-27-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

JUNE 25, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 8, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-2860 (Sub-No. E7), filed May 17, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billing, 1126 16th Street NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen eggs, dressed and frozen poultry, butter, and cheese* (except commodities in bulk), from Rock Island and Chicago, Ill., to points in Connecticut, Delaware, Massachusetts, New Jersey, Rhode Island, that part of Maryland on and east of the Susquehanna River and the Chesapeake Bay, that part of New York on and east of a line beginning at the New York-New Jersey State line, thence along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 23, and that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 222 to junction Interstate Highway 78, thence along Interstate Highway 78 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateways of Alexandria, Va., Baltimore, Md., and Deepwater, N.J.

No. MC-64932 (Sub-No. E1), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (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, (a) from points in the Chicago, Ill., commercial zone, as defined by the Commission, to points in Colorado and New Mexico on and east of U.S. Highway 85; and (b) from Peoria, Ill., to points in Kansas and points in Colorado, New Mexico, and Texas on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of the plant site of National Starch and Chemical Corporation at Merodosia, Ill.

No. MC-64932 (Sub-No. E2), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Cahokia, Ill., to points in Indiana and Missouri. The purpose of this filing is to eliminate the gateway of Hartford, Ill.

No. MC-64932 (Sub-No. E3), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from East St. Louis, Ill., and St. Louis, Mo., to points in Indiana and Missouri. The purpose of this filing is to eliminate the gateway of Hartford, Ill.

No. MC-64932 (Sub-No. E4), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petrochemicals, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Hartford, Ill., to points in Alabama, Georgia, West Virginia, and Tennessee. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC-64932 (Sub-No. E5), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petrochemicals, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Roxanna, Ill., to points in Alabama, Georgia, Tennessee, and West Virginia. The purpose of this filling is to eliminate the gateway of St. Louis, Mo.

No. MC-64932 (Sub-No. E6), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petrochemicals, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Wood River, Ill., to points in Alabama, Georgia, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC-64932 (Sub-No. E7), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (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, from Terre Haute, Ind., to points in California. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

No. MC-64932 (Sub-No. E66), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (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, from points in West Virginia to points in California. The purpose of this filing is to eliminate the gateway of Ferndale, Mich. (a point within the Detroit, Mich., commercial zone), and the plantsite of Baird Chemical Industries, Inc., at or near Mapleton, Ill.

No. MC-64932 (Sub-No. E68), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (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, from the plantsite of Baird Chemical Industries, Inc., at or near Mapleton, Ill., to points in Texas and those points in Colorado and New Mexico on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateways of Louisiana, Mo., and the plantsite of National Starch and Chemical Corporation, at Meredosia, Ill.

No. MC-64932 (Sub-No. E74), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (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, from points in the Lower Peninsula of Michigan, to points in California. The purpose of this filing is to eliminate the gateways of Ferndale, Mich. (a point within the Detroit, Mich., commercial zone), and the plant site of Baird Chemical Industries, Inc.

No. MC-64932 (Sub-No. E86), filed May 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (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 New Jersey on and north of Interstate Highway 78 to points in Texas. The pur-

pose of this filing is to eliminate the gateways of Ferndale, Mich. (a point within the Detroit, Mich., commercial zone), and Chicago Heights, Ill.

No. MC-73165 (Sub-No. E21), filed May 20, 1974. Applicant: EAGLE MOTOR LINES, INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Contractors' equipment and road-building machinery consisting of contractors' outfits*, which because of size or weight require the use of special equipment or consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, from Peoria, Pekin, and Joliet, Ill., Detroit, Mich., Marion, Ohio, Milwaukee, Wis., and Cedar Rapids and Waverly, Iowa, to points in Louisiana east of the Mississippi River.

(2) *Commodities*, the transportation of which by reason of their size or weight require the use of special equipment (except pipe, pipe line materials machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), and self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on, west, and north of a line beginning at Cairo, Ill., and extending along Illinois Highway 3 to Chester, thence along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to Pickneyville, thence along Illinois Highway 127 to Nashville, thence along Illinois Highway 15 to Mt. Vernon, thence along Illinois Highway 37 to Effingham, thence along U.S. Highway 45 to Urbana, and thence along Interstate Highway 74 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Kentucky west of the Tennessee River; (b) between Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on, west, and north of a line beginning at Chicago, and extending along U.S. Highway 34 to Mendota, thence along U.S. Highway 51 to Bloomington, thence along U.S. Highway 66 to East St. Louis, including points in Madison, St. Clair, and Monroe Counties, on the one hand, and, on the other, points in Kentucky, on and south of a line beginning at Columbus, and extending along Kentucky Highway 80 to Hopkinsville, and thence along U.S. Highway 41 to the Kentucky-Tennessee State line; (c) between Dubuque, Iowa, and points in Iowa within 150 miles of Dubuque, points in Wisconsin on, west, and south of a line beginning at La Crosse, and extending along U.S. Highway 16 to Portage, and thence along U.S. Highway 51 to Beloit, and points in Illinois on and west of a line beginning at South Beloit, and extending along U.S. Highway 51 to Rockford, thence along Illinois Highway 2 to Rock Island and thence along U.S. Highway 67 to East St. Louis, on the one hand, and, on the other, points in Kentucky on and south of a line beginning at Columbus, and extending along Kentucky Highway 80 to Bowling Green, and thence along U.S. Highway 231 to the Kentucky-Tennessee State line; (d) between points in Cerro Gordo, Floyd, Butler, Bremer, Black Hawk, Grundy, Marshall, Tama, Poweshiek, Mahaska, Jasper, and Wapello Counties, Iowa, within 150 miles of Dubuque, on the one hand, and, on the other, points in Kentucky on and west of U.S. Highway 231; (e) between points in Arkansas on and east of U.S. Highway 67, on the one hand, and, on the other, Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and all points in Illinois; (f) between points in Arkansas on and east of a line beginning at De Queen, and extending along U.S. Highway 70 to Little Rock, and thence along U.S. Highway 67 to the Arkansas-Missouri State line, on the one hand, and, on the other, points in Illinois, that part of Wisconsin within 150 miles of Dubuque, Iowa, and points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 150 to Cedar Rapids, and thence along U.S. Highway 218 to Keokuk; (g) between points in Arkansas on, east, and south of a line beginning at Ft. Smith, and extending along U.S. Highway 64 to Russellville, thence along Arkansas Highway 7 to Harrison, thence along U.S. Highway 62 to Mountain Home, and thence along Arkansas Highway 5 to the Arkansas-Missouri State line, on the one hand, and, on the other, points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line near Oneco, and extending along Illinois Highway 26 to Bureau, thence along Illinois Highway 29 to Pana, and thence along U.S. Highway 51 to Cairo, and points in Wisconsin on, east, and south of a line beginning at the Wisconsin-Illinois State line near Monroe, and extending along Wisconsin Highway 69 to Verona, thence along U.S. Highway 151 to Fond du Lac, and thence along U.S. Highway 41 to Milwaukee; (h) between points in Arkansas, on the one hand, and, on the other, points in Wisconsin on, east, and south of a line beginning at the Wisconsin-Illinois State line near Monroe, and extending along Wisconsin Highway 69 to Verona, thence along U.S. Highway 151 to Fond du Lac, and thence along U.S. Highway 41 to Milwaukee, and points in Illinois on and east of U.S. Highway 51.

(3) *Road and bridge building machinery and materials*, the transportation of which because of size or weight require the use of special equipment (except pipe, pipe line material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), and road and bridge building machinery consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between points in Louisiana, on the one hand, and, on the other, Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and all points in Illinois; (b) between points in Texas on and east of a line beginning at the Texas-Louisiana State line near Panola, and extending along U.S. Highway 79 to Carthage, thence along U.S. Highway 59 to Victoria, and thence along U.S. Highway 77 to Brownsville, on the one hand, and, on the other, Dubuque, and points in Iowa and Wisconsin within 150 miles of Dubuque, and all points in Illinois; (c) between points in Texas on, east, and south of a line beginning at Texarkana, and extending along U.S. Highway 59 to Linden, thence along Texas Highway 155, to Palestine, thence along U.S. Highway 79 to Taylor, thence along Texas Highway 95 to Circleville, thence along Texas Highway 29 to Eldorado, and thence along U.S. Highway 277 to Eagle Pass, on the one hand, and, on the other, Dubuque, and points in Wisconsin within 150 miles of Dubuque, and all points in Illinois; (d) between points in Texas on and east of a line beginning at Arthur City, and extending along U.S. Highway 271 to Paris, thence along Texas Highway 24 to Denton, thence along U.S. Highway 35W to Ft. Worth, thence along U.S. Highway 81 to Laredo, on the one hand, and, on the other, Dubuque, Iowa, and points in Wisconsin on and south of a line beginning at the Wisconsin-Iowa State line near Dubuque, Iowa, and extending along U.S. Highway 151 to Fond du Lac, and thence along U.S. Highway 41 to Milwaukee, and points in Illinois on and east of U.S. Highway 67; (e) between points in Texas on and east of a line beginning at the Texas-Oklahoma State line near Burkburnett, and extending along U.S. Highway 281 to Wichita Falls, thence along U.S. Highway 277 to Eagle Pass, on the one hand, and, on the other, points in Wisconsin on, east, and south of a line beginning at the Wisconsin-Illinois State line near Monroe, and extending along Wisconsin Highway 69 to Verona, thence along U.S. Highway 151 to Fond du Lac, and thence along U.S. Highway 41 to Milwaukee, and points in Illinois on and east of U.S. Highway 51; (f) between points in Texas on and south of a line beginning at Texarkana, and extending along U.S. Highway 67 to Greenville, thence along Texas Highway 24 to Jacksboro, thence along Texas Highway 199 to Seymour, thence along U.S. Highway 82 to Lubbock, and thence along Texas Highway 116 to the Texas-New Mexico State line, on the one hand, and, on the other, points in Wisconsin, on, east, and south of a line beginning at the Wisconsin-Illinois State line near Monroe, and extending along Wisconsin Highway 69 to Verona, thence along U.S. Highway 151 to Fond du Lac, and thence along U.S. Highway 41 to Milwaukee, and points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line near Oneco, and extending along Illinois Highway 26 to Bureau, thence along Illinois Highway 29 to Pana, and thence along U.S. Highway 51 to Cairo;

(g) between points in Texas on and south of U.S. Highway 80, on the one hand, and, on the other, points in Illinois on and south of U.S. Highway 40; (h) between points in Mississippi on and west of a line beginning at Vicksburg, and extending along U.S. Highway 80 to Jackson, and, thence along U.S. Highway 49 to Gulfport, on the one hand, and, on the other, Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on and north of a line beginning at the Illinois-Iowa State line near Gulfport, and extending along U.S. Highway 34 to Galesburg, and thence along U.S. Highway 150 to the Illinois-Indiana State line near Danville.

(4) *Contractors' outfits consisting of machinery and contractors' equipment* (except oilfield equipment), the transportation of which by reason of their size or weight require the use of special equipment or handling, or consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, between Bessemer, Alabama, and points in Alabama within 100 miles of Bessemer, on the one hand, and, on the other, Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and all points in Illinois.

(5) *Contractors' outfits consisting of machinery, and contractors' equipment* (except oilfield equipment), the transportation of which by reason of their size or weight require the use of special equipment or handling, or consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith (except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, those of unusual value, and those requiring special equipment), (a) between Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and all points in Illinois, on the one hand, and, on the other, points in Georgia on and south of a line beginning at the Georgia-Alabama State line near Georgetown, and extending along U.S. Highway 82 to Waycross, and thence along U.S. Highway 84 to the Atlantic Coast, and points in Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, and thence along an unnumbered highway to the Atlantic Seaboard; (b) between Dubuque, Iowa, and points in Iowa within 150 miles of Dubuque, and all points in Illinois, on the one hand, and, on the other, points in Georgia on and south of U.S. Highway 80; (c) between Dubuque, Iowa, and points in Iowa within 150 miles of Dubuque, and points in Illinois on and west of Interstate Highway 57, on the one hand, and, on the other, points in Georgia on and south of a line beginning at the Georgia-Alabama State line near Cedartown, and extending along U.S. Highway 278 to Atlanta, and thence along U.S. Highway 29 to the Georgia-South Carolina State line.

(6) *Road and bridge building machinery and materials*, the transportation of which because of size or weight require the use of special equipment (except pipe, pipe line materials, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), and road and bridge building machinery consisting of self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between points in Texas on and south of U.S. Highway 82, on the one hand, and, on the other, points in Tennessee.

(7) *Road and bridge building machinery and materials, consisting of contractors' outfits and equipment*, the transportation of which because of size or weight require the use of special equipment (except pipe, pipe line materials, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), and road and bridge building machinery consisting of contractors' outfits and equipment of self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between Lubbock County, Tex., on the one hand, and, on the other, Bessemer, Ala., and points in Alabama within 100 miles of Bessemer.

(8) *Road and bridge building machinery and materials, consisting of contractors' outfits and equipment*, the transportation of which because of size or weight require the use of special equipment (except pipe, pipe line materials, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), and road and bridge building machinery consisting of contractors' outfits and equipment of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between Lubbock County, Texas, on the one hand, and, on the other, points in Georgia, and that part of Florida on and east of U.S. Highway 231 and on and north of a line beginning at St. Petersburg, thence across the Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean. Restriction: Restricted against the transportation of commodities of unusual value, dangerous explosives, those requiring special equipment, commodities in bulk, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467.

(9) *Road and bridge building machinery and materials*, the transportation of which because of size or weight require the use of special equipment (except pipe, pipe line materials, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), and road and bridge building machinery consisting of self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between points in Shelby County, Tenn., on the one hand, and, on the other, points in Oklahoma, and that part of Louisiana in and west of Iberia, St. Martin, Pointe Coupee, Avoyelles, Concordia, Catahoula, Franklin, Richland, and West Carroll Parishes.

(10) *Mining, excavating, construction, and road building, contractors' machinery, equipment, and supplies* (except pipe, pipe line material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), the transportation of which by reason of size or weight require special equipment or consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between Marion County, Ind., on the one hand, and, on the other, points in Arkansas.

(11) *Road and contractors' equipment and machinery* (except pipe, pipe line material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), the transportation of which by reason of size or weight require special equipment or consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between Marion County, Ind., on the one hand, and, on the other, points in Oklahoma on and west of U.S. Highway 69.

(12) *Road and bridge building contractors' machinery* (except pipe, pipe line material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), the transportation of which by reason of size or weight require special equipment or consisting of self-propelled articles each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, (a) between Marion County, Ind., on the hand, and, on the other, points in Louisiana, that part of Texas on and south of U.S. Highway 66, and that part of Mississippi on, west, and south of a line beginning at Vicksburg, Miss., and extending along U.S. Highway 80 to Jackson, Miss., and thence along U.S. Highway 51 to the Mississippi-Louisiana State line.

(13) *Road and contractors' machinery, and road and contractors' equipment* (except oil field equipment), (a) between points in Tennessee west of the Tennessee River, on the one hand, and, on the other, points in Kansas, and that part of Oklahoma on and north of U.S.

Highway 66. The purpose of this filing is to eliminate the gateways of:

Proposal number:
(1) Florence, Ala.
(2) Cairo, Ill.
(3) Cairo, Ill., and Warren, Ark.
(4) Cairo, Ill., and Bird Point, Mo.
(5) Cairo, Ill., Bird Point, Mo., and Birmingham, Ala.
(6) Warren, Ark.
(7) Warren, Ark., and Memphis, Tenn.
(8) Warren, Ark., Memphis, Tenn., and Bessemer, Ala.
(9) Warren, Ark.
(10) Cairo, Ill.
(11) Cairo, Ill., and points in Ottawa County, Okla.
(12) Cairo, Ill., and Warren, Ark.
(13) Jasper, Lawrence, Newton, Barry, and Barton Counties, Mo.

No. MC–88368 (Sub-No. E4), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) from points in California to points in Montana [points in Idaho within 125 miles of Butte, Mont.]*, points in Multnomah, Hood River, Clackamas, Washington, Columbia, Clatsop, Wasco, Sherman, Gilliam, Morrow, Umatilla, Union, and Wallowa Counties, Oreg. [points in Washington east of the Cascade Mountains, and points in Clark, Cowlitz, Skamania, Lewis, Thurston, Pierce, and King Counties, Wash.]*; (2) from points in San Bernardino County, Calif., within 50 miles of Earp, Calif., to points in Arizona within 25 miles of Chandler, Ariz. [points within 25 miles of Parker, Ariz.]*; (3) from points in California in and north of Mendocino, Glenn, Butte, and Plumas Counties, to points in Delaware [points in Washington east of the Cascade Mountains, points in Colorado, points within 15 miles of Newton, Kans., points within 25 miles of Bloomington, Ill., points in Jefferson County, Ohio, and Philadelphia, Pa.]*; (4) from points in California in and north of San Mateo, Alameda, San Joaquin, Amador, and El Dorado Counties, to points in Florida in and south of Broward and Dade Counties, Fla. [points in Washington east of the Cascade Mountains, points in Colorado and Kansas, points in Alabama within 100 miles of Birmingham, Ala., not including Montgomery, Ala., and Valdosta, Ga.]*; (5) from points in California on and north of Interstate Highway 80 to points in Maine [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereto, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof]*;

(6) From points in California in and north of Sonoma, Yolo, Lake, Mendocino, Glenn, Butte, Sierra, Plumas, Tehama Counties, and points in those counties in California north of California Highway 36 to points in Massachusetts [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.]*; (7) from points in California in and north of Humboldt, Trinity, Shasta, and Lassen Counties, to points in Mississippi [points in Washington east of the Cascade Mountains, and points in Colorado and Kansas]*; (8) from points in California in and north of Mendocino, Glenn, Butte, and Plumas Counties, to points in Missouri [points in Washington east of the Cascade Mountains, and points in Colorado and Kansas]*; (9) from points in Del Norte, Siskiyou, and Modoc Counties, Calif., to points in Kimball, Banner, and Cheyenne Counties, Nebr. [points in Washington east of the Cascade Mountains and points in Wyoming]*; (10) from points in California on and north of Lake, Colusa, Yuba, and Placer Counties, to points in New Jersey [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.]*; (11) from points in California in and north of Humboldt, Trinity, Shasta, and Lassen Counties, to points in Ohio [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, and Bloomington, Ill., and points within 25 miles thereof]*; (12) from points in California in and south of Santa Barbara, Ventura, Los Angeles, and San Bernardino Counties, to points in Oregon in and north of Lincoln, Benton, Linn, Jefferson, Wheeler, Morrow, Umatilla, Union, and Wallowa Counties, Oreg. [points in Washington east of the Cascade Mountains]*; (13) from points in California in and north of Mendocino, Glenn, Butte, and Plumas Counties, to points in Pennsylvania [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, and points in Jefferson County, Ohio]*;

(14) From points in California in and north of Sonoma, Napa, Yolo, Sutter, Yuba, and Placer Counties, to points in Rhode Island [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, points in Jackson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof]*; (15) from points in California in and north of Sonoma, Napa, Yolo, Sutter, Yuba, and Nevada Counties, to points in Tennessee [points in Washington east of the Cascade Mountains, points in Colorado, and Newton, Kans., and points within 15 miles thereof]*; (16) from points in California in and north of Mendocino, Glenn, Butte, and Sierra Counties to points in Virginia [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, and points in Harlan County, Ky.]*; (17) from points in California in Del Norte, Siskiyou, and Modoc Counties, Calif., to points in West Virginia [points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, and points in Jefferson County, Ohio]*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC–88368 (Sub-No. E5), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600; 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in Connecticut to points in California in and north of Lake, Colusa, Yuba, and Nevada Counties, Calif. [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington east of the Cascade Mountains]*, points in Colorado [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof]*, points in Idaho [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado and Montana]*, points in Illinois within 100 miles of Danville, Ill., including Danville [Philadelphia, Pa., and points in Jefferson County, Ohio]*, points in Iowa within 15 miles of Harlan, Iowa, including Harlan [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Kansas [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Harlan County, Ky. [Philadelphia, Pa., and points in Jefferson County, Ohio]*, points in Louisiana [Philadelphia, Pa., points in Jefferson County, Ohio, points in Harlan County, Ky., and Birmingham, Ala., and points within 100 miles of Birmingham]*, points in Missouri [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Mississippi [Philadelphia, Pa., points in Jefferson County, Ohio, points in Harland County, Ky., and Florence, Sheffield, and Tuscumbia, Ala.]*, points in New Mexico [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, points in Cowley County, Kans., and points in Canadian County, Okla.]*, points in Jefferson County, Ohio [Philadelphia,

Pa.]*, points in Oklahoma [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and points in Cowley County, Kans.]*, points in Texas [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., points in Cowley County, Kans., points in Harlan County, Ky., points in Alabama within 100 miles of Birmingham, Ala., not including Montgomery, Ala., points in Mississippi, and points in Cherokee County, Texas]*, points in Washington [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado]*, and points in Wyoming [Philadelphia, Pa., Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Nebraska]*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC–88368 (Sub-No. E6), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in Delaware to points in Colorado [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof]*, points in Idaho [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado, Nebraska, Wyoming, and Montana]*, points in Illinois within 100 miles of Danville, Ill., including Danville [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Iowa within 15 miles of Harlan, Iowa, including Harlan [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Kansas [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Missouri [Philadelphia, Pa., points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof]*, points in Nebraska on and west of U.S. Highway 83 [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof]*, points in New Mexico [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, points in Cowley County, Kans., and points in Canadian County, Ohio [Philadelphia, Pa.]*, points in Oregon [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington east of the Cascade Mountains]*, points in Texas on and west of a line beginning at Interstate Highway 35 at the Oklahoma-Texas State line, thence over Interstate Highway 35 to the junction of U.S. Highway 281, thence over U.S. Highway 281 to McAllen, Tex. [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and points in Cowley County, Kans.]*, points in Cherokee County, Tex. [Philadelphia, Pa., points in Jefferson County, Ohio, points in Harlan County, Ky., Florence, Sheffield, and Tuscumbia, Ala., and points in Mississippi]*, points in Washington [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado]*, and points in Wyoming [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Nebraska]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–88368 (Sub-No. E7), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* from the District of Columbia to points in California in and north of Humboldt, Trinity, Shasta, and Lassen Counties [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington, east of the Cascade Mountains]*, points in Colorado [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof]* to points in Iowa within 15 miles of Harlan, Iowa, including Harlan [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof]*, points in Nebraska [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Harlan, Iowa, and points within 15 miles thereof]*, points in New Mexico, [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, points in Cowley County, Kans., and points in Canadian County, Okla.]*, points in Wyoming [Philadelphia, Pa., points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Nebraska]*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC–95540 (Sub-No. E297), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Buffalo, N.Y., to points in Utah. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC–107295 (Sub-No. E52), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, and ventilator systems*, from the plant site and storage facilities of Penn Ventilator Company, Inc., at Keyser, W. Va., to points in (1) Arizona, California, Nevada, and Utah [Komomo, Ind.]*, and (2) Alabama, Colorado, Montana, New Mexico, and Wyoming [Batavia, Ohio]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E55), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from Deposit, N.Y., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC–107295 (Sub-No. E56), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Memphis, Tenn., to points in North Dakota, Oregon, Utah, Washington, and Wyoming. The purpose of this filing to eliminate the gateway of Truman, Ark.

No. MC–107295 (Sub-No. E61), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wall systems and doors*, from Harrisonburg, Va., to points in California, Idaho, Nevada, Oregon, Utah, and Washington [Merrill, Wis.]*; and (b) *door and window frames*, from Harrisonburg, Va., to points in Arizona [Sedalia, Mo.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E66), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*,

from the plantsite and storage facilities of the Celotex Corporation at Charleston, Ill., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Truman, Ark.

No. MC–107295 (Sub-No. E67), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roof decking*, from points in Erving Township, Mercer County, N.J., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Oregon, Ohio.

No. MC–107295 (Sub-No. E72), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Composition board*, from Suffolk, Va., to points in Arizona, New Mexico, Oklahoma, and Texas [Truman, Ark.]*; and (b) *plywood*, from Suffolk, Va., to points in California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming [Paris, Ill.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E73), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molding*, from Covington, Tenn., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Chesapeake, Va.

No. MC–107295 (Sub-No. E74), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials* (except lumber and plywood) from Fairfield, Ala., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Camden, Ark.

No. MC–107295 (Sub-No. E77), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard*, from Lodi, N.J., to points in New Mexico. The purpose of this filing is to eliminate the gateway of San Antonio, Tex.

No. MC–107295 (Sub-No. E78), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive cement* (except in bulk), from Freeport, N.Y., to points in Alabama, Arkansas, Colorado, Kentucky, Louisiana, Mississippi, Montana, New Mexico, North Dakota, South Dakota, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of New Philadelphia, Ohio.

No. MC–107295 (Sub-No. E131), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exterior siding*, from Elgin, Ill., (1) to points in North Carolina [Franklin, Ohio]*; (2) to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, and the District of Columbia [Ann Arbor, Mich.]*; and (3) to points in Arizona, California, Colorado, Kansas, Louisiana, Nevada, New Mexico, Oklahoma, Texas, and Utah [Sedalia, Mo.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E134), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard*, from the plantsite or storage facilities of Evans Products Company at Phillips, Wis., (1) to points in Mississippi [Union, Mo.]*, and (2) to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont [points in Lucas County, Ohio]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E138), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from points in Henry County, Tenn., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Truman, Ark.

No. MC–107295 (Sub-No. E139), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors*, from points in Lucas County, Ohio, to points in Idaho, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Merrill, Wis.

No. MC–107295 (Sub-No. E141), filed May 12, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Meridian, Miss., (1) to points in Arizona, California, Colorado, Nevada, Utah, and New Mexico [Arkadelphia, Ark.]*, (2) to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and West Virginia, and the District of Columbia [points in Henry County, Tenn.]*, and (3) points in Idaho, Montana, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming [Treeman, Ark.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E142), filed May 12, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Pittston, Pa., (1) to points in Idaho, Oregon, and Washington [Kalamazoo, Mich.]*, and (2) points in Arizona, California, Nevada, and Utah [Treeman, Ark.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E143), filed May 12, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, from Cloquet, Minn., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Lucas County, Ohio.

No. MC–107295 (Sub-No. E169), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation material*, from Cloquet, Minn., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC–107295 (Sub-No. E170), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing* from Houston, Tex., (1) to points in Ohio (except Cincinnati and Columbus) [Crawfordsville, Ind.]*, and (2) to points in New York and Pennsylvania [Kokomo, Ind.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E172), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from Duluth, Minn., to points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateway of Ft. Dodge, Iowa.

No. MC–107295 (Sub-No. E178), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from the plant site and warehouse facilities of The Cleveland Fabricating Company at Minneapolis, Minn., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Vermont. The purpose of this filing is to eliminate the gateway of Port Clinton, Ohio.

No. MC–107295 (Sub-No. E179), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Gypsum building board, gypsum wallboard, and gypsum fiberboard*, from the plant site and storage facilities of Celotex Corporation at Chicago, Ill., to points in Ohio [Bristol, Ind.]*; and (b) *gypsum building materials*, from the plant site and storage facilities of Celotex Corporation at Chicago, Ill., to points in Maryland, New Jersey, New York, and Pennsylvania [Ann Arbor, Mich.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–117815 (Sub-No. E1), filed May 13, 1974. Applicant: PULLEY FREIGHTLINES, INC., Hubbell Building, Des Moines, Iowa 50309. Applicant's representative: Larry D. Knox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Proposal 1: (1) *Frozen fruits, frozen berries, and frozen vegetables*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Chicago, Ill., to Plattsmouth and Omaha, Nebr.

(2) *Frozen fruits, frozen berries, and frozen vegetables*, from Chicago, Ill., to Chariton, Iowa, and points in Minnesota on and west and south at the Iowa-Minnesota State line on Minnesota Highway 15 south of Fairmont, thence north over Minnesota Highway 15 to New Ulm, thence west over U.S. Highway 14 to junction U.S. Highway 71, thence north over U.S. Highway 71 to Olivia, thence west over U.S. Highway 212 to Montevideo, thence north over U.S. Highway 59 to Appleton, thence west over Minnesota Highway 7 to junction U.S. Highway 12, and thence west over U.S. Highway 12 to Ortonville. Restriction: Shipments to Chariton, Iowa, restricted to those destined to Chariton, Iowa, against those originating at points in the St. Louis, Mo., East St. Louis, Ill., and Kansas City, Mo., Kansas City, Kans., commercial zones as defined by the Commission. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 2: *Coffee beans*, from New York, N.Y., to Des Moines and Chariton, Iowa, when moving to or from wholesale grocery and food business houses or other facilities thereof. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Des Moines, Iowa.

Proposal 3: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat-packing houses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha and South Omaha, Nebr., Kansas City, Kans., and St. Joseph, South St. Joseph, and Kansas City, Mo., to Dyer, Griffith, Highland, Munster, and Michigan City, Ind. Restriction: Shipments to Michigan City, Ind., restricted against transportation of liquid commodities, in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 4: *Meats and packing-house products*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Omaha and South Omaha, Nebr., Kansas City, Kans., and St. Joseph, South St. Joseph, and Kansas City, Mo., to East Gary and Hobart, Ind. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 5: *Canned goods*, from Kansas City, Kans., and Kansas City, Mo., to points in Michigan, Wisconsin, Minnesota, North Dakota, those points in Illinois on and north of a line commencing at Gulf Port, thence east over U.S. Highway 34 to Galesburg, thence east over U.S. Highway 150 to junction Illinois Highway 78, thence north over Illinois Highway 78 to junction Illinois Highway 90, thence east over Illinois Highway 90 to junction Illinois Highway 29, thence north over Illinois Highway 29 to Sparland, thence east over Illinois Highway 17 to the Illinois-Indiana State line, and those points in South Dakota on and north and east of a line commencing at the South Dakota-Iowa State line just east of Canton, thence west over U.S. Highway 18 to junction South Dakota Highway 19, thence north over South Dakota Highway 19 to junction South Dakota Highway 44, thence west over South Dakota Highway 44 to junction U.S. Highway 281, and thence over U.S. Highway 281 to the South Dakota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 6: *Canned goods*, from St. Joseph and South St. Joseph, Mo., to points in Wisconsin, Michigan, North Dakota, those points in Minnesota on and east and north of a line commencing at the Iowa-Minnesota State line and U.S. Highway 71, thence north over U.S. Highway 71 to Windom, thence northwest over unnumbered highway to Storden, thence west over Minnesota Highway 30 to Westbrook, thence north over Minnesota Highway 264 to Walnut Grove, thence west over U.S. Highway 14, including Tracy, to junction U.S. Highway 59, thence north over U.S. Highway 59 to Marshall, and thence west over Minnesota Highway 19 to South Dakota-Minnesota State line, those points in South Dakota on and north of a line commencing at Big Stone City, thence west over U.S. Highway 12 to junction South Dakota Highway 20, and thence west over South Dakota Highway 20 Montana-South Dakota State line, and those points in Illinois on and north of a line commencing at Gulf Port, thence east over U.S. Highway 34 to Galesburg, thence east over U.S. Highway 150 to East Peoria, thence north over Illinois Highway 116 to junction U.S. Highway 24, thence east over U.S. Highway 24 to junction Illinois Highway 115, thence south over Illinois Highway 115 to Roberts, thence east over Illinois Highway 165 to Milford, thence south over Illinois Highway 1 to junction Illinois Highway 9, and thence east over Illinois Highway 9 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 7: *Canned goods*, from Omaha and South Omaha, Nebr., to Chariton, Iowa, Dayton and Toledo, Ohio, and points in Illinois, Michigan, Wisconsin, and those points in Minnesota on and east of a line commencing at the Iowa-Minnesota State line and U.S. Highway 169, thence north over U.S. Highway 169 to Belle Plaine, thence north over Minnesota Highway 25 via Green Isle, Mayer, Watertown, Montrose, Buffalo, and Monticello, to Big Lake, thence north over U.S. Highway 10 to junction U.S. Highway 371, thence north over U.S. Highway 371 to Cass Lake, thence west over U.S. Highway 2 to junction Minnesota Highway 89, thence north over Minnesota Highway 89 to Roseau, and thence north over Minnesota Highway 310 to the Canada-United States International Boundary line, and those points in Missouri on and east of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to junction Interstate Highway 70, thence east over Interstate Highway 70 to junction Missouri Highway 5, and thence south over Missouri Highway 5 to the Missouri-Arkansas State line. Restriction: Shipments to Chariton, Iowa, restricted to those destined to Chariton, Iowa. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 8: *Canned goods, groceries, and canned pet food* when moving to or from wholesale grocery and food business houses or other facilities thereof,

from Omaha and Plattsmouth, Nebr., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 9: *Canned goods*, from St. Paul and South St. Paul, Minn., to points in Missouri, Kansas, those points in Illinois on and south of a line commencing at New Boston, Ill., thence east over Illinois Highway 17 to Aledo, thence south over Illinois Highway 94 to junction Illinois Highway 135, thence east over Illinois Highway 135 via Rio, to junction U.S. Highway 150, thence southeast over U.S. Highway 150 to Bloomington, and thence east over Illinois Highway 9 to the Illinois-Indiana State line, those points in Nebraska on and south of a line commencing at the Nebraska-Iowa State line just east of Blair, thence west over Nebraska Highway 91 to junction U.S. Highway 77, thence south over U.S. Highway 77 to junction U.S. Highway 30, thence west over U.S. Highway 30 via Columbus, to junction Nebraska Highway 22, thence west over Nebraska Highway 22 to junction Nebraska Highway 70, thence west over Nebraska Highway 70 to junction Nebraska Highway 2, thence west over Nebraska Highway 2 to Alliance, thence south over US. Highway 385 to junction U.S. Highway 26, and thence west over U.S. Highway 26 to the Wyoming-Nebraska State line, and to Bad Axe and Port Huron, Mich., Denver and Pueblo, Colo., Dayton, Ohio, and Chariton, Iowa. Restriction: Shipments to Chariton, Iowa, restricted to those destined to Chariton, Iowa. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 10: *Canned goods*, from St. Louis, Mo., and East St. Louis, Ill., to points in North Dakota, South Dakota, those points in Wisconsin on and north and west of a line commencing at the Minnesota-Wisconsin State line and Wisconsin Highway 25, thence north over Wisconsin Highway 25 to junction Wisconsin Highway 48, thence east and northeast over Wisconsin Highway 48 to Birchwood, thence north over Wisconsin County Road F via Edgewater, to junction Wisconsin Highway 27, thence north over Wisconsin Highway 27 to Hayward, thence north over U.S. Highway 63 to junction U.S. Highway 2, and thence northeast over U.S. Highway 2 to Ashland, those points in Minnesota on and north and west of a line commencing at the Iowa-Minnesota State line and Minnesota Highway 139, thence north over Minnesota Highway 139 to Harmony, thence north over U.S. Highway 52 to Chatfield, thence east over Minnesota Highway 30 to Troy, thence north over Minnesota Highway 74 to Weaver, and thence north over U.S. Highway 61 to Wabasha; those points in Nebraska on and north and west of a line commencing at Nebraska City, thence west over Nebraska Highway 2 to junction U.S. Highway 77, thence south over U.S. Highway 77 to junction Nebraska Highway 33, thence west over Nebraska Highway 33 to Dorchester, thence west over U.S. Highway 6 to junction Nebraska Highway 14, and thence south over Nebraska Highway 14 to the Nebraska-Kansas State line; and Denver, Colo. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 11: *Canned goods*, from Rochester, Minn., to points in Kansas, Missouri, those points in Nebraska on and south of a line commencing at the Iowa-Nebraska State line just east of Tekamah, thence west to Tekamah, thence west over Nebraska Highway 32 to junction Nebraska Highway 14, thence south over Nebraska Highway 14 to junction Nebraska Highway 91, thence west over Nebraska Highway 91 via Brewster, to Dunning, thence west over Nebraska Highway 2 via Alliance and Hemingford, to junction Nebraska Highway 71, thence west over Nebraska Highway 71 to junction unnumbered highway, thence west over unnumbered highway to junction Nebraska Highway 29 south of Agate, thence north over Nebraska Highway 29 to Harrison, and thence west over U.S. Highway 20 to the Wyoming-Nebraska State line; those points in Illinois on and south of a line commencing at Quincy, thence east over Illinois Highway 104, to junction Illinois Highway 100, thence south over Illinois Highway 100 to junction U.S. Highway 36, thence east over U.S. Highway 36 to Winchester, thence south over Illinois Highway 106 to White Hall, thence south over Illinois Highway 267 to Carrollton, thence east over Illinois Highway 108 to junction U.S. Highway 66, thence south over U.S. Highway 66 to junction Illinois Highway 16, thence east over Illinois Highway 16 to Hillsboro, thence south over Illinois Highway 127 to junction Illinois Highway 185, thence south over Illinois Highway 185 to junction U.S. Highway 40, and thence over U.S. Highway 40 to the Illinois-Indiana State line; and Denver and Pueblo, Colo. The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 12: (1) *Canned goods*, and (2) *canned goods and canned pet food*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Chicago, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to Waverly, thence west over U.S. Highway 24 to junction Missouri Highway 213, thence south over Missouri Highway 213 to Higginsville, thence south over Missouri Highway 13 to Humansville, thence southwest over unnumbered highway to junction Missouri Highway 32, thence east over Missouri Highway 32 to Stockton, and thence south over Missouri Highway 39 to Missouri-Arkansas State line; those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and Minnesota Highway 15 south of Fairmont, thence north over Minnesota Highway 15 to New Ulm, thence west over U.S. Highway 14 to junction U.S. Highway 71, thence north over U.S. Highway 71 to Olivia, thence west over U.S. Highway 212 to Montevideo, thence north over U.S. Highway 59 to Appleton, thence west over Minnesota Highway 7 to junction U.S. Highway 75, and thence over U.S. Highway 75 to Ortonville, and Denver and Pueblo, Colo.

Proposal 13: (1) *Canned goods*, and (2) *canned goods and canned pet food*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from De Kalb, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to junction Missouri Highway 32, thence west over Missouri Highway 32 to Stockton, and thence south over Missouri Highway 39 to the Missouri-Arkansas State line; those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and Minnesota Highway 15 south of Fairmont, thence north over Minnesota Highway 15 to Brownton, thence west over U.S. Highway 212 to Montevideo, thence north over U.S. Highway 59 to Appleton, thence west over Minnesota Highway 7 to junction U.S. Highway 75, and thence west over U.S. Highway 75 to Ortonville, and Denver and Pueblo, Colo. The purpose of the filings of proposal 12 and 13 is to eliminate the gateway of Des Moines, Iowa.

Proposal 14: (1) *Canned goods*, and (2) *Canned goods and canned pet food*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Pecatonica, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to the Missouri-Arkansas State line; those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and U.S. Highway 71 south of Jackson, thence north over U.S. Highway 71 to Windom, thence west over Minnesota Highway 62 to Fulda, thence north over U.S. Highway 59 to junction U.S. Highway 14, and thence west over U.S. Highway 14 to the Minnesota-South Dakota State line, and Denver and Pueblo, Colo.

Proposal 15: (1) *Canned goods*, and (2) *Canned goods and canned pet food*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Rochelle, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to the Missouri-Arkansas State line, those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line at Elmore, thence north over U.S. Highway 169 to St. Peters, thence north over Minnesota Highway 22 to Eden Valley, thence west over Minnesota Highway 55 to Belgrade, thence north over U.S. Highway 71 to Sauk Centre, and thence north over

U.S. Highway 52 to Moorhead, and Denver and Pueblo, Colo.

Proposal 16: *Such merchandise as is dealt in by wholesale grocery and food business houses,* and in connection therewith, equipment, materials, and supplies used in the conduct of such business (except in bulk), when moving to or from such business houses or other facilities thereof, from points in Wisconsin to Chariton, Iowa.

Restriction: Restricted to the transportation of traffic destined to Chariton, Iowa.

The purpose of the filings of proposals 14, 15, and 16 is to eliminate the gateway of Des Moines, Iowa.

Proposal 17: (1) *Canned goods,* and (2) *Canned goods and canned pet food,* when moving to or from wholesale grocery and food business houses or other facilities thereof, from points in Wisconsin to points in Kansas, those in Nebraska on and south of a line commencing at the Iowa-Nebraska State line just east of Blair, thence west over U.S. Highway 30 to Grand Island, thence west over Nebraska Highway 2 to Alliance, thence south over U.S. Highway 385 to Bridgeport, and thence west over U.S. Highway 26 to the Wyoming-Nebraska State line; those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Linesville, thence south of U.S. Highway 65 to the Missouri-Arkansas State line, and Denver and Pueblo, Colo.

Proposal 18: (1) *Canned goods,* and (2) *Canned goods and canned pet food,* when moving to or from wholesale grocery and food business houses or other facilities thereof, from those points in Wisconsin on and east and south of a line commencing at Marinette, thence south over U.S. Highway 41 to Oconto, thence west over Wisconsin Highway 22 to Shawano, thence south over Wisconsin Highway 22 to Waupaca, thence south over Wisconsin Highway to Wautoma, thence west over Wisconsin Highway 21 to Coloma, thence south over Wisconsin Highway 78 to Mount Horeb, thence west over U.S. Highway 151 to junction U.S. Highway 18, and thence west over U.S. Highway 18 to the Iowa-Missouri State line, to points in Nebraska.

The purpose of the filings of proposals 17 and 18 is to eliminate the gateway of Des Moines, Iowa.

Proposal 19: (1) *Canned goods,* and (2) *Canned goods and canned pet food,* when moving to or from wholesale grocery and food business houses or other facilities thereof, from those points in Wisconsin on and north and west of a line commencing at Marinette, thence south over U.S. Highway 41 to Oconto, thence south over Wisconsin Highway 22 to Symco, thence west over Wisconsin Highway 161 to Amherst Junction, thence north over U.S. Highway 10 to Stevens Point, thence south over U.S. Highway 51 to Plover, thence west over Wisconsin Highway 54 via Port Edwards, to junction Wisconsin Highway 80, thence south over Wisconsin Highway 80 to Babcock, thence south over Wisconsin Highway 173 to junction Wisconsin Highway 21, thence west over Wisconsin Highway 21 to Sparta, and thence west over U.S. Highway 16 to La Crosse, to those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 63 just north of Lancaster, thence south over U.S. Highway 63 to the Missouri-Arkansas State line.

Proposal 20: *Condiments* (except in bulk), and *canned goods,* from Blue Island and Morrison, Ill., to Chariton, Iowa.

Restriction: Restricted to the transportation of traffic destined to Chariton, Iowa.

Restriction: Restricted against the transportation of traffic originating at points in the St. Louis, Mo., East St. Louis, Ill., and Kansas City, Mo., Kansas City, Kans., commercial zones, as defined by the Commission.

Proposal 21: *Canned goods,* from Morton, Peoria, Washington, and Eureka, Ill., to points in Nebraska, North Dakota, South Dakota, those points in Kansas on and west of a line commencing at Atchinson, thence south over U.S. Highway 59 to the Kansas-Oklahoma State line, those points in Minnesota on and west and north of a line commencing at the Iowa-Minnesota State line and U.S. Highway 65 south of Gordonsville, thence north over U.S. Highway 65 to Faribault, including Owatonna, thence north over Minnesota Highway 3 to Northfield, thence north over Minnesota Highway 19 to Cannon Falls, thence north over Minnesota Highway 20 to junction U.S. Highway 61, and thence north over U.S. Highway 61 to Hastings, and Denver and Pueblo, Colo.

The purpose of the filings of proposals 19, 20, and 21 is to eliminate the gateway of Des Moines, Iowa.

Proposal 22: (1) *Canned goods,* and (2) *Canned goods and canned pet food,* when moving to or from wholesale grocery and food business houses or other facilities thereof, from Omaha and Plattsmouth, Nebr., to Chariton, Iowa, Dayton and Toledo, Ohio, and points in Illinois, Michigan, Wisconsin, and those points in Minnesota on and east of a line commencing at the Iowa-Minnesota State line and U.S. Highway 169, thence north over U.S. Highway 169 to Belle Plaine, thence north over Minnesota Highway 25 via Green Isle, Mayer, Watertown, Montrose, Buffalo, and Monticello, to Big Lake, thence north over U.S. Highway 10 to junction U.S. Highway 371, thence north over U.S. Highway 371 to Cass Lake, thence west over U.S. Highway 2 to junction Minnesota Highway 89, thence north over Minnesota Highway 89 to Roseau, and thence north over Minnesota Highway 310 to the United States-Canada international boundary line, and those points in Missouri on and east of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to junction Interstate Highway 70, thence east over Interstate Highway 70 to junction Missouri Highway 5, and thence south over Missouri Highway 5 to the Missouri-Arkansas State line.

Restriction: (1) Shipments to Chariton, Iowa, restricted to those destined to Chariton, Iowa. (2) Shipments to Chariton, Iowa, restricted against those originating at St. Louis, Missouri-East St. Louis, Illinois, and Kansas City, Missouri-Kansas City, Kansas, commercial zones as defined by the Commission.

Proposal 23: *Canned goods and canned milk,* from Morrison, Ill., to points in Nebraska, South Dakota, North Dakota, Kansas, those points in Missouri on and west of a line commencing on U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to the Missouri-Arkansas State line, those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line on U.S. Highway 71 south of Jackson, thence north over U.S. Highway 71 to Sauk Centre, thence north over Minnesota Highway 28 to junction Minnesota Highway 27, thence east over Minnesota Highway 27 to Little Falls, thence north over U.S. Highway 371 via Brainerd, to Cass Lake, thence north over U.S. Highway 2 to Bemidji, thence north over U.S. Highway 71 to the United States-Canada international boundary line, and Denver and Pueblo, Colo. The purpose of the filings of proposals 22 and 23 is to eliminate the gateway of Des Moines, Iowa.

Proposal 24: *Canned milk,* from Oregon, Ill., to points in Nebraska, South Dakota, North Dakota, Kansas, those points in Missouri on and west of a line commencing on U.S. Highway 65 just north of South Lineville, thence south over U.S. Highway 65 to the Missouri-Arkansas State line, those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and U.S. Highway 71 south of Jackson, thence north over U.S. Highway 71 to Sauk Centre, thence north over Minnesota Highway 28 to junction Minnestota Highway 27, thence east over Minnesota Highway 27 to Little Falls, thence north over U.S. Highway 371 via Brainerd, to Cass Lake, thence north over U.S. Highway 2 to Bemidji, thence north over U.S. Highway 71 to the United States-Canada international boundary line, and Denver and Pueblo, Colorado. The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 25: *Such merchandise as is dealt in by wholesale grocery and food business houses,* and in connection therewith, equipment, materials and supplies used in the conduct of such business (except in bulk), when moving to or from business houses or other facilities thereof, from Omaha, Nebr., and Chicago, De Kalb, Pecatonica, and Rochelle, Ill., to Chariton, Iowa.

Restriction: Restricted to the transportation of traffic destined to Chariton, Iowa.

Restriction: Restricted against the transportation of traffic originating at points in the St. Louis, Mo.-East St. Louis, Ill., and Kansas City, Mo.-Kansas City, Kans., commercial zones, as defined by the Commission.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 26: *Meats, meat products, and meat by-products, dairy products, and commodities distributed by meatpacking houses,* as described in Sections A, B, and C of Appendix I to report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Chicago and Blue Island, Ill., to those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and U.S. Highway 218 just south of Lyle, thence north over U.S. Highway 218 to junction unnnumbered highway, thence, north over unnumbered highway via Owatonna to Faribault, thence north over U.S. Highway 65 and Interstate Highway 35 to Minneapolis, thence north over Minnesota Highway 65 to junction Minnesota Highway 210, thence west over Minnesota Highway 210 to junction U.S. Highway 169, thence north over U.S. Highway 169 to Grand Rapids, thence north over Minnesota Highway 38 to Effie, thence west over Minnesota Highway 38 to junction Minnesota Highway 6, thence north over Minnesota Highway 6 to Big Falls, and thence north over U.S. Highway 71 to International Falls.

The purpose of this filing is to eliminate the gateway of Iowa Falls, Iowa.

Proposal 27: *Canned goods,* from Pekin, Ill., to points in Nebraska, North Dakota, South Dakota, those points in Kansas on and west of a line commencing at the Kansas-Nebraska State line and U.S. Highway 75 just north of Sabetha, thence south over U.S. Highway 75 to Yates Center, thence east over U.S. Highway 54 to Iola, thence south over U.S. Highway 169 to the Kansas-Oklahoma State line, those in Minnesota on and west and north of a line commencing at the Iowa-Minnesota State line and U.S. Highway 65 south of Gordonsville, thence north over U.S. Highway 65 to Faribault, including Owatonna, thence north over Minnesota Highway 3 to Northfield, thence north over Minnesota Highway 19 to Cannon Falls, thence north over Minnesota Highway 20 to junction U.S. Highway 61, and thence north over U.S. Highway 61 to Hastings, and Denver and Pueblo, Colo.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 28: *Frozen foods,* from Detroit, Mich., to points in Nebraska, Kansas, those points in Minnesota on and west and north of a line commencing at the Iowa-Minnesota State line and U.S. Highway 218 south of Lyle, on U.S. Highway 218, thence north over U.S. Highway 218 to Austin, thence east over U.S. Highway 16 to junction Minnesota Highway 56, thence north over Minnesota Highway 56 to junction Minnesota Highway 18, thence east over Minnesota Highway 19 to Cannon Falls, thence north over Minnesota Highway 20 to junction U.S. Highway 61, and thence north over U.S. Highway 61 to Hastings, and those points in Illinois on and west and north of a line commencing at Gulf Port, thence east over U.S. Highway 34 to Princeton, thence north over Illinois Highway 26 to Dixon, thence east over Illinois Highway 30 to Rochelle, thence north over U.S. Highway 51 to junction Illinois Highway 64, thence east over Illinois Highway 64 to Sycamore, thence north over Illinois Highway 23 to junction Illinois Highway 120, thence east over Illinois Highway 120 to junction U.S. Highway 12, thence north over U.S. Highway 12 to Fox Lake, thence north over Illinois Highway 59 to Antioch, and thence north over Illinois Highway 83 to the Illinois-Wisconsin State line.

The purpose of this filing is to eliminate the gateways of Webster City, Iowa, and Darien, Wis.

Proposal 29: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, except liquid commodities in bulk, in tank vehicles, from the plant site of Agar Packing Company in Momence, Ill., to Omaha and South Omaha, Nebr., Kansas City, Kans., and St. Joseph, South St. Joseph, and Kansas City, Mo., to those points in Minnesota on and west and north of a line commencing at the Iowa-Minnesota State line and U.S. Highway 218 south of Lyle, thence north on U.S. Highway 218 to Austin, thence east over U.S. Highway 16 to junction Minnesota Highway 56, thence north over Minnesota Highway 56 to junction Minnesota Highway 60, thence east over Minnesota Highway 60 to Zumbrota, thence north over U.S. Highway 52 to junction Minnesota Highway 20, thence north over U.S. Highway 20 to junction U.S. Highway 61, thence north over U.S. Highway 61 to junction U.S. Highway 10, and thence east over U.S. Highway 10 to the Minnesota-Wisconsin State line.

The purpose of this filing is to eliminate the gateways of Iowa Falls and Des Moines, Iowa.

Proposal 30: *Frozen foods,* when moving to or from wholesale grocery and food business houses or other facilities thereof, from Deerfield, Ill., to Plattsmouth, and Omaha, Nebr., and Chariton, Iowa.

Restriction: Restricted to the transportation of traffic destined to Chariton, Iowa.

Restriction: Restricted against the transportation of traffic originating at points in the St. Louis, Missouri-East St. Louis, Ill., and Kansas City, Missouri-Kansas City, Kans., commercial zones, as defined by the Commission.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 31: *Canned goods,* (1) from those points in Illinois on and north of U.S. Highway 36 to points in Nebraska on and north of a line commencing at the Nebraska-Iowa State line and U.S. Highway 34 at Union, thence west over U.S. Highway 34 to Lincoln, thence west over U.S. Highway 6 to McCook, and thence west over U.S. Highway 6 to the Colorado-Nebraska State line; those points in Minnesota on and west and south of a line commencing at the Iowa-Minnesota State line at Elmore, thence north over U.S. Highway 169 to Blue Earth, thence west over U.S. Highway 16 to junction U.S. Highway 71, thence north over U.S. Highway 71 to junction U.S. Highway 14, thence west over U.S. Highway 14 to junction U.S. Highway 59, thence north over U.S. Highway 59 to Marshall, and thence north over Minnestota Highway 68 to the Minnesota-South Dakota State line; those points in South Dakota on and south and west of a line commencing at the Minnesota-South Dakota State line on South Dakota Highway 22, thence west over South Dakota Highway 22 to junction U.S. Highway 81, thence north over U.S. Highway 81 to Watertown, thence north over South Dakota Highway 20 to junction South Dakota Highway 37, thence north over South Dakota Highway 37 to Groton, thence west over U.S. Highway 12 to Aberdeen, and thence north over U.S. Highway 281 to the South Dakota-North Dakota State line, and Denver and Pueblo, Colo.; (2) from those points in Illinois on and north of a line commencing at Gulf Port, thence east over U.S. Highway 34 to Galesburg, thence east over U.S. Highway 150 to junction Illinois Highway 78, thence north over Illinois Highway 78 to junction Illinois Highway 90, thence east over Illinois Highway 90 to Chillicothe, thence north over Illinois Highway 29 to Sparland, thence east over Illinois Highway 17 to junction U.S. Highway 66, thence north over U.S. Highway 66 to junction U.S. Highway 6, and thence east over U.S. Highway 6 to the Illinois-Indiana State line, to points in Kansas and those points in Missouri on and west of a line commencing at the Iowa-Missouri State line on U.S. Highway 169 north of Irena, thence south over U.S. Highway 169 to Kansas City, and thence south over U.S. Highway 71 and Alternate U.S. Highway 71 to the Missouri-Arkansas State line; (3) from those points in Illinois in an area bounded on the south by U.S. Highway 36, on the east by the Illinois-Indiana State line, on the west by the Illinois-Iowa and Illinois-Missouri State lines, and on the north by a line commencing at Moline, thence east over U.S. Highway 6 to Annawan, thence south over Illinois Highway 78 to junction U.S. Highway 150, thence east over U.S. Highway 150 to Peoria, thence east over U.S. Highway 24 to junction Illinois Highway 115, thence south over Illinois Highway 115 to junction unnumbered highway southeast of Roberts, and thence east over unnumbered highway via Buckley and Milford, to the Illinois-Indiana State line, to those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line on U.S. Highway 65 south of Gordonsville, thence north over U.S. Highway 65 to Albert Lea, thence north over unnumbered highway via Owatonna to Faribault, thence north over U.S. Highway 65 to junction U.S. Highway 169, thence over U.S. Highway 169 to Chisholm, thence north over Minnesota Highway 73 to junction U.S. Highway 53, and thence north over U.S. Highway 53 to the United States-Canada international boundary line.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 32: *Canned goods,* from Lawrence, Kans., to points in Michigan, Minnestota, Wisconsin, and North Dakota,

those points in Illinois on and north of a line commencing at Gulf Port, thence east over U.S. Highway 34 to junction Illinois Highways 94 and 116, thence south and east over Illinois Highway 116 to Peoria, and thence east over U.S. Highway 24 to the Illinois-Indiana State line; those points in South Dakota on and west and north of a line commencing at the South Dakota-Nebraska State line on U.S. Highway 385 south of Oelrichs, thence north over U.S. Highway 385 to junction South Dakota Highway 79, thence north over South Dakota Highway 79 to Rapid City, thence east over U.S. Highway 14 to junction U.S. Highway 83, thence north over U.S. Highway 83 to junction U.S. Highway 212, thence east over U.S. Highway 212 to junction South Dakota Highway 45, thence north over South Dakota Highway 45 to junction South Dakota Highway 20, thence east over South Dakota Highway 20 to Conde, and thence north over South Dakota Highway 37 to the North Dakota-South Dakota State line, and Toledo, Ohio.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 33: *Meats, meat products, and meat by-products, and articles distributed by meat-packing houses* (except hides 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, from the plant site of Armour and Company near Sterling, Ill., to Omaha, South Omaha, Nebr., Kansas City, Kans., St. Joseph, South St. Joseph, and Kansas City, Mo., and those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line on U.S. Highway 218 south of Lyle, thence north over U.S. Highway 218 to junction unnumbered highway, thence north over unnumbered highway via Owatonna, to Faribault, thence north over Minnesota Highway 3 to St. Paul, and thence east over U.S. Highway 12 to the Minnesota-Wisconsin State line.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 34: *Foodstuffs* (except in bulk, in tank vehicles), when moving to or from wholesale grocery and food business houses or other facilities thereof, from the plant site of Ocean Spray Cranberries, Inc., at North Chicago, Ill., to Omaha and Plattsmouth, Nebr.

Proposal 35: *Unfrozen bakery products* (except in bulk, in tank vehicles), when moving to or from wholesale grocery and food business houses or other facilities thereof, from the plant site of the United States Baking Company at Seelyville, Ind., to Omaha and Plattsmouth, Nebr.

The purpose of the filings of proposals 34 and 35 is to eliminate the gateway of Des Moines, Iowa.

Proposal 36: *Meats, meat products, and meat by-products and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to those points in Minnesota on and east and north of a line commencing at the Minnesota-Iowa State line on Minnesota Highway 22 south of Kiester, thence north over Minnesota Highway 22 via Mankato, St. Peter, Gaylord, Glencoe, to Hutchinson, thence north over Minnesota Highway 15 to St. Cloud, and thence northwest over U.S. Highway 10 to the Minnesota-North Dakota State line.

The purpose of this filing is to eliminate the gateway of Iowa Falls, Iowa.

Proposal 37: (1) *Frozen foods*, when moving to or from wholesale grocery and food business houses or other facilities thereof, from Omaha and Plattsmouth, Nebr., to points in Upper Peninsula of Michigan, Wisconsin, Illinois (except Chicago), and those points in Minnesota on and east and north of a line commencing at the Iowa-Minnesota State line at Elmore, thence north over U.S. Highway 169 to Belle Plaine, thence west over Minnesota Highway 25 to Green Isle, thence north over Minnesota Highway 5 to junction U.S. Highway 212, thence east over U.S. Highway 212 to Norwood, thence north over Minnesota Highway 25 to Montrose, thence east over U.S. Highway 12 to junction Minnesota Highway 25, thence north over Minnesota Highway 25 to Monticello, thence north over Minnesota Highway 152 to St. Cloud, thence north over U.S. Highway 10 to Little Falls, thence north over U.S. Highway 371 to Cass Lake, thence west over U.S. Highway 2 to junction Minnesota Highway 89, thence north over Minnesota Highway 89 to Roseau, and thence north over Minnesota Highway 310 to the United States-Canada International Boundary line.

(2) *Frozen foods* (except meats), when moving to or from wholesale grocery and food business houses or other facilities thereof, from Omaha and Plattsmouth, Nebr., to points in the Lower Peninsula of Michigan.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 38: *Meats, meat products, meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and except commodities in bulk, in tank vehicles), from the plantsite of Spencer Packing Company at Schuyler, Nebr., to Chicago, Ill., and points in its commercial zone, East St. Louis, Ill., St. Louis, Mo., and those points in Minnesota on and east of a line commencing at the Iowa-Minnesota State line and U.S. Highway 69 at Emmons, thence north over U.S. Highway 69 to Albert Lea, thence north over Minnesota Highway 13 to New Prague, thence north over Minnesota Highway 21 to Jordan, thence north over U.S. Highway 169 to Shakopee, thence north over Minnesota Highway 101 to junction U.S. Highway 169, thence north over U.S. Highway 169 to Garrison, thence north over Minnesota Highway 6 to Big Falls, and thence north over U.S. Highway 71 to the United States-Canada international boundary line.

The purpose of this filing is to eliminate the gateways of Des Moines and Iowa Falls, Iowa.

Proposal 39: *Canned vegetables*, from the plantsites of Green Giant Company at Beaver Dam, Fox Lake, Ripon, and Rosendale, Wis., to Denver and Pueblo, Colo., Oklahoma City and Tulsa, Okla., points in Kansas, Nebraska, and those points in South Dakota on and south of a line commencing at the Iowa-South Dakota State line and Interstate Highway 29, thence north over Interstate Highway 29 to Junction City, thence west over South Dakota Highway 50 to Wagner, thence west over South Dakota Highway 50 to Pickstown, and thence west over U.S. Highway 18 to the Wyoming-South Dakota State line.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 40: *Meats, meat products, meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and except commodities in bulk), from the plantsite of Geo. A. Hormel & Co., at or near Bureau, Ill., to Kansas City, Kans., St. Joseph, South St. Joseph, and Kansas City, Mo., and Omaha and South Omaha, Nebr., and those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and U.S. Highway 218 south of Lyle, thence north over U.S. Highway 218 to junction unnumbered highway, thence north over unnumbered highway via Owatonna to Faribault, thence north over Minnesota Highway 3 to junction Interstate Highway 494, thence north and east over Interstate Highway 494 to junction of U.S. Highway 12, thence east over U.S. Highway 12 to Minnesota-Wisconsin State line.

The purpose of this filing is to eliminate the gateways of Iowa Falls and Des Moines, Iowa.

Proposal 41: *Meats, meat products, and meat by-products and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, originating at the plant site and storage facilities of, or utilized by, American Beef Packers, Inc., in Pottawattamie County, Iowa, to East St. Louis, Ill., St. Louis, Mo., and points in Wisconsin, those points in Illinois on and north of U.S. Highway 36, and those points in Minnesota on and west of a line commencing at the Iowa-Minnesota State line and U.S. Highway 69 at Emmons, thence north over U.S. Highway 69 to junction Minnesota Highway 13, thence north over Minnesota Highway 13 to New Prague, thence north over Minnesota Highway 21 to Jordan, thence north over unnumbered highway via East Union and Gotha to Bongards, thence west over U.S. Highway 212 to Glencoe, thence north over Minnesota Highway 22 to

Hutchinson, thence north over Minnesota Highway 15 to St. Cloud, thence north over U.S. Highway 10 to Motley, thence north over Minnesota Highway 64 to junction U.S. Highway 71, thence north over U.S. Highway 71 to Bemidji, thence west over U.S. Highway 2 to junction Minnesota Highway 89, thence north over Minnesota Highway 89 to Roseau, and thence east over Minnesota Highway 11 to Warroad.

The purpose of this filing is to eliminate the gateways of Iowa Falls and Des Moines, Iowa.

Proposal 42: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), originating at the plant sites and cold storage facilities of South Chicago Packing Company at Chicago and Lamont, Ill., to Kansas City, Kans., St. Joseph, South St. Joseph, and Kansas City, Mo., and Omaha and South Omaha, Nebr.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 43: *Canned goods,* from the plant site and storage facilities of Glidden-Durkee Division of SCM Corporation approximately 5 miles northeast of Lorenzo, Will County, Ill., to points in South Dakota, North Dakota, and Denver and Pueblo, Colo., and Oklahoma City, Okla.

The purpose of this filing is to eliminate gateway of Grimes, Iowa.

Proposal 44: *Meats, meat products, meat by-products, dairy products and articles distributed by meat packing houses,* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, in tank vehicles), from the plant site of Swift & Co., at Rochelle, Ill., to Kansas City, Kans., St. Joseph, South St. Joseph, and Kansas City, Mo., and Omaha and South Omaha, Nebr., and those points in Minnesota on, and west of a line commencing at the Iowa-Minnesota State line and U.S. Highway 218 south of Lyle, thence north over U.S. Highway 218 to junction unnumbered highway, thence north over unnumbered highway via Owatonna to Faribault, thence north over Minnesota Highway 3 to junction Interstate Highway 494, thence north and east over Interstate Highway 494 to junction of U.S. Highway 12, thence east over U.S. Highway 12 to Minnesota-Wisconsin State line, restricted against interlining at Rochelle, Ill.

The purpose of this filing is to eliminate the gateways of Iowa Falls and Des Moines, Iowa.

Proposal 45: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses,* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, as are dealt in by wholesale grocery and food business houses (except in bulk), from St. Paul and South St. Paul, Minn., to Chariton, Iowa.

Restriction: (1) Shipments to Chariton, Iowa, restricted to those destined to Chariton, Iowa. (2) Shipments to Chariton, Iowa, restricted against those originating at St. Louis, Missouri-East St. Louis, Illinois, and Kansas City, Missouri-Kansas City, Kansas, commercial zones as defined by the Commission.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 46: *Frozen foods,* from Des Moines, Iowa, to those points in Illinois in the Chicago commercial zone.

The purpose of this filing is to eliminate the gateway of Darien, Wis.

Proposal 47: (1) *Canned goods and canned pet food,* from the plantsites and cold storage facilities of South Chicago Packing Company at Chicago and Lemont, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, and those points in Missouri on and west of a line commencing at the Missouri-Iowa State line at South Lineville, thence south over U.S. Highway 65 to Waverly, thence west over U.S. Highway 24 to Lexington, thence south over Missouri Highway 13 to Collins, thence west over U.S. Highway 54 to Nevada, and thence south over U.S. Highway 71 to Arkansas-Missouri State line, and Denver and Pueblo, Colo.

(2) *Canned goods,* from the plantsites and cold storage facilities of South Chicago Packing Company at Chicago and Lemont, Ill., to Tulsa and Oklahoma City, Okla.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 48: *Canned goods and canned pet food,* from the plant site of Swift & Co., at Rochelle, Ill., to Denver and Pueblo, Colo., and points in North Dakota, South Dakota, Nebraska, Kansas, and those points in Missouri on and west of a line commencing at the Iowa-Missouri State line on U.S. Highway 65, thence south over U.S. Highway 65 to the Missouri-Arkansas State line, restricted against interlining at Rochelle, Ill.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 49: *Canned goods and canned pet food* as are manufactured, sold, or distributed by persons engaged in the manufacturing, processing, and milling of grain products, from Hillsdale, Mich., to Denver and Pueblo, Colo., Tulsa and Oklahoma City, Okla., and points in North Dakota and South Dakota.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 50: (1) *Canned goods and canned pet food,* from the plant site and warehouse facilities of Peter Echrich and Sons, Inc., at Allen Township (Hillsdale County), Mich., to Denver and Pueblo, Colorado, and points in North Dakota and South Dakota.

(2) *Canned goods,* from the plant site and warehouse facilities of Peter Eckrich and Sons, Inc., at Allen Township (Hillsdale County), Mich., to Tulsa and Oklahoma City, Okla.

The purpose of this filing is to eliminate the gateway of Des Moines, or Grimes, Iowa.

Proposal 51: *Canned goods and canned pet food,* from the plant site of the Agar Packing Company in Momence, Ill., to Denver and Pueblo, Colo., and points in North Dakota, South Dakota, Nebraska, Kansas, and those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 at South Lineville, thence south over U.S. Highway 65 to Waverly, thence west over U.S. Highway 24 to junction Missouri Highway 13, thence south over Missouri Highway 13 to Collins, thence west over U.S. Highway 54 to Nevada, thence south over U.S. Highway 71 to junction Missouri Highway 126, and thence west over Missouri Highway 126 to the Kansas-Missouri State line.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 52: *Canned goods and canned pet food,* from the plant site of Armour and Company near Sterling, Ill., to Denver and Pueblo, Colo., and points in North Dakota, South Dakota, Nebraska, Kansas, and those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 at South Lineville, thence south over U.S. Highway 65 to the Missouri-Arkansas State line.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 53: (1) *Canned goods and canned pet food,* from the plant site of Geo. A. Hormel & Co., at or near Bureau, Ill., to Denver and Pueblo, Colo., and points in North Dakota, South Dakota, Nebraska, Kansas, and those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 at South Lineville, thence south over U.S. Highway 65 to Waverly, thence west over U.S. Highway 24 to junction of Missouri Highway 13, thence south over Missouri Highway 13 to Collins, thence west over U.S. Highway 54 to Nevada, thence south over U.S. Highway 71 to junction Missouri Highway 126, and thence west over Missouri Highway 126 to the Kansas-Arkansas State line.

(2) *Canned goods,* from the plant site of Geo. A. Hormel & Co., at or near Bureau, Ill., to Tulsa and Oklahoma City, Okla.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 54: (1) *Canned goods and canned pet food,* from the plant site of Armour and Company near Worthington, Minn., to Dayton and Toledo, Ohio, restricted against interlining with any other carrier.

(2) *Canned goods,* from the plant site of Armour and Company near Worthington, Minn., to Tulsa and Oklahoma City, Okla., restricted against interlining with any other carrier. The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 55: *Canned goods and canned pet food,* from the plant site of Producers Packing Company near Garden City, Kans., to Dayton and Toledo, Ohio.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 56: *Canned goods and canned pet food,* from the plant site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to Dayton and Toledo, Ohio.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 57: *Such meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses,* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, as are included in the descriptions "frozen foods", from Detroit, Mich., to points in Minnesota on and west of a line commencing at the junction of the Iowa-Minnesota State line and U.S. Highway 63, thence north over U.S. Highway 63 to Lake City.

The purpose of this filing is to eliminate the gateway of Iowa Falls, Iowa.

Proposal 58: *Canned goods and canned pet food,* originating at the plant site and storage facilities of, or utilized by, American Beef Packers, Inc., in Pottawattamie County, Iowa, to Dayton and Toledo, Ohio.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 59: *Frozen foods,* when moving to or from wholesale grocery and food business houses or other facilities thereof, from Darien, Wis., to Omaha and Plattsmouth, Nebr.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 60: *Canned goods and canned pet food,* from the plant site of Spencer Packing Company at Schuyler, Nebr., to Dayton and Toledo, Ohio.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 61: (1) *Meats, meat products, and meat by-products, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, restricted against the transportation of commodities in bulk, in tank vehicles, and hides, from the plant site of Swift & Company at or near Grand Island, Nebr., to those points in Minnesota on and east of a line commencing at the Iowa-Minnesota State line and Minnesota Highway 22 south of Kiester, thence north over Minnesota Highway 22 via Mankato, St. Peter, and Glencoe to Hutchinson, thence north over Minnesota Highway 15 to St. Cloud, thence north over U.S. Highway 10 to Little Falls, thence north over U.S. Highway 371 via Brainerd to Cass Lake, thence west over U.S. Highway 2 to Bemidji, thence north over U.S. Highway 71 to Blackduck, and thence north over Minnesota Highway 72 to Baudette, and to East St. Louis, Ill., and St. Louis, Mo.

(2) *Canned goods and groceries,* from the plant site of Swift & Company at or near Grand Island, Nebr., to points in the Lower Peninsula of Michigan.

(3) *Canned goods and canned pet food,* from the plant site of Swift & Company at or near Grand Island, Nebr., to Toledo and Dayton, Ohio.

The purpose of this filing is to eliminate the gateways of Iowa Falls, Des Moines, and Grimes, Iowa.

Proposal 62: *Canned goods,* from the plant site of Ocean Spray Cranberries, Inc., at North Chicago, Ill., to points in Nebraska, Kansas, and those points in Missouri on and west of a line commencing at the Iowa-Missouri State line and U.S. Highway 65 at South Lineville, thence south over U.S. Highway 65 to junction Missouri Highway 83, thence south over Missouri Highway 83 to junction U.S. Highway 54, thence west over U.S. Highway 54 to Cedar Springs, and thence south over Missouri Highway 39 to the Arkansas-Missouri State line, those points in Minnesota on and south of a line commencing on the south at the Iowa-Minnesota State line and U.S. Highway 71, thence north over U.S. Highway 71 to Windom, thence west over Minnesota Highway 62 to Fulda, thence north over U.S. Highway 59 to Slayton, and thence west over Minnesota Highway 30 to South Dakota-Minnesota State line, those points in South Dakota on and south and west of a line commencing at the South Dakota-Minnesota State line and South Dakota Highway 34, thence west over South Dakota Highway 34 to junction South Dakota Highway 37, thence north over South Dakota Highway 37 to Conde, thence west over South Dakota Highway 20 to junction U.S. Highway 281, and thence north over U.S. Highway 281 to the South Dakota-North Dakota State line, those points in North Dakota on and west of a line commencing at the South Dakota-North Dakota State line and North Dakota Highway 3, thence north over North Dakota Highway 3 to Dunseith, and thence north over U.S. Highway 281 to the United States-Canada International Boundary line, and to Denver and Pueblo, Colo., and Tulsa and Oklahoma City, Okla.

The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

Proposal 63: *Frozen foods,* as distributed by meat packing houses, (1) from Darien, Wis., to Kansas City, Kans., St. Joseph, South St. Joseph, and Kansas City, Mo., (2) from Deerfield, Ill., to Kansas City, Kans., St. Joseph, South St. Joseph, and Kansas City, Mo.

The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

Proposal 64: *Frozen foods,* when moving to or from wholesale grocery and food business houses or other facilities thereof, from Omaha and Plattsmouth, Nebr., to those points in Illinois in the Chicago commercial zone.

The purpose of this filing is to eliminate the gateways of Des Moines, Iowa and Darien, Wis.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14911 Filed 6-27-74;8:45 am]

[Notice No. 539]

ASSIGNMENT OF HEARINGS

JUNE 25, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 28, 1974.

MC 95876 Sub 143, Anderson Trucking Service, Inc., now assigned July 10, 1974, at St. Paul, Minn., is cancelled and reassigned to July 10, 1974, Hunt Room, Dyckman Hotel, 27 S. 6th St., Minneapolis, Minn.

I&S No. 8939, Seasonal Rates on Grain to Minnesota and Wisconsin, now assigned July 15, 1974, at St. Paul, Minn., is cancelled and reassigned to July 15, 1974, Hunt Room, Dyckman Hotel, 27 South 6th St., Minneapolis, Minn.

MC-128951 Sub 7, Robert H. Dittrich, DBA Bob Dittrich Trucking, now assigned July 8, 1974, at St. Paul, Minn., is cancelled and reassigned July 8, 1974, in the Hunt Room, Dyckman Hotel, 27 South Street, Minneapolis, Minn.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14904 Filed 6-27-74;8:45 am]

[Notice No. 540]

ASSIGNMENT OF HEARINGS

JUNE 25, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 28, 1974.

Correction

MC-F-12034, Umthun Trucking Company—Purchase—Dermin Transfer, Inc., now being assigned hearing July 31, 1974, in Room 672, 536 South Clark St., Chicago, Ill., instead of United Trucking Company—Purchase—Dermin Transfer, Inc.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14905 Filed 6-27-74;8:45 am]

[Notice No. 111]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 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 General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 31, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75072. By order of June 20, 1974, Division 3 approved the transfer to Denny Truck Lines, Inc., Webster, N.Y., of the operating rights in Certificate No. MC-11899 and all subnumbers thereunder issued March 16, 1967, and on consecutive dates, to Stevens Truck Lines, Inc., Webster, N.Y., authorizing the transportation of general commodities, except explosives, between named points in New York and Pennsylvania, and numerous specified commodities, including foodstuffs, canned goods, frozen foods, corrugated paper boxes, and glass containers, from and to points in New York, New Jersey, Ohio, Pennsylvania, Maryland, and the District of Columbia. Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187, attorney for applicants.

No. MC-FC-75073. By order of June 20, 1974, Division 3, acting as an Appellate Division, approved the transfer to Class Transportation, Inc., Hackensack, N.J., of that portion of the operating rights in Certificate No. MC-61161 issued July 29, 1957, to Giles Express, Inc., Rochelle Park, N.J., authorizing the transportation of general commodities, with stated exceptions, between Newark, N.J., and New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., and specified portions of Monmouth, Middlesex, Somerset, and Morris Counties, N.J. A. David Millner, 744 Broad Street, Newark, N.J. 07102, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14906 Filed 6-27-74;8:45 am]

[Notice No. 110]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 21, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75196. By order of June 19, 1974, the Motor Carrier Board approved the transfer to Carrol Ball, Centerville, Kans., of the operating rights in Certificates Nos. MC-9291 and MC-9291 (Sub-No. 2) issued May 3, 1966, and August 15, 1967, respectively, to Wayne E. Hay, doing business as Hay Truck Line, Greeley, Kans., authorizing the transportation of livestock, over a regular route, from Lane, Kans., to Kansas City, Mo., serving the intermediate and off-route points of Kasas City, Kans., North Kansas City, Mo., and points within 10 miles of Lane; livestock, feed, fertilizer, agricultural implements and parts, building materials, and fencing material, over a regular route, from Kansas City, Mo., to Lane, Kans., serving the above-indicated intermediate and off-route points; general commodities, with usual exceptions, between Greeley, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Kansas City, Richmond, Bush City, and Parker, Kans., and North Kansas City, Mo., and livestock, between Greeley, Kans., and points within 12 miles thereof, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo. Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603, attorney for applicants.

No. MC-FC-75211. By order entered June 19, 1974, the Motor Carrier Board approved the transfer to Maurice D. Harmon, doing business as Harmon Trucking, Austin, Minn., of the operating rights set forth in Certificate No. MC-124501, issued November 26, 1971, to Frank H. Lochner, doing business as Lochner's Moving & Storage, Austin, Minn., authorizing the transportation of dry feed and dry feed ingredients, between Austin, Minn., on the one hand, and, on the other, Fremont and Omaha, Nebr., and points in that part of Iowa on and north of U.S. Highway 20. Gary E. Leonard, 105 East Oakland Ave., Austin, Minn. 55912, attorney for applicants.

No. MC-FC-75214. By order entered June 19, 1974, the Motor Carrier Board approved the transfer to Roy A. Ayers, Clarks Summit, Pa., of the operating rights set forth in Certificate No. MC-127457, issued October 30, 1968, to Arthur L. Hall, Richard A. Hall, and Robert L. Hall, doing business as Hall Trucking, Montrose, Pa., authorizing the transportation of feed and feed supplements (except liquid commodities, in bulk, in tank vehicles), between points in Wyoming County, Pa., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York; and feed (except liquid commodities in bulk, in tank vehicles), between points in Susquehanna County, Pa., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York. William F. O'Hara, 8th Fl., Mears Bldg., Scranton, Pa. 18503.

No. MC-FC-75217. By order entered June 19, 1974, the Motor Carrier Board approved the transfer to Emery Travel Service, Inc., Bradford, Pa., of License No. MC-12888 (Sub-No. 1), issued March 14, 1967, to Mary Ann Satterwhite and Tatiana M. Walter, doing business as Emery Travel Service, Bradford, Pa., authorizing operations as a broker at Bradford, Pa., in connection with transportation by motor vehicle in interstate or foreign commerce of passengers and their baggage, in charter and special operations, in round trip all-expense sightseeing, pleasure, or educational tours, beginning and ending at points in Elk, Cameron, Potter, and McKean Counties, Pa., and extending to points in the United States, including Alaska and Hawaii. Tania M. Walter, Main St. & South Ave., Bradford, Pa. 16701, representative for applicants.

No. MC-FC-75223. By order entered June 19, 1974, the Motor Carrier Board approved the transfer to Prairieland Tours, Inc., Bloomington, Ill., of License No. MC-13009, issued December 3, 1970, to Evans Tours, Inc., Bloomington, Ill., authorizing operations as a broker at Bloomington, Ill., in connection with transportation by motor vehicle in interstate or foreign commerce, of passengers and their baggage, in all expense tours, beginning and ending at points in McLean County, Ill., and extending to points in the United States (including Alaska and Hawaii). Harry J. Harman, 8130 South Meridian St., Indianapolis, Ind. 46217, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-14907 Filed 6-27-74;8:45 am]

[Notice No. 90]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 20, 1974.

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 1131) publishted 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 35807 (Sub-No. 48 TA), filed June 12, 1974. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representatives: Melvin E. Bailet (same address as applicant) and Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coins, bonds, securities, and other valuables*, between El Paso, Tex., on the one hand, and, on the other, points in Cochise, Pima, Graham, Santa Cruz, Maricopa, and Greenlee Counties, Ariz., and points in Otero, Eddy, Grant, Lincoln, Curry, Luna, Lea, De Baca, Chaves, Dona Ana, Quay, Hidalgo, Roosevelt, Guadalupe, Socorro, Sierra, Torrance, and Catron Counties, N. Mex., for 180 days. SUPPORTING SHIPPERS: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree Street NW., Room 300 Atlanta, Ga. 30309.

No. MC 51146 (Sub-No. 378 TA), filed June 12, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard or fibreboard*, from Snowflake, Ariz.; Missoula, Mont.; and Wallula, Wash., to Lakeville, Mich., for 180 days. SUPPORTING SHIPPER: Menasha Corporation, P.O. Box 367, Neenah, Wis. 54956 (Edward F. Fetzer, Corporate Traffic Analyst). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 51146 (Sub-No. 379 TA), filed June 12, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard or fibreboard*, from Fernandina Beach, Jacksonville, Panama City, and Port St. Joe, Fla.; Augusta, Brunswick, Cedar Springs, Clyattville, Krannert, Macon, Mead, Port Wentworth, Rome, Savannah, and Valdosta, Ga.; Plymouth, Roanoke Rapids, and Sylva, N.C.; Georgetown and Hartsville, S.C.; Big Island, Hopewell, and West Point, Va., to Greensburg, Pa., for 180 days. SUPPORTING SHIPPER: Menasha Corporation, P.O. Box 367, Neenah, Wis. 54956 (Edward F. Fetzer, Corporate Traffic Analyst). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 78400 (Sub-No. 38 TA), filed June 12, 1974. Applicant: BEAUFORT TRANSFER COMPANY, Gerald, Mo. 63037. Applicant's representative: Thomas F. Kilroy, 6914 Conservation Dr., Springfield, Va. 22153. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, lighter fluid, hickory chips, and grill liners*, from the facilities utilized by Husky Industries at or near Branson, Mo., to St. Louis, Mo., for 90 days. SUPPORTING SHIPPER: Husky Industries, Inc., 62 Perimeter Center East, Atlanta, Ga. 30346. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1565, 210 N. 12th Street, St. Louis, Mo. 63101.

NOTE.—Applicant will interline at St. Louis, Mo., with motor common carriers operating beyond that point.

No. MC 101053 (Sub-No. 9 TA), filed June 12, 1974. Applicant: DRY BULK TRANSPORT, INC., R.D. No. 4, Marietta, Ohio 45750. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke*, in bulk, in dump vehicles, from Cresap, W. Va., to Sebree, Ky., for 180 days. SUPPORTING SHIPPER: Mountaineer Carbon Plant, P.O. Box 570, Moundsville, W. Va. 26041, Attention: Wayne Ward, Traffic Manager. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 108207 (Sub-No. 394 TA), filed June 11, 1974. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Mailing Address: 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: *Molding compounds, granulated resin, and liquid plastics*, from Los Angeles, Calif.; to Dallas and Brownsville, Tex.; Norfolk, Nebr.; and Cleveland, Ohio, for 180 days. SUPPORTING SHIPPER: Furane Plastics, Inc., Subsidiary of M & T Chemicals, Inc., 5121 San Fernando Road West, Los Angeles, Calif. 90039. SEND PROTESTS TO: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 114194 (Sub-No. 174 TA), filed June 10, 1974. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: A. Bruce Fraser (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat flour*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Herman Pekarek, Vice President, Transportation, Acme Evans Co-Division General Grain, Inc., Indianapolis, Ind. 46204. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 117940 (Sub-No. 134 TA), filed June 10, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products and vehicle body sealer or sound deadener compound, and related advertising materials and supplies* when shipped therewith (except commodies in bulk), from Congo, W. Va.; Emlenton and Farmers Valley, Pa., to points in Wisconsin, for 180 days. SUPPORTING SHIPPER: Quaker State Oil Refining Corporation, P.O. Box 989, Oil City, Pa. 16301. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 133035 (Sub-No. 21 TA), filed June 12, 1974. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk or in bags, from the plantsite and storage facilities of Cooperative Farm Chemicals Association at or near Lawrence, Kans., to points in Colorado, Iowa, Nebraska, Missouri, Texas, Oklahoma, Illinois, Minnesota, North Dakota, South Dakota, and Wyoming, for 180 days. SUPPORTING SHIPPER: Farmland Industries, Inc., Charles D. Rosas, Supervisor, Transportation Service, P.O. Box 7305, Kansas City, Mo. 64116. SEND PROTESTS TO: Carroll Russell, District

Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134323 (Sub-No. 63 TA), filed June 12, 1974. Applicant: JAY LINES, INC., 720 North Grand, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 So. 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces and parts and accessories therefor*, from Blackville and Williston, S.C., to Effingham, Ill., for 180 days. SUPPORTING SHIPPER: John Russo, Director, Physical Distribution, Fedders Corporation, Woodbridge Avenue, Edison, N.J. 08817. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134477 (Sub-No. 68 TA), filed June 12, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). 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 Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Elaine, Minn., to Newark, N.J.; Port Newark, N.J.; Elizabeth, N.J.; and New York City, N.Y., for 180 days. SUPPORTING SHIPPER: Weinstein International Corp., 5738 Olson Highway, Minneapolis, Minn. 55422. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134755 (Sub-No. 37 TA), filed June 12, 1974. Applicant: CHARTER EXPRESS, INC., 1959 East Turner, Springfield, Mo. 65804. Applicant's representative: Warren H. Sapp, Suite 910 Fairfax Building, 101 W. Eleventh Street, Kansas City, Mo. 65105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk), from Carthage, Mo., to Richmond, Va., for 180 days. SUPPORTING SHIPPER: Safeway Stores, Incorporated, 5725 East 14th Street, Oakland, Calif. 94660. 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.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 420—IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

On February 19, 1974, notice was published in the FEDERAL REGISTER (39 FR 6484) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the by-product coke subcategory, beehive coke subcategory, sintering subcategory, blast furnace (iron) subcategory, blast furnace (ferromanganese) subcategory, basic oxygen furnace (semiwet air pollution control methods) subcategory, basic oxygen furnace (wet air pollution control methods) subcategory, open hearth furnace subcategory, the electric arc furnace (semiwet air pollution control methods) subcategory, electric art furnace (wet air pollution control methods) subcategory, vacuum degassing subcategory, an dthe continuous casting subcategory of the iron and steel manufacturing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the iron and steel manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 420. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the by-product coke subcategory, the beehive coke subcategory, the sintering subcategory, the blast furnace (iron) subcategory, the blast furnace (ferramanganese) subcategory, the basic oxygen furnace (semiwet air pollution control methods) subcategory, the basic oxygen furnace (wet air pollution control methods) subcategory, the open hearth furnace subcategory, the electric arc furnace (semiwet air pollution control methods) subcategory, electric arc furnace (wet air pollution control methods) subcategory, the vacuum degassing subcategory, and the continuous casting subcategory. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Steel Making Segment of the Iron and Steel Manufacturing Point Source Category" (February 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, the Integrated Iron and Steel Industry" (February 1974). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the request, in the preamble to the proposed regulation, for written comments: American Iron and Steel Institute; Ford Motor Company; Allied Chemical Corporation; National Steel Corporation; Republic Steel Corporation; Inland Steel Company; State of Colorado, Department of Public Health; State of New York, Department of Environmental Conservation; The Alabama Conservancy; Western Reserve Economic Development Agency; United States Water Resources Council; the Effluent Standards and Water Quality Information Advisory Committee; United States Steel Corporation; and the Youngstown Sheet and Tube Company.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

(1) A comment was made to the effect that although the Development Document, discussion under the byproducts coke subcategory recognizes that significantly larger volumes of ammonia liquor are generated by the indirect ammonia recovery method when compared with the more widely used semi-direct ammonia recovery method, no variations from the proposed effluent limitations were permitted except for coke plants utilizing desulfurization units. The commenter recommended consideration of such a variation for coke plants which use indirect ammonia recovery methods.

The Agency has evaluated this suggestion and has concluded that the commenter has a valid point. Change No. 1 under part (b) describes the revision that has been made and the rationale.

(2) One commenter pointed out that the preamble to the proposed regulation indicated that these limitations were intended to apply only to process waste waters and not to non-contact cooling waters but that the regulation itself does not so indicate.

The applicability section of each subpart has been revised to indicate that the limitations are applicable to the process waste waters related to the operation to which the limitations apply.

(3) One commenter pointed out that while the by-product coke plant BATEA and NSPC treatment schematics indicate the use of technology to reduce total nitrogen, the guidelines as proposed limit only ammonia and can thus be met without installing all of the treatment technology indicated as the basis for the limitations.

The regulations proposed (39 FR 6497 and 6498) were based on the projected capabilities of treatment systems which provided not only for ammonia removal but also for total nitrogen reduction. The Agency believes that the full treatment as indicated in the schematics is desirable. However, the Agency does not have a suffcient data base with which to establish a total nitrogen limit at this time.

(4) One commenter suggested that the biological denitrification process could very easily convert the sulfates, from the prior sulfide oxidation step, back to sulfides in the by-product coke Alternate II treatment system.

The information available to the Agency indicates that this will not occur to any significant extent. Nevertheless it is undesirable, and in many areas prohibited, to discharge directly from an anaerobic treatment system as indicated in the by-product coke (Alternate II), open hearth, and vacuum degassing subcategory treatment schematics for the BATEA level. Accordingly, a step aerator has been added to the treatment schematics to aerate the effluent before discharge and to oxidize sulfides should they be formed.

(5) A comment was made that BOD is not a pertinent parameter in that it was developed specifically for sanitary sewage effluents and that it should be deleted.

The proposed guidelines contained a limit for BOD5 on by-product coke plant wastes. This test has been used for years to quantify the oxygen requirements of coke plant wastes and is decidedly applicable. However, on further review, the Agency has concluded that this limitation can be deleted. The guidelines contain limits on the parameters which contribute to the BOD5 (except for sulfide at the BPCTCA level which economic considerations precluded the provision of a means to control) and thus the limitation on BOD5 was concluded to be redundant.

(6) One commenter presented several frequency distribution curves on pollutant concentrations and suggested that the limits for "daily maximum" and "30 consecutive day" values for some pollutant parameters should be increased.

The Agency has re-evaluated the data available and has revised the regulation as indicated in Change No. 6.

(7) Comments were received to the effect that the proposed New Source Per-

formance Standards (NSPS) are based on the immediate use of technology which cannot be described as Best Available Demonstrated Control Technology (BADCT).

The Agency has re-evaluated the data available and has revised the regulation as indicated in Change No. 6.

(7) Comments were received to the effect that the proposed New Source Performance Standards (NSPS) are based on the immediate use of technology which cannot be described as Best Available Demonstrated Control Technology (BADCT).

The Agency has reviewed the information available and believes that the commenter has a valid point with respect to the immediate application of technology for biological denitrification. Change No. 7 describes the revision made and the rationale.

(8) Comments have been received to the effect that alkaline chlorination is an undesirable treatment technology to apply to coke plant wastes because of its tendency to increase the toxicity of the refractory organic compounds present.

This effect has been recognized and was the basis for including carbon adsorption as a part of the BATEA and NSPS treatment schematics in systems based on chlorination of by-product coke plant and blast furnace wastes. Carbon adsorption is considered to achieve its greatest effectiveness in adsorbing chlorinated organics and carbon adsorption is considered the most efficient means for the removal of same. The problem arises in that the limitations can be achieved without installing the activated carbon portion of the envisioned systems.

The use of carbon adsorption is intended as part of the treatment system of plants using alkaline chlorination. However, other means may be used to remove the chlorinated organics; or such treatment can be deleted if no problem is found to exist. The Agency does not have sufficient information with which to establish limitations on chlorinated organics at this time. A limitation may be established in the future, if necessary.

(9) A comment was received to the effect that the fluoride ion solubility exceeds the theoretical rate when carbon dioxide is present and that 30 mg/l is the best treatment attainable based on commenter's survey.

The recommended treatment technology to achieve BATEA limitations involves the addition of lime which converts any carbon dioxide in the system to calcium carbonate, keeping this potential interference from affecting the fluoride solubilities, and allowing maximum precipitation of solid calcium fluoride.

(10) One comment inferred that the flow rate of 209 l/kkg (50 gallons per ton) for the Basic Oxygen Furnace (BOF)—Wet Subcategory was developed in part from one dry system, one non-combustion off gas (OG) system which uses less water than an open hood combustion type system, and one system for which flows were estimated from design data and in which the actual flows are approximately twice design (to avoid plugging problems). Further, the commenter stated "that the water use rate on existing BOF's has to be evaluated on an individual basis * * *" The commenter followed with a listing of many factors that should be considered.

The commenter apparently did not recognize the division of BOF systems into two subcategories, i.e. those using semi-wet air pollution control methods (Subpart F) and those using wet air pollution control methods (Subpart G). Two of the five systems visited and sampled (plants R and U) were used as a basis for developing the limitations for Subpart F and three of the systems were used as a basis for developing the limitations for Subpart G.

The information in the Development Document clearly indicates that plants R and U are semi-wet systems and should be evaluated separately relative to the "no discharge" limitations of Subpart F. The "dry precipitator" system referred to by the commenter is a semi-wet system which was recycling water at the rate of 542 l/kkg (130 gallons per ton), but the system is operated as a closed system with no discharge.

The three wet systems studied and sampled (plants S, T, and V) included one OG system and two combustion type systems. The OG system, which supposedly uses less water, was recirculating water at the rate of 4254 l/kkg (1020 gallons per ton), i.e. a higher rate than for the other two systems. Even so, this plant was operating with a blowdown rate of 217.7 l/kkg (52.2 gallons per ton). Plant V was designed for a blowdown rate of 137.6 l/kkg (33 gallons per ton). The commenter contends that the system must be operated at twice this blowdown rate to avoid plugging problems, but other information available to the Agency indicates that the actual rate is less than 250.3 l/kkg (60 gallons per ton) and also that the plugging problems resulted not from operating the BOF scrubber portion of this multi-purpose system at the design rate, but due to problems in the other part of the system. The use of excessive blowdown to compensate for a problem from an external source does not justify this blowdown rate even for this plant, much less for all other wet BOF shops.

(11) Comments have been received to the effect that the effluent limitations guidelines should specify the net loads to be discharged rather than absolute loads.

The effluent limitations have generally been developed on a gross or absolute basis. However, the Agency recognizes that in certain instances pollutants will be present in navigable waters which supply a plant's intake water in significant concentrations which may not be removed to the levels specified in the guidelines by the application of treatment technology contemplated by BPCTCA.

Accordingly, the Agency is currently developing amendments to its NPDES permit regulations (40 CFR Part 125) which will specify the situations in which the Regional Administrator may allow a credit for the pollutants present in a plant's intake waters. The regulations will be proposed for public comment in the near future.

(12) A comment was received to the effect that by-product coke plant waste water volumes (per unit of production) will be increasing in the future rather than decreasing, as the BPCTCA and BATEA limitations indicate, due to increasing restrictions on disposal of wastes by use in coke quenching and due to increased requirements for the installation of wet air pollution control methods.

The limitations were developed on the basis of the treatment of all process waste waters produced, and hence will not be affected by restrictions on the use of waste waters for coke quenching. The limitations were also developed on the basis that there would be no effluent from the coke quenching operation to be treated. The data available to the Agency indicates that the quench waters are not significantly contaminated in that use and can be recycled to extinction. Foul effluents from this operation appear to originate with the use of foul wastes as the quench medium. The limitations do not make allowance for waste waters from wet air pollution control systems, other than desulfurization units, and if such systems are developed and employed, an individual or case by case determination will need to be made as to the added waste load to allow until such time that the limitations can be revised to reflect the changing conditions.

(13) Comments were received to the effect that the recycling of blast furnace scrubber waste waters with the very limited amount of blowdown allowed would in all probability adversely affect blast furnace operations and would, therefore, not be practical.

Five iron making blast furnace systems were sampled and studied for the purpose of developing these limitations. One of these was treating its waste waters and discharging "once through" with no attempt to recycle. The other four plants were operating recycle systems. Three of these were discharging at a rate less than the 521.4 l/kkg (125 gallons per ton) basis used in establishing the limitations and the fourth had no discharge. The latter plant could not be adequately evaluated because the company failed to supply requested data. However, the Agency believes that the other three recycle systems provide adequate verification that iron making blast furnace recycle systems can achieve the flow rates on which these limitations are based.

(14) A comment was made to the effect that the proposed limitations for sinter plants were developed from data from a plant using wet dust control methods only at the discharge end and that no limitations should be established until a study and analysis has been made of a plant which uses wet gas cleaning systems on both the windbox and the deduster.

The limitations were developed on the basis of the data from a plant which uses wet scrubbers on both operations. Confusion on this point probably resulted from the incorrect identification of figures in the Development Document.

(15) A comment was made to the effect that BATEA limitations should in-

clude a limit on total cyanides, in addition to, or in place of, a limit on only those cyanides amenable to chlorination.

Since the effluent limitations for BPCCTCA are based on demonstrated treatment technologies, and since data on the total cyanide removal capabilities of those technologies is available, such limitations could be and were developed for total cyanides.

However, the BATEA limitations are based on the destruction of only the simple or free (and most toxic) cyanides rather than total cyanides. The degree of destruction of free cyanides via alkaline chlorination and break point chlorination is known, and provides a basis for establishing limits on cyanides amenable to chlorination. The effect of these treatments upon the less toxic cyanide complexes is difficult to evaluate at this time. Additional information will be required before limitations based on total cyanides can be established for the BATEA technologies.

(16) One commenter stated that it is not explained how the data presented demonstrates that the factors of age and size have been considered and further states that the commenter believes the Agency is erroneous in concluding that these factors do not require subcategorization on this basis.

The Agency has subdivided the steel making segment primarily along operational lines because the waste water volumes and pollutant parameters vary with the type of operation being conducted. In addition, the processes reflect the age of the technology employed. Subcategorization of coke making by the older beehive and the newer by-product operations and steel making by the older open hearth and the newer basic oxygen and electric arc furnace operations is indirectly subcategorization by age.

The treatment technology to be applied is primarily a function of the pollutants present and hence is a function of the type of operation conducted. The type of pollutants present is not a function of the age or size of the operating facility. Land availability for application of the treatment technology is not a function of size or age since many new as well as old mills are limited on the area available for installation of treatment facilities and vice versa. The same can be said with respect to size. Many of the older mills have better treatment than some of the newer ones and vice versa. The treatment technologies proposed do not require large land areas and in addition alternatives are available to those facilities which do have a land availability problem.

The limitations are primarily a function of the kinds of pollutants present, the unit volume of wastes that must be discharged, and the capabilities of the applicable treatment technology. All of these factors relate to the type of operation conducted and not to the size or age of the facility.

(17) One comment was received to the effect that the limitations for sinter plants were based on only one plant because the water systems at the other plants visited were so intricate as to make separate identification of the unit raw waste and unit effluent loads from the sintering operation obscure, yet the plant used as a basis for the limitations was also intricate.

A total of four sinter plant operations were visited during the industry study. The plant used as a basis for the limitations received some input from the blast furnace system but, by comparison to the other plants, was relatively straight forward and the data was considered representative and capable of being adequately interpreted.

(18) A comment was received objecting to the large energy consumption required to provide cyanide destruction via alkaline chlorination, especially since the commenter assumed that this process is applicable only to waste streams which have been raised to elevated temperatures.

The BATEA cyanide limitations do not require additional heating of waste streams over and above the temperatures normally encountered. The one blast furnace operation surveyed which was utilizing alkaline chlorination achieved low concentrations of cyanides in the treated effluent without additional heating. Moreover, the BATEA cyanide limitation is specifically based upon cyanides amenable to chlorination, rather than total cyanides, for reasons cited above. This commenter has previously contended that chlorination is not effective in destroying complex cyanides except at elevated temperatures. This does not apply to the simple cyanides, i.e., the cyanides amenable to chlorination, to which the BATEA and NSPS limitations apply.

(19) One commenter stated that his best engineering judgment indicated that the Agency's cost estimates are one-third to one-half of the true cost of constructing the proposed facilities.

The costs likely to be incurred at any location are included but costs for unusual conditions that may occur at a specific location were not included. Thus normal excavation costs were included, but costs for blasting, which may or may not be required at a specific location, were not. Costs include only the instruments related to control of pH and fluoride on which limitations have been set. Other instruments frequently are installed but this is a matter of choice and the result of weighing the added convenience and perhaps reduced operating labor costs against the relatively insignificant increased capital cost. Costs for supporting utility requirements were so small in most instances that in fact no additional capacity would need to be constructed. This would obviously reduce the excess capacity available to the plant. If the excess utility capacity at a particular mill is so marginal that additional capacity must be added to handle the new load, then in all probability the added facilities will be much larger than the new load requires and thus most of the costs will be related to providing reserve capacity and flexibility which the plant did not previously have. In addition, the costs, even as projected by the commenter, are a very small part of the revenues generated by the operations and a very small part of the necessary costs of conducting these operations.

(20) One commenter states that the study (in addressing the energy requirements of the proposed regulations) completely overlooked the fact that the major energy demand is steam for operation of the treatment systems and for maintaining effective operating temperatures in biological treatment systems, etc.

Item (iv) of the preamble to the proposed regulation (39 FR 6492) did in fact refer only to the added electrical energy requirements. However, both the electrical and the thermal energy requirements have been reviewed. It is estimated that the annual electrical and thermal energy requirements to achieve these limitations will be less than 1.5 percent and less than 0.00002 percent respectively of the electrical and thermal energy used by the steel industry in 1972.

(21) One commenter inferred that waste water recycle is an "in-process" control and as such cannot be defined as BPCTCA unless it is normal practice in the industry.

In-process controls are changes in the operating process itself such that a substitution of one process for another will alter, reduce, or eliminate the raw waste loads produced, or render them less objectionable, or more amenable to treatment. In-process controls, which are in use by the average of the best facilities, as well as end-of-pipe treatment, can be used as the basis for establishing the BPCTCA limitations.

However, recycle is not an "in-process" control in this context in that it is the addition of facilities, usually at the outlet of a once through treatment facility, which permits the effluent to be recycled back to a scrubber system and does not require a change in the process or the scrubber system itself.

(22) One commenter stated that the biological oxidation process will partially oxidize most of the thiocyanates present to ammonia and hence recommended that the ammonia limit for by-product coke plants, using treatment Alternate II to achieve the BPCTCA limitations, be doubled.

Neither the data available to the Agency nor the reference materials studied indicate that this change would be justified. The biological system studied and sampled showed a reduction in ammonia as a result of treatment. The plant was not achieving the ammonia limitation proposed but this plant was not employing the ammonia removal step ahead of the biological system as proposed in the treatment schematic.

(23) One commenter stated that "the economic impact of the proposed effluent limitations guidelines upon the steel industry has been grossly underestimated by EPA."

The Agency believes that the EPA economic impact analysis report has assessed the magnitude of the potential economic impact as accurately as possible based on the cost estimates provided by the industry study contractor. This

issue is addressed further under the discussion of economic impact.

(24) One commenter has claimed that the proposed guidelines will result in the loss of 12,000 jobs from the steel employment in the Mahoning River Valley region. Furthermore, the commenter asserts that "there is ample justification for adding to the guidelines a subcategory based on the age of the facility."

The Agency has analyzed subcategorization on the basis of age per se and has concluded that such subcategorization is not appropriate (see comment #16).

The Agency intends to secure and evaluate additional information on possible economic impacts in this region as discussed under "(c) Economic Impact" and would consider revision of the regulations if the information appears to warrant this action.

(25) One comment was received to the effect that ranges of numbers (limitations) should be specified rather than specific limitations.

The Agency considers that the limitations already represent ranges, taking into account differences in processes used and other factors. Subcategorization has been used to take these factors into account with different limitations for each subcategory. Within subcategories, exceptions to the limitations have been provided where appropriate, thus constituting a range. Each numerical limitation represents a maximum value over a given period of time. This, in effect, represents a range from zero up to the specific limitation.

(26) One commenter stated generally, and with regard to individual subcategories, that the Agency had failed to specify factors to be taken into account by the permitting authority in establishing effluent limitations for individual permits, and that the Agency had erroneously established national applicable effluent limitations.

Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus, Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(27) One commenter suggested that since new source performance standards are not specifically required by an outstanding court order concerning the effluent limitations guidelines, regulations for new sources for this industry should be dropped until a later time.

Section 306(b)(1)(B) of the Act provides for establishment of standards of performance for new sources within specified time frames. It is the opinion of the Agency that sufficient information is available on which to base a definition of best available demonstrated technology for new sources. Moreover, effluent limitations for new sources for some subcategories have been changed as a result of a reassessment of technologies with regard to adequacy of demonstration and availability to new sources for application in the immediate future.

(28) One commenter also expressed concern about the Agency's concentration on exemplary plants, questioning the representativeness of the plants studied, as well as the application of transfer technologies.

In establishing subcategories and setting effluent limitations the Agency specified the factors to be considered, such as type of operation and nature of pollutants discharged, and considered how these factors would be applied in identifying the amount of pollutant reduction attainable by particular subcategories of the industry. The resulting limitations identify specifically the amount of pollutant reduction attainable, in accordance with the provisions of section 304(b)(1)(A). The Act did not intend that factors should be described generally and then applied on a case by case basis to specific plants. Such an interpretation would be contrary to the intention of the Congress that national standards be established.

The determination of what constitutes "best practicable" technology for many industries involves, at first, a general review of the industry to determine the best technologies being practiced in the industry. Then, after closer review and investigation of these technologies, the "best practicable" technology is assessed as the average of the best, though not necessarily the best technology, after taking into account information relating to other factors spelled out in the Act.

In those industries where present treatment is uniformly inadequate, a higher degree of treatment than is presently practiced may be required based on a comparison with existing treatment for similar wastes in other industries or other subcategories of the same industry. Factors for determining the "best available" technology are similar except that rather than assessing the average of the best, the focus would be on the very best technology currently in use or demonstrably achievable.

Under this analysis of the statutory standard, it is the opinion of the Agency that it is not necessary that "best practicable" technology be currently in use as a single treatment. As applied to this industry, the methodology employed resulted in sufficient data to support the resulting limitations, and is completely consistent with the statutory requirements.

(b) *Revision of proposed regulations prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) Sections 420.12, 420.13, and 420.15 have been revised to include a provision for increased waste loads from by-product coke from plants using the indirect ammonia recovery process. This process produces 375.4 l/kkg (90 gallons per ton) more weak ammonia liquor than the semi-direct system on which the proposed guidelines were based. This increase in WAL volume is partially offset by reductions in other waste sources. These reductions are related to the absence of final coolers and of barometer condensers associated with the operation of crystalizers. The provision added to § 420.12 allows for a 30 percent increase in waste loads corresponding to an increase in waste water volume from 730 to 938 l/kkg (175 to 225 gallons per ton). The provisions added to §§ 420.13 and 420.15 allow for a 70 percent increase in waste loads corresponding to an increase in waste water volume from 417 to 709 l/kkg (100 to 170 gallons per ton). The reduction in waste volume from BPCTCA to BATEA of 730 to 417 l/kkg (175 to 100 gallons per ton) on the semi-direct systems is accomplished by cooling and recycling the barometric condenser waters. Since the indirect ammonia systems use less barometric condenser water the opportunities for reduction here are less and the reduction in waste water volume from BPCTCA to BATEA is less for the indirect ammonia plants, i.e., from 938 l/kkg to 709 l/kkg (225 gallons per ton to 170 gallons per ton). Approximately 15 percent of the by-product coke plants use the indirect ammonia recovery process.

(2) The applicability section of each subpart has been revised to indicate that the limitations are applicable to the process waste waters related to the operation to which the limitations apply.

(3) The Agency has continued to review the limitations proposed for the Blast Furnace (Ferromanganese) Subcategory. Several iron making blast furnaces have been successfully retro-fitted with recycle systems and the ferromanganese furnace visited was recycling the scrubber waters with no blowdown as such although there was an appreciable amount of water leaving the system in the filter cake (74 percent moisture) and as entrainment in the gas stream. However, there is no ferromanganese furnace practicing recycle of the cooler system effluents. Since the Agency is of the opinion that these systems can be recycled (as iron making blast furnaces are already doing) and since there is no system to sample at this time as a basis for the development of limitations, it has been necessary to base the limitations on the results of a detailed study of the once-through cooler system sampled and its associated scrubber recycle system. The study for this industry was made by a consulting engineering firm with many years of industrial water treatment system design experience and a reservoir of

water chemistry expertise. Nevertheless in recognition of the projected nature of the limitations the agency has revised the BPCTCA limitations as follows:

	Proposed (39 FR 6500, 6501) kg/kkg or lbs/1000 lbs.	Promulgated Herein kg/kkg or lbs/1000 lbs.
TSS	.1043	.1043
Cyanide	0.0312	.1563
Phenol	0.0042	.0208
Ammonia	0.2086	.5212

These are the "30 consecutive day" limitations. The maximum values for any one day have been increased to three times these amounts. The BATEA limitations remain as proposed.

(4) It is undesirable, and in many areas prohibited, to discharge directly from an anaerobic treatment system as indicated in the by-product coke (Alternate II), open hearth, and vacuum degassing subcategory treatment schematics for the BATEA level. Accordingly a step aerator has been added to the treatment schematics to aerate the effluent before discharge and to oxidize sulfides should they be formed in the anaerobic step.

(5) The proposed guidelines contained a limit for BOD5 on by-product coke plant wastes. This test has been used for years to quantify the oxygen requirements of coke plant wastes. However, on further review, the Agency has concluded that this limitation can be deleted. The guidelines contain limits on the parameters which contribute to the BOD5 (except for sulfide at the BPCTCA level which economic considerations precluded the provision of a means to control) and thus the limitation on BOD5 was concluded to be redundant.

(6) As a precaution against the daily maximum limitations being violated on an intolerably frequent basis, the daily maximum limitations have been increased to three times the values permitted on the "30 consecutive day" basis. Higher daily limits should not result in significantly increased waste loads discharged since the same thirty day values must still be achieved. The daily limits allow for normal daily fluctuations in a well designed and well operated plant, but are intended to be below those values that could result from severe upsets such as may result from equipment malfunctions.

(7) The technologies on which the NSPS limitations were based have been further reviewed. In consideration of the nature of the biological denitrification process and that it has been demonstrated full scale only on municipal wastes and other types of industrial wastes, but not on steel industry wastes, the nitrate limitation has been deleted from the NSPS for the open hearth and vacuum degassing subcategories. The limitations of the by-product coke subcategory can still be achieved by the alkaline chlorination and breakpoint chlorination process and is not affected by this change. The alkaline chlorination process is being used full scale on blast furnace wastes and thus is considered transferable to the very similar coke plant wastes. Breakpoint chlorination has been broadly applied for many years in the treatment of drinking water supplies. Its application following alkaline chlorination is considered not to be significantly different from its application to the treatment of drinking water supplies.

(8) The BATEA and NSPS limitation for suspended solids for the by-product coke and blast furnace subcategories was initially set on the basis of the need to filter the influent of the carbon columns envisioned as a part of the treatment schematics. This would reduce the TSS to the 10 mg/l level on which the limitation was based. However, treatment Alternate II (Biological) for by-product coke plants does not require filtration to operate properly. Clarification achieving a TSS level of 25 mg/l should be sufficient for a final step in this treatment alternate. The added cost of filtration cannot be justified by the relatively minor reduction in TSS load discharges achieved. The BATEA and NSPS suspended solids limitation has therefore been revised and is now based on 25 mg/l at the established flow rate.

(9) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The economic impact analyses conducted in conjunction with the development of the effluent limitations guidelines assessed the economic impact on an overall industry basis. It was necessary to restrict the analysis to this level due to the lack of (1) detailed estimates of the costs for effluent control for individual plants and (2) detailed financial information for individual plants as a basis for assessing the effects of these costs upon profitability.

The Agency is aware of the contention that these guidelines may result in large employment reductions in the multi-community Mahoning River Valley region of eastern Ohio as contrasted to situations where employment impacts are localized. The information which the Agency presently has is not sufficient to support different requirements for this area, and thus the effluent limitations guidelines now being promulgated do not treat any region of the nation differently from other areas of the country. Companies contending that the effluent limitations guidelines will cause curtailment of operations and heavy unemployment in the Mahoning Valley area will have the opportunity to present detailed technical, cost and financial information to support this contention. The Agency will analyze this information and also will utilize its legal authority under section 308 of the Federal Water Pollution Control Act to obtain relevant cost and financial data for the affected plants.

This information will be used to determine whether revision of this regulation for the Mahoning Valley area is appropriate.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the steel making segment of the iron and steel manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Steel Making Segment of the Iron and Steel Manufacturing Point Source Category" (June 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines the Integrated Iron and Steel Industry" (February 1974). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the iron and steel industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Solid waste control.* Solid waste control must be considered. The waterborne wastes from the iron and steel industry may contain a considerable volume of metals in various forms as a part of the suspended solids pollutant. Best practicable control technology and best available control technology as they

are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In some cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g., impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(f) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Steel Making Segment of the Iron and Steel Manufacturing Point Source Category," is being published and will be available for purchase in the near future from the Government Printing Office, Washington, D.C. 20402, for a nominal fee.

(g) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 420, Iron and Steel Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below, and shall be effective July 28, 1974.

Dated: June 14, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart A—By-Product Coke Subcategory

Sec.
420.10 Applicability: description of the by-product coke subcategory.
420.11 Specialized definitions.
420.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology achievable.
420.14 [Reserved]
420.15 Standards of performance for new sources.
420.16 Pretreatment standards for new sources.

Subpart B—Beehive Coke Subcategory

Sec.
420.20 Applicability: description of the beehive coke subcategory.
420.21 Specialized definitions.
420.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.24 [Reserved]
420.25 Standards of performance for new sources.
420.26 Pretreatment standards for new sources.

Subpart C—Sintering Subcategory

420.30 Applicability: description of the sintering subcategory.
420.31 Specialized definitions.
420.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.34 [Reserved].
420.35 Standards of performance for new sources.
420.36 Pretreatment standards for new sources.

Subpart D—Blast Furnace (Iron) Subcategory

420.40 Applicability; description of the blast furnace (iron) subcategory.
420.41 Specialized definitions.
420.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.44 [Reserved].
420.45 Standards of performance for new sources.
420.46 Pretreatment standards for new sources.

Subpart E—Blast Furnace (Ferromanganese) Subcategory

420.50 Applicability; description of the blast furnace (ferromanganese) subcategory.
420.51 Specialized definitions.
420.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.54 [Reserved].

Sec.
420.55 Standards of performance for new sources.
420.56 Pretreatment standards for new sources.

Subpart F—Basic Oxygen Furnace (Semiwet Air Pollution Control Methods) Subcategory

420.60 Applicability; description of the basic oxygen furnace (semiwet air pollution control methods) subcategory.
420.61 Specialized definitions.
420.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.64 [Reserved]
420.65 Standards of performance for new sources.
420.66 Pretreatment standards for new sources.

Subpart G—Basic Oxygen Furnace (Wet Air Pollution Control Methods) Subcategory

420.70 Applicability; description of the basic oxygen furnace (wet air pollution control methods) subcategory.
420.71 Specialized definitions.
420.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.74 [Reserved]
420.75 Standards of performance for new sources.
420.76 Pretreatment standards for new sources.

Subpart H—Open Hearth Furnace Subcategory

420.80 Applicability; description of the open hearth furnace subcategory.
420.81 Specialized definitions.
420.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.84 [Reserved]
420.85 Standards of performance for new sources.
420.86 Pretreatment standards for new sources.

Subpart I—Electric Arc Furnace (Semiwet Air Pollution Control Methods) Subcategory

420.90 Applicability; description of the electric arc furnace (semiwet air pollution control methods) subcategory.
420.91 Specialized definitions.
420.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Sec.
420.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.94 [Reserved]
420.95 Standards of performance for new sources.
420.96 Pretreatment standards for new sources.

Subpart J—Electric Arc Furnace (Wet Air Pollution Control Methods) Subcategory

420.100 Applicability; description of the electric arc furnace (wet air pollution control methods) subcategory.
420.101 Specialized definitions.
420.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.104 [Reserved]
420.105 Standards of performance for new sources.
420.106 Pretreatment standards for new sources.

Subpart K—Vacuum Degassing Subcategory

420.110 Applicability; description of the vacuum degassing subcategory.
420.111 Specialized definitions.
420.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.114 [Reserved]
420.115 Standards of performance for new sources.
420.116 Pretreatment standards for new sources.

Subpart L—Continuous Casting Subcategory

420.120 Applicability; description of the continuous casting subcategory.
420.121 Specialized definitions.
420.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
420.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
420.124 [Reserved]
420.125 Standards of performance for new sources.
420.126 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b), (c), 306 (b), (c), 307(c), Federal Water Pollution Control Act, as amended (the Act) (33 U.S.C. 1251, 1311, 1314 (b), (c), 1316 (b), (c), 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500.

Subpart A—By-Product Coke Subcategory

§ 420.10 Applicability; description of the by-product coke subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the coke making operations conducted by the heating of coal in slot type ovens in the absence of air to produce coke.

§ 420.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "cyanide A" shall mean those cyanides amenable to chlorination as described in *1972 Annual Book of ASTM Standards*, 1972, standard D2036-72, Method B, page 553.

(c) The term "product" shall mean coke.

(d) The term "indirect ammonia recovery process" shall mean the production of concentrated ammonia liquor by scrubbing coke-oven gas with a countercurrent water wash, rather than ammonia recovery utilizing a sulfuric acid ammonia absorber.

§ 420.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other availabale information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of paragraphs (b) and (c) of this section and based upon the application of the best practicable control technology currently available the effluent quality required to be achieved under section 301(b)(1)(A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
Ammonia	.2736	.0912
Cyanide	.0657	.0219
Oil and Grease	.0327	.0109
Phenol	.0045	.0015
TSS	.1095	.0365
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
Ammonia	.2736	.0912
Cyanide	.0657	.0219
Oil and Grease	.0327	.0109
Phenol	.0045	.0015
TSS	.1095	.0365
pH	Within the range 6.0 to 9.0.	

(b) Application of the factors listed in section 304(b)(1)(B) will require variation from the effluent limitations set forth in this section for any point source subject to such effluent limitations for those coke plants utilizing desulfurization units. The limitations specified may be exceeded up to 15 percent by those facilities equipped with gas desulfurization units to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by these facilities.

(c) Application of the factors listed in section 304(b)(1)(B) will require variation from the effluent limitations set forth in this section for any point source subject to such effluent limitations for those coke plants utilizing the indirect ammonia recovery process. The limitations specified in paragraph (a) of this section may be exceeded up to 30 percent by those facilities recovering ammonia by this technique, to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by this process.

§ 420.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity of quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b) and (c) of this section and based upon the application of the best available technology economically achievable, the effluent quality required to be achieved under section 301(b)(2)(A) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
Cyanide A	.0003	.0001
Phenol	.0006	.0002
Ammonia	.0126	.0042
Sulfide	.0003	.0001
Oil and Grease	.0126	.0042
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
Cyanide A	.0003	.0001
Phenol	.0006	.0002
Ammonia	.0126	.0042
Sulfide	.0003	.0001
Oil and Grease	.0126	.0042
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	

(b) Application of the factors listed in Section 304(b)(2)(B) will require variation from the effluent limitations set forth in this section for any point source subject to such effluent limitations for those coke plants utilizing desulfurization units. The limitations specified may be exceeded up to 25 percent by those facilities equipped with gas desulfurization units to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by these facilities.

(c) Application of the factors listed in section 304(b)(2)(B) will require variation from the effluent limitations set forth in this section for any point source subject to such effluent limitations for those coke plants utilizing the indirect ammonia recovery process. The limitations specified in paragraph (a) of this section may be exceeded up to 70 percent by those facilities recovering ammonia by this technique, to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by this process.

§ 420.14 [Reserved]

§ 420.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Subject to the provisions of paragraphs (b) and (c) of this section and based upon the application of the best available demonstrated control technology, processes, operating methods, or other alternatives, the effluent quality required to be achieved by new sources under section 306(e) of the Act is as set forth in the following table:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
Cyanide A	.0003	.0001
Phenol	.0006	.0002
Ammonia	.0126	.0042
Sulfide	.0003	.0001
Oil and Grease	.0126	.0042
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
Cyanide A	.0003	.0001
Phenol	.0006	.0002
Ammonia	.0126	.0042
Sulfide	.0003	.0001
Oil and Grease	.0126	.0042
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	

(b) Application of the factors listed in section 306(b)(1)(B) will require variation from the effluent limitations set forth in this section for any point source subject to such effluent limitations for those coke plants utilizing desulfurization units. The limitations specified may be exceeded up to 25 percent in the case of facilities equipped with gas desulfurization units to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by these facilities.

(c) Application of the factors listed in section 304(b)(2)(B) will require variation from the effluent limitations set forth in this section for any point source subject to such effluent limitations for those coke plants utilizing the indirect ammonia recovery process. The limitations specified in paragraph (a) of this section may be exceeded up to 70 percent by those facilities recovering ammonia by this technique, to the extent that such measured discharge is necessary by reason of the increased effluent volume generated by this process.

§ 420.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the by-product coke subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibtions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.15; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Beehive Coke Subcategory

§ 420.20 Applicability; descripiton of the beehive coke subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the coke making operations conducted by the heating of coal with the admission of air in controlled amounts for the purpose of producing coke. There are no by-product plants associated with the beehive operation.

§ 420.21 Specialized definitions.

For the purpose of this subpart:

(a) The general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 420.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not funda-

mentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.24 [Reserved]

§ 420.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the beehive coke subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.25; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Sintering Subcategory

§ 420.30 Applicability; description of the sintering subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the sintering operations conducted by the heating of iron bearing wastes (mill scale and dust from blast and steelmaking furnaces) together with fine iron ore, limestone, and coke fines in an ignition furnace to produce and agglomerate for charging to the blast furnace.

§ 420.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean sinter.

§ 420.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0312	.0104
Oil and grease	.0063	.0021
pH	Within the raneg 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0312	.0104
Oil and Grease	.0063	.0021
pH	Within the range 6.0 to 9.0.	

§ 420.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
Oil and Grease	.0063	.0021
Sulfide	.00018	.00006
Fluoride	.0126	.0042
TSS	.0156	.0052
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
Oil and Grease	.0063	.0021
Sulfide	.00018	.00006
Fluoride	.0126	.0042
TSS	.0156	.0052
pH	Within the range 6.0 to 9.0.	

§ 420.34 [Reserved]

§ 420.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
Oil and Grease	.0063	.0021
Sulfide	.00018	.00006
Fluoride	.0120	.0042
TSS	.0156	.0052
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
Oil and Grease	.0063	.0021
Sulfide	.00018	.00006
Fluoride	.0126	.0042
TSS	.0156	.0052
pH	Within the range 6.0 to 9.0.	

§ 420.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the sintering subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.35; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart D—Blast Furnace (Iron) Subcategory

§ 420.40 Applicability; description of the blast furnace (iron) subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the iron making operations in which iron ore is reduced to molten iron in a blast furnace.

§ 420.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "cyanide *A*" shall mean those cyanides amenable to chlorination as described in *1972 Annual Book of ASTM Standards*, 1972, Standard D2036–72, Method B, page 553.

(c) The term "product" shall mean iron.

§ 420.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0780	.0260
Cyanide	.0234	.0078
Phenol	.0063	.0021
Ammonia	.1953	.0651
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0780	.0260
Cyanide	.0234	.0078
Phenol	.0063	.0021
Ammonia	.1953	.0651
pH	Within the range 6.0 to 9.0.	

§ 420.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0390	.0130
Cyanide *A*	.0004	.00013
Phenol	.0008	.00026
Ammonia	.0156	.0052
Sulfide	.0005	.00016
Fluoride	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0390	.0130
Cyanide *A*	.0004	.00013
Phenol	.0008	.00026
Ammonia	.0156	.0052
Sulfide	.0005	.00016
Fluoride	.0312	.0104
pH	Within the range 6.0 to 9.0.	

§ 420.44 [Reserved]

§ 420.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0390	.0130
Cyanide *A*	.0004	.00013
Phenol	.0008	.00026
Ammonia	.0156	.0052
Sulfide	.0005	.00016
Fluoride	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0390	.0130
Cyanide *A*	.0004	.00013
Phenol	.0008	.00026
Ammonia	.0156	.0052
Sulfide	.0005	.00016
Fluoride	.0312	.0104
pH	Within the range 6.0 to 9.0.	

§ 420.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the blast furnace (iron) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.45; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart E—Blast Furnace (Ferromanganese) Subcategory

§ 420.50 Applicability; description of the blast furnace (ferromanganese) subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the iron making operations in which iron/manganese ore is reduced to molten ferromanganese in a blast furnace.

§ 429.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "cyanide *A*" shall mean those cyanides amenable to chlorination as described in *1972 Annual Book of ASTM Standards*, 1972, Standard D2036–72, Method B, page 553.

(c) The term "product" shall mean ferromanganese.

§ 420.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.3129	.1043
Cyanide	.4689	.1563
Phenol	.0624	.0208
Ammonia	1.5636	.5212
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.3129	.1043
Cyanide	.4689	.1563
Phenol	.0624	.0208
Ammonia	1.5636	.5212
pH	Within the range 6.0 to 9.0.	

§ 420.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0780	.0260
Cyanide *A*	.0008	.00026
Phenol	.0016	.00052
Ammonia	.0312	.0104
Sulfide	.0009	.0003
Manganese	.0156	.0052
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0780	.0260
Cyanide *A*	.0008	.00026
Phenol	.0016	.00052
Ammonia	.0312	.0104
Sulfide	.0009	.0003
Manganese	.0156	.0052
pH	Within the range 6.0 to 9.0.	

§ 420.54 [Reserved]

§ 420.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0780	.0260
Cyanide *A*	.0008	.00026
Phenol	.0016	.00052
Ammonia	.0312	.0104
Sulfide	.0009	.0003
Manganese	.0156	.0052
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0780	.0260
Cyanide *A*	.0008	.00026
Phenol	.0016	.00052
Ammonia	.0312	.0104
Sulfide	.0009	.0003
Manganese	.0156	.0052
pH	Within the range 6.0 to 9.0.	

§ 420.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the blast furnace (ferromanganese) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this

section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.55; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart F—Basic Oxygen Furnace (Semi-wet Air Pollution Control Methods) Subcategory

§ 420.60 Applicability; description of the basic oxygen furnace (semiwet air pollution control methods) subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the steelmaking operations conducted for the manufacture of carbon steel in basic oxygen furnaces equipped with a semi-wet dust collection system.

§ 420.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "semiwet" as associated with basic oxygen furnaces shall mean those systems which employ a spray chamber to spray water in excess of the amounts evaporated to condition furnace off-gases to a temperature where the fume and dusts can be removed by dry dust collection equipment. Because excess spray water is used in the spray chamber, an aqueous discharge from that chamber occurs.

§ 420.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.64 [Reserved]

§ 420.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the basic oxygen furnace (semi-wet air pollution control methods) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.65; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart G—Basic Oxygen Furnace (Wet Air Pollution Control Methods) Subcategory

§ 420.70 Applicability; description of the basic oxygen furnace (wet air pollution control methods) subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the steelmaking operations conducted for the manufacture of carbon steel in a basic oxygen furnace equipped with a wet dust collection system.

§ 420.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "wet" as associated with basic oxygen furnaces shall mean those off-gas dust cleaning systems which use entirely wet gas cooling and dust removal operations to scrub contaminants from furnace off-gases, and which produce an aqueous discharge from this operation.

(c) The term "product" shall mean steel.

§ 420.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Devel-

opment Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	

§ 420.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
pH	Within the range 6.0. to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
pH	Within the range 6.0 to 9.0.	

§ 420.74 [Reserved]

§ 420.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
pH	Within the range 6.0 to 9.0.	

§ 420.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the basic oxygen furnace (wet air pollution control methods) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.75; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment stsandard applicable to users of such treatment works shall, except in the case of standards providing for no dischcarge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart H—Open Hearth Furnace Subcategory

§ 420.80 Applicability; description of the open hearth furnace subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the steelmaking operations conducted for the manufacture of carbon steel in an open hearth furnace equipped with wet dust collection systems.

§ 420.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "product" shall mean steel.

§ 420.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate procedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	

§ 420.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Nitrate	.0282	.0094
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Nitrate	.0282	.0094
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	

§ 420.84 [Reserved]

§ 420.85 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	

§ 420.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the open hearth furnace subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.85; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart I—Electric Arc Furnace (Semiwet Air Pollution Control Methods) Subcategory

§ 420.90 Applicability; description of the electric arc furnace (semiwet air pollution control methods) subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the steelmaking operations conducted for the manufacture of carbon steel utilizing electric arc furnaces equipped with semi-wet dust collection systems.

§ 420.91 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "semi-wet" as associated with electric arc furnaces shall mean the dust collection systems which use a spray chamber to spray water in excess of the amounts evaporated to condition furnace off-gases to a temperature where the fume and dusts can be removed by dry dust collection equipment. Because excess spray water is used in the spray chamber, an aqueous discharge occurs.

§ 420.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.94 [Reserved]

§ 420.95 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 420.96 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the electric arc furnace (semiwet air pollution control methods) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into

a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.95; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart J—Electric Arc Furnace (Wet Air Pollution Control Methods) Subcategory

§ 420.100 Applicability; description of the electric arc furnace (wet air pollution control methods) subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the steelmaking operations conducted for the manufacture of carbon steel utilizing electric arc furnaces equipped with wet furnace off-gas dust collection.

§ 420.101 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "wet" as associated with electric arc furnaces shall mean those furnace off-gas dust cleaning systems which use entirely wet gas cooling and dust removal operations to scrub contaminants from furnace off-gases, producing aqueous discharges from the operation.

(c) The term "product" shall mean steel.

§ 420.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0312	.0104
pH	Within the range 6.0 to 9.0.	

§ 420.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	

§ 420.104 [Reserved]

§ 420.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Fluoride	.0126	.0042
Zinc	.0030	.0010
pH	Within the range 6.0 to 9.0.	

§ 420.106 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the electric arc furnace (wet air pollution control methods) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.105; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart K—Vacuum Degassing Subcategory

§ 420.110 Applicability; description of the vacuum degassing subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the degassing operations conducted by applying a vacuum to molten steel to further refine the steel produced:

§ 420.111 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean steel.

§ 420.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or the State) will if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
pH	Within the range 6.0 to 9.0.	

§ 420.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0078	.0026
Zinc	.0015	.0005
Manganese	.0015	.0005
Lead	.00015	.00005
Nitrate	.0141	.0047
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0078	.0026
Zinc	.0015	.0005
Manganese	.0015	.0005
Lead	.00015	.00005
Nitrate	.0141	.0047
pH	Within the range 6.0 to 9.0.	

§ 420.114 [Reserved]

§ 420.115 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units)	kg/kkg of product	
TSS	.0078	.0026
Zinc	.0015	.0005
Manganese	.0015	.0005
Lead	.00015	.00005
pH	Within the range 6.0 to 9.0.	
(English units)	lb/1000 lb of product	
TSS	.0078	.0026
Zinc	.0015	.0005
Manganese	.0015	.0005
Lead	.00015	.00005
pH	Within the range 6.0 to 9.0.	

§ 420.116 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the vacuum degassing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.115; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart L—Continuous Casting Subcategory

§ 420.120 Applicability; description of the continuous casting subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the operations in which steel is continuously cast.

§ 420.121 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean steel.

§ 420.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally dif-

ferent from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0780	.0260
Oil and Grease	.0234	.0078
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0780	.0260
Oil and Grease	.0234	.0078
pH	Within the range 6.0 to 9.0.	

§ 420.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Oil and Grease	.0156	.0052
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Oil and Grease	.0156	.0052
pH	Within the range 6.0 to 9.0.	

§ 420.124 [Reserved]

§ 420.125 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	.0156	.0052
Oil and Grease	.0156	.0052
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	.0156	.0052
Oil and Grease	.0156	.0052
pH	Within the range 6.0 to 9.0.	

§ 420.126 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the continuous casting subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 420.125; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 420]

IRON AND STEEL MANUFACTURING; POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants; Notice of Proposed Rulemaking

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92–500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 420, Iron and Steel Manufacturing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the by-product coke subcategory, the beehive coke subcategory, the sintering subcategory, the blast furnace (iron) subcategory, the blast furnace (ferromanganese) subcategory, the basic oxygen furnace (semiwet air pollution control methods) subcategory, the basic oxygen furnace (wet air pollution control methods) subcategory, the open hearth furnace subcategory, the electric arc furnance (semiwet air pollution control methods) subcategory, the electric arc furnace (wet air pollution control methods) subcategory, the vacuum degassing subcategory, and the continuous casting subcategory of the iron and steel manufacturing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 420) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

> In addition to the prohibitions set forth in Section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to Section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to Sections 301 (b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 420.15, 420.25, 420.35, 420.45, 420.55, 420.65, 420.75, 420.85, 420.95, 420.105, 420.115 and 420.125 of the proposed regulation for point sources within the by-product coke subcategory, the beehive coke subcategory, the sintering subcategory, the blast furnace (iron) subcategory, the blast furnace (ferromanganese) subcategory, the basic oxygen furnace (semiwet air pollution control methods) subcategory, the basic oxygen furnace (wet air pollution control methods) subcategory, the open hearth furnace subcategory, the electric arc furnace (semiwet air pollution control methods) subcategory, the electric arc furnace (wet air polltuion control methods) subcategory, the vacuum degassing subcategory, and the continuous casting subcategory (February 19, 1973; 39 FR 6484), contained the proposed pretreatment standards for new sources. The regulation promulgated simultaneously herewith contains §§ 420.16, 420.26, 420.36, 420.46, 420.56, 420.66, 420.76, 420.86, 420.96, 420.106, 420.116 and 420.126 which state the applicability of standards of performance for purposes of pretreatment standards for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Steel Making Segment of the Iron and Steel Manufacturing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, the Integrated Iron and Steel Industry", (February 1974) was made available at the time of proposal. Copies of the preliminary Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of this material, the material may be made available in an alternate format.

The Development Document referred

to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of iron and steel, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standards; and (2) the anticipated effects on other aspects of the environment (including air pollution, solid waste disposal and energy requirements) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of iron and steel. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the iron and steel manufacturing category (39 FR 6484; February 19, 1974). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 420) which currently is being published in the Rules and Regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the by-product coke subcategory, the beehive coke subcategory, the sintering subcategory, the blast furnace (iron) subcategory, the blast furnace (ferromanganese) subcategory, the basic oxygen furnace (semiwet air pollution control methods) subcategory, the basic oxygen furnace (wet air pollution control methods) subcategory, the open hearth furnace subcategory, the electric arc furnace (semiwet air pollution control methods) subcategory, the electric arc furnace (wet air pollution control methods) subcategory, the vacuum degassing subcategory, and the continuous casting subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

The process waste waters from the steel making segment subcategories may contain high concentrations of ammonia, oil and grease, cyanide, sulfide, phenol, fluoride, nitrate, lead, zinc and manganese which could interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to Section 307(b) of the Act.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 420 be amended to add §§ 420.14, 420.24, 420.34, 420.44, 420.54, 420.64, 420.74, 420.84, 420.94, 420.104, 420.114 and 420.124 as set forth below. All comments received on or before July 29, 1974, will be considered.

Dated: June 14, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 420 is proposed to be amended as follows:

Subpart A is amended by adding § 420.14 as follows:

§ 420.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.12 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart B is amended by adding § 420.24 as follows.

§ 420.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.22 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart C is amended by adding § 420.34 as follows:

§ 420.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.32 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart D is amended by adding § 420.44 as follows:

§ 420.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.42 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by

the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart E is amended by adding § 420.54 as follows:

§ 420.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.52 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart F is amended by adding § 420.64 as follows:

§ 420.64 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.62 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart G is amended by adding § 420.74 as follows:

§ 420.74 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.72 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart H is amended by adding § 420.84 as follows:

§ 420.84 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.82 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart I is amended by adding § 420.94 as follows:

§ 420.94 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.92 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart J is amended by adding § 420.104 as follows:

§ 420.104 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.102 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart K is amended by adding § 420.114 as follows:

§ 420.114 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.112 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart L is amended by adding § 420.124 as follows:

§ 420.124 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 420.122 shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Proposed Establishment of Product Class Standard for Detection or Measurement of Glucose

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 328]

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Proposed Establishment of Product Class Standard for Detection or Measurement of Glucose

In the FEDERAL REGISTER of May 23, 1973 (38 FR 13573), in accordance with procedures established for the development of product class standards for in vitro diagnostic products (§ 167.3, redesignated as § 328.30 (21 CFR 328.30) pursuant to recodification March 29, 1974 (39 FR 11680)), the Commissioner of Food and Drugs published a notice requesting data and information to establish a product class standard for the detection or measurement of glucose or total sugars. The notice described the basis on which the Commissioner was considering the need for such a product class standard and provided an opportunity to all interested persons to comment on the need for such a standard. The Commissioner's concern was based on reported deficiencies in product performance, the serious consequences of inaccurate glucose measurements and the rapid growth of products which were of questionable or unproven reliability.

In response to the notice, a total of 39 submissions of data or information covering 51 marketed products was received. The submissions came from 23 organizations marketing products for the detection or measurement of glucose and from one individual. The products described covered both qualitative, semiquantitative and quantitative products and were based on most of the currently used methodologies for the detection or measurement of glucose.

All such submissions will be made available to the public at the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, July 29, 1974, except for information which, as provided in § 328.4 (21 CFR 328.4) of the regulations, is demonstrated to constitute a trade secret.

No comments were received regarding the Commissioner's initial determination of the need for a standard, the lack of any adverse effect of a standard upon the utility, cost, or availability of such products, and the lack of any disruption of supply or manufacturing and commercial practices.

Therefore, the Commissioner concludes that the development of this product class standard will have no adverse effect on any of these factors.

The information received revealed basic deficiencies in individual products and problems in those products which indicate the need for a uniform basis for evaluating such products as well as for describing performance.

For example, while several products claim identical or similar performance, the development of those claims was based on very limited data or on nonuniform or inappropriate methods of evaluation. The deficiencies observed include the selection of inappropriate basic methodologies, reference materials and evaluation protocols. In general, performance claims for accuracy, precision and stability were not supported by data from adequately designed studies. Most of the submissions provided inadequate supporting data for stability claims and, generally, lacked labeling information which would allow the user to determine the suitability of the product for use.

The submissions reflected an inconsistent interpretation of the identification and significance of the effect of interfering substances, even among products based on the same methodology.

The Food and Drug Administration, with the cooperation and assistance of its Diagnostic Products Advisory Committee, and the Center for Disease Control (CDC), has reviewed and considered the information submitted.

The Commissioner concludes that (1) the performance and use information provided in the labeling of many of the products is not adequate to provide to the user the information necessary to judge the usefulness of these products or to allow reliance on the results obtained by use of the products, and (2) the information and data submitted in support of many of the products is not adequate to support the product performance claims. Many of the inadequacies relating to instructions for use and interpretation of results will be corrected by labeling revisions proposed for some of these products. Such labeling revisions will not solve the basic problem of the deficiency in the quality of data which must support product performance claims and therefore the actual description of product performance.

The Commissioner recognizes that the measurement of glucose in specimens taken from the human body may be accomplished in a number of acceptable ways. The Commissioner concludes that all such products must provide the same kind and quality of information to the user, i.e., a reliable estimate of the amount of glucose in the specimen.

Therefore, the Commissioner proposes to establish a product class standard for products intended for the measurement or detection of glucose.

Two subclasses of products are identified for purposes of the development of this proposed product class standard. Those products intended to provide an estimate of the exact concentration of glucose in the specimen are included in § 328.100(a), *Quantitative glucose determinations*. Those products intended for the estimation of glucose by less exact means, either because of the manner of final measurement or because of the reaction process used, are included in § 328.100(b), *Qualitative glucose determinations*.

The requirements for accuracy and precision for the qualitative products are less exacting than those for the quantitative products. The manufacturer of a qualitative product, in addition to meeting the minimal requirements, may make additional claims for the product as long as such claims are adequately supported by valid data. Such factors as methodology to be used, composition of reagents, or types and quality of instruments, are not specified in this standard. It is sufficient that this information be provided to the user in the labeling of the product as required in § 328.10(a) and (b) (21 CFR 328.10(a) and (b)).

The product class standard requires that any such products, to be legally marketed, must demonstrate certain qualities of accuracy and precision as described in the standard. Clinical usefulness was the guiding principle in the establishment of the limits of bias, precision and interferences (performance standard parameters). Two kinds of variation were considered: individual biological variation and variation among groups (e.g., geographic distribution, bedridden v. ambulatory). In addition to the data and information submitted in response to the request for information and comment of May 23, 1973, the recommendations of CDC, the Diagnostic Products Advisory Committee and the following investigators in this area have been considered in the establishment of the performance limits incorporated into this standard:

1. Barnett, Roy N., M.D., "Reagent Kits," in Progress in Clinical Pathology, Vol. 4, Ch. 4, pp. 181–198, Grune and Stratton, New York, 1972.

2. Barnett, Roy N., M.D., and Ann D. Cash, MT (ASCP), "Performance of 'Kits' Used for Clinical Chemical Analysis of Glucose," *The American Journal of Clinical Pathology*, 52, No. 4:457–465, 1969.

3. Barnett, Roy N., M.D., "A Scheme for the Comparison of Quantative Methods," *The American Journal of Clinical Pathology*, 43, No. 6:562–560, 1965.

4. Barnett, Roy N., M.D., "Medical Significance of Laboratory Results," *The American Journal of Clinical Pathology*, 50, No. 6:671–676, 1968.

5. Cotlove, Ernest, Eugene K. Harris, and George A. Williams, "Biological and Analytic Components of Variation in Long-Term Studies of Serum Constituents in Normal Subjects, III. Physiological and Medical Implications", *Clinical Chemistry*, 16, No. 12: 1028–1032, 1970.

6. Harris, Eugene K., Paul Kanofsky, George Shakarji, and Ernest Cotlove, "Biological and Analytic Components of Variation in Long-Term Studies of Serum Constituents in Normal Subjects, II. Estimating Biological Components of Variation," *Clinical Chemistry*, 16, No. 12:1022–1027, 1970.

7. Harris, Eugene K., and David L. DeMets, "Biological and Analytic Components of Variation in Long-Term Studies of Serum Constituents in Normal Subjects, V. Estimated Biological Variations in Ionized Calcium," *Clinical Chemistry*, 17, No. 10:983–987, 1971.

8. Wiliams, George Z., D.S. Young, Mervin R. Stein, and Ernest Cotlove, "Biological and Analytic Components of Variation in Long-Term Studies of Serum Constituents in Normal Subjects, I. Objectives, Subject Selection, Laboratory Procedures, and Estimation of Analytic Deviation," *Clinical Chemistry*, 16, No. 12:1016–1021, 1970.

9. Young, D. S., Eugene K. Harris, and Ernest Cotlove, "Biological and Analytic Components of Variation in Long-Term Studies of Serum Constituents in Normal Subjects, IV. Results of a Study Designed to Eliminate Long-Term Analytic Deviations," *Clinical Chemistry*, 17, No. 5:403–410, 1971.

Specifications of accuracy and precision are intended to give the user assurance of the quality of results he may obtain on patient specimens, using the product at any time during its specified useful life. For the purpose of this standard, the term "accuracy" corresponds to the meaning of the term "bias" or "systematic error." "Bias" is the mean difference (positive or negative) between values obtained with the product and values established by the reference method, and is expressed in concentration units or as a percentage (relative bias). Another measure of performance quality is specified, namely "precision," and refers to the degree of agreement of repeated measurements of the glucose content of the same material. A third factor in performance, "specificity," is partly provided by the requirement for a specified degree of accuracy, and partly by the general labeling requirements for a statement concerning interfering substances.

There is no generally recognized, established reference method available for the measurement of glucose. There are several methods considered to be of high reliability. Three methodologies are proposed as reference methods, each of which has certain advantages and disadvantages. Two of these (ortho-toluidine and glucose oxidase) have the advantage of having been used by laboratory scientists for a substantial period of time and therefore have reasonably well known characteristics. A third method (hexokinase) is currently being studied for its suitability as a reference method at the CDC through a joint effort with the American Association of Clinical Chemists. Because evaluation, field testing, and review of the suitability of these as reference methodologies have not been completed, this proposal contains procedures based on these three methodologies.

Within the limits of their precision capability they are consistent and demonstrate no between-method bias, although occasional discrepancies may be observed in a few pathologic specimens. All three methods employ deproteinized filtrates, partly to minimize sporadic interference in some specimens and partly to abolish differences between methods arising from the slight protein-volume effect in these dilute filtrates.

At some time in the future, possibly by the time of publication of the final order of this proposed product class standard, one or more of these methods may be designated as the sole reference method for this determination.

A detailed protocol for the evaluation of product performance is currently being developed. The protocol will include such things as detailed guidelines for (1) testing procedures, (2) statistical evaluation of results, and (3) criteria for decisionmaking. This document will be made available as soon as possible, but no later than at the time of publication of a final order of this product class standard.

Any expiration date or other representation of product stability is a representation that the product meets the requirements of this product class standard at any time during the period represented by the manufacturer. Failure of the product labeling to bear an expiration date or other representation of product stability is a violation of the requirement in § 328.10(a)(6) that such information must appear on the product label.

The components of any system for measuring glucose in specimens taken from the human body may be broadly described as (1) calibrator, (2) reagents, (3) processing equipment, (4) detector instrument, and (5) analyst. No attempt has been made to identify the relative contributions of these components to the total error in the result obtained. A manufacturer providing a total system must assure that the error contributed by each component which he supplies is controlled so that the total system meets the requirements of this standard. Manufacturers providing only parts of a system must assure that the components they provide, when used with other designated components, and when used as directed in the product labeling, will yield results which meet the requirements of the standard.

Evaluations of products to assure that they meet a performance standard involves the development of sampling protocols, statistical design and judgments and laboratory quality control. The manufacturer must have data to assure that the methodology on which the product is based is suitable. He must then develop and use adequate manufacturing quality control procedures to assure that errors contributed by individual components are identified and controlled so that the product performance meets the requirements of the product class standard.

It is proposed by the Commissioner that all glucose determination products that are subject to the product class standard set forth below and that are initially introduced into interstate commerce beginning one year following publication of the final order in the FEDERAL REGISTER in response to this proposal shall meet such product class standard requirements.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 505, 508, 510, 701, 52 Stat. 1040–1042 as amended, 1049–1053 as amended, 1055–1056 as amended, 76 Stat. 789, 794 as amended; 21 U.S.C. 321, 351, 352, 355, 358, 360, 371) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262) and under the authority delegated to him (21 CFR 2.120) the Commissioner proposes that 21 CFR Part 328 be amended by adding a new Subpart E, to consist at this time of the following:

Subpart E—Product Class Standards

GLUCOSE DETERMINATIONS

Sec.
328.100 Quantitative glucose determinations.
328.101 Qualitative glucose determinations.
328.102 Reference methods for glucose determinations.

AUTHORITY: Secs. 201, 501, 502, 505, 508, 510, 701, 52 Stat. 1040–1042 as amended, 1049–1053 as amended, 1055–1056 as amended, 76 Stat. 789, 794 as amended; (21 U.S.C. 321, 351, 352, 355, 358, 360, 371); and sec. 351, 58 Stat. 702 as amended; (42 U.S.C. 262.).

Subpart E—Product Class Standards

GLUCOSE DETERMINATIONS

§ 328.100 Quantitative glucose determinations.

This product class standard establishes criteria for the performance of products intended for use in the measurement of the exact concentration of glucose in specimens taken from the human body. Such products include calibrators, controls, reagents, instruments, systems and components, parts or accessories intended for use with such products.

(a) *Labeling.* The general labeling requirements of § 328.10 (a) and (b) apply to all products included in this section. The following specific labeling requirements also apply as indicated:

(1) The statement required by §§ 328.10(a)(2) and 328.10(b)(2) shall be as follows:

(i) For a system, a statement such as "For use in the quantitative determination of glucose". If the product is limited to use with specified specimen types such as urine, serum, etc., this must be stated, e.g., "For use in the quantitative determination of glucose in urine".

(ii) For a calibrator intended to be used in the calibration of a particular system or method, a statement such as "For the calibration of ABC glucose kit". If the calibrator is not intended for, or is not limited to, use with a particular system or method, a statement such as "For the calibration of quantitative glucose methodology".

(iii) For a control material intended for use as such in the quantitative determination of glucose in a particular specimen type (e.g., urine, serum), a statement such as "For use as a control in the quantitative determination of glucose in urine".

(iv) For a reagent intended for use in the quantitative determination of glucose as part of a particular method or system, a statement such as "Reagent for use in the quantitative determination of glucose by the XYZ system".

(v) For instruments intended for use in the quantitative determination of glucose, a statement such as "For use in the quantitative determination of glucose".

(2) In addition to the statement of interfering substances required by § 328.10(b)(10), a precise statement reflecting the effect or noneffect of the presence of those materials listed in paragraph (c)(2) of this section shall be included. If the effect of any of these materials at concentration levels obtained in normal or pathological conditions, drug therapy, drug toxicity or by addition to collected specimens for preservative or similar purposes will cause the product to fail to meet the requirements for bias listed in paragraph (c)(1) of this section, instructions shall be provided to assist the user in identifying the presence of these materials in such specimens. If the effect can be eliminated by appropriate treat-

ment of the specimen or during the analytical process, instructions shall be provided to do so.

(3) If the effects of known interfering substances cannot be corrected by appropriate treatment of the specimen or during the analytical process, the label and labeling shall describe the product as unsuitable for use with specimens containing such substances pursuant to §§ 328.10(a)(2) and 328.10(b)(10).

(4) The statement required by § 328.10(b)(12) shall include a positive statement that the product meets or exceeds the requirements of this standard.

(b) *Calibrator requirements.* A material (calibrator) intended for use as the basis of reference for the measurement of glucose concentration in specimens taken from the human body shall meet the following requirements.

(1) It shall be subject to the product class standard for calibrators.

(2) It shall meet one of the following requirements:

(i) Pure D-glucose shall be not less than 99.5 percent D-glucose, or meet the following requirements for D-glucose anhydrous:

(*a*) Specific rotation $[\alpha]_D^{25°}$, not less than +52.5° nor more than +53.0°.

(*b*) Insoluble matter, not more than 0.005 percent.

(*c*) Loss on drying at 105° C, not more than 0.20 percent.

(*d*) Residue after ignition, not more than 0.020 percent.

(*e*) Acidity (as CH_3COOH), not more than 0.015 percent.

(*f*) Chloride (Cl), not more than 0.010 percent.

(*g*) Sulfate and sulfite (as SO_4), nor more than 0.005 percent.

(*h*) Starch. Dissolve one gram in 10 milliliters of water and add 0.05 milliliter 0.1*N* iodine solution. No blue color should appear.

(*i*) Arsenic (As), not more than 0.00004 percent.

(*j*) Heavy metals (as Pb), not more than 0.0005 percent.

(*k*) Iron (Fe), not more than 0.0005 percent.

(ii) For pure D-glucose in completely defined solvent (e.g., D-glucose in distilled water plus benzoic acid), the glucose concentration (weight/volume (w/v)) shall be within ±0.2 percent of the labeled concentration.

(iii) For D-glucose in an undefined solvent matrix (e.g., in human or animal serum or urine, or synthetic materials), the glucose concentration shall be within ±1.0 percent of the declared value.

(iv) A calibrator which is not or does not contain glucose (such as color charts or solutions) must provide values traceable to values obtained by the use of a calibrator containing glucose. Any such secondary calibrator shall be assigned a numerical equivalent, which shall be assured to be within 1 percent of the declared value.

(c) *Bias and standard deviation.* (1) The product shall measure the glucose content with a bias and standard deviation of no more than that designated in Table I of this paragraph within the concentration range for the specimen. The marketing of components as suitable for use in any system or method constitutes a representation that the system or method meets these requirements and that the individual components will not cause results which deviate from the requirements of this product class standard.

TABLE I

Concentration of glucose in specimen [1]	Maximum standard deviation [2]	Maximum bias [3]
0 to 150 mg/dl (8.33 mM/l) [4]	5 mg/dl (0.28 mM/l)	±5 mg/dl (0.28 mM/l).
150 mg/dl (8.33 mM/l) to 300 mg/dl (16.65 mM/l).	5 mg/dl (0.28 mM/l)	±10 mg/dl (0.56 m/l).
More than 300 mg/dl (16.65 mM/l)	10 mg/dl (0.56 mM/l)	±30 mg/dl (1.66 mM/l).

[1] As measured by the reference method.
[2] Standard deviation is the square root of the variance. Variance is the mean of squared differences between each single result and the mean of all results.
[3] Bias is the mean difference between values obtained with the product and values established by the reference method. Mean refers to the average that could be obtained if unlimited testing was done.
[4] Millimoles per liter.

(2) The effect of each of the substances listed in Table II of this paragraph shall be determined. Such determinations shall also be made for any other substance or patient condition which has been shown to influence the test results. The effects of such substances shall be declared only when such effects might occur at concentrations likely to be reached in normal or pathologic conditions, drug therapy, drug toxicity or by addition to collected specimens.

TABLE II

Endogenous substances	Exogenous substances	Anticoagulants and preservatives
Fructose	L-dopa	Heparin.
Galactose	Salicylates (derivatives and metabolites).	Ethylenediaminetetraacetic acid (EDTA).
Mannose	Dextran	Fluorides.
Ascorbic acid	Xylose	Thymol.
Uric acid	Radiopaque substances	Citrate.
Creatinine		Oxalate.
Bilirubin		
Glutathione		
Cysteine		
Hemoglobin		
Dihydroxyphenylalanine (dopa)		
Lipids		

(3) Unknown or unspecified interfering substances in native specimens shall be such that no less than 90 percent of the individual differences between results obtained on the same specimens by use of the product and by use of the reference method fall within:

(i) ±10 mg/dl (0.56 millimoles per liter (mM/1) if the reference value is 0 to 150 mg/dl (0 to 8.33 mM/1).

(ii) ±20 mg/dl (1.12 mM/1) if the reference value is 150 to 300 mg/dl (8.33 to 16.65 mM/1).

(iii) ±40 mg/dl (2.24 mM/1) if the reference value is greater than 300 mg/dl (16.65 mM/1).

(d) *Test procedures and requirements.* The following test procedures and requirements shall apply.

(1) All products shall be tested using the product as it is marketed. Materials not furnished as a part of the product but indicated in the labeling as necessary for proper use of the product shall be used in evaluation of the product. Any such materials which meet the specifications of the manufacturer may be selected. If the labeling indicates that alternative materials are considered acceptable, any such materials may be selected for product testing purposes. Testing for compliance may include testing with any specimen type claimed. Any product which fails to conform to the performance requirements established in paragraph (c) of this section is not in compliance with this standard.

(2) Testing for compliance may be done at any time during the life expectancy of the product. The product shall be handled as stated in the labeling instructions for storage, reconstitution, mixing and stability; e.g., if the labeling states that a reagent product stored at room temperature is stable for one year, and after reconstitution and dilution is stable for one month when stored in a refrigerator, testing for compliance shall be done in accordance with the stated conditions and within that period of time; and if the manufacturer indicates a need for instrument calibration once a year, no calibration will be done at less than that interval for the purpose of product evaluation. An expiration date or representation of the period of product stability constitutes a representation that the product meets the requirements of the standard at any time during the period represented. If there is no expiration date or representation of the period of product stability the product will be deemed to be in violation of the requirement in § 328.10(a)(6) that such information appear on the product label.

(3) To evaluate the precision and bias of results which may be obtained by use of a product, specimens shall usually be selected which have glucose concentrations at or near the midpoint of those concentration ranges listed in paragraph (c)(1) of this section, except that the maximum concentration shall not exceed the level which is represented as

the maximum level of usefulness for the product. Specimens used for product evaluation shall be of the same matrix for which the product is represented as useful. Such specimens shall be stable with regard to glucose content throughout the evaluation period. Specimens used in product evaluation will consist of:

(i) Calibrators supplied or specified by the manufacturer.

(ii) A control material supplied or specified by the manufacturer.

(iii) Pure solutions with glucose content defined (weight/volume basis).

(iv) Samples from stable pools of human or animal origin simulating patient specimens.

(v) Native specimens from a hospital or clinical population, including specimens from patients with diabetes or diabetes-associated disease.

(vi) Samples from a serum or other appropriate matrix pool, to which have been added known amounts of suspected interfering substances.

(4) Any test scheme shall be adequate to assure the user that those variables which have been specified as requiring control are included in the assessment. No special effort shall be made to control any other laboratory conditions which might affect the performance of the products. Ordinarily any test scheme shall include in the assessment of precision and bias any lot-to-lot and within-lot variation in the individual components of the test, any changes in the product due to aging, and short-term (day-to-day) and long-term (week-to-week) variations in the testing laboratory. The testing scheme shall be such that the probability of declaring the standard has been met, when in fact unlimited testing would show that the standard is not met, shall not exceed 5 percent when:

(i) The bias exceeds the standard by 10 percent;

(ii) The precision exceeds the standard by 10 percent;

(iii) The percentage of individual differences between results obtained on native specimens by the product and the reference method with the limits given in paragraph (a)(3) of this section is 5 percentage points less than the performance requirement.

§ 328.101 Qualitative glucose determinations.

This product class standard establishes criteria for the performance of products intended for use in the detection of glucose in specimens taken from the human body. Such products include calibrators, controls, reagents, instruments, and components, parts, or accessories intended for use with such products. In addition to detecting glucose, such products may also provide procedures for estimating the amount of glucose present. The precision or specificity obtained by use of such products is less than that ordinarily obtained by use of those products subject to the requirements of § 328.100 governing quantitative glucose determinations.

(a) *Labeling.* The general labeling requirements of §§ 328.10 (a) and (b) apply to all products included in this section. The following specific labeling requirements also apply as indicated.

(1) The statement required by §§ 328.10(a)(2) and 328.10(b)(2) shall be as follows:

(i) For a system, a statement such as "For use in the qualitative detection of glucose". If the product is limited to use with specific specimen types such as urine, spinal fluid or blood, a statement such as, "For use in the qualitative detection of glucose in blood".

(ii) For a calibrator intended for use in the calibration of a particular system or method, a statement such as "For the calibration of DEF Glucose Kit". If the calibrator is not intended for, or limited to use with a particular system or method, a statement such as "For the calibration of qualitative glucose methodology".

(iii) For a control material intended for use as a control in the qualitative detection of glucose in a particular specimen type, e.g., urine or serum, a statement such as "For use as a control in the qualitative detection of glucose in urine".

(iv) For a reagent intended for use in the qualitative detection of glucose as part of a particular method or system, a statement such as "Reagent for use in the qualitative detection of glucose by the EFG system".

(v) For instruments intended for use in the qualitative detection of glucose, a statement such as "For use in the qualitative detection of glucose".

(2) In addition to the statement of interfering substances required by § 328.10(b)(10), a precise statement reflecting the effect or noneffect of the presence of those materials listed in paragraph (c)(2) of this section shall be included. If the effect of any of these materials at concentration levels obtained in normal or pathological conditions, drug therapy, drug toxicity or by addition to collected specimens for preservative or similar purposes will cause the product to fail to meet the requirements of this standard, instructions shall be provided to assist the user in identifying the presence of these materials in such specimens. If the effect can be eliminated by appropriate treatment of the specimen or during the analytical process, instructions shall be provided to do so.

(3) If the effects of known interfering substances cannot be corrected by appropriate treatment of the specimen or during the analytical process, the label and labeling shall describe the product as unsuitable for use with specimens containing such substances pursuant to §§ 328.10(a)(2) and 328.10(b)(10).

(4) The statement required by § 328.10(b)(12) shall include a positive statement that the product meets or exceeds the requirements of this standard.

(b) A material intended for use as the basis for assignment of qualitative glucose values to specimens shall meet the following requirements:

(1) It shall be subject to the product class standard for calibrators.

(2) It shall meet one of the following requirements.

(i) If it contains glucose, it shall meet the requirements for calibrators in § 328.100(b) except that the assurance of concentration of glucose in an undefined matrix shall be ±10 percent of the declared value.

(ii) If it is not or does not contain glucose, it must provide values traceable to values originally obtained by the use of a calibrator containing glucose. Any such secondary calibrator (such as a color chart or solution) shall provide a numerical equivalent of the range of values for which it is offered for use. The midpoint value of each of these ranges shall be assured within ±10 percent of the glucose concentration.

(c) *Detection range; effect of other substances.* (1) The product shall detect glucose within the limits specified in Table I of this section for urine and blood. The minimum number of ranges of detection necessary to provide useful information are as indicated in Table I of this section. The marketing of components as suitable for use in any system or method constitutes a representation that the system or method meets these requirements and that the individual components will not cause results which deviate from the requirements of this product class standard. If the product labeling makes representations of usefulness at or within glucose concentration ranges other than those listed in Table I of this section, each range and its midpoint shall be stated and not more than 10 percent of specimens having a glucose concentration at that midpoint shall give results outside the stated range.

TABLE I

Concentration of glucose [1]	Results must be—	Expected result—	Remarks [2]
Urine:			
0 to 20 mg/dl (0 to 1.11 mM/l)	Negative		
Greater than 250 mg/dl (13.86 mM/l).	Positive		
Blood (whole blood, serum or plasma):			
0 to 20 mg/dl (0 to 1.11 mM/l)		Abnormal low	Specimens in this range shall provide an "abnormal low" result.
20 to 60 mg/dl (1.11 to 3.33 mM/l)		do	A specimen at 40 mg/dl (2.22 mM/l) should not be declared "normal" more than 10 percent of the time, and shall never be declared "abnormal high."
60 to 120 mg/dl (3.33 to 6.66 mM/l)		Normal	A specimen at 90 mg/dl (5.00 mM/l) shall not be declared "abnormal" more than 10 percent of the time.
120 to 200 mg/dl (6.66 to 11.1 mM/l)		Abnormal high	A specimen at 160 mg/dl (8.88 mM/l) shall not be declared "normal" more than 10 percent of the time, and shall never be declared "abnormal low."
Greater than 200 mg/dl (11.1 mM/l)		do	A specimen in this range shall provide an "abnormal high" result.

[1] As measured by the reference method.
[2] The results obtained by use of a product may not indicate glucose concentrations beyond the next contiguous range.

(2) The effect of each of the substances listed in Table II of this section shall be determined. Such determinations shall also be made for any other substance or patient condition which has been shown to influence the test results These effects shall be declared only when they might occur at concentration likely to be reached in normal or pathologic conditions, drug therapy, drug toxicity or by addition to collected specimens.

TABLE II

Endogenous substances	Exogenous substances	Anticoagulants and preservatives
Fructose	Dextran	Thymol.
Galactose	Salicylates (derivatives and metabolites).	Fluorides.
Mannose	Hydrogen peroxide	
Pentoses	Hypochlorites	
Ascorbic acid		
Uric acid		
Creatinine		
Bilirubin		
Dihydroxyphenylalanine (dopa)		
Glutathione		
Hemoglobin		
Lipids		

(d) *Test procedures and requirements.* The following test procedures and requirements shall apply:

(1) All products shall be tested using the product as it is marketed. Materials not furnished as a part of the product but indicated in the labeling as necessary for proper use of the product shall be used in evaluation of the product. Any such materials may be selected that meet the specifications of the manufacturer. If the labeling indicates alternative materials are considered acceptable, any such materials may be selected for product testing purposes. Testing for compliance may include testing with any specimen type claimed. Any product which fails to conform to the performance requirements established in paragraph (c) (1) of this section is not in compliance with this standard.

(2) Testing for compliance may be done at any time during the life expectancy of the product. The product shall be handled as stated in the labeling instructions for storage, reconstitution, mixing and stability; e.g., if the labeling states that a reagent product stored at room temperature is stable 1 year, and after reconstitution and dilution is stable for 1 month when stored in a refrigerator, testing for compliance shall be done in accordance with the stated conditions and within that period of time; and if the manufacturer indicates a need for instrument calibration once a year, no calibration will be done at less than that interval for the purpose of product evaluation. An expiration date or representation of the period of product stability constitutes a representation that the product meets the requirements of the standard at any time during the period represented. If there is no expiration date or representation of the period of product stability the product will be deemed to be in violation of the requirement in § 328.10(a)(6) that such information appear on the product label.

(3) A product intended for use in the detection of glucose in urine shall be tested using specimens with glucose concentrations below 20 mg/dl (1.11 mM/1) and above 250 mg/dl (13.86 mM/1). Any product intended for use in the detection of glucose in blood shall be tested using specimens with glucose concentrations as indicated in paragraph (c)(1) of this section.

(4) Any testing scheme shall be adequate to assure the user that those variables which have been specified as requiring control are included in the assessment. No special effort shall be made to control any other laboratory conditions which might affect the performance of the products. Ordinarily any test scheme shall include in the assessment of precision and bias any lot-to-lot and within-lot variation in the individual components of the test, any changes in the product due to aging, and short-term (day-to-day) and long-term (week-to-week) variations in the testing laboratory, as well as those variations to be expected in the reading and interpretation of results such as color comparisons. The testing scheme shall be such that the probability of declaring that the product has met the performance requirements is less than 5 percent when unlimited testing would show that any one of the following is true.

(i) The percentage of specimens with glucose concentrations of approximately 40 mg/dl (2.22 mM/1) which will be declared "normal" is greater than 15 percent.

(ii) The percentage of specimens with glucose concentrations of approximately 90 mg/dl (5.00 mM/1) which will be declared "abnormal low" or "abnormal high" is greater than 15 percent.

(iii) The percentage of specimens with glucose concentrations of approximately 160 mg/dl (8.88 mM/1) which will be declared "normal" is greater than 15 percent.

(5) A minimum of 200 specimens should be examined in each concentration range. However, in those performance categories requiring absolute reliability (0 percent or 100 percent), the product will be considered as not meeting the performance requirements upon the first result which deviates from the requirement.

§ 328.102 Reference methods for glucose determination.

In order to assess bias, a means of establishing the concentration of glucose in specimens is required. For the purpose of this product class standard, one of the following reference methods shall be used. The sections on sample handling, preservation and storage, general procedural approaches, material specifications, and data evaluations and computations are common to each of the described methods.

(a) *Sample handling, preservation and storage.* (1) The primary precaution in the handling of any glucose solution is the prevention of glycolysis. In the cell-free samples for which this method is designed, the preponderant source of sample deterioration is microbiologic, and preservation of original glucose concentration requires avoidance of bacterial contamination. Evaporation from small samples can be a serious problem as can chemical contamination in minute quantities. Therefore, sample vessel cleanliness, sterility and tight closure are rigorous requirements for proper handling and storage.

(2) Glucose standards are dissolved and diluted in 1 gram/liter benzoic acid solutions, which gives secure long-term protection against microbiologic contamination at 4° C and adequate protection for some weeks at room temperature. Aqueous dilutions of these standards or other dilute solutions of glucose, and re-

constituted lyophilisates are extremely labile to glycolysis without aseptic handling or the addition of bacteriostatic agents.

(3) The biologic specimens to be used as samples for this analysis are limited to serum, plasma, spinal fluid or urine, all of which present hazards of cellular as well as bacteriologic glycolysis and require special precautions in preparation and storage. Lyophilized serum products are not necessarily free of these contaminants, and often show greater lability to glucose degradation than freshly collected native serum. Collection of blood and spinal fluid is ordinarily performed under aseptic conditions; urine is rarely so collected. Even if preservatives are used, pools of any of these materials that are to be processed as control or calibrator sample surrogates must be membrane-filtered to remove both tissue cells and microorganisms, since there are few complete inhibitors of cellular glycolysis and many such substances present interference problems. Therefore, plasma or serum must be centrifuged to produce essentially cell-free supernatants for materials that are to be stored for any period of time, and an adequate preservative should be added either with the anticoagulant or to the harvested serum. The anticoagulants heparin, oxalate, citrate and ethylenediaminetetraacetate (EDTA) do not interfere with the analysis. Sodium fluoride (NaF) is a secure preservative, but as the sole anticoagulant the high concentration necessary produces unsuitable plasma and may interfere with the analysis. Anticoagulants other than heparin cause osmotic shifts of cellular water and other effects in blood specimens that produce alterations in plasma glucose concentration.

(4) NaF at a concentration of 2.5 milligrams per milliliter of blood is the recommended preservative. The NaF is best combined with 1 milligram per milliliter of disodium EDTA. This mixture is availableinconventionalvacuu m collection tubes.

(5) Immediate and thorough mixing of the freshly collected specimen is essential to dissolve the dry anticoagulant to prevent later problems with fibrin in frozen plasma.

(6) The keys to adequate storage of specimens are sterility, secure closure, low temperature and freedom from cellular or chemical contamination. For storage longer than 48 hours, even preserved specimens should be frozen in containers that are securely closed and have a low permeability to water vapor. Long term storage for many plastic vials may require sealing in cans with saturated blotting paper; heavy glass vials are preferred. Unless a good seal is obtained by special compression fittings, screw caps may not be reliable. Thawing of frozen specimens should be performed rapidly, i.e., in a water bath at a temperature no higher than 30° C. Repetitive sampling from the same vial presents the risk of potential deterioration of the specimen from repeated thawing, evaporation and contamination.

(b) *General procedural approaches.* (1) Any reference method must aim at high capability for accuracy and precision and must be defined to the extent possible. Accuracy capability can rarely be described in absolute terms, since it results from the conditions and procedures used to determine the scientific or analytic method. Estimates of bias may be made for recognized interfering substances, but the magnitude of bias in any one result is determined by the nonspecificity of the method combined with the interfering components in each specimen. The use of a reference method assumes acceptance of an arbitrary accuracy capability.

(2) The precision component of any final result represents the sum of the variations which result from:

(i) The volumetric manipulations on the sample;

(ii) The ease or difficulty of reproducing prescribed conditions; and

(iii) The response-measuring system.

The procedures and specifications prescribed in these methods of reference are considered essential to achieving their precision capabilities in a practical operation.

(3) (i) Defining volumes are liquid or solution volumes that define concentration volumetrically, i.e., mass or activity or molecular number per unit volume. These comprise (*a*) "primary standard solutions" prepared by dissolving an accurately known mass of defined substance in an accurately known volume of total solution; (*b*) "primary" or "original specimens" of solutions to be analyzed on a volumetric basis; and (*c*) "volumetric dilutions" of either standards or specimens that define an aliquot by means of a precisely known dilution factor.

(ii) Liquid aliquot is an exactly known volume of solution, delivered as a proportional part of an original specimen or standard solution.

(iii) Aliquant is an inexactly defined proportional sample of a parent volume, the proportionality of which is not necessarily known or used in relating the concentration of original sample to its final dilution. Since it may be delivered with great repetitive precision, an inexactly known volume of an aliquant may be used in a comparison technique in precise quantitative determinations of concentration, referred to some calibrating or standard solution.

(iv) Comparison technique: In the procedures set forth in paragraph (e) of this section, the two steps (deproteinization and final color reaction) are conducted by identical treatment of aliquants of specimens and working standard solutions. The reaction response of the specimen is then quantified by referring it to that of a precisely defined and identically treated standard solution. Although these steps must be carried out with high precision, the volumes of aliquants of samples and diluents or reagents need not be exactly known, and primary calibration of the volumetric measuring system is not essential as long as the aliquants are precisely reproduced.

(c) *Material specifications*—(1) *Volumetric measurement*—(i) *Precision tolerance.* The system for delivering any liquid volume in the analysis should have a precision capability of the measurement for repetitive deliveries within ±0.2 percent of the target mean; the precision of the volumes delivered depends upon operator care. Ultimate precision capability is achieved by the use of one pipet for the delivery of all samples and standard solutions. The use of multiple pipets for the same task requires selection in which this tolerance can be assured. Products of leading manufacturers can usually be relied upon to meet these tolerances; however, the user must identify reliable sources and verify precision.

(ii) *Accuracy tolerance.* For all defining volumetric measurements, such as dilutions of standard solutions or of specimens prior to the analysis, pipets and volumetric flasks conforming to National Bureau of Standards (NBS) tolerance, Class A, Fed. Spec. NNN–F–00289a (May 21, 1965) and NNN–P–00395a (May 27, 1965)[1] must be used. The accuracy capability of the measurement in these applications should fall within ±0.2 percent of the target volume. Class A pipets meet this requirement only at volumes above 2 milliliters. The mean volume of any reagent or sample delivered in a comparison technique must be within ±5 percent of the volume specified in the procedure.

(iii) *Sample deliveries.* Since the technique of comparison with concomitant, identically processed standard solutions is employed here, only the precision tolerance is critical. In measurements of original sample aliquants (specimens and working standards) the effect of differing viscosities, e.g., between serum and aqueous standards, on the volume delivered must be eliminated. Acceptable alternative methods are: (*a*) A single transfer or Ostwald pipet is used for all deliveries of sample or deproteinized supernate. Regardless of its calibration mode, it is used as "to contain" (TC) pipet, with a flushing of any residual material by two complete fillings with the recipient water or reagent, and positive expulsion. Between individual samples the pipet must be well drained, wiped and given three thorough rinses with the next sample to be delivered.

(*b*) A set of pipets may be used which has been verified as falling within a tolerance of ±0.2 percent of some contained volume that lies within ±5 percent of the volume specified in the procedure. A new pipet is used for each sample with flushing of the material with the recipient reagent. The only commercially available pipets with tolerances within 0.2 percent in the 1-milliliter size are 1000 microliter micropipets, e.g., Kirk or Lambda types, conforming to American

[1] Copies may be obtained from: National Bureau of Standards, Department of Commerce, 14th, E, and Constitution Ave. NW., Washington, D.C. 20230.

Chemical Society (ACS) specifications.[3]

(c) Certain syringe-type pipets with precisely limited stops may be available with the necessary precision of repetitive delivery if they represent all-liquid devices (not air-pistol pipets) in which the sample is measured by positive displacement, rather than by containment. In this case, the pipet is not flushed with reagent, but must be rinsed three times with the next sample.

(d) Several precision sample-diluting devices that measure the sample by aspiration in an all-liquid system and deliver it by positive displacement and flush out with water or reagent can qualify. The actual volume delivered must be within ±5 percent of the specified sample volume and the device must be demonstrated to achieve repetitive deliveries with a precision of 0.2 percent [1 coefficient of variation (C.V.)]. The sample and reagent contacting surfaces of such a device must be demonstrated not to be structurally deformable or reactive with any reagent or sample.

(2) *Photometric measurement*—(i) *Spectral resolution and wavelength.* A half bandwidth of 10 nanometers centered within ±5 nanometers of the specified wavelength for measurements at 540 and 630 nanometers; measurements at 340 nanometers must be centered within ±2 nanometers, with a resolution of 2 nanometers.

(ii) *Photometric linearity.* (a) Within 0.001 absorbance from 0.000 absorbance to 0.500 absorbance.

(b) Within 0.002 absorbance from 0.500 absorbance to 1.000 absorbance.

(c) Within 0.003 absorbance from 1.000 absorbance to 1.500 absorbance.

(iii) *Photometric precision, including noise, at 340 nanometers.*

(a) Within 0.001 absorbance at 0.000 absorbance to 0.100 absorbance.

(b) Within 0.003 absorbance at 0.500 absorbance.

(c) Within 0.005 absorbance at 1.000 absorbance.

(iv) *Stability, less noise, at 340 nanometers.* (a) Zero drift not greater than 0.001 absorbance per hour.

(b) Drift at 1.000 absorbance not greater than 0.003 absorbance at the required aperture and energy level.

(v) *Stray light.* For measurements at 340 nanometers, stray light must be less than 0.2 percent.

(vi) *Cuvet system.* Cuvets with plane-parallel faces with a pathlength of 10 millimeters are used. A 10 millimeter flow-through cuvet is acceptable if it can be adequately flushed to eliminate all carryover of sample and if its pathlength has been verified.

(3) *Glassware.* (i) All glassware shall be chemically clean, including at least two final rinses with demineralized, distilled water, and dried in a dust-free environment.

(ii) If individual cuvets are used for photometric measurements, they shall be matched to a sufficiently close tolerance to satisfy the precision requirement given under paragraph (c)(2) of this section, or corrections for differences in pathlength must individually be applied. Normally, a common cuvet, thoroughly rinsed between readings with the next sample, or a flow-through cuvet, is used. These shall be cleaned after each analytical run.

(iii) Except where plastic dispensing bottles are specified, all reagents and stock standards are to be stored in borosilicate glass vessels. Tight-fitting caps must be fitted with either flat Teflon liners or polyethylene conical closures.

(iv) Tubes for the preparation of deproteinized supernates must contain a volume of at least 23 milliliters and must be capable of being securely capped with nonreactive closures. Provisions must be made either for centrifuging the tubes directly or for transferring smaller volumes of the mixture to smaller tubes.

(4) *Chemicals*—(i) Reagent water: Demineralized feed water, run through an active charcoal and a high efficiency mixed-bed demineralizer column (effluent resistivity of at least 1 megohm) is distilled in an all-grass vented still operated at two-thirds of the rated output. It is collected and stored in borosilicate glass containers.

(ii) Carbon dioxide (CO_2)-free water: Reagent water boiled for 15 minutes in an open flask and allowed to cool covered with a watch glass. This is prepared at the time of use.

(iii) Glucose standard: Standard glucose solutions are prepared from National Bureau of Standards certified D-glucose, Standard Reference Material No. 917,[1] which has been stored in the laboratory in its original capped bottle in a vacuum desiccator over anhydrous calcium sulfate.

(iv) Chemicals designated as "ACS grade" must meet ACS analytical reagent specifications ("Reagent Chemicals," ACS, 4th ed.[2]).

(5) *Preparation of primary standard solution*—(i) *Benzoic acid diluent, 1.0 gram/liter.* 2.0 grams of ACS-grade benzoic acid are dissolved in 2000 milliliters of hot reagent water in a large flask. Stir thoroughly into solution, and cover while it cools to room temperature. Decant from any fine residue into reagent bottles. Store at room temperature, tightly stoppered.

(ii) *Glucose stock standard, 10.00 grams/liter.* Weigh and transfer 5.000 ±0.002 grams of anhydrous NBS D-glucose into a Class A 500 milliliter volumetric flask; benzoic acid diluent is used to wash in and dilute the glucose until the flask is about two-thirds full. Mix the glucose into complete solution with swirling. Add benzoic acid solution to a point about 1 centimeter below the 500-milliliter mark, and place the flask in a water bath at 20°±1° C, covering the flask just to the neck. Stopper, and let the solution equilibrate for 30 minutes before making to exactly 500-milliliter volume with the benzoic acid diluent. Stopper and mix well by inverting the flash at least 10 times, swirling the inverted flask for 10 seconds at each inversion. Transfer 80 to 85 milliliters to each of 6 screw-cap 4-ounce borosilicate bottles. The labeled and dated bottles are tightly capped and stored at 4° C. One bottle is used for the preparation of a complete set of standards; other convenient volumes may be used for preparing standards having a glucose concentration above 250 mg/dl (13.88 mM/1). Although this stock standard is stable for long periods of time if adequately prepared and handled, it is recommended that new stock standard be prepared each 6 months. Before bottling a new lot, prepare a new 200 mg/dl (11.10 mM/1) working standard and verify its integrity by comparison in replicate in a run with the old set of standards.

(iii) *Glucose working standards.* (a) Prepare a complete set of working standard solutions of pure glucose; equilibrate a bottle of stock glucose standard and of benzoic acid diluent to 20°±1° C in a water bath for 30 minutes. Deliver the aliquots of stock standard listed below into 100 milliliter Class A volumetric flasks and dilute almost to volume with the benzoic acid diluent; final adjustment to the mark is made after another 15 minutes of equilibration of the flasks in the bath. A special set of Class A volumetric flasks and 5-, 10- and 25-milliliter volumetric (TD) pipets and volumetric flasks is reserved for preparing standards.

Stock standard (milliliters)	Total volume (with benzoic acid) (milliliters)	Final glucose concentration (milligrams/deciliter)
5.00	100	50(2.78 mM/l)
10.00	100	100 (5.55 mM/l)
15.00	100	150 (8.33 mM/l)
20.00	100	200 (11.10 mM/l)
25.00	100	250 (13.88 mM/l)

If the desired analytical range is not covered by these standards, additional working standards must be prepared: 300, 400 and 500 mg/dl (16.65, 22.2 and 27.8 mM/1, respectively) working standards may be prepared by dilutions of 30-, 40- and 50-milliliter aliquants, respectively, of stock standard into 100-milliliter volumetric flasks. A complete set of standards is prepared at one time and if any one is depleted or suspect, the entire batch is replaced. The old and new sets are compared by duplicate analysis in one analytical run. A 25 mg/dl (1.39 mM/1) standard may be prepared by mixing 5.0-milliliter aliquots each of 50 mg/dl (2.78 mM/1) standard and benzoic acid diluent in a clean, dry tube.

(b) Working standards are stored in 4-ounce screw-capped polyethylene bottles (squeeze dropping type with snap-cap on the tip) at 4° C for up to 1 month. Cleaning of plastic storage bottles is critical, since gross contamination cannot be seen and since molds may be transferred from one solution to another. Although benzoic acid is a good preservative against ordinary glucolytic micro-

[3] Copies may be obtained from: Journal of Analytical Chemistry, American Chemical Society, 1155 16th St., Washington, D.C. 20036.

[1] See footnote 1 at p. 24141, *supra*.

[2] See footnote 2, 1st col.

organisms, it cannot protect against heavy bacterial inoculations.

(c) On each analytical day, the required working standards are dispensed into clean tubes for equilibration to 20° C, and the stock bottles returned to the refrigerator.

(d) *Data evaluation and computations.* The following guidelines for data evaluation and computations are applicable to each of the reference methods in this standard.

(1) *Drift evaluation.* Drift is identified by a significant alteration of either the response to concentration (y/x) slope between the initial and final absorbance readings of the standard curve, or by a vertical displacement of the two curves throughout the concentration range. The following procedure provides a test for identifying drift.

(i) If the initial and final blank differ by more than 0.005 absorbance, discard run.

(ii) Discard any standard for which the duplicate readings differ by more than 5 percent.

(iii) Sum the absorbance readings for the two lowest standards in the initial set of standard readings, normally the 50 (2.78) and 100 mg/dl (5.55 mM/l) standards.

(iv) Similarly, sum the initial readings for the two highest standards, normally 200 (11.10) and 250 mg/dl (13.88 mM/l standards.

(v) Obtain similar sums for the two lowest and two highest in the final set of standards.

(vi) If the sums for the initial and final absorbance values for the two lowest standards differ by more than 3 percent, discard run. For all such comparisons the lower of the two values is used as the denominator. Similarly, if the difference between initial and final sums for the two highest standards is more than 3 percent, discard the run.

(2) *Validation of duplication standards.* (i) Discard any standard for which duplicate absorbances differ by more than 3 percent, or 5 percent for the 50 mg/dl (2.78 mM/l) standard.

(ii) The data for at least four standard concentrations must be acceptable by this test, or the run must be discarded.

(3) *Obtaining corrected readings.* (i) Average the duplicate values for the blanks and each acceptable standard.

(ii) Subtract the average blank absorbance from the average absorbance for each standard and from the absorbance for each specimen to obtain the "corrected reading."

(4) *Obtaining factor for each standard level.* Obtain a factor for each standard by dividing its concentration by its corrected reading.

(5) *Validation of linearity of the standard curve.* (i) Add the factors for the two lowest accepted standards, normally 50 (2.78) and 100 mg/dl (5.55 mM/l).

(ii) Add factors for the two highest accepted standards, normally 200 (11.10) and 250 mg/dl (13.88 mM/l).

(iii) If these two sums obtained differ by more than 2 percent of the lower value, discard run.

(6) *Obtaining multiplier factor (F), and computing concentrations.*

(i) Average the factors for all accepted standards to obtain F.

(ii) Multiply corrected reading for each specimen by F to obtain glucose concentration.

(iii) Samples with readings more than 10 percent higher than the highest standard accepted for the run, or lying beyond the previously demonstrated linear range, are diluted 1:2 (equal volumes) with reagent water and reanalyzed; the result is adjusted for the dilution factor (2).

(7) *Example, using data derived from the ortho-toluidine method.* The following data were obtained by manual techniques, employing a common 1-milliliter Ostwald pipet for all samples and a precise spectrophotometer using a self-filling cuvet system.

Standard concentration (mg/dl)	Initial values (absorbance)	Final values (absorbance)	1 Test of drift (sum of absorbance)	2 Test of duplication (percent)	3 Corrected readings (absorbance)	4 Factors (F)	5 Test of linearity (sum of F)
0	0.007	0.004	0.005				
50	.086	.085	.248	−1.2	0.0800	625	
			vs.				1260
100	.162	.164	.249	+1.2	.1575	635	
			0.4%				
150	.240	.239		0	.2340	640	
200	.321	.315	.717	−2.0	.3125	640	
			vs.				1286
250	306	.338	.703	−2.0	.2865	646	
			2.0%				2.0%

Although there was evidence of fading of color at the end of this long run, the drift was acceptable (0.4 percent for the two low standards and 2.0 percent for the two high standards). Duplication fell within limits for the blanks and all standards (less than 3 percent). All standard values were acceptable. The test for linearity was barely satisfied, with the sum of the two highest standard factors exceeding that of the two lowest by exactly 2.0 percent, most probably due to excessive fading at the higher concentrations. The overall multiplier factor (F) averaged 637.

(e) *Methods for determination of glucose*—(1) *Ortho-toluidine method for determination of glucose in serum or plasma*—(i) *General.* The ortho-toluidine reaction is considered to be relatively specific for aldohexoses. Actually, certain other sugars may participate in the reaction to some extent, and the usefulness of this method in blood sugar determinations depends upon the fact that glucose is the preponderant sugar and, normally, the only significant reactant in serum or plasma. Specimens from some uncontrolled diabetics and those containing certain glycosans which can hydrolyze in the hot acid reaction can yield appreciably higher values than the actual glucose content. The reaction involves the condensation of glucose with a primary aromatic amine in hot acetic acid to produce an equilibrium mixture of a glycosylamine and a Schiff base:

Ortho-toluidine method

$$CH_3C_6H_4NH_2 + C_6H_{12}O_6 \rightarrow \text{green chromogen}$$

The relatively stable green color produced conforms to the Beer-Bouguer Law up to about 400 mg/dl (22.2 mM/l) glucose concentration.

(*a*) The method is simple and straightforward, requiring only two reagents, the first for protein precipitation and a second for the color reaction. Deproteinization is required for the most reliable results. Interference from pigmented or uncharacterized components in occasional specimens is minimized by deproteinization.

(*b*) The o-toluidine reagent is compatible with several common protein-free filtrates of serum or plasma. The reaction volumes are readily adjustable, within limits, for the sensitivity and concentration range desired. However, sources of o-toluidine vary, and some variation in the responses between pure aqueous standards and serum or plasma filtrates may occasionally be observed with some reagents. The characteristics and properties of an acceptable reagent have not been completely defined. Technical grade o-toluidine has often been used; the presence of thiourea has been suggested to compensate for "impurities." Verification of the adequacy of each lot of source reagent is necessary. The present procedure is an optimization of the basic method of Dubowski (Dubowski, K. M., *Clinical Chemistry*, 8: 215–235, 1962 [3]).

(ii) *Reagents and chemical specifications for the o-toluidine method*—

(*a*) *Chemical specifications*—(*1*) *Trichloroacetic acid (TCA).* ACS specifications (4th ed., p. 617 [2]). (Trichloroacetic acid is very caustic and must be handled with care.)

(*2*) *Ortho-toluidine.* Technical grade o-toluidine is distilled under vacuum in the laboratory and kept tightly capped in a vacuum desiccator in the dark at room temperature (o-toluidine or its contained impurities is considered to be a potential carcinogen; contact with the liquid or the color reagent should be strictly avoided.)

[2] See footnote 2 at p. 24142, *supra*.

[3] Copies may be obtained from: Clinical Chemistry Business Office 1725 K St. NW., Washington, D.C. 20006.

(3) *Acetic acid, glacial.* ACS specifications (4th ed., p. 34[3]). Acetic acid, glacial, may cause burns of the skin and must be handled with care.

(4) *Thiourea.* Reagent grade.

(b) *Reagent specifications—(1) Protein precipitant TCA.* Trichloroacetic acid solution, 60 grams/liter. Quickly weigh 60±0.5 grams of ACS reagent grade trichloroacetic acid (CCl_3COOH) into a 600-milliliter beaker, add reagent water to dissolve completely; transfer and dilute to 1000 milliliters in a volumetric flask. Store at 4° C in a glass-stoppered reagent bottle (well-designed closures of nonreactive plastics are acceptable). This preparation should not be used after 3 months.

(2) *o-Toluidine color reagent.* Completely dissolve 1.5±0.1 grams of reagent grade thiourea in 940±5 milliliters of ACS glacial acetic acid in a beaker. Warm to 50° C and stir constantly in a fume hood. When the thiourea has dissolved, cool in a water bath to room temperature, and add 60±0.5 milliliters of ortho-toluidine. Transfer to a 1-liter amber bottle, mix thoroughly, and store at room temperature for up to 3 months.

(3) *Working standards.* The preparation of primary standard solutions is described in paragraph (c)(5)(iii) of this section.

(iii) *Procedure for ortho-toluidine analysis of glucose—(a) Preparation of deproteinized supernates.* (1) Pour sufficient portions of each standard into clean, cappable tubes and return standards to refrigerator. Bring specimens, standards, and reagent water to constant temperature by placing for 30 minutes in a temperature-controlled water bath at room temperature (15° to 30° C). Label a sufficient number of 18 x 150 millimeter cappable tubes to accommodate:

Type of sample:	*Preparation*
Duplicate blanks (zero concentration standard).	Prepared with benzoic acid diluent as a sample and carried through the procedure as a reagent blank.
Duplicate working standards	50, 100, 150, 200, and 250 mg/dl (2.78, 5.55, 8.33, 11.10 and 13.88 mM/l, respectively) standards. If samples above 275 mg/dl (15.26 mM/l) are to be analyzed, include the appropriate working standard.
Two biologic control samples	Appropriate concentration and analytical history.
Specimens	Specimens above 300 mg/dl (16.65 mM/l) require dilution with water before deproteinization.

(2) Deliver 10.0 milliliters of reagent water into each tube, using the same volumetric pipet. If automatic dilution is employed, this water is used as the fluid to flush out the sample.

(3) From a micropipet, deliver 1000 microliters of each sample beneath the surface of the water in its respective tube, blow out gently and rinse the pipet twice with a complete filling with upper layer water; blow out the residual liquid. Vortex tube for 5 seconds. The micropipets selected must be capable of delivering required volumes within a tolerance of ±2 microliters; a sample dilutor capable of repetitive deliveries with a precision of 0.2 percent (1 C.V.) may be used.

(4) Pipet 10.0 milliliters of TCA precipitant into the tube; cap tightly, shake vigorously for 10 seconds, and place in a rack. Use one transfer pipet for all deliveries of TCA.

(5) Mix each tube by vortexing; then centrifuge. If a smaller tube is required, transfer about 12 milliliters of the mixture to a clean tube for certification. Cap and centrifuge at approximately 1000 x gravity (g) for 10 minutes. Two shorter centrifugations may be necessary to clear the supernate, the first being used to provide clean supernate with which to wash down the sides of the tube above the liquid level. Bring the tubes to room temperature in a temperature-controlled water bath before measuring aliquants of the supernate.

(b) *Color reaction.* (1) A complete set of blanks and standards is run at the beginning and end of each run, using the duplicate dilutions of standards in TCA.

(2) Deliver 2.00 milliliters of each clear supernate into labeled reaction tubes from a 2-milliliter transfer (TD) pipet by letting it drain against the side of the tube; when the level has reached the tip, the pipet is drawn upwards against the glass and removed. A set of pipets must be selected so that repetitive deliveries of water can achieve a precision of 0.2 percent (1 C.V.); if a single pipet is used for all samples, it must be rinsed twice with each succeeding sample before measurement.

(3) To each tube, add 7.0 milliliters of o-toluidine reagent and mix well by vortexing. Delivery may be made from a single transfer (TD) pipet or from a reagent dispenser whose precision of repetitive delivery has been demonstrated to fall within 0.2 percent (1 C.V.).

(4) Rack and cover all tubes, and place the rack in a vigorously boiling water bath for exactly 12 minutes.

(5) Remove the rack from the bath and immerse it in an ice-water bath up to the level of the reagent mixture for 10 minutes (slow rates of cooling may affect the results). Then bring contents to room temperature in a water bath for 10 minutes.

(6) Again mix well by a brief vortexing and perform the photometry by transferring each sample to a rectangular cuvet. If a single cuvet or a flow-through cuvet is used for all readings, it is rinsed twice with portions of about 1 milliliter of the solution to be read; if more than one cuvet is used, results must be corrected for any differences in pathlength. With uniformly rapid cooling, the color is relatively stable, but readings should not be delayed. In a long run, check for fading between the initial and final standard curves.

(7) With the wavelength set to 630 nanometers, zero the photometer with reagent water. Read absorbance of the first set of blank and standards, then specimens and controls, and finally the second set of blank and standards. The zero setting of the photometer is checked with water after each 10 readings. If the absorbance reading drifts beyond ±0.001 absorbance during the measurements, it must be checked more often and the instrument rezeroed.

(8) Refer to paragraph (d) of this section for data evaluation and computations.

(2) *Glucose oxidase method for the determination of glucose in serum, plasma, and cerebrospinal fluid—(i) General.* This procedure is applicable to serum, plasma, and cerebrospinal fluid. It utilizes two oxidoreductases for the enzymatic conversion of glucose. The first, glucose oxidase, oxidizes beta-D-glucose (and ultimately the alpha epimer in solution) to gluconic acid. Hydrogen peroxide is formed, and peroxidase acts on the peroxide and a chromogenic hydrogen donor (orthodianisidine in this method) to yield water and the oxidized form of the chromogen.

Glucose oxidase reaction

$C_6H_{12}O_6$ Beta-D-glucose + H_2O Water + O_2 Oxygen (air) $\xrightarrow{\text{(glucose oxidase)}}$ $C_5H_6(OH)_4COOH$ D-gluconic acid + H_2O_2 Hydrogen peroxide

Peroxidase reaction

H_2O_2 Hydrogen peroxide + $[C_6H_3(OCH_3)NH_2]_2$ Orthodianisidine $\xrightarrow{\text{(peroxidase)}}$ oxidized chromogen (yellow) + $2H_2O$ Water

The proteins are removed from the sample by the barium hydroxide-zinc sulfate reagent of Somogyi, and an aliquant of the resultant supernate is taken for the procedure. The zinc hydroxide precipitation also effectively decreases the levels of the other reducing substances which can compete with the chromogen as hydrogen donors. Sulfuric acid is added to stop the reaction and convert the colored product from yellow to rose-pink. The amount of color produced is proportional to the amount of glucose oxidized and is measured in a spectrophotometer at a wavelength of 540 nanometers. The method is basically that of Fales (Fales, F.W., "Standard Methods of Clinical Chemistry," Vol. 4, pp. 101–112, 1963).

(ii) *Reagents and chemical specifications for the glucose oxidase method—(a) Chemical specifications.* (1) Zinc sul-

fate, heptahydrate. ACS specifications (4th ed., p. 642 [2]).

(2) Barium hydroxide, octahydrate. ACS specifications (4th ed., p. 100 [2]).

(3) Sodium phosphate, dibasic, anhydrous. ACS specifications (4th ed., p. 559 [2]).

(4) Potassium phosphate, monobasic, anhydrous, ACS specifications (4th ed., p. 480 [2]).

(5) Glycerol. ACS specifications (4th ed., p. 269 [2]).

(6) Methanol. ACS specifications (4th ed., p. 372 [2]).

(7) Sulfuric acid. ACS specifications (4th ed., p. 597 [2]).

(8) Ortho-dianisidine, reagent grade.

(b) *Enzyme specifications.* Enzymes for the glucose oxidase analysis should meet the following specifications, and should be stored in a desiccator at 4° C.

(1) *Glucose oxidase.* Purified from *Aspergillus niger*. Minimal activity: 13,000 International Units (IU) per gram. One IU is defined as the amount of glucose oxidase required to oxidize 1 micromole of glucose to gluconic acid and H_2O_2 per minute at pH 5.1 at 35.0° C. Catalase, amylase, invertase, maltase and other disaccharidases should be absent.

(2) *Peroxidase.* RZ (Reinheit Zahl) no less than 1.0 from horseradish; salt-free powder. Activity: approximately 100 to 150 purpurogallin units per milligram (one 20-second purpurogallin unit equals the formation of 1 milligram of purpurogallin in 20 seconds from pyrogallol at pH 6.0 at 20.0° C).

(c) *Reagents for protein precipitation—(1) Zinc sulfate solution, 22.0 grams/liter.* Dissolve 22.0 grams of zinc sulfate ($ZnSO_4 \cdot 7H_2O$) in approximately 900 milliliters of freshly prepared, hot CO_2-free distilled water. When the solution has cooled to room temperature, transfer to a 1-liter volumetric flask, dilute to 1000 milliliters with CO_2-free water, mix well, and transfer to a glass reagent bottle. Stopper tightly.

(2) *Barium hydroxide solution, saturated.* Dissolve 80 grams of barium hydroxide ($Ba(OH)_2 \cdot 8H_2O$) from a freshly opened bottle in approximately 950 milliliters of freshly prepared CO_2-free, hot, distilled water. When the solution has cooled to room temperature, transfer to a 1-liter volumetric flask, dilute to 1000 milliliters with CO_2-free water, mix well, and transfer to a storage bottle fitted with a soda-lime trap protected with a short column of silica gel. The life of the soda-lime trap is relatively short, and must be replaced often. Allow the excess barium hydroxide and any carbonates to settle overnight before making the dilution below.

(3) *Barium hydroxide solution, approximately 0.11N.* Without disturbing the precipitate, dilute 245 milliliters of saturated barium hydroxide to 1 liter with CO_2-free water. Titrate 10.0 milliliters of zinc sulfate solution with this dilute barium hydroxide to a faint pink endpoint with phenolphthalein indicator (2 drops of 0.5 percent indicator in 95 percent ethanol). The result should be such that 10.0 milliliters of zinc sulfate solution require 10.0±0.1 milliliter of barium hydroxide solution. If this limit is exceeded, add either saturated hydroxide or CO_2-free water in the appropriate calculated quantities to the barium hydroxide solution and repeat the titration. Transfer the adjusted barium hydroxide solution to a reagent bottle fitted with a soda-lime trap and a syphon or decanting tube system. Each month check equivalence of this solution by titration.

(d) *Reagents for enzymatic and color reactions—(1) Glycerol-buffer solution, pH 7.0.* Dry the necessary quantities of mono- and dibasic phosphates in a 110° C oven. Dissolve 3.48 grams of anhydrous dibasic sodium phosphate (Na_2HPO_4) and 2.12 grams of anhydrous monobasic potassium phosphate (KH_2PO_4) in 600 milliliters of reagent water, then add 400 milliliters of glycerol. Mix well, measure the pH and, if necessary, adjust the pH of the solution to 7.0±0.1. Transfer to a reagent bottle and store at 4° C. To prolong the stability of the reagent, it may be membrane-filtered into a sterile storage bottle. A preparation free of bacteria, stored at 4° C will remain stable for at least 4 months.

(2) *Enzyme solution.* Dissolve 250 milligrams of glucose oxidase in about 10 milliliters of glycerol-buffer solution. In a separate container, dissolve 50 milligrams peroxidase in another 10-milliliter portion of glycerol-buffer. Transfer both enzyme solutions to a 1-liter volumetric flask by washing it with the glycerol-buffer solution and bring to volume with the glycerol-buffer solution. Mix well, divide into 10 separate 100-milliliter portions and store these in brown screw-cap bottles. Store at −20° C. The reagent is stable for about 3 months.

(3) *Ortho-dianisidine-methanol solution.* Dissolve 200.0 milligrams of ortho-dianisidine in 20 milliliters of absolute methanol. Mix well and store in a tightly capped brown plastic bottle at 4° C. The solution is stable for about 2 months.

(4) *Glucose oxidase reagent.* Bring to room temperature one 100-milliliter bottle of enzyme solution and a small portion of ortho-dianisidine-methanol solution. Pipet 1.0 milliliters of ortho-dianisidine-methanol solution into a flask. Quickly pour the enzyme solution into the flask with swirling (to prevent precipitation of the dianisidine) and mix well. Use within 1 day.

(5) *Sulfuric acid (H_2SO_4), 8N.* Chill 700 milliliters of reagent water in an Erlenmeyer flask in an ice bath. Add slowly, and with rapid stirring, 200 milliliters of sulfuric acid. Mix thoroughly and store in a glass-stoppered reagent bottle.

(iii) *Procedure for glucose oxidase analysis of glucose—(a) Preparation of deproteinized supernates ("Somogyi filtrates").* (1) Pour sufficient portions of each standard into clean cappable tubes, and return standard to refrigerator. Bring all specimens, standards and reagent water to room temperature by placing in a temperature-controlled water bath. Label a sufficient number of 18 x 150 millimeter cappable tubes to accomodate:

Types of sample:	*Preparation*
Blank (zero concentration standard).	Prepared with benzoic acid diluent as a sample and carried through the procedure for photometric blanking.
Working standards.	50, 100, 150, 200, and 250 mg/dl (2.78, 5.55, 8.33, 11.10 and 13.88 mM/l, respectively) standards; if specimens up to 300 mg/dl (16.65 mM/l) are to be analyzed, include a 300 mg/dl working standard.
Two biologic control samples.	Of appropriate concentration and analytical history.
Specimens -----	Specimens above 300 mg/dl (16.65 mM/l) require dilution with water.

(2) Deliver 10.0 milliliters of 0.11*N* barium hydroxide solution into each tube from the same volumetric transfer (TD) pipet.

(3) From a micropipet, deliver 1000 microliters of the first sample beneath the surface of the solution into its labeled tube, blow out gently, and rinse the pipet completely twice with upper layer solution. Vortex the tube for 5 seconds.

(4) Pipet 10.0 milliliters of zinc sulfate solution into the tube. Cap and shake vigorously (or vortex for 5 seconds), set aside and proceed to the next sample. Proceed similarly with all samples. This procedure may be conducted by a reliable sample dilutor meeting the precision requirements previously specified, and with the same precautions about cross-contamination between samples and reagents. A fixed volume dispenser of high reliability and precision may be used to dispense the zinc sulfate solution. If suitable precision is demonstrated in these semiautomated steps, all of the above volumes may be scaled to half.

(5) After again mixing each tube by a short vortexing, centrifuge (or if necessary, transfer about 12 milliliters of the mixture to a clean tube). Cap and centrifuge at approximately 1000 x gravity (g) for 10 minutes. Two shorter centrifugations may be necessary to clear the supernatant solution, the first being used to wash down the sides of the tube above the liquid level. Bring the tubes to room temperature in a temperature-controlled water bath before measuring the aliquants of the supernate.

(b) *Enzymatic and color reactions.* (1) Label clean screw-cap 15 x 125 millimeter tubes for an initial set of blank and standards; unknown and control specimens; and a final set of blank and standards.

(2) From a transfer pipet deliver 2.00 milliliters of glucose oxidase reagent and bring to 37° ±0.5° C in a water bath.

(3) From a micropipet deliver 500 microliters of each sample supernate into its proper tube, rinsing twice by a complete filling with the reagent; blow out the residual liquid each time. The tube is

[2] See footnote 2 at p. 24142, *supra*.

replaced in the 37° C water bath for exactly 30 minutes. The addition of each sample should be at timed intervals, e.g., 30 seconds. This procedure requires selection of a set of calibrated pipets that are verified to contain volumes that match within a tolerance of 1 microliter (0.2%). A sample dilutor with a demonstrated capability for this tolerance may be used for the steps set forth in paragraph (e) (2) (iii) (*b*) (*2*) and (*3*) of this section.

(*4*) At the end of its 30-minute incubation period, remove each tube and immediately pipet 4.00 milliliters of 8*N* sulfuric acid into the tube. Cap, mix vigorously, and place the tube in a water bath at room temperature. The color is stable for an hour after the addition of sulfuric acid, but the samples are read in their original sequence to assure a uniform reading time.

(*5*) For photometry, a single rectangular sample cuvet or flow-through cuvet is recommended. Rinse twice between each sample with approximately 1 milliliter volumes.

(*6*) With the wavelength set to 540 nanometers, zero the photometer with reagent water. Read absorbance of initial set of blank and standards, then the specimens and controls, and finally the second set of blank and standards. The zero setting should be checked periodically with water to ascertain stability. If after setting to zero the absorbance reading has drifted beyond ±0.001 absorbance, the instrument must be rezeroed with a fresh water sample. Drift beyond ±0.002 absorbance from the initial setting represents unacceptable photometer performance.

(*7*) Refer to paragraph (d) of this section for data evaluation and computations.

(*3*) *Hexokinase/glucose-6-phosphate dehydrogenase (G6PDH) method for the determination of glucose in serum, plasma, or urine.*

(i) This is a reaction completion method based upon the following reactions: .

HEXOKINASE REACTION

$$\text{D-glucose} + \text{ATP} \xrightarrow[Mg^{++}]{\text{(yeast hexokinase)}} \text{D-glucose-6-phosphate} + \text{ADP}$$

Where:
ATP = Adenoscine triphosphate.
ADP = Adenoscine diphosphate.

G6PDH REACTION

$$\text{D-glucose-6-phosphate} + \text{NAD} + \xrightarrow[(L.\ mesenteroides)]{\text{G6PDH}} \text{6-phosphoglucono-}\Delta\text{-lactone} + \text{NADH}$$

Where:
NAD = Nicotinamide-adenine dinucleotide.
NADH = Nicotinamide-adenine dinucleotide, reduced.

Due to rapid hydrolysis of the gluconolactone, the reaction sequence goes essentially to completion. Utilizing this coupled reaction, one mole of NAD is reduced for each mole of glucose phosphorylated. The gain in absorbance at 340 nanometers by the NADH produced is used to quantify the assay, which is linear to a glucose concentration of 600/mg/dl (33.3 mM/l under the conditions of the analysis.

(ii) Although other hexoses (most importantly fructose and mannose) are phosphorylated by hexokinase, they are normally present in serum or plasma in negligible amounts in comparison with glucose. These other hexose phosphates must be isomerized before entering into the second reaction; if the enzyme preparations can be kept free of contamination with isomerases, the reaction is highly specific.

(iii) The above reaction sequence, or the analogous coupled reaction using yeast dehydrogenase and nicotinamide-adenine dinucleotide phosphate (NADP), is frequently applied directly to samples in a useful clinical method; however, for the most reliable results, deproteinization is required. This procedure utilizes a Somogyi (barium-zinc hydroxide) deproteinized supernate to which the enzymatic reactions are applied.

(iv) Work on the development of the following method was undertaken by the Center for Disease Control in collaboration with the Subcommittee for a Glucose Referee Method of the American Association of Clinical Chemists and is being prepared for joint publication. Coupling of these reactions was first employed by Slein et al., in an assay for hexokinase (Slein, M. W., G. T. Cori, and C. F. Cori, *Journal of Biological Chemistry*, 186:763, 1950).

(v) Reagents for the hexokinase/G6PDH method—(*a*) *Chemical specifications.* (*1*) Zinc sulfate, heptahydrate. ACS specifications (4th ed., p. 642 [2]).

(*2*) Barium hydroxide, octahydrate. ACS specifications (4th ed., p. 100 [2]).

(*3*) Magnesium acetate. ACS specifications 4th ed., p. 329 [2]).

(*4*) Tris(hydroxymethyl) aminomethane (Tris), reagent grade.

(*5*) Tris hydrochloride. Reagent grade. grade.

(*6*) Nicotinamide adenine dinucleotide, oxidized (NAD). Purity of 98 percent or better.

(*7*) Adenosine triphosphate (ATP). Purity of 98 percent or better.

(*b*) *Enzyme specifications—(1) Hexokinase.* The content of contaminants should not exceed the following limits:

	Percent
Glucose-6-phosphate dehydrogenase	0.005
Glutathione reductase	.005
Phosphoglucose isomerase	.003
Myokinase	.001
6-phosphogluconate dehydrogenase	.001

One international unit (IU) of hexokinase activity is defined as that amount of enzyme which will catalyze the conversion of one micromole of glucose per minute at 25° C. The activity may be determined by the method of: (Darrow R.A., and S.P. Colwick, "Methods in Enzymology," *V*:226, 1962).

(*2*) *Glucose-6-phosphate dehydrogenase (G6PDH) (D-glucose-6-phosphate NAD oxidoreductase).* The source of the enzyme is *Leuconostoc mesenteroides*, available as suspension in ammonium sulfate solution or as lyopholized powder. One IU of G6PDH is that amount of enzyme which reduces one micromole of NAD per minute at 25° C. The activity may be determined by the method of: (Olive C., and H.R. Levy, *Biochemistry*, 6:730, 1971).

(*3*) *Reagents for protein precipitation.*

ZINC SULFATE SOLUTION, 22.0 GRAMS/LITER

Dissolve 22.0 grams of zinc sulfate ($ZnSO_4 \cdot 7H_2O$) in approximately 900 milliliters of freshly prepared, CO_2-free, hot distilled water. When the solution has cooled to room temperature, transfer to a 1-liter volumetric flask, dilute to 1000 milliliters with CO_2-free water, mix well, and transfer to a glass reagent bottle. Stopper tightly.

BARIUM HYDROXIDE SOLUTION, SATURATED

Dissolve 80 grams of barium hydroxide ($Ba(OH)_2 \cdot 8H_2O$) from a freshly opened bottle in approximately 950 milliliters of freshly prepared CO_2-free, hot distilled water. When the solution has cooled to room temperature, transfer to a 1-liter volumetric flask, dilute to 1000 milliliters with CO_2-free water, mix well, and transfer to a storage bottle fitted with a soda-lime trap protected with a short column of silica gel. The life of the trap is relatively short, and must be replaced often. Allow the excess barium hydroxide and any carbonates to settle overnight before making the dilution below.

BARIUM HYDROXIDE SOLUTION, APPROXIMATELY 0.11 *N*

Without disturbing the precipitate, transfer 245 milliliters of saturated barium hydroxide to a 1-liter volumetric flask. Dilute to 1000 milliliters with CO_2-free water. Titrate 10.0 milliliters of zinc sulfate solution with this dilute barium hydroxide solution to a faint pink endpoint with phenol-phthalein indicator (2 drops of 0.5 percent indicator in 95 percent ethanol). The result should be such that 10.0 milliliters of zinc sulfate solution require 10.0±0.1 milliliters of barium hydroxide solution. If this limit is exceeded, add add either saturated hydroxide or CO_2-free water in the appropriate calculated quantities to the barium hydroxide solution and repeat the titartion. Transfer the adjusted barium hydroxide solution to a reagent bottle fitted with a soda-lime trap and a syphon or decanting tube system. Each month check equivalence of this solution by titration.

(*4*) *Tris buffer, 0.1M, pH 7.5 at 25° C, containing 4 mM magnesium acetate.*

TRIS-HCL STOCK SOLUTION

31.52 grams Tris-hydrochloride, dissolved and diluted to 2000 milliliters with reagent water in a 2-liter volumetric flask.

TRIS BASE STOCK SOLUTION

6.06 grams of Tris base, dissolved and diluted to 500 milliliters with reagent water in a 500-milliliter volumetric flask. These stock solutions, if carefully prepared and protected from mold contamination, can be stored at 4° C for several months.

TRIS-MAGNESIUM BUFFER, pH 7.5

Mix 800 milliliters of the Tris-HCl solution and 200 milliliters of the Tris base solution in a large beaker, and then dissolve 1.1 grams of magnesium acetate in the solution.

[2] See footnote 2, p. 24142, *supra*.

The pH of the mixture is determined at 25° C. If necessary, adjust with either Tris·HCl or Tris base solution to pH 7.5±0.1. Filter the solution through a sterile 0.45 micron membrane filter into a sterilized borosilicate glass screw-cap storage bottle. If carefully handled, this solution may be stored at 4° C for up to 6 months.

(5) *Enzyme reagent.* Dissolve 0.7962 grams of NAD, 0.6614 grams of ATP and 100 IU each of hexokinase and glucose-6-phosphate dehydrogenase in approximately 500 milliliters of Tris-magnesium buffer in a 1-liter volumetric flask. The quantities of these enzymes to be used must be determined by previous assays for activity of the source preparations. Five IU of each enzyme are employed per test (in each 5 milliliters of enzyme reagent). Dilute to volume with Tris-magnesium buffer and mix thoroughly by gentle inversion. Dispense 100-milliliter volumes (100 milliliters yields 19 tests) into clean, dry, screw-cap 125-milliliter heavy borosilicate glass bottles and store at −20° C until used. The enzyme solutions prepared and stored in this manner are stable approximately 6 months. On the day of the assay, remove the enzyme reagent from the freezer and place in a 25° C water bath for about one hour or until equilibrated to 25°±1° C.

(c) *Tests of reagent adequacy.* (1) Set the photometer to zero absorbance with water as a blank. Read the absorbance of the enzyme (5 milliliter enzyme reagent plus 1000 microliters water as sample). The reading should be less than 0.100 absorbance.

(2) The following test is applied for verifying acceptable enzyme activity and for monitoring reagent stability over time: A 600 mg/dl (33.3 mM/1) aqueous glucose standard (30.0 milliliters of stock 10 grams/liter glucose standard diluted with benzoic acid diluent to 50 milliliters in a volumetric flask) is processed by the complete procedure. The resultant absorptivity should lie between 1.6 and 1.8 absorbance, and the absorbance/concentration slope at 600 mg/dl should be less than 95 percent of the average slope obtained when using standards in the 0 to 250 mg/dl range. This reaction should be complete within 6 minutes at 25° C.

(d) *Preparation of deproteinized supernates ("Somogyi filtrates").*

(1) Pour sufficient portions of each standard into clean cappable tubes, and return standards to refrigerator. Bring all specimens, standards, and reagent water to room temperature by placing in a temperature controlled water bath. Label a sufficient number of 18 x 150 millimeter cappable tubes to accomodate:

Type of sample:	*Preparation*
Blank (zero concentration standard).	Prepared with benzoic acid diluent as a sample, and carried through the procedure for photometric blanking.
Working standards.	50, 100, 150, 200, and 250 mg/dl standards (2.78, 5.55, 8.33, 11.10 and 13.88 mM/l, respectively). If specimens up to 300 mg/dl (16.65 mM/1) are to be analyzed, include a 300 mg/dl working standard.
Two biologic control samples.	Of appropriate concentration and analytical history.
Specimens -----	Specimens above 300 mg/dl (16.65 mM/1) require dilution with water.

(2) Deliver 10.0 milliliters of 0.11*N* barium hydroxide solution into each tube from the same volumetric transfer (TD) pipet.

(3) From a micropipet, deliver 1000 microliters of the first sample beneath the surface of the solution into its labeled tube, blow out gently, and rinse the pipet completely twice with upper layer solution. Vortex the tube for 5 seconds.

(4) Pipet 10.0 milliliters of zinc sulfate solution into the tube. Cap and shake vigorously (or vortex for 5 seconds), set aside and proceed to the next sample. Proceed similarly with all samples. A reliable sample dilutor meeting the precision requirements previously specified may be used for the above procedure, with the same precautions about cross-contamination between samples and reagents. A fixed volume dispenser of high reliability and precision may be used to dispense the zinc sulfate solution. If suitable precision is demonstrated in these semi-automated steps, all of the above volumes may be scaled to half.

(5) Again mix each tube by a short vortexing. If necessary, transfer about 12 milliliters of the mixture to a clean tube, cap and centrifuge at approximately 1000 x grams for 10 minutes. Two shorter centrifugations may be necessary to clear the supernatant solution, the first being used to wash down the sides of the tube above the liquid level. Bring the tubes to room temperature in a temperature controlled water bath before measuring the aliquants of the supernate.

(e) *Enzyme reaction.* (1) Label a set of clean screw-cap 15 x 125 millimeter tubes for an initial set of blank and five standard "supernates"; supernate of each specimen and control; a final set of blank and five standard "supernates."

(2) To each tube, add 5.0 milliliters of enzyme reagent from a single transfer (TD) pipet or from a reagent dispenser with a demonstrated precision of repetitive delivery of 0.2 percent (1 C.V.). Place the tubes in a water bath of 25° ±1° C.

(3) From a micropipet, deliver 1000 microliters of each clear supernate beneath the surface of the enzyme reagent in its proper tube, blow out gently, and rinse the pipet twice with a complete filling with upper layer liquid; blow out the residual liquid. Cap the tube, mix by gentle inversion, five times, and place in the water bath for 10 minutes at 25° ±1° C. Automatic pipetting or diluting devices capable of 0.2 percent precision in repetitive delivery may be employed for steps set forth in paragraph (e)(3)(v)(*e*)(2) and (3) of this section, using the 5.0 milliliter enzyme reagent as the fluid to flush out 1000 microliters of supernate.

(4) After 10 minutes of incubation, again mix well by slow inversion and perform the photometry within 30 minutes for all samples. Timing is not critical but photometry is performed in the serial order of addition, so that each sample is read at approximately the same time interval from the addition of sample. Transfer each sample to a 10.0 millimeter cuvet. If one cuvet or a flow-through cuvet is used, it is rinsed with several 1-milliliter portions of the solution to be measured; if matched cuvets are used, they must be corrected for any differences in path-length.

(5) With the wavelength set at 340 nanometers, zero the photometer with reagent water. Read absorbance of the initial set of blank and standards. Recheck zero with reagent water after a complete rinsing of the cuvet. Read specimens and controls. Recheck zero with reagent water and read the final set of blank and standards. If absorbance reading drifts beyond ±0.001 absorbance during the measurements, it must be checked more often and the instrument rezeroed with reagent water.

Interested persons may, on or before October 28, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 24, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

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PART IV

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

TANK VESSELS IN DOMESTIC TRADE

Protection of Marine Environment; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 151, 157]

[CGD 74-32]

TANK VESSELS ENGAGED IN DOMESTIC TRADE

Protection of Marine Environment; Notice of Proposed Rulemaking

The Coast Guard is considering amending the pollution regulations by adding interim regulations that govern the design and operation of certain seagoing U.S. tank ships and barges certified to carry oil in the domestic United States trade.

Written comments. Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, arguments, objections, and comments to the Executive Secretary, Marine Safety Council (G-CMC/82), Room 8234, U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name and address, identify this notice (CGD 74-32), and give reasons for any recommendation. Comments received will be available for examination by interested persons in Room 8234, U.S. Coast Guard Headquarters, Washington, D.C.

Public Hearing. The Coast Guard will hold public hearings on July 23 and 24, 1974 beginning at 9:00 a.m., in the Shaw Room, Seattle Center, 203 Harrison St., Seattle, Washington, and on July 30 and 31, 1974, beginning, at 9:00 a.m., in Room 2232, 400 Seventh Street, S.W., Washington, D.C. Interested persons are invited to attend the hearings and present oral or written statements on this proposal. It is requested that anyone desiring to make oral comments at either hearing notify the Executive Secretary, at the above stated address, by July 19, 1974, and specify the approximate length of time needed for his presentation. Submission of a written summary or copy of the oral presentation is encouraged.

Closing date for comments. All communications received before August 19, 1974, will be evaluated before final action is taken on this proposal. These proposed regulations may be changed in light of the comments received.

In the January 26, 1973, issue of the FEDERAL REGISTER (38 2467), an advance notice of proposed rulemaking was published concerning standards for pollution abatement for new tank ships constructed for trade on the navigable waters of the United States. The construction requirements concerned the concept of segregated ballast tanks achieved, in part by fitting a double bottom in the cargo length.

The advance notice was published with two purposes in mind:

1. Participation by the public in the regulatory process in implementing section 201 of the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 427, 46 U.S.C. 391(7)); and

2. Complying with the effective date of January 1, 1976, mandated by Congress.

Over 60 comments were received on the advance notice and an evaluation of the comments was made. The comments contained three common areas of concern. These were:

1. The high initial cost associated with double bottoms.

2. The need for international agreement and the danger of unilateral action.

3. The treatment to be accorded existing foreign and domestic shipping not covered.

In the July 5, 1973, issue of the FEDERAL REGISTER (38 FR 17848), the Coast Guard published a supplement to the advance notice of proposed rulemaking. This supplement explained that 46 U.S.C. 391a (c), as amended, allowed for the establishment of rules and regulations consonant with international treaties, conventions, or agreements. Since the IMCO International Conference on Marine Pollution was scheduled in October 1973, and since the results of the Conference would have a direct bearing on implementing regulations under section 391a (7), the Coast Guard notified the public that action under the advance notice would be withheld.

The authority of the proposed regulations, section 201 of title II of the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 427), amends section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a). Subsection 3 of the amended section 4417a reads as follows:

(3) Rules and Regulations—In order to secure effective provisions (A) for vessel safety, and (B) for protection of the marine environment, the Secretary of the department in which the Coast Guard is operating (hereafter referred to in this section as the "Secretary") shall establish for the vessels to which this section applies such additional rules and regulations as may be necessary with respect to the design and construction, alteration, repair, and maintenance of such vessels, including, but not limited to, the superstructures, hulls, places for stowing and carrying such cargo, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers thereof; and with respect to all materials used in such construction, alteration, or repair; and with respect to the handling and stowage of such cargo, the manner of such handling or stowage, and the machinery and appliances used in such handling and stowage; and with respect to equipment and appliances for lifesaving, fire protection, and the prevention and mitigation of damage to the marine environment; and with respect to the operation of such vessels; and with respect to the requirements of the manning of such vessels and the duties and qualifications of the officers and crew thereof; and with respect to the inspection of all the foregoing. In establishing such rules and regulations the Secretary may, after hearing as provided in subsection (4), adopt rules of the American Bureau of Shipping or similar American classification society for classed vessels insofar as such rules pertain to the efficiency of hulls and the reliability of machinery of vessels to which this section applies. In establishing such rules and regulations, the Secretary shall give due consideration to the kinds and grades of such cargo permitted to be on board such vessel. In establishing such rules and regulations the Secretary shall, after consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, identify those established for protection of the marine environment and those established for vessel safety.

In addressing itself to the requirements for rules and regulations for the protection of the marine environment, Congress has directed the following in subsection (7) (A) and (C):

(7) Rules and regulations for protection of the marine environment relating to vessel design and construction, alteration, and repair; international agreement—(A) The Secretary shall begin publication as soon as practicable of proposed rules and regulations setting forth minimum standards of design, construction, alteration, and repair of the vessel to which this section applies for the purpose of protecting the marine environment. Such rules and regulations shall, to the extent possible, include but not be limited to standards to improve vessel maneuvering and stopping ability and otherwise reduce the possibility of collision, grounding, or other accident, to reduce cargo loss following collision, grounding, or other accident, and to reduce damage to the marine environment by normal vessel operations such as ballasting and deballasting, cargo handling, and other activities.

* * * * *

(C) Rules and regulations published pursuant to subsection (7) (A) shall be effective not earlier than January 1, 1974, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In the absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate.

* * * * *

Section 201 of the Ports and Waterways Safety Act of 1972 applies to all United States vessels carrying liquid cargo in bulk which is—

(A) inflammable or combustible, or

(B) oil, of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, or

(C) designated as a hazardous polluting substance under Section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162);

Section 201 applies to foreign vessels carrying the cargoes, set forth in the preceding, while operating on the navigable waters of the United States.

Section 401 of the Act of November 16, 1973 (Pub. L. 93-153, 87 Stat. 589) amended the effective dates in subsection (7) (C) of section 201 and added the requirement that, "Rules and regulations published pursuant to Subsection (7) (A) shall be effective not later than June 30, 1974, with respect to United States flag vessels engaged in the coastwise trade." As previously noted, subsection (7) (A) requires publication of minimum standards of design, construction, alteration, and repair of the vessels to which section 201 applies for the purpose of protecting the marine environment.

The phrase "coastwise trade" is not defined by the Act, but the phrase ap-

pears in other statutes and has been used interchangeably with the phrase "coasting trade." Both of these phrases have been defined juridically to include not only trade between points in the United States along the seacoast but also to trade by way of rivers and lakes.

Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a) prior to its amendment by the Ports and Waterways Safety Act of 1972 applied to all vessels carrying inflammable or combustible liquid cargo in bulk, except public vessels owned by the United States. Section 7(D) of section 201 specifies that any rule or regulation for the protection of the marine environment promulgated pursuant to subsection (7) must be equally applicable to U.S. flag vessels engaged in foreign trade and to foreign vessels. Since there was no provision in 46 U.S.C. 391a authorizing any distinction in treatment between U.S. vessels engaged in foreign trade and U.S. vessels engaged in the coastwise trade, nor any provision authorizing any distinction in treatment between U.S. vessels and foreign vessels, it is clear that the intent of the Congress in subsection 7(D) was to assure in the implementation of subsection 7(C) that no distinction of treatment between U.S. and foreign vessels be inferred from any treaty, convention, or international agreement. Section 401 of the Act of November 16, 1973, introduced the first distinction in treatment of U.S. vessels under the Ports and Waterways Safety Act of 1972, accelerating the date for promulgation of certain regulations for U.S. vessels engaged in the coastwise trade, and allowing the regulations for U.S. vessels engaged in the foreign trade and foreign vessels to be published at a later time. Accordingly, the regulations proposed in this document apply to U.S. vessels engaged in trade other than the foreign trade. Since these proposed regulations are consistent with both the International Conference for Prevention of Pollution from Ships, 1973, and current domestic law, the regulations are proposed as interim regulations until that time prior to January 1, 1976, when regulations for U.S. vessels in foreign trade and foreign vessels entering U.S. waters will be effective.

The Coast Guard uses the term "coastwise" and "coastwise routes" for the purpose of the application of certain vessel inspection requirements (46 CFR 30.01–7, 70.10–13, 90.10–11 and 175.10–3) that are unrelated in meaning to "coastwise trade" or "coasting trade." Because the cabotage law phrase "coastwise trade" has been employed in section 201 of the Ports and Waterways Safety Act of 1972, the phrase "domestic trade" has been used in these proposed regulations to avoid any confusion that might arise with regard to inspection regulations. Accordingly, the term "domestic trade" is defined as meaning the trade between ports or places within the United States, its territories and possessions, either directly or via a foreign port, including trade on the navigable rivers, lakes, and inland waters.

The Coast Guard has determined that the regulations promulgated pursuant to section 401 of the Act of November 16, 1973, should conform in a substantial manner with the provisions of the conventions dealing with oil pollution which have been elaborated but which have not come into force. These conventions are of general application and it is quite clear that they apply to seagoing vessels. It is equally clear that some provisions relating to design, construction, and operation are inappropriate to vessels operating on some navigable internal waters or to certain types or sizes of vessels.

For the foregoing reasons the Coast Guard has determined that these regulations will apply generally to United States seagoing tank vessels of 150 gross tons or more while engaged in the carriage of oil (defined in the proposed section 157.03(m) as petroleum in any form including oil, sludge, oil refuse, and refined products) in the domestic U.S. trade. Additionally, certain provisions will be applied to U.S. vessels operating in the Great Lakes.

Taking into account the fact that the Marine Pollution Conference was concluded in November of 1973 and the Act of November 16, 1973, was enacted in the same month, and that title II of the Ports and Waterways Safety Act of 1972 prior to amendment required environmentally related regulations to be promulgated by January 1, 1976, the Coast Guard has determined that it cannot develop new environmentally related regulations for certain types of vessels, principally unmanned barges operating on the rivers, to be effective on June 30, 1974. The Coast Guard and the Maritime Administration, jointly, are currently studying the design and construction of barges. The determinations from that study which will be completed in 1974 are viewed by the Coast Guard as necessary in the formulation of any additional design and construction standards for inland barges.

The Coast Guard, in the administration of its vessel safety and environmental protection programs must consider all of its statutory authorities as being integrated despite, in certain instances, overlapping authorities. In the case of the carriage of oil by vessels, there is authority under section 311 of the Federal Water Pollution Control Act (Pub. L. 92–500, 86 Stat. 816, 33 U.S.C. 1251) in addition to the Ports and Waterways Safety Act of 1972 to promulgate environmentally oriented regulations. The Coast Guard deems that the vessel design regulations contained in 33 CFR Part 155, issued under section 311J(1)(C) and (D) which are applicable to all vessels operating on the waters of the United States, meet, in large part, the spirit of the requirements imposed by section 401 of the Act of November 16, 1973.

The Coast Guard fully intends to provide comprehensive rational and necessary regulations under title II of the Ports and Waterways Safety Act of 1972 to comply with the amended provisions of section 7 thereof but finds it necessary to divide these regulations into categories appropriate to the kinds of vessels and the nature of hazardous exposure. To summarize this discussion, certain categories of regulations are susceptible to promulgation within the statutory time frame; others will be promulgated as soon as practicable after June 30, 1974.

In accordance with the preceding, the proposal follows the Convention, including the adoption of the metric system for certain calculations, the Oil Record Book requirements, and the discharge criteria for oil. These requirements are consistent with the U.S. proposals at the 1973 Conference and are much more stringent than present requirements for discharges.

The proposed requirements do not apply to the following vessels which are exempted by law from the requirements of section 201 of the Ports and Waterways Safety Act:

1. Public vessels that are not engaged in commercial services.
2. Vessels that carry oil only for use as fuel or stores, or carrying such cargo only in drums, barrels, or other packages.
3. Cannery tenders, fishing tenders, or fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska when engaged exclusively in the fishing industry that are allowed to have on board petroleum products in bulk in accordance with requirements contained in 46 CFR Part 105.
4. Vessels of not more than 500 gross tons documented in the service of oil exploitation that are not tank vessels and that are subject to the proposed regulations only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.

Regulations to cover ships other than tankers which have their certificates of inspection endorsed to carry relatively small amounts of liquid bulk cargo, usually specialty products in deep tanks, will be issued in the future after a full assessment of the impact can be determined. Since no substances have been designated as hazardous polluting substances under section 311(b)(2)(A) of the Federal Water Pollution Control Act, regulations cannot be proposed at this time applicable to vessels carrying such substances.

The proposed design requirements contain standards for segregated ballast tanks required on a new vessel (defined in the proposed section 157.03(i)) of 70,000 deadweight tons or more. These standards include size and capacity requirements and piping arrangements.

Each seagoing tank vessel of 150 gross tons or more would have to have a minimum number of slop tanks. The slop tank standards include capacity requirements and requirements for inlet and outlet connections and allow separation aids.

Each seagoing tank vessel of 400 gross tons or more would have to have a tank that receives and holds oily residue resulting from purification of fuel and lubricating oil and from oil leakages in machinery spaces. Standards include capacity requirements and design details.

New seagoing tank vessels and certain existing seagoing tank vessels (defined in the proposed section 157.03(j) as a vessel that is not a new vessel) must have cargo tanks designed in accordance with the calculation procedures contained in the proposed Appendix A. Standards include piping arrangements and limitations of tank volume and length. These standards incorporate the provisions of Annex C of the 1971 Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954.

In accordance with the 1971 Amendments, a tank vessel contracted for after January 1, 1972, or where there was no building contract and the keel was laid or the tank vessel was at a similar stage of construction after June 30, 1972, must within two years after the entry into force of the Amendments be in compliance with Annex C. The 1971 Amendments have not entered into force. Similarly, section 2(5) of the Oil Pollution Act Amendments of 1973 (Pub. L. 93–119, 87 Stat. 424) which revised the Oil Pollution Act, 1961 (75 Stat. 402, 33 U.S.C. 1001 et seq.) requires that tank vessels built in the United States after the effective date of the section be built in compliance with Annex C. The effective date of section 2(5) is the date the amendments to the Convention, as amended, are ratified or accepted with the advice and consent of the Senate of the United States. As of the date of this proposal, ratification has not occurred. The Coast Guard has determined that the standards in Annex C are an essential part of regulations for the protection of the environment and the incorporation of the standards in this proposal should not be delayed until the Convention is ratified.

A new seagoing tank vessel must meet the proposed subdivision and damage stability criteria, after assuming side and bottom damage defined in the proposed Appendix B. Calculations for cargo tanks and subdivision and stability requirements would be submitted for Coast Guard review when the plans and specifications for the tank vessel are submitted. An instruction manual that describes operation of the cargo and ballast system in a tank vessel must be submitted for approval.

The proposed operating requirements would allow a tank vessel engaged in the carriage of oil on the navigable waters of the United States to discharge only clean ballast (defined in the proposed § 157.03(e)) or segregated ballast. The requirements would allow seagoing U.S. tank vessels of 150 gross tons or more, while en route, to discharge an oily mixture from a cargo tank and a machinery space bilge if the prescribed conditions are met. Oily mixtures from the cargo could be discharged more than 50 miles from the nearest land at an instantaneous rate of oil content not exceeding 60 liters per nautical mile, not exceeding 1/15,000 by existing vessels or 1/30,000 by new vessels of the total quantity of cargo that the discharge formed a part. Oily mixtures that are from machinery space bilges that are not combined with oil cargo mixtures could be discharged more than 12 nautical miles from the nearest land if the oil content of the effluent is less than 100 parts per million. The discharge standards contain requirements for aiding the processing of the effluent using certain equipment, e.g., oil-water separators, oil discharge monitors and control systems, oily water interface detectors, and other similar equipment. Although this proposal requires such equipment, the equipment will not be required to be installed until after specifications are published in the FEDERAL REGISTER. Oily mixtures which cannot be discharged in compliance with the above criteria must be retained on board the vessel or transferred to a reception facility. The 1973 Conference contains requirements for the establishment of reception facilities. This will also be the subject of regulations to be proposed at a later date.

Entries would have to be made in the Oil Record Book if certain operations occur on a tanker. These operations would include loading and unloading of oil cargo, internal transfer of oil cargo during a voyage, ballasting and cleaning of cargo tanks, discharge of water from slop tank, disposal of residues, and similar operations. In addition, the vessel would have to be operated in accordance with the stability information required in 46 CFR 31.01–30(d), the information developed from stability calculations based on proposed Appendix B, and the loading and distribution information necessary to comply with that criteria.

It should be noted that double bottoms beneath the cargo tank area are not proposed, nor are they prohibited. While all studies ascribe varying degrees of effectiveness to double bottoms as a means to reduce accidental oil outflows in grounding casualties, this reduction is directly related to the individual ship involved. The large number of existing vessels would preclude any immediate significant reduction in oil outflow due to requiring double bottoms. As an alternative to such a design requirement, a system of operation requirements to minimize accidents is being proposed in an advance notice of proposed rulemaking which appears on page 24157 of this issue of the FEDERAL REGISTER.

Research and development of a conceptual vessel maneuvering model is underway in the Coast Guard. This model will integrate vessel variables, port dependent variables, environmental variables, and human factors. It is premature to conclude that this research will result in standards for vessel maneuvering. Proposed requirements for tank ships and other ocean and coastwise vessels of 1,600 gross tons or more to carry maneuvering information in their pilothouses appear in the July 20, 1973, issue of the FEDERAL REGISTER (38 FR 19411).

A draft environmental impact statement that discusses these interim regulations has been filed with the Council on Environmental Quality.

In consideration of the foregoing, it is proposed to amend chapter 1 of title 33, Code of Federal Regulations, as follows:

1. Section 151.35 (c) and (d)(2) would be revised to read as follows:

§ 151.35 Oil Record Book.

* * * * *

(c) If an operation listed in this paragraph occurs, the Oil Record Book must be completed in accordance with the requirements contained in paragraph (e) of this section.

(1) The following operation on a tanker must be recorded on a tank-to-tank basis:

(i) Loading of oil cargo.

(ii) Internal transfer of oil cargo during a voyage.

(iii) Opening or closing before and after loading and unloading operations of valves or similar devices that interconnect cargo tanks.

(iv) Opening or closing of means of communication between cargo piping and seawater ballast piping.

(v) Opening or closing of vessel's cargo piping valves before, during, and after loading and unloading operations.

(vi) Unloading of oil cargo.

(vii) Ballasting of cargo tanks.

(viii) Cleaning of cargo tanks.

(ix) Discharge of ballast except from segregated ballast tanks.

(x) Discharge of water from slop tanks.

(xi) Disposal of residues.

(xii) Discharge overboard in port or at sea of bilge water accumulated in machinery spaces.

(2) The following operations on a ship other than a tanker must be recorded on a tank-to-tank basis:

(i) Ballasting, or cleaning during voyage, of bunker fuel tanks.

(ii) Disposal of oily residues from bunker fuel tanks or other sources.

(d) * * *

(2) The escape of oil or an oily mixture resulting from—

(i) Damage to the ship;

(ii) Unavoidable leakage; or

(iii) Any accident or other exceptional circumstance.

* * * * *

2. Subchapter O would be amended by adding Part 157 to read as follows:

PART 157—INTERIM RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS ENGAGED IN DOMESTIC TRADE

Subpart A—General

Sec.

157.01 Purpose.
157.03 Definitions.
157.05 Rules of procedure and construction.
157.07 Equivalents.

Subpart B—Design Requirements

157.08 Applicability.
157.09 Segregated ballast tanks.
157.11 Pumping, piping, and discharge arrangements.
157.13 Designated area.
157.15 Slop tanks in vessels.
157.17 Oily residue tank.
157.19 Cargo tank arrangement and size.
157.21 Subdivision and stability.
157.23 Cargo and ballast system information.

Subpart C—Vessel Operation

Sec.
157.25 Applicability.
157.27 Discharges; vessels engaged in the carriage of oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes, and seagoing vessels of less than 150 gross tons.
157.29 Discharges; seagoing vessels of 150 gross tons or more.
157.31 Discharges; chemical additives.
157.33 Water ballast in oil fuel tanks.
157.35 Ballast added to cargo tank.
157.37 Discharge of cargo residue.
157.39 Machinery spaces bilges.
157.41 Emergencies.
157.43 Discharge in ports or at offshore terminal.
157.45 Valves in cargo or ballast piping system.
157.47 Information for master.
157.49 Instruction manual.

Appendix A—Damage assumptions, hypothetical outflows, and cargo tank size and arrangement.

Appendix B—Subdivision and stability assumptions.

AUTHORITY: R.S. 4417a (3) and (7), as amended (46 U.S.C. 391a (3) and (7)); 49 CFR 1.46 (o) (4).

Subpart A—General

§ 157.01 Purpose.

The regulations in this part apply to United States tank vessels engaged in the carriage of oil in domestic trade.

§ 157.03 Definitions.

As used in this part:

(a) "Length" or "L" means the distance in meters from the fore side of the stem to the axis of the rudder stock on a waterline at 85 percent of the least molded depth measured from the molded baseline, or 96 percent of the total length on that waterline, whichever is greater. In vessels designed with drag, the waterline is measured parallel to the designed waterline.

(b) "Amidships" means the middle of the length.

(c) "Breadth" or "B" means the maximum molded breadth of a vessel in meters.

(d) "Center tank" means any tank inboard of a longitudinal bulkhead.

(e) "Clean ballast" means the ballast in a tank which, if discharged from a vessel that is stationary into clean, calm water on a clear day, would not—

(1) Produce bisible traces of oil on the surface of the water or on adjoining shore lines; or

(2) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines.

(f) "Combination carrier" means a vessel designed to carry oil or solid cargoes in bulk.

(g) "Deadweight" or "DWT" means the difference in metric tons between the lightweight displacement and the total displacement of a vessel measured in water of specific gravity 1.025 at the minimum permissible summer freeboard in accordance with the International Convention on Load Lines, 1966, April 5, 1966, 18 UST 1857, TIAS 6331, 640 UNTS 133.

(h) "Lightweight" means the displacement of a vessel in metric tons without cargo, oil fuel, lubricating oil, ballast water, fresh water and feedwater in tanks, consumable stores, and any persons and their effects.

(i) "New vessel" means a vessel that—

(1) Is constructed under a contract awarded after December 31, 1974;

(2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(3) Is delivered after December 31, 1977; or

(4) Has undergone a major conversion for which—

(i) The contract is awarded after December 31, 1974;

(ii) In the absence of a contract, conversion is begun after June 30, 1975; or

(iii) Conversion is completed after December 31, 1977.

(j) "Existing vessel" means any vessel that is not a new vessel.

(k) "Major conversion" means a conversion of an existing vessel that—

(1) Substantially alters the dimensions or carrying capacity of the vessel;

(2) Changes the type of the vessel;

(3) The intent of which, in the opinion of the Coast Guard, is substantially to prolong the vessel's service life; or

(4) Otherwise so alters the vessel or a portion of the vessel that the vessel is no longer considered by the Coast Guard to be an existing vessel.

(l) "From the nearest land" means from the baseline from which the territorial sea of the United States is established in accordance with international law.

(m) "Instantaneous rate of discharge of oil content" means the rate of discharge of oil in liters per hour at any instant, divided by the speed of the vessel in knots at the same instant.

(n) "Oil" means petroleum in any form including oil, sludge, oil refuse, and refined products.

(o) "Oil fuel" means any oil used as fuel for the propulsion and auxiliary machinery of the vessel in which it is carried.

(p) "Oily mixture" means a mixture with any oil content.

(q) "Permeability of a space" means the ratio of the volume within a space that is assumed to be occupied by water to the total volume of that space.

(r) "Segregated ballast" means the ballast water that is introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast.

(s) "Slop tank" means a tank specifically designated for the collection of cargo drainings, washings, and other oil mixtures.

(t) "Tank" means an enclosed space that is formed by the permanent structure of a vessel, and designed for the carriage of liquid in bulk.

(u) "Tank barge" means a tank vessel not equipped with a means of self-propulsion.

(v) "Tank vessel" means a vessel that is specially constructed or converted to carry liquid bulk cargo in tanks and includes tankers, tankships, tank barges, and combination carriers when carrying oil cargoes in bulk.

(w) "U.S. vessel" means a vessel that is owned, documented, or registered in the United States and is not a public vessel.

(x) "Wing tank" means a tank that is located adjacent to the side shell plating.

(y) "Tankship" means a tank vessel propelled by mechanical power or sail.

(z) "Domestic trade" means trade between ports or places within the United States, its territories and possessions, either directly or via a foreign port including trade on the navigable rivers, lakes, and inland waters.

§ 157.05 Rules of procedure and construction.

In this part, unless the context requires otherwise—

(a) Metric system units must be used in performing calculations and measurements;

(b) Volumes and areas must be calculated using molded line dimensions of the vessel; and

(c) Forward and after perpendiculars are located at the forward and after ends of the lengths, respectively. The forward perpendicular coincides with the foreside of the stem on the waterline on which the length of the vessel is measured.

§ 157.07 Equivalents.

The Coast Guard may accept an equivalent, in accordance with the procedure in 46 CFR 30.15–1, of a design or an equipment to fulfill a requirement in this part except an operational method may not be substituted for a design or equipment requirement.

Subpart B—Design Requirements

§ 157.08 Applicability.

(a) The requirements in this subpart apply to seagoing tank vessels of 150 gross tons or more, unless otherwise specified, except the requirements of §§ 157.11, 157.13, and 157.15 do not apply to a vessel that engages exclusively in the carriage of asphalt.

(b) The requirements in § 157.21 also apply to vessels engaged in the carriage of oil on the navigable waters of the Great Lakes.

§ 157.09 Segregated ballast tanks.

(a) A new vessel of 70,000 tons deadweight or more must be designed with segregated ballast tanks that comply with the requirements of this section.

(b) The combined capacity of the segregated ballast tanks must be of sufficient size so that the vessel can operate safely on ballast voyages without recourse to the use of oil tanks for water ballast.

(c) In any ballast condition during any part of a voyage, including the conditions consisting of lightweight and segregated ballast, the vessel's drafts and trim must meet each of the following requirements:

(1) The molded draft amidship (dm) in meters without taking into account vessel deformation must not be less than dm in the following mathematical relationship:

$$dm = 2.0 + 0.02L$$

(2) The drafts at the forward and after perpendiculars must correspond to those determined by the draft amidship as specified in paragraph (c)(i) of this section, in association with the trim by the stern of no more than 0.015L.

(3) The minimum allowable draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(d) The vessel may be designed to carry ballast water in a cargo tank during the condition described in § 157.35.

§ 157.11 Pumping, piping, and discharge arrangements.

(a) If a vessel's operation includes discharging into the sea effluent that is in compliance with subpart C of this part, a pipeline that terminates on a weather deck or on the vessel's side above the waterline in the deepest ballast condition must be installed except—

(1) An additional piping arrangement may be used for the discharge of segregated ballast and clean ballast below the waterline while the vessel is in a port or at an offshore terminal; and

(2) An existing vessel is not required to alter piping to discharge segregated ballast above the waterline in the deepest ballast condition.

(b) A vessel must have a fixed piping system designed to allow the transfer of dirty ballast residue and tank washings from a cargo tank into a slop tank.

(c) Except as allowed in § 155.370(b)(2) of this chapter, a vessel must have a manifold that is located on the weather deck and that terminates on each side of the vessel for connection to a reception facility to transfer dirty ballast water or an oily mixture.

§ 157.13 Designated area.

A new vessel must have a designated observation area on the weather deck or above that is—

(a) Located so that the effluent from the pipeline terminations required in § 157.11(a) and the discharge manifold required in § 157.11(c) may be visually observed; and

(b) Equipped with—

(1) A means to directly stop the discharge of effluent into the sea; or

(2) A positive communication system, such as a telephone or a radio, between the observation area and the discharge control position.

§ 157.15 Slop tanks in vessels.

(a) *Number.* A vessel must have the following minimum number of slop tanks that comply with the requirements of this section:

(1) A new vessel of less than 70,000 tons DWT and an existing tank vessel must have one slop tank.

(2) A new tank vessel of 70,000 tons DWT or more must have two slop tanks.

(b) *Capacity.* Slop tanks must have the capacity to retain slop from tank washings, oil residues, and dirty ballast residues but the total capacity may not be less than three percent of the oil carrying capacity except two percent capacity may be allowed if—

(1) There are segregated ballast tanks that meet the requirements contained in § 157.09; or

(2) There are no eductors fitted that use water in addition to the washing water.

(c) *Design.* A slop tank must be designed to minimize turbulence, entrainment of oil, and the creation of an emulsion in the tank by the use of separate inlet and outlet connections, and if baffles, weirs, or similar separation aids are used, they must aid in the oil/water separation process.

NOTE: An existing vessel must comply with the requirements in § 157.15 before December 31, 1977.

§ 157.17 Oily residue tank.

(a) A vessel of 400 gross tons or more must have a tank that receives and holds oily residue resulting from purification of fuel and lubricating oil and from oil leakages in machinery spaces.

(b) Each oily residue tank required in paragraph (a) of this section must have an adequate capacity that is determined by the—

(1) Type of machinery installed on the vessel; and

(2) Maximum fuel oil capacity.

(c) Each oily residue tank on a new vessel must be designed to facilitate—

(1) Cleaning; and

(2) Discharging to a reception facility.

NOTE: An existing vessel must comply with the requirements in § 157.17 (a) and (b) before December 31, 1977.

§ 157.19 Cargo tank arrangement and size.

(a) The requirements in this section apply to—

(1) A new vessel;

(2) A vessel delivered after January 1, 1977; and

(3) A vessel that is delivered before January 1, 1977 for which the building contract is awarded after January 1, 1972, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1972.

(b) As determined in accordance with the procedures contained in Appendix A of this part, each cargo tank must be of such size and arrangement that—

(1) The hypothetical outflow for side damage (O_C) or for bottom damage (O_S) anywhere within the length of the vessel must not exceed O_A (30,000 cubic meters or $400\sqrt[3]{DWT}$, whichever is greater, limited to a maximum of 40,000 cubic meters);

(2) The volume of each wing cargo tank and center cargo tank is less than the allowable volume of a wing cargo tank (VOL_W) and the allowable volume of a center cargo tank (VOL_C) respectively; and

(3) The length of a cargo tank is less than the allowable length of a cargo tank (l_a).

(c) If a cargo transfer system interconnects two or more cargo tanks, the system must have valves to segregate the tanks from each other.

(d) A line of piping that runs through a cargo tank in a position less than t_c from the vessel's side or less than v_s from the vessel's bottom, as defined in Appendix A of this part, must be fitted with a valve at the point the piping opens into a cargo tank.

(e) If piping that serves suction wells is installed within a double bottom, the piping must be—

(1) Fitted with valves located at the point of connection to the tank served to prevent oil outflow in the event of damage to the piping; and

(2) Designed to be installed as high from the bottom shell as possible.

(f) Calculations of the tank arrangement and size requirement contained in paragraph (b) of this section must be submitted for Coast Guard review with the plans and specifications that are required in 46 CFR 31.10–5.

NOTE.—Vessels within the categories in § 157.19(a)(3) must meet the requirements in § 157.19 before December 31, 1976. If a vessel is constructed under a contract that was awarded before January 1, 1974 and does not carry crude oil, fuel oil, heavy diesel oil, or lubricating oil, the requirements in § 157.19 do not apply.

§ 157.21 Subdivision and stability.

(a) A new vessel must meet the following subdivision and damage stability criteria after assuming side and bottom damage as defined in Appendix B of this part:

(1) The final waterline, taking into account sinkage, heel, and trim, must be below the lower edge of an opening through which progressive flooding may take place, such as an air pipe, or an opening that is closed by means of a weathertight door or hatch cover. This opening does not include those closed by a—

(i) Watertight manhole cover;

(ii) Flush scuttle;

(iii) Small watertight cargo tank hatch cover that maintains the high integrity of the deck;

(iv) Remotely operated watertight sliding door; or

(v) Side scuttle of the non-opening type.

(2) In the final stage of flooding, the angle of heel due to unsymmetrical flooding must not exceed 25 degrees, except that this angle may be increased to 30 degrees if no deck edge immersion occurs.

(3) For acceptable stability in the final stage of flooding, the righting lever curve must have a range of at least 20 degrees beyond the position of equilibrium in association with a maximum residual righting lever of at least 0.1 meter. Protected or unprotected openings that may become temporarily immersed within the range of residual stability must be accounted for in the calculation.

(4) The stability must be sufficient during intermediate stages of flooding.

(b) Calculations to substantiate compliance with subdivision and damage stability criteria contained in paragraph (a) of this section must be submitted for Coast Guard review with the plans and specifications required in 46 CFR 31.10–5 and must include—

(1) The design characteristics of the vessel, the arrangements, configuration and contents of the damaged compartments; and

(2) The distribution, specific gravities, and the free surface effect of liquids.

§ 157.23 Cargo and ballast system information.

(a) A vessel designed in accordance with the requirements of this part must have an instruction manual that describes the automatic and manual operation of the cargo and ballast system in the vessel and that is approved by the Coast Guard with the plans and specifications required in 46 CFR 31.10–5.

(b) The style and format of the instruction manual required in paragraph (a) of this section must be similar to the manual entitled "Clean Seas Guide for Oil Tankers" which can be obtained from the International Chamber of Shipping, 30–32 St. Mary Axe, London, England, EC3A 8ET.

Subpart C—Vessel Operation

§ 157.25 Applicability.

This subpart prescribes regulations for the discharging of clean ballast, segregated ballast, and oily mixtures from, and for the carriage of ballast water on—

(a) Vessels engaged in the carriage of oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes; and

(b) Seagoing vessels.

§ 157.27 Discharges; vessels engaged in the carriage of oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes, and seagoing vessels of less than 150 gross tons.

Unless a vessel engaged in the carriage of oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes, or a seagoing vessel of less than 150 gross tons discharges clean ballast or segregated ballast, the vessel must—

(a) Retain on board an oily mixture; or

(b) Transfer an oily mixture to a reception facility.

§ 157.29 Discharges; seagoing vessels of 150 gross tons or more.

Unless a seagoing vessel of 150 gross tons or more discharges an oily mixture in compliance with the requirements in §§ 157.37, 157.39, or 157.43, the vessel must—

(a) Retain the mixture; and

(b) Transfer the mixture to a reception facility.

§ 157.31 Discharges; chemical additives.

No person may use a chemical additive to circumvent the discharge requirements in §§ 157.27, 157.29, 157.37, 157.39, and 157.43.

§ 157.33 Water ballast in oil fuel tanks.

A new vessel may not carry ballast water in an oil fuel tank.

§ 157.35 Ballast added to cargo tank.

A vessel that meets the design requirement in § 157.09(c) may carry water ballast in a cargo tank during abnormally severe weather conditions if more ballast water than can be carried in segregated ballast tanks is required for the safety of the vessel. This ballast water must be—

(a) Processed and discharged in compliance with the requirements in § 157.37; and

(b) Recorded in the Oil Record Book in accordance with the requirements in § 151.35(c)(1)(vii) of this chapter.

§ 157.37 Discharge of cargo residue.

(a) Except as required in paragraph (b) of this section, the discharge into sea of an oily mixture from a cargo tank and cargo pump room bilges of a vessel is prohibited unless the vessel—

(1) Is more than 50 nautical miles from the nearest land;

(2) Is proceeding en route;

(3) Is discharging at an instantaneous rate of oil content not exceeding 60 liters per nautical mile;

(4) Is an existing vessel and the total quantity of oil discharge into the sea does not exceed 1/15,000 of the total quantity of the cargo that the discharge formed a part, or is a new vessel and the total quantity of oil discharged into the sea does not exceed 1/30,000 of the total quantity of the cargo that the discharge formed a part; and

(5) Has in operation an oil discharge monitoring and control system approved by the Coast Guard (specification regulation to be proposed).

(b) A vessel that engages exclusively in the carriage of asphalt must transfer cargo residues and tank washings to a reception facility.

§ 157.39 Machinery spaces bilges.

(a) No vessel may discharge an oily mixture from a machinery space bilge that is combined with an oil cargo mixture unless the vessel discharges in compliance with § 157.37.

(b) A vessel may discharge an oily mixture from a machinery space bilge that is not within the prohibition contained in paragraph (a) of this section if the vessel—

(1) Is more than 12 nautical miles from the nearest land;

(2) Is proceeding en route;

(3) Is discharging an effluent with an oil content of less than 100 parts per million; and

(4) Has in operation an oil discharge monitoring and control system approved by the Coast Guard (specification regulation to be proposed) and an oily water separating equipment approved by the Coast Guard (specification regulation to be proposed).

§ 157.41 Emergencies.

Sections 157.27, 157.29, 157.37, and 157.39 do not apply to a vessel that discharges into the sea oil or oily mixtures—

(a) For the purpose of securing the safety of the vessel or for saving life at sea; or

(b) As a result of damage to the vessel or its equipment if—

(1) Reasonable precautions are taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(2) The owner, master or person in charge did not intend to cause damage, or did not act recklessly and with knowledge that damage of the environment would probably result.

§ 157.43 Discharge in ports or at offshore terminal.

A master may discharge in a port or at an offshore terminal segregated ballast and clean ballast through the piping described in § 157.11(a) if he makes a visual examination of the top of the contents of the tank to be discharged and finds there is no oily mixture in the contents.

§ 157.45 Valves in cargo or ballast piping system.

If a vessel is at sea and the tanks contain oil, each valve or closing device in the cargo or ballast piping system or in the transfer system must be kept closed except they may be opened for cargo transfer to trim the vessel.

§ 157.47 Information for master.

A master or person in charge shall operate the vessel in accordance with the—

(a) Stability information required in 46 CFR 31.01–30(d);

(b) Damage stability information determined in accordance with the criteria contained in Appendix B of this part; and

(c) Loading and distribution of cargo information determined in compliance with the damage stability criteria required in Appendix B of this part.

§ 157.49 Instruction manual.

No person may operate the cargo and ballast systems unless he operates in compliance with the approved instruction manual required in § 157.23.

APPENDIX A—DAMAGE ASSUMPTIONS, HYPOTHETICAL OUTFLOWS, AND CARGO TANK SIZE AND ARRANGEMENTS

1. *Source.* The procedures for the damage assumption calculations contained in this Appendix conform to Regulations 22, 23, and 24 of Annex I of the International Convention for the Prevention of the Pollution from Ships, 1973 done at London, November 2, 1973.

2. *Assumptions.* For the purpose of calculating hypothetical outflow from tank vessels, three dimensions of the extent of damage of a parallelepiped on the side and bottom of the vessel are assumed.

(a) For side damage, the conditions are as follows:

Damage:	*Conditions*
(1) Longitudinal extent (l_c):	$\frac{1L^{2/3}}{3}$ or 14.5 meters, whichever is less.
(2) Transverse extent (t_c): (inboard from the vessel's side at angles to the centerline at the level corresponding to the assigned summer freeboard).	$\frac{B}{5}$ or 11.5 meters whichever is less.
(3) Vertical extent (v_c):	From the base line upwards without limit.

(b) For bottom damage, two conditions to be applied individually to the stated portions of the vessel, as follows:

Damage	Conditions	
	For 0.3L from the forward perpendicular of ship	Any other part of ship
(1) Longitudinal extend (l_s).	$\frac{L}{10}$	$\frac{L}{10}$ or 5 meters, whichever is less.
(2) Transverse extent (t_s).	$\frac{B}{6}$ or 10 meters, whichever is less but not less than 5 meters.	5 meters.
(3) Vertical extent from the base line (v_s).	$\frac{B}{15}$ or 6 meters, whichever is less.	$\frac{B}{15}$ or 6 meters, whichever is less.

3. *Hypothetical Outflow of Oil.* (a) The hypothetical outflow of oil in the case of side damage (O_c) and bottom damage (O_s) is calcalculated by the following formula with respect to compartments breached by damage to all conceivable locations along the length of the vessel to the extent as defined in section 2 of this Appendix.

(1) For side damages: Formula (I)

$$O_c = \Sigma W_i + \Sigma K_i C_i$$

(2) For bottom damage: Formula (II)

$$O_s = \frac{1}{3}(\Sigma Z_i W_i + \Sigma Z_i C_i)$$

Where:

W_i = Volume of a wing tank assumed to be breached by the damage as specified in section 2 of this Appendix; W_i for a segregated ballast tank may be taken equal to zero,

C_i = Volume of a center tank assumed to be breached by the damage as specified in section 2 of this Appendix C_i for a segregated ballast tank may be taken equal to zero,

$K_i = 1 - \frac{b_i}{T_c}$: when b_i is equal to or greater than t_c, K_i is equal to zero,

$Z_i = 1 - \frac{h_i}{v_s}$: when h_i is equal to or greater than v_s, Z_i is equal to zero,

b_i = Minimum width of wing tank under consideration measured inboard from the vessel's side at right angles to the centerline at the level corresponding to the assigned summer freeboard.

h_i = Minimum depth of the double bottom under consideration; where no double bottom is fitted, h_i is equal to zero.

(b) If a void space or segregated ballast tank of a length less than l_c is located between wing oil tanks, O_c in formula (I) of this section may calculated on the basis of volume W_i being the actual volume of one such tank (where they are of equal capacity) or the smaller of the two tanks (if they differ in capacity), adjacent to such space, multiplied by S_i as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

$$S_i = 1 \frac{-l_i}{l_c}$$

Where l_i = length of void space or segregated ballast tank under consideration.

(c) Credit may only be given in respect of double bottom tanks which are either empty or carrying clean water when cargo is carried in the tanks above.

(1) If the double bottom does not extend for the full length and width of the tank involved, the double bottom is considered nonexistent and the volume of the tanks above the area of the bottom damage must be included in formula (II) of this section even if the tank is not considered breached because of the installation of such a partial double bottom.

(2) Suction wells may be neglected in the determination of the value h_i if such wells are not excessive in area and extend below the tank for a minimum distance and in no case more than half the height of the double bottom. If the depth of such a well exceeds half the heights of the double bottom h_i taken equal to the double bot- height minus the well height.

(d) In the case where bottom damage simultaneously involves four center tanks, the value of O_s may be calculated according to formula (III) as follows:

$$O_s = 1/4(\Sigma Z_i W_i + \Sigma Z_i C_i)$$

4. *Allowable volumes of cargo tanks.* (a) The allowable volume of a wing cargo tank (VOL_w) is equal to seventy-five percent of O_A. In a segregated ballast tank vessel VOL_w may equal O_A for a wing cargo oil tank located between two segregated ballast tanks each of lentgh greater than l_c and width greater than t_c.

(b) The allowable volume of a center cargo tank (VOL_c) is 50,000 cubic meters.

5. *Allowable length of cargo tanks.* The allowable length of a cargo tank (l_s) is equal to the greater of 10 meters or one of the following values:

(a) If no longitudinal bulkhead is provided, 0.1L

(b) If a longitudinal bulkhead is provided at the centerline only, 0.15L

(c) If two or more longitudinal bulkheads are provided:

(1) For wing tanks, 0.2L; and

(2) For center tanks—

(i) If $\frac{b_i}{B}$ is equal to or greater than $\frac{1}{5}$, 0.2L; or

(ii) If $\frac{b_i}{B}$ is less than $\frac{1}{5}$ and—

(A) No centerline longitudinal bulkhead is provided, $(0.5 \frac{b_i}{B} + 0.1)$ L; or

(B) A centerline longitudinal bulkhead is provided, $(0.25 \frac{b_i}{B} + 0.15)$ L.

Appendix B—Subdivision and Stability Assumptions

1. *Source.* The procedures for the loading assumption calculations contained in this Appendix conform to Regulation 25 of Annex I of the International Convention for the Prevention of the Pollution from Ships, 1973, done at London, November 2, 1973.

2. *Loading Assumptions.* For the purpose of calculating subdivision and damage stability for a tank vessel, the operating drafts must reflect actual partial or full load conditions consistent with trim and strength of the vessel. Ballast conditions need not be considered if the tank vessel is not carrying oil in cargo tanks excluding oily residues. Loading condition must reflect the specific gravities of the cargo.

3. *Damage Assumptions.* (a) Damage is applied to all conceivable locations along the length of the vessel as follows:

(1) For a vessel of more than 225 meters in length, anywhere in the vessel's length.

(2) For a vessel of more than 150 meters, but not exceeding 225 meters in length, anywhere in the vessel's length except where the after or forward bulkhead bounding a machinery space located aft is involved in the damage assumption. The machinery space is calculated as a single floodable compartment.

(3) For a vessel less than 150 meters in length, anywhere in the vessel's length between adjacent transverse bulkheads except the machinery space.

(b) The extent and the character of the assumed side or bottom damage, as defined in section 2 of Appendix A of this part, must be applied except longitudinal bottom damage within 0.3L from the forward perpendicular must be assumed to be the same as that for side damage. If any damage of lesser extent results in a more severe condition, such damage must be assumed.

(c) Where damage involves transverse bulkheads as specified in paragraphs (a) (1) and (2) of this section, transverse watertight bulkheads must be spaced at least at a distance equal to the longitudinal extent of assumed damage specified in paragraph (a) (1) of this section in order to be considered effective. Where transverse bulkheads are spaced at a lesser distance, one or more of these bulkheads within such extent of damage must be assumed as nonexistent for the purpose of determining flooded compartments.

(d) If the damage between adjacent transverse watertight bulkheads is within the definition contained in paragraph (a) (3) of this section, no main transverse bulkhead or a transverse bulkhead bounding side tanks or double bottom tanks is to be assumed damaged, unless—

(1) The spacing of the adjacent bulkheads is less than the longitudinal extent of assumed damage defined in paragraph (b) of this section; or

(2) There is a step or a recess in a transverse bulkhead of more than 3.05 meters in length, located within the extent of penetrations of assumed damage. The step formed by the after peak bulkhead and after peak tank top is not regarded as a step for these calculations.

(e) If pipes, ducts, or tunnels are situated within the assumed extent of damage, there must be arrangements so that progressive flooding may not thereby extend to compartments other than those assumed to be floodable for each case of damage.

4. *Characteristic and Condition Assumptions for Calculations.* (a) Account must be taken of any empty or partially filled tanks, the specific gravity of cargoes carried, and any outflow of liquids from damaged compartments.

(b) The permeabilities are assumed as follows:

Intended Space Use:	*Permeability*
Stores	0.60
Accommodation	0.95
Machinery	0.85
Voids	0.95
Consumable liquids	[1] 0 or 0.95
Other liquids	[2] 0 or 0.95

[1] Whichever results in the more severe requirements.

[2] The permeability of partially filled compartments must be consistent with actual density and the amount of liquid carried.

(c) The buoyance of any superstructure directly above the side damage is to be disregarded. The unflooded parts of superstructures beyond the extent of damage may be taken into consideration if they are separated from the damaged space by watertight bulkheads and no progressive flooding of these intact spaces takes place. Class I doors are allowed in watertight bulkheads in the superstructure.

(d) The free surface effect is to be calculated at an angle of 5 degrees for each individual full compartment. Partially filled tanks must have free surface corrections computed at final angle of heel.

(e) In calculating the effect of free surfaces of consumable liquids, it is to be assumed that, for each type of liquid, at least one transverse pair or a single centerline tank has a free surface and the tank or combination of tanks to be taken into account is to be those where the effect of free surface is the greatest.

(R.S. 4417a(3) and (7), as amended (46 U.S.C. 391a(3) and (7)); 49 CFR 1.46(o)(4)).

Dated: June 25, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

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[33 CFR Subchapter P]

[CGD 74-77]

MARINE TRAFFIC REQUIREMENTS

Advance Notice of Proposed Rulemaking

The Coast Guard is considering adding requirements to the ports and waterways safety regulations that would govern the operation of all major U.S. and foreign vessels in the navigable waters of the United States except those in innocent passage not bound for or departing U.S. ports. Also being considered are requirements for the carriage or installation of equipment and devices on vessels of more than 150 gross tons.

AUTHORITY FOR REGULATIONS

The regulations would be proposed under the authority of sections 104 and 201(R.S. 4417a(3)) of the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 424), as delegated in 49 CFR 1.46(o)(4); section 311(j) of the Federal Water Pollution Control Act, Pub. L. 92-500, 86 Stat. 862, 33 U.S.C. 1321), as delegated in section 2 of E.O. 11735 (38 FR 21243) and 49 CFR 1.46(m); and the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4231, et seq.).

COMMENTS ON ADVANCE NOTICE

Interested persons are requested to assist the Coast Guard by submitting written comments, data, views, or arguments to the Executive Secretary, Marine Safety Council (G-CMC/82), room 8234, U.S. Coast Guard, Washington, D.C. 20590. A participant in this rule making procedure should furnish comments, views, data, or arguments to the Coast Guard as soon as possible but no later than August 19, 1974. Copies of material received will be available for examination in room 8234. Arrangements for State and local governments, representatives of the marine industry, port and harbor authorities, environment groups, and other interested parties to discuss with representatives of the Coast Guard the proposal in this advance notice may be made with the Executive Secretary at 202-426-1477.

Oral comments may be submitted on this advance notice at the public hearings the Coast Guard will hold on Docket CGD 74-32, the notice of which appears on page ____ of this issue of the FEDERAL REGISTER. The public hearings will be held on July 23 and 24, 1974, beginning at 9:00 a.m., in the Shaw Room, Seattle Center, 303 Harrison St., Seattle, Washington, and on July 30 and 31, 1974, beginning at 9:00 a.m., in Room 2232, 400 Seventh St. SW., Washington, D.C. It is requested that anyone desiring to make oral comments at either hearing notify the Executive Secretary, at the above stated address by July 19, 1974, and specify the approximate length of time needed for his presentation. Submission of a written summary or copy of the oral presentation is encouraged.

DISCUSSION OF PROPOSED REGULATIONS

Senate Report No. 92-724 (March 28, 1972) states that the purpose of the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 424) is to promote the safety and protect the environmental quality of ports, waterfront areas, and the navigable waters of the United States. Broad authority is granted by title I of the Act to establish, operate, and maintain vessel traffic services and systems for ports, harbors, and other waters subject to congested vessel traffic and "control vessel traffic in areas determined to be especially hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances" in order to "prevent damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and to protect the navigable waters and the resources therein from environmental harm resulting from vessel or structure damage, destruction, or loss * * *"

In addition, title II of the Ports and Waterways Safety Act of 1972 authorizes comprehensive regulations for the design, construction, alteration, repair, maintenance, and operation of tankers and certain other vessels. The reason stated for this provision of the Act is as follows: "[T]he carriage by vessels of certain cargoes in bulk creates substantial hazards to life, property, the navigable waters of the United States (including the quality thereof) and the resources contained therein . . . [and] that existing standards for the design, construction, alteration, repair, maintenance, and operation of such vessels must be improved for the adequate protection of the marine environment."

The Federal Water Pollution Control Act (86 Stat. 862, 33 U.S.C. 1321(b)(1)) states the policy of the United States as follows: "[T]here should be no discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines or into or upon the waters of the contiguous zone." Regulations issued under the authority of section 311(j) of this Act are required to be consistent with maritime safety and navigation laws.

Section 101(a) of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4231) states that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. The Act authorizes and directs that to the fullest extent possible the policies, regulations, and public laws of the United States must be interpreted and administered in accordance with the policies set forth in the Act.

In view of the policy stated in these statutes and in view of the increasing vessel traffic carrying hazardous cargoes, the Coast Guard has determined that there must be an improvement in the operating practices aboard all major vessels on the navigable waters. The increasing number of large vessels carrying hazardous cargoes in bulk on the navigable waters of the United States has created a significant and growing hazard to life, property, and the marine environment. Eighty percent of vessel casualties occur within coastal and harbor regions. The *Torrey Canyon* grounding, the *Tamano* grounding, the *Oregon Standard* and the *Arizona Standard* collision, and the tug *Carolyn* and *Weeks Barge No. 254* collision with the Chesapeake Bay bridge and Tunnel, exemplify casualties that have occurred in waters adjacent to shore areas. Each of these casualties posed a significant threat to life, property, and the environment. Information regarding these incidents and similar incidents reveals that human error is often the primary cause of casualties. The conclusion of a study based on Coast Guard investigations is that

human error is a contributing factor in 85 percent of casulties.

Currently, oil constitutes sixty percent of the cargo carried by vessels traversing the oceans of the world. A Coast Guard study projects that the total tonnage of tankers carrying oil in 1975 will be at least one and one-half times greater than the tonnage in 1971. S. Rep. No. 92–724 indicates a similar increase in the amount of oil to be carried. Due to the increasing U.S. reliance on imported crude oil, the hazard to life, property, and the environment will also increase as the waters become more congested with traffic. The Coast Guard believes that only uniform requirements imposed on all major vessels can produce safer conditions for congested or hazardous maritime traffic since any vessel over 150 gross tons can collide or create an imminent collision or grounding situation involving a vessel carrying oil in bulk. Therefore, it is the ultimate goal of the regulations under consideration to establish safer standards for the operation of vessels capable of causing a major casualty within the navigable waters.

REGULATIONS TO BE PROPOSED

The purpose of any regulations to be proposed is to prevent maritime casualties and the resultant discharge of oil or hazardous substances into the navigable waters of the United States by regulating the operating requirements of major vessels on those waters. The equipment and operating regulations to be proposed would apply to foreign vessels when bound for or departing from U.S. ports and to United States seagoing vessels that operate within the navigable waters of the United States. Seagoing vessels generally include those vessels on coastal and ocean trade routes. Vessels on the St. Lawrence Seaway, the Great Lakes, and vessels operating only within rivers, lakes, bays, and sounds would be excepted from the requirements of paragraphs 2, 3, and 4 of this advance notice. However, the proposed requirements of paragraph 1 of this notice would apply to all vessels including those operating on the Great Lakes, and rivers, lakes, bays, and sounds. Further regulations for the Great Lakes are dependent upon final agreement between Canada and the United States. Further requirements for vessels operating exclusively on rivers, lakes, bays, and sounds will depend upon additional evaluation of the practical and economic impact of operating requirements on these vessels by the Coast Guard.

This advance notice is not intended to indicate that the Coast Guard has formed final conclusions on any aspect of the proposal. Public comment on the functions to be required, the tonnages specified, and the applicability of the requirements to a particular class of vessels is requested and will be used in determining the regulations to be proposed. This advance notice proposes specific functions and tonnages in order to provide a starting point for public comment. The following description sets forth the substance of the regulations to be proposed.

SUBSTANCE OF REGULATIONS TO BE PROPOSED

1. All U.S. and foreign vessels in the navigable waters except vessels in innocent passage not bound for or departing U.S. ports would be required to comply with:

a. The specific requirements of any vessel traffic system through which the vessel passes.

b. The orders of the Captain of the Port [1] when he makes an individual case determination that a particular area is especially hazardous or that hazardous circumstances exist within his jurisdictional boundaries. The Captain of the Port considers the following factors among others before issuing any order:

(1) Configuration of the wateway involved including the depth and width of the channel to be transited.

(2) Wind direction and velocity.

(3) Tidal current and stage of tide.

(4) Visibility.

(5) Time of day.

(6) Type and amount of cargo being carried.

(7) Hull design of the vessel involved including the presence or lack of a double hull, double bottom, and cargo segregation.

(8) Propulsion system of the vessel including factors such as horsepower, number of shafts, size of propellers, bow thrusters, stern thrusters, and other similar variables which affect controllability and maneuverability of the vessel.

(9) Tugs in attendance.

(10) Inoperative or deficient equipment aboard the vessel that may affect its ability to safely transit the navigable waters.

(11) Type and density of other vessel traffic operating in the same waterway.

(12) The presence of a pilot aboard the vessel.

(13) The requests and recommendations of the vessel's master, person in charge, and pilot.

(14) Vessel speed and intended time of transit.

(15) Intended route and destination of vessel.

2. All U.S. and foreign vessels that are self-propelled seagoing vessels or seagoing towing vessels with tow in any configuration whose aggregate tonnage exceeds the specified amount, except a vessel in innocent passage not bound for or departing a U.S. port would be required to maintain and use the following equipment when within the navigable waters:

a. *Vessels of more than 150 gross tons.* (1) One radar.

(2) A properly adjusted magnetic compass.

(3) A fathometer in the pilothouse.

(4) Piloting navigation instruments such as parallel rules, dividers, and related instruments necessary for maintaining an accurate plot of vessel movement on a chart;

(5) Corrected charts of the largest scale practicable for the area being transited.

(6) Current corrected copies of the Coast Pilot and the Light List and current copies of tide tables and tidal current tables for the waters being transited.

b. *Vessels of more than 1600 gross tons.* (1) A gyro compass.

(2) A towing pendant. An unmanned barge would be required to have a towing pendant rigged over the side.

(3) A recording fathometer. Fathometer records would be retained on board the vessel for at least 30 days.

(4) A means that visually indicates the speed of the vessel.

c. *Vessels of more than 5000 gross tons.* (1) A course recorder. Course recorder records would be retained on board the vessel for at least 30 days.

(d) *Vessels of more than 10,000 gross tons.* (1) A second radar. One radar would be equipped with an "anti-collision" device. One of the two radars would have an "S-band" (10 centimeter) capability and the other would have an "X-band" (3 centimeter) capability. Each radar would be suitable for surface navigation operation.

e. *Self-propelled tank ships of more than 35,000 gross tons.* (1) A rate of turn indicator.

3. All U.S. and foreign vessels that are self-propelled seagoing vessels of 150 gross tons or more, or seagoing towing vessels with tow in any configuration whose aggregate tonnage exceeds 150 gross tons, except those in innocent passage not bound for or departing U.S. ports, would be required to have personnel on board comply with the following requirements before entering into and before getting underway within the navigable waters:

a. Test and log the testing of the following vital systems:

(1) Steering (all modes and stations).

(2) Emergency generator.

(3) Remote machinery controls.

(4) Main propulsion for power ahead and astern.

(5) Internal vessel communications.

(6) Vessel alarms and signaling devices.

b. The master, person in charge, or pilot of a vessel would be required to be familiar with the details of each notice to mariners relevant to the vessel's intended track since the date of the corrected chart being used to transit the area.

4. All U.S. and foreign vessels that are self-propelled seagoing vessels of 1600 gross tons or more, or seagoing towing vessels with tow in any configuration whose aggregate tonnage exceeds 1600 gross tons, except those in innocent passage not bound for or departing U.S. ports, would be required to have personnel on board comply with the following requirements when underway within the navigable waters:

[1] In the March 1, 1974 isue of the FEDERAL REGISTER (39 FR 7948), the Coast Guard published an advance notice of proposed rulemaking regarding regulations to authorize each District Commander and Captain of the Port to control vessel traffic in especially hazardous areas or during hazardous circumstances, and to direct the movement of a vessel whenever necessary to prevent damage to or by that vessel. This document paragraph is intended to supplement the advance notice published in 39 FR 7948.

a. Within the confines of harbors and hazardous waterways (to be identified by the Captain of the Port in the FEDERAL REGISTER) sufficient competent personnel on board self-propelled vessels would:

(1) Stand by the primary steering machinery space to handle a steering casualty.

(2) Man the anchor windlass or similar equipment in order to be ready to drop anchor. One bow anchor on these vessels would be ready for letting go.

(3) Man the main steering control station to manually control the vessel direction.

b. Set the main ship's propulsion system to maneuvering mode. The vessel's main propulsion spaces would be manned with personnel competent to manually answer engine maneuvering orders if any automatic engine maneuvering system fails to perform properly.

c. Plot the vessel's movement on the corrected chart for the area being transited. Towing vessels with tow in any configuration whose aggregate tonnage is less than 10,000 gross tons would not be required to comply with this requirement. The person maintaining the plot would be required to lay out a trackline of intended vessel movement on the chart. Position fixes would be plotted at sufficiently frequent intervals so that the position of the vessel with respect to the trackline is indicated. If a casualty occurs, the chart would be required to be retained. It is contemplated that a licensed deck officer or licensed operator other than the person actually controlling vessel movement would maintain the plot. The person actually controlling vessel movement would obtain from the person maintaining the plot information on the vessel's movement that is timely, accurate, and understandable.

d. Maintain a bow lookout with adequate communication to the bridge. The master of the vessel would not be required to station a lookout on the bow when conditions prevented the lookout from performing his assigned function.

(Sec. 104 and 201 (R.S. 4417a(3)), 86 Stat. 424, Sec. 311(j), 86 Stat. 862 (33 U.S.C. 1321), 83 Stat. 852 (42 U.S.C. 4231); Sec. 2, E.O. 11735; 49 CFR 1.46 (m) and (o)(4))

Dated: June 25, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

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PART V

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act: and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATIONS DECISIONS

New York	AQ–2128
Oklahoma	AQ–120

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

California:	
AQ–1087	Feb. 22, 1974
AQ–1088	Mar. 1, 1974
Colorado:	
AQ–1097	Apr. 12, 1974
Florida:	
AQ–4050	Jan. 11, 1974
AQ–4099	Apr. 12, 1974
Indiana:	
AQ–3138	Apr. 5, 1974
AQ–3142	Mar. 22, 1974
Kentucky:	
AQ–4013	Sept. 28, 1973
Maryland:	
AQ–2100; AQ–2101	Apr. 19, 1974
Massachusetts:	
AQ–3171; AQ–3172; AQ–3173; AQ–3174; AQ–3175; AQ–3176; AQ–3177; AQ–3178	May 10, 1974
AQ–3180; AQ–3181; AQ–3182	May 31, 1974
AQ–3183	June 14, 1974
Nebraska:	
AQ–25	Sept. 7, 1973
Nevada:	
AQ–1080	Feb. 8, 1974
AQ–1083	Feb. 15, 1974
New Jersey:	
AQ–2105	Apr. 26, 1974
North Dakota:	
AQ–1066	Dec. 7, 1973
Oklahoma:	
AQ–96	May 10, 1974
Texas:	
AQ–68; AQ–69	Dec. 28, 1973
AQ–70; AQ–71; AQ–73	Jan. 11, 1974
AQ–74; AQ–75	Feb. 1, 1974
AQ–97; AQ–98; AQ–106	May 10, 1974
Utah:	
AQ–1101	May 3, 1974
Virginia:	
AQ–2074	Mar. 8, 1974
AQ–2109	May 3, 1974
West Virginia:	
AQ–2051	Mar. 15, 1974
AQ–2087; AQ–2088	Mar. 29, 1974
Wyoming:	
AQ–1043	Oct. 5, 1973

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Florida:	
AQ–4053(AQ–4127)	Jan. 25, 1974
Oklahoma:	
AQ–64(AQ–123)	Dec. 7, 1973
AQ–111(AQ–124)	June 14, 1974
Puerto Rico:	
AQ–2117(AQ–2127)	May 10, 1974
Tennessee:	
AQ–4059 & AQ–4062(AQ–4128)	Jan. 28, 1974
Texas:	
AQ–92(AQ–121)	May 3, 1974
AQ–103(AQ–122)	Apr. 12, 1974
Vermont:	
AQ–3085(AQ–3184)	Feb. 1, 1974

Signed at Washington, D.C., this 21st day of June 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: NEW YORK COUNTY: WAYNE

DECISION NO.: AQ-2,128 DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). heavy and highway construction.

59-NY-1-2-3-G 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.53	.73	.30		.02
Boilermakers	9.05	.50	.75		.01
Bricklayers:					
Twps. of Ontario, Williams, Sodus (including Sodus Point), Walworth, Marion, Macedon, and Palmyra:					
Bricklayers, plasterers, stone masons, tuck pointers	9.405	.30	.58		.02
Cement masons, building	9.205	.30	.58		.02
Cement masons, heavy and highway	7.70	.30	.50		
Marble setters, terrazzo workers, and tile setters	10.00				
Twps. of Butler and Walcott (including the villages of Red Creek and Walcott):					
Bricklayers, cement masons (building), marble setters, plasterers stone masons, terrazzo workers, and tile setters	9.06	.52	.30	a	.01
Cement masons, heavy and highway	7.75	.45	.30		
Remainder of county:					
Bricklayers, cement masons (building), marble setters, terrazzo workers, tile setters, and stone masons, plasterers	8.385	1.25	.55		
Cement masons, heavy and highway	7.45	.50	.55		
Carpenters, Building	8.87	.45	.70		.005
Carpenters (Heavy and Highway)	8.07	.45	.70		.025
Electricians:					
Twps. of Sodus, Williamson, Ontario, Walworth, Marion, Palmyra and Macedon	10.13	.35	1%+.25		½ of 1%
Twps. of Lyons, Galen & Arcadia	9.66	.45	1%+.35		.03
Savannah twp.	8.50	.35	1%		.05
Twps. of Huron, Walcott, Rose & Butler	9.05	.30	1%+.30		¼ of 1%

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Glaziers	$ 8.36	.58	.30		.03
Ironworkers:					
Twps. of Walcott, Savannah, Butler and Clyde:					
Structural, ornamental & reinforcing	8.53	.45	.57		.06¼
Remainder of County:					
Structural, ornamental & reinforcing	8.84	.52	.57		
Sheeter	9.09	.52	.57		
Sheeter, bucker-up	8.965	.52	.57		
Laborers, Building:					
Twps. of Macedon, Marion, Ontario, Palmyra, Sodus, Walworth & Williamson:					
Laborers	7.18	.56	.95		
Blasters	8.55	.56	.95		
Air track, wagon drill op., a asphalt rakers	7.58	.56	.95		
Jackhammers, mortar mixer, concrete cutters for wrecking and demolition	7.48	.59	.95		
Power monkey	7.85	.43	.85		
Chuck tender, all work on hanging or swing scaffold	7.18	.43	.85		
Remainder of County:					
Laborers	7.10	.45	1.05		
Lathers	8.68		.50		.01
Leadburners	9.25	.35		b	.01
Line Construction:					
Lineman	9.33	.50	.40	c	3/8%
Groundman digging machine operator	8.80	.50	.40	c	3/8%
Groundman mobile equipment operator	8.30	.50	.40	c	3/8%
Groundman truck driver & mechanic	7.90	.50	.40	c	3/8%
Groundman dynamite man	8.30	.50	.40	c	3/8%
Cable splicer	10.08	.50	.40	c	3/8%
Painters:					
Twps. of Macedon, Palmyra, Marion, Williamson, Sodus, Ontario & Walworth:					
Brush, roller	8.19	.35	.72		.04
Structural steel & iron-up to 40'	8.69	.35	.72		.04
Over 40'	8.89	.35	.72		.04

59-NY-1-2-3-G 3 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Swing scaffold & window brackets	$ 8.69	.35	.72		.04
Bridge	9.19	.35	.72		.04
Sandblaster	8.94	.35	.72		.04
Spray	8.79	.35	.72		.04
Remainder of County:					
Painters	5.43				
Spray, swing scaffold, structural steel above 40' in height	6.18				
Piledrivermen & millwrights, building	9.15	.45	.70	d	
Piledrivermen, Heavy & Highway	8.07	.45	.70		.025
Plumbers & Steamfitters:					
Twps. of Butler & Savannah	8.92	.40	.23	.15 + a	
Township of Wolcott	8.38	.35	.40		
Remainder of County	11.025	.405	.525		.10
Roofers	9.19	.35	.35		
Roofers helpers:					
1st year - 1st six mos.	3.50	.25	.25		
1st year - 2nd six mos.	4.57	.25	.25		
2nd year	5.72	.25	.25		
3rd year	6.48	.25	.25		
Sheet Metal Worker	9.16	.50	.55+.10		.02
Sprinkler Fitters	9.45	.50	.70		.08
Soft floor layers	7.62	.45	.40	h + i	.005
Truck Drivers, Building:					
Twps. Ontario, Walworth & Macedon	7.67	.30	.25	j	
Remainder of County:					
Dumps, straight, trailer and pick-up, transit-mix, water and fuel	7.05		.35	f + g	
General contractor road oilers low-boy trailers, winch trucks, A-frames	7.20		.35	f + g	
Euclid * Linn drivers	7.40		.35	f + g	

PAID HOLIDAYS: A.-New Year's Day; B.-Memorial Day; C.-Independence Day; D.-Labor Day; E.-Thanksgiving Day; F.-Christmas Day

FOOTNOTES:

a. Holiday: Labor Day provided the employee has worked the day before the holiday.

b. Holidays: A through F, Washinton's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding & following the holiday.

c. Holidays: A through F, Washinton's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided employee works day before and day after the holiday.

d. Holiday: Labor Day, provided employee works the regular working day preceding the holiday and the regular working day after the holiday.

e. Holidays: A-through-F.

f. 1 week vacation after 1 year's work.

g. Holidays: A through F, providing regular employee is available for work the day before and the day after the holiday.

h. Holidays: A through F and Good Friday.

i. 1 year's work or more - one week vacation; 3 year's work or more - 2 weeks vacation.

j. Holidays: Independence Day; Thanksgiving Day; Friday after Thanksgiving.

N.Y. 5-LAB-2-3-H

HEAVY AND HIGHWAY CONSTRUCTION

Twps. of Macedon & Palmyra

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App.Tr.	Others
Laborers:						
Laborers and driller helpers	$ 5.90	.96	.55	a		
Concrete aggregate bin, mortar mixer, hand or machine, vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool ops., bull float, tamper, pipelayers	6.10	.96	.55	a		
Drillers, asphalt rakers, and acetylene torch operator	6.30	.96	.55	a		
Blasters, form setters, stone or granite curb setters	6.50	.96	.55	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

N.Y. 24-LAB-2-3- E

HEAVY AND HIGHWAY CONSTRUCTION

Remainder of County:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Laborers and driller helpers	$6.11	.90	.40	a		
Concrete aggregate bin, mortar mixer hand or machine, vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric, oil and air tool operators, bull float, tamper, pipelayers	6.31	.90	.40	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.51	.90	.40	a		
Blasters, form setters, stone or granite curb setters	6.71	.90	.40	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays; A through F, providing the employee works the day before and the day after the holiday.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
CRANES:						
121 ft. and under	$8.75	.40+.30	.40	a	.10	
121 - 151 ft.	9.00	.40+.30	.40	a	.10	
151 - 201 ft.	9.25	.40+.30	.40	a	.10	
201 - 251 ft.	9.50	.40+.30	.40	a	.10	
251 - 301 ft.	10.00	.40+.30	.40	a	.10	
301 - 351 ft.	10.50	.40+.30	.40	a	.10	
351 - 401 ft.	11.00	.40+.30	.40	a	.10	
401 - 451 ft.	11.50	.40+.30	.40	a	.10	
Air tugger, backhoe, clamshell, dragline, shovel & similar machines over three-eighths (3/8 cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds & all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift), hoist (on steel erection), mucking machine, ross carrier (and similar types), three drum hoist (when all drums are in use)	8.75	.40+.30	.40	a	.10	
"A" Frame truck, back filling machines, barber green & similar type loader, belt crete & similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors: four (4) not to exceed 2000 c.f.m. combined capacity; or three (3) or less with more than 1200 c.f.m., but to exceed 2000 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less); (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, forklift (with factory rating of less than fifteen (15) ft. of lift), high pressure boiler (over 15 lbs. pressure) hoist (1 or 2 drums), maintenance engineer, motor grader, post hole digger, sheepsfoot roller, side boom, stone crusher, submersible electric pump, when used in lieu of well point system, tandem roller, tournapull, tower mobile and similar kinds, trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system	8.57	.40+.30	.40	a	.10	

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Any combination (not to exceed three (3) pieces of equipment), pumps, welding machines or mechanical conveyors (over 12 feet in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor	7.475	.40+.30	.40	a	.10	
Oilers	7.475	.40+.30	.40	a	.10	

Paid Holidays:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:

a. Holidays: A through F (providing employee works the working day either immediately preceding a holiday or on the scheduled work day immediately following the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Asphalt roller (except rubber tire), automatic fine grade machine, backhoe (except tractor mounted, rubber tired), belt placer, black top plant (automated) blast or rotary drill, (truck or cat mounted), cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose - hydraulically operated), front end loader (4 c.y. and over), gradall, grader, head tower, hoist, 2 or 3 drum, locomotive (irrespective of size or power), maintenance engineer, mine hoist, mucking machine, overhead crane, peins crane or similar type, pile driver, quarry master or equivalent, shovel, skimmer, slip form paver, tractor drawn belt-type loader, truck crane, tunnel shovel	$8.71	.40+.50	.40	a	.10	
Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractor mounted, rubber tired), back filling machine, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), boom truck, boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker 5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, dozer or push cat, drill rigs, tractor mounted, elevator, front end loader (under 4 c. y.) hi-pressure boiler, (15 lbs. and over), hoist, one drum, hydraulic pipe jack machine or similar type machine, jersey spreader, kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer, pump crete, ready mix concrete plant,						

New York 24-PEO-2-3- J 2 of 3

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: (CONT'D) road widener, rock bit sharpener, (all types), roller (all above subgrade, scraper, side boom, slip form paver, snorkel, stump chipping machine, trencher, tube finisher, winch, winch truck with A-frame	$8.50	.40+.50	.40	a	.10	
Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader, compressors: 4 not exceed 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point	8.14	.40+.50	.40	a	.10	
Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreads, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors: any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	7.46	.40+.50	.40	a	.10	

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New York 24-PEO-2-3-I 3 of 3

HEAVY AND HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee works the working day before and the working day after the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:					
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody, material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.46	.45	.40	a	
Tandems and batch trucks, mechanics dispatcher	6.51	.45	.40	a	
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	6.56	.45	.40	a	
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	6.71	.45	.40	a	
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	6.86	.45	.40	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

NEW DECISION

STATE: Oklahoma COUNTY: Muskogee
DECISION NO.: AQ-120 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and heavy and highway construction within the City of Muskogee.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.20		.35		.015
Boilermakers	7.00	.30	.76		.02
Bricklayers-Stonemasons	6.90	.30	.40		.03
CARPENTERS:					
Carpenters	6.85				.01
Millwrights	7.325				.01
Piledrivermen	7.325				.01
Cement masons	6.25				
ELECTRICIANS:					
ZONE I - A 20 mile radius from Post Office of City of Muskogee.					
ZONE II - Area outside zone 1.					
Zone I					
Electricians	7.43	.30	1%		1/2%
Cable splicers	7.83	.30	1%		1/2%
Zone II					
Electricians	7.73	.30	1%		1/2%
Cable splicers	8.13	.30	1%		1/2%
Elevator constructors	7.40	.395	.26	2½%+a+b	.02
Elevator constructors' helpers	5.18	.395	.26	2½%+a+b	.02
Elevator constructors' helpers (Probationary 6 months)	3.70				
Glaziers	6.625	.25	.30		.01
Ironworkers:					
Structural; Ornamental; Reinforcing	7.74	.30	.35		.05
Laborers:					
Laborers	4.35	.20	.15		
Air tool operator (Jackhammer, vibrator); mason tenders; mortar mixers; pipelayers (concrete & clay); plasterers' tenders	4.50	.20	.15		
Powder man (makeup)	4.85	.20	.15		
Wagon drill operator	4.85	.20	.15		
Lathers	6.60		.30		.01
Painters:					
Commercial brush and roller	5.00		.25	.20	
Spray; glove or dipping; sand-blasters; spray or sand pot tender (maximum two pots, two guns or nozzles); power rollers; power equipment operators; bitumastic and like materials; applicators and kettle tenders	6.30		.35	.20	

DECISION NO. AQ-120

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters (cont'd)					
Spray or sand pot tender (maximum one pot, one nozzle or gun)	$5.40		.25	.20	
Hazardous work	7.975		.25	.20	
Cooning steel, stage, bosun chair, spiders, jack, roof work, skates, rolling scaffolds and like equipment - fifty cents (50¢) above basic rate					
Plumbers-steamfitters	7.60	.40	.55		.10
Roofers	6.75		.25		.04
Sheet metal workers	7.66	.38	.45		.06
Sprinkler fitters	8.50	.40	.60		.07
Terrazzo workers	7.78		.10		
Terrazzo workers' helpers	5.30				
Terrazzo workers helpers' floor op.	5.40				
Terrazzo workers' helpers base machine operator	5.60		.10		
Tile layers	7.78		.10		
TRUCK DRIVERS:					
Pick-up, 1½ tons or 2½ yds. and up to but not including 3 tons or 4 yds., such as dump trucks, flat beds, stake bodies & buses	5.20				
3 tons or 4 yds. and up to but not including 4 tons or 6 yards	5.30				
5 tons or 6 yds. and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment	5.40				
Ready-mix concrete trucks up to but not including 3 yards	5.35				
Ready-mix concrete trucks 3 yards and over	5.50				
Tractor trailer drivers and similar equipment, such as tractors, ten wheelers, etc.	5.40				
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a- 1st. 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b- Paid Holidays, A through F.

PAID HOLIDAYS:
A- New Years; B- Memorial Day; C-Independence Day; D- Labor Day; E- Thanksgiving Day; F- Christmas Day.

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77-Oklahoma-1-H (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
All Crane Type equipment with 100' of boom or over (including jib), all Tower Cranes and all Cranes and all Cranes type equipment of 3 cu. yd. or more	$7.65	.35	.25		.07	
Heavy Duty Mechanic; Welder; Crane-Hook & Overhead Monorail; Whirley; Derrick; Piledriver Engineer; Dragline; Shovel; Clamshell; Backhoe; Sideboom; Gradall; Hydro Crane; Hoists while operating 2 or more drums; Cherry picker	7.40	.35	.25		.07	
Motor Patrol (Blade); (Engine H.P. 65 or more); Scraper type equipment; Tournapull; DW 10, 15, 16, 20, 21 & similar rubber-tired equipment; Euclid, TS-24 and similar; Loader Operator or Hi-Lift (Engine H.P. 65 or over); Asphalt Lay Machine; Tail Boom; Conveyor-Multiple, Panel Board Control; Power Driver Hole Digger; Trenching Machine; Fordson Tractor or like equipment with hoe or loader equipment or ditcher	7.15	.35	.25		.07	
Locomotive Engineer; Boring Machine; Tug Boat; Mixer, 18 cu. ft. and over; Sand Barge; Dredging Machine; Tugger; Hoist-when operating one drum; Welding machine, 3 to 6; Air Compressor, 3 to 6, 500 cu. ft. and under; Air Compressor, over 500 cu. ft. (1); Pumps, Battery, 3 to 6; Forklift and similar equipment; Generator Plant Engineers, Diesel Elec; Winch Truck with A-Frame Pumps, Battery, 3 to 6; Batch Plant Operator (Portable); Roller, all types; Elevator, building type or personnel hoist; Concrete Buster or Tamper; Heaters under jurisdiction of Op. Engrs.; Fireman; Boiler Operator; Crushing Plants; Oiler Distributor; Pulvimixer; Farm Tractor - with or without attachments; Conveyor Operator dual, continous or Belt-Bulk Handling; Screed Operator; Concrete Pump; Form Grader; Screening Plant; Well Point Pump Operator; Signal Man on Large whirleys when & if required	6.90	.35	.25		.07	

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77-Oklahoma-1-H (2-2)

POWER EQUIPMENT OPERATORS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Operator for rotary drilling machines when operated from console or machine	$6.90	.35	.25		.07	
Concrete mixer, with hopper less then 13 cu. ft.; Air compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fuelman; Conveyor Operator - Single - Continous Belt Bulk Handling	6.40	.35	.25		.07	
Greaser; Tilt Top Trailer Operator	6.50	.35	.25		.07	
Asphalt Lay Machine Back End Man; Helpers	6.20	.35	.25		.07	
Track crane oiler or Truck crane driver	6.10	.35	.25		.07	
Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.						
Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above all the above listed rates.						
LINE CONSTRUCTION						
Lineman	$7.25		1%		½%	
Cable Splicer	7.65		1%		½%	
Hole Digger Operator	6.58		1%		½%	
Heavy Equipment Operator (or Pole Cat Equivalent)	6.58		1%		½%	
Line Truck Driver (Winch Operator)	5.95		1%		½%	
Jack Hammerman	5.43		1%		½%	
Powderman	6.58		1%		½%	
Groundman	4.84		1%		½%	
Truck Driver (Flat Bed, ton and half and under)	5.12		1%		½%	

DECISION #AQ-1087 - Mod. #4
(39 FR 7021-February 22, 1974)
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians					
Alameda County					
Electricians	$ 9.845	.70	4%		
Cable Splicers	11.07	.70	4%		
Plumbers; Steamfitters					
Marin, San Francisco and Sonoma Counties	8.48	1.47	.705	.755	.135
Sprinkler Fitters					
Remaining Counties	11.70	.50	.70		.08
Add:					
Lathers					
Mariposa, Merced and Tuolumne Counties	7.75				.01

DECISION #AQ-1088 - Mod. #4
(39 FR 8103 - March 1, 1974)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians					
Alameda County					
Electricians	$ 9.845	.70	4%		
Cable Splicers	11.07	.70	4%		
Plumbers; Steamfitters					
Marin, Mendocino, San Francisco and Sonoma Counties	8.48	1.47	.705	.755	.135
Sprinkler Fitters					
Remaining Counties	11.70	.50	.70		.08
Add:					
Lathers					
Mariposa, Merced, Stanislaus and Tuolumne Counties	7.75				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1097 - Mod. #2 (39 FR 13413 - April 12, 1974) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Logan, Morgan, Park, Summit and Weld Counties, Colorado					
Change:					
Heavy Construction					
Cement Masons: Construction (outside Denver Metropolitan Area)	6.22	.42	1.10	.30	.07
Cement Masons: Construction (Denver Metropolitan Area)	6.32	.42	1.10	.30	.07
LABORERS: (Heavy Construction)					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07

DECISION #AQ-1097 (Cont'd)

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Heavy Construction)					
(Pipelines)					
All mainline sewers; Water mains Gas, oil or any product pipeline; Pend stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction					
Group 1	$ 4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
LABORERS (Shafts, Raises, Missile Silos & all underground work other than Tunnels)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

DECISION #AQ-1097 (Cont'd)

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)					
Group 1	$ 6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

DECISION #AQ-1097 (Cont'd)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.50	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

DECISION #AQ-4050 - Mod. #2
(39 FR 1689 - January 11, 1974)
Leon County, Florida

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters:					
Carpenters	5.95				
Roofers	6.85	.25	.20		
Roofers' helpers	3.90	.25	.20		
Roofers' kettlemen	4.80	.25	.20		

DECISION #AQ-4099 - Mod. #2
(39 FR 13423 - April 12, 1974)
Hillsborough County, Florida

Change:

Roofers	6.85	.25	.20		
Roofers' helpers	3.90	.25	.20		
Roofers' kettlemen	4.80	.25	.20		

DECISION #AQ-3138 - Mod. #1
(39 FR 12641 - April 5, 1974)
Vigo County, Indiana

MODIFICATIONS P. 9

CHANGE:

IND-9-PEO-1 S&T

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A	$8.59	.30	.50		.05	
GROUP B	8.48	.30	.50		.05	
GROUP C	8.30	.30	.50		.05	
GROUP D	6.55	.30	.50		.05	

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS

GROUP A: Master Mechanic
GROUP B: Utility Operator
GROUP C: Power Cranes, Draglines, Derricks, Electric Overhead cranes, Shovels, Gradall, Mechanics, Repair & Maintenance of all Equipment, Tractor Highlift, ForkLifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, 2-Drum Machine or 2-Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam & Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, 2-Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard Bucket and/or Backhoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Air Compressors 300 cu. ft. or over, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Backfiller, Fleavating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machine, Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractors (without Winch) Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System, Hydra-Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerator Machine Freezing Operator, Chair Cart - Self Propelled, Hydra-Seeder, Straw Blower, Concrete Mixers with Skip, All 1-Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, HydraCrane, Caissons, Shaft or any similar type Drilling Machines, Concrete Curb Machine (Self Propelled) Winch or Hydraulic Boom Truck.
GROUP D: Mixers 14S capacity or less, Trench Machine cutting 24" & under, Farm Tractor w/less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine, Pavement Breaker, Rock Crushers, 1-Drum Machine, Air Compressor less than 300 cu. ft. capacity, Concrete Pump, Gunnite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, 2 or 4 Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operators to do Winter Repair work in Shop between November 1st & March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, 1 Welding Machine or 1 Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands.

DECISION #AQ-3142 - Mod. #2
(39 FR 11403 - March 22, 1974)
Boone, Clay, Davies, Fountain, Knox, Greene, Hendricks, Montgomery, Morgan, Owen, Parke, Putnam, Vigo, Sullivan, Vermillion & Warren Counties, Indiana

MODIFICATIONS P. 10

CHANGE:

IND-9-PEO-1 S&T

POWER EQUIPMENT OPERATORS (SEWER & TUNNEL)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A	$8.59	.30	.50		.05	
GROUP B	8.48	.30	.50		.05	
GROUP C	8.30	.30	.50		.05	
GROUP D	6.55	.30	.50		.05	

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS

GROUP A: Master Mechanic
GROUP B: Utility Operator
GROUP C: Power Cranes, Draglines, Derricks, Electric Overhead cranes, Shovels, Gradall, Mechanics, Repair & Maintenance of all Equipment, Tractor Highlift, ForkLifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, 2-Drum Machine or 2-Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam & Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, 2-Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard Bucket and/or Backhoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Air Compressors 300 cu. ft. or over, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Backfiller, Fleavating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machine, Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractors (without Winch) Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System, Hydra-Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerator Machine Freezing Operator, Chair Cart - Self Propelled, Hydra-Seeder, Straw Blower, Concrete Mixers with Skip, All 1-Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, HydraCrane, Caissons, Shaft or any similar type Drilling Machines, Concrete Curb Machine (Self Propelled) Winch or Hydraulic Boom Truck.
GROUP D: Mixers 14S capacity or less, Trench Machine cutting 24" & under, Farm Tractor w/less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine, Pavement Breaker, Rock Crushers, 1-Drum Machine, Air Compressor less than 300 cu. ft. capacity, Concrete Pump, Gunnite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, 2 or 4 Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operators to do Winter Repair work in Shop between November 1st & March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, 1 Welding Machine or 1 Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4013 - Mod. #1 (38 FR 27175 - September 28, 1973) Boone, Campbell, Kenton, & Pendleton Counties, Kentucky					
Change:					
Bricklayers	9.395	.45	.35		.05
Resilient Floor Layers	8.00	.40	.55		
Terrazzo Workers:					
Terrazzo Workers	9.085	.45	.35		
Tile Setters	9.085	.45	.35		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2100 - Mod. #3 (39 FR 14148 - April 19, 1974) Baltimore City and Baltimore County, Maryland					
Change:					
Glaziers:					
Glaziers	$7.70	.25	.30		
Swinging scaffold or bosun's chair	7.95	.25	.30		
DECISION #AQ-2101 - Mod. #3 (39 FR 14150 - April 19, 1974) Anne Arundel County, Maryland					
Change:					
Glaziers:					
Glaziers	7.70	.25	.30		
Swinging scaffold or bosun's chair	7.95	.25	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-3171- Mod #2 (39 FR 17022- May 10, 1974) Barnstable County, Massachusetts					
Change:					
Electricians:					
Electrical contracts over $12,000	$9.00	.30	1%+.25		a
Electrical contracts under $12,000	7.55	.30	1%+.25		a
Lathers	9.25	.45	.55		
Piledrivermen	9.50	.50	.50		
DECISION #AQ-3172- Mod #3 (39 FR 17026- May 10, 1974) Bristol County, Massachusetts					
Change:					
Electricians:					
Acushnet, Dartmouth, Fairhaven, New Bedford, N.Dartmouth, & S.Dartmouth	9.00	.30	1%+.25		a
Remainder of County	9.50	.50	1%		1/10%
Lathers:					
Attleboro, N.Attleboro	9.25	.45	.55		
Mansfield, N.Easton, Norton, Raynham & Taunton	9.25	.45	.55		
Remainder of County	9.25	.45	.55		
Marble setters' helpers	7.94	.40	.25		
Piledrivermen (Remainder of County)	9.50	.50	.50		
DECISION #AQ-3173- Mod #3 (39 FR 17030- May 10, 1974) Essex County, Massachusetts					
Change:					
Bricklayers; Stonemasons:					
Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant, N.Andover, Peabody, Salem, Saugus, Swamscott, & Topsfield	9.30	.50	.85		.05
Remainder of County	9.45	.60	.60		.05
Lathers:					
Beverly, Danvers, Gloucester, Hamilton, Ipswich, Lynn, Lynnfield, Salem, Saugus, Swampscott, Topsfield, & Wenham	9.25	.45	.55		.01
Remainder of County	9.25	.45	.55		.01
Piledrivermen	9.50	.50	.50		

DECISION #AQ-3174- Mod #3 (39 FR 17035- May 10, 1974) Hampden County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers;Cement masons; Marble masons	9.55	.55	.55		.03
Carpenters; Soft floor layers:					
Holyoke	$9.15	.35	.50		.02
Remainder of County	9.15	.35	.50		.02
Painters:					
Brush, Roller, & Tapers	8.32	.50	.35		.03
Spray	11.093	.6667	.4667		.04
Swing stage under 40' & steel	8.507	.50	.35		.03
Swing stage over 40' & steel	8.87	.50	.35		.03
Piledrivermen	9.50	.50	.50		
Plasterers;Terrazzo workers;Tile setters	9.55	.55	.55		.03
DECISION #AQ-3175- Mod #3 (39 FR 17039- May 10, 1974) Middlesex County, Massachusetts					
Change:					
Bricklayers; Stonemasons:					
Newton	9.15	.60	.90		.05
Reading, N.Reading, & Wakefield	9.30	.50	.85		.05
Lathers:					
Entire County, except Town of Marlboro	9.25	.45	.55		
Piledrivermen	9.50	.50	.50		
Plasterers:					
Arlington, Cambridge, Everett, Malden, Medford, Somerville, Stoneham, Wakefield, Winchester, & Woburn	8.55	.45	1.25		.02
DECISION #AQ-3176- Mod #3 (39 FR 17045- May 10, 1974) Norfolk County, Massachusetts					
Change:					
Bricklayers; Cement masons; Plasterers; & Stonemasons:					
Dover, Needham & Wellesley	9.15	.60	.90		.05
Lathers	9.25	.45	.55		
Piledrivermen	9.50	.50	.50		
Plasterers:					
Brookline, & Milton	8.55	.45	1.25		.02

DECISION #AQ-3177- Mod #3 (39 FR 17048- May 10, 1974) Plymouth County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians:					
Mattapoisett, Rochester, & Wareham:					
Electrical contracts over $12,000.	$9.00	.30	1%+.25		a
Electrical contracts under $12,000.	7.55	.30	1%+.25		a
Lakeville & Middleboro	9.50	.50	1%		.1%
Lathers (entire county)	9.25	.45	.55		
Piledrivermen:					
Remainder of County	9.50	.50	.50		
Plasterers:					
Norwell	8.55	.45	1.25		.02
DECISION #AQ-3178- Mod #2 (39 FR 17052- May 10, 1974) Suffolk County, Massachusetts					
Change:					
Lathers	9.25	.45	.55		
Marble setters' helpers	7.94	.40	.25		
Piledrivermen	9.50	.50	.50		
Plasterers	8.55	.45	1.25		.02
DECISION #AQ-3180- Mod #2 (39 FR 19367- May 31, 1974) Berkshire County, Massachusetts					
Change:					
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers & tile setters:					
Twps. of Becket, Otis, Sandisfield	9.55	.55	.55		.03
Lathers	8.45	.45	.25		.01
Marble setters' helpers	8.00				
Painters:					
Brush, Rollers, & Tapers	8.32	.50	.35		.03
Spray	11.093	.6667	.4667		.04
Swing stage under 40' & steel	8.507	.50	.35		.03
Swing stage over 40' & steel	8.87	.50	.35		.03
Piledrivermen	9.50	.50	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-3181- Mod #2 (39 FR 19371- May 31, 1974) Franklin County, Massachusetts					
Change:					
Bricklayers, cement masons, plasterers, stone masons, marble, tile & terrazzo workers, caulker, cleaner pointer	$9.55	.55	.55		.03
Carpenters & soft floor layers	9.15	.35	.50		.02
Painters (entire county)					
Brush, Roller, and Tapers	8.32	.50	.35		.03
Spray	11.093	.6667	.4667		.04
Swing state under 40' and steel	8.507	.50	.35		.03
Swing state over 40' and steel	8.82	.50	.35		.03
Piledrivermen	9.50	.50	.50		
DECISION #AQ-3182- Mod #2 (39 FR 19375- May 31, 1974) Hampshire County, Massachusetts					
Change:					
Bricklayers, plasterers, cement masons, stone masons, marble, tile & terrazzo workers	9.55	.55	.55		.03
Carpenters (entire county)	9.15	.35	.50		.02
Painters					
Brush, Roller, & Tapers	8.32	.50	.35		.03
Spray	11.093	.6667	.4667		.04
Swing state under 40' and steel	8.507	.50	.35		.03
Swing state over 40' and steel	8.87	.50	.35		.03
Piledrivermen	9.50	.50	.50		
DECISION #AQ-3183- Mod #1 (39 FR 20923- June 14, 1974) Worcester County, Massachusetts					
Change:					
Bricklayers, cement masons, plasterers, & stonemasons:					
Warren	9.55	.55	.55		.03
Lathers:					
Harvard & Lunenburg	9.25	.45	.55		
Painters (Warren & W.Warren)					
Brush, Roller, & Tapers	8.32	.50	.35		.03
Spray	11.093	.6667	.4667		.04
Swing stage under 40' and steel	8.507	.50	.35		.03
Swing stage over 40' and steel	8.87	.50	.35		.03
Piledrivermen	9.50	.50	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-25 - Mod. #3 (38 FR 24540 - September 7, 1973) Douglas & Sarpy Counties, Nebraska					
Change:					
Sheet metal workers	$8.86	.35	.20		.02
Truck drivers, single axle	6.145	.25	.25		
DECISION #AQ-1080 - Mod. #2 (39 FR 5131 - February 8, 1974) Statewide, Nevada					
Change:					
Carpenters Clark, Esmeralda & Lincoln Counties; and Nye County South of Hwy. #6 including the Town of Tonopah					
Carpenters	$ 7.46	.45	.60	.80	.10
Floorlayers; Patent Scaffold Erectors; Power Saw Operator	7.61	.45	.60	.80	.10
Piledrivermen	7.66	.45	.60	.80	.10
Millwrights	7.76	.45	.60	.80	.10
DECISION #AQ-1083 - Mod. #2 (39 FR 6001 - February 15, 1974) Clark and Southern Half of Nye (The Nevada Test Site including the Tonopah Test Range) Counties, Nevada					
Change:					
Carpenters	7.94	.45	.60	.80	.03

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2,105 - Mod. #2 (39 FR 14873 - April 26, 1974) Bergen County, New Jersey						
Change:						
Electricians	$10.23	3%	6%+.58		1.5%	
Laborers, Building						
Remainder of County:						
Laborers	6.80	.65	.60			
Air Tool op. (Jackhammer, vibrator)	6.80	.65	.60			
Mason tenders	6.80	.65	.60			
Mortar Mixers	6.80	.65	.60			
Pipelayers (Concrete and Clay)	6.80	.65	.60			
Plasterers' tenders	6.80	.65	.60			
Wrecking and excavation	6.80	.65	.60			
Painters:						
Commercial and Industrial	7.70	.84	1.38	.38		
Steel, high hazardous work and bridges	8.20	.84	1.38	.38		
Boilermakers	8.75	8%	18%	10%	.01	
Boilermakers helpers	8.22	8%	18%	10%	.01	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. AQ-1066 - Mod. #2 (38 FR 33899-December 7, 1973) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh, and Ward Counties, North Dakota					
Change:					
Carpenters:					
Burleigh and Morton Counties					
Carpenters	$6.55				.02
Piledrivermen	6.675				.02

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-96 - Mod. #1 (39 FR 17069 - May 10, 1974) Oklahoma, Cleveland, Lincoln, Canadian and Pottawatomie Counties, Oklahoma						
Change:						
Plumbers-Steamfitters	$7.70	.45	.40		.10	
Elevator constructors	7.51	.395	.26	2½+a+b	.02	
Elevator constructors helper	5.26	.395	.26	2½+a+b	.02	
Elevator constructors helper (probationary)	3.755					
Asbestos workers	8.45	.30	.50		.02	
Lathers	8.00				.01	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-68 - Mod. #5 (38 FR 35580 - December 28, 1973) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
Change Mod. #3 to "See General Wage Determination AQ-118 for Incidental Paving & Utilities"					
DECISION #AQ-69 - Mod. #5 (38 FR 35582 - December 28, 1973) Lubbock County, Texas					
Change Mod. #2 to "See General Wage Determination AQ-118 for Incidental Paving & Utilities"					
DECISION #AQ-70 - Mod. #5 (39 FR 1713 - January 11, 1974) Travis County, Texas					
Change Mod. #4 to "See General Wage Determination AQ-118 for Incidental Paving & Utilities"					
DECISION #AQ-71 - Mod. #3 (39 FR 1716 - January 11, 1974) El Paso County, Texas					
Change: Mod. #2 to "See General Wage Determination AQ-118 for Incidental Paving"					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-73 - Mod. #5 (39 FR 1720 - January 11, 1974) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas Change Mod. #3 to "See General Wage Determination AQ-118 for Incidental Paving & Utilities"					
DECISION #AQ-74 - Mod. #2 (39 FR 4382 - February 1, 1974) Bexar County, Texas Change Mod. #1 to "See General Wage Determination AQ-118 for Incidental Paving & Utilities"					
DECISION #AQ-75 - Mod. #4 (39 FR 4384 - February 1, 1974) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas Change Mod, #2 to "See General Wage Determination AQ-118 for Incidental Paving & Utilities"					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-97 - Mod. #2 (39 FR 16981 - May 10, 1974) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Change Description of Work to Read: Building Construction, (excluding single family homes & garden type apartments up to & including 4 stories).(See General Wage Determination AQ-118 for Paving & Utilities Incidental to Building Construction in Bosque, Falls, Hill & McLennan Counties)					
Change: Incidental Paving & Utilities (Bell & Coryell Counties):					
Air Tool Man	$2.80				
Asphalt Heaterman	2.75				
Asphalt Raker	3.20				
Carpenter	3.55				
Carpenter Helper	2.60				
Concrete Finisher (Paving)	3.85				
Concrete Finisher Helper(Paving)	2.90				
Concrete Finisher (Structures)	3.60				
Concrete Finisher Helper (structures)	2.50				
Concrete Rubber	3.10				
Electrician	5.00				
Form Builder (Structures)	3.85				
Form Builder Helper (Structures)	3.00				
Form Setter (Paving & Curb)	3.20				
Form Setter (Structures)	3.50				
Form Setter Helper(Structures)	2.50				
Laborer, Common	2.25				
Laborer, Utility Man	2.50				
Mechanic	4.00				
Mechanic Helper	3.00				
Oiler	3.25				
Serviceman	3.25				
Pipelayer	3.25				
Pipelayer Helper	2.50				

DECISION #AQ-97 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers:					
Zone 1 - 35 miles radius of Waco, Texas including town of Temple	$7.25				.02
Zone 2 - all area not included in Zone 1	7.65				.02
Powderman	3.25				
Reinforcing Steel Setter(Paving)	3.75				
Reinforcing Steel Setter (Structures)	3.65				
Reinforcing Steel Setter Helper	2.50				
Steel Worker (Structural)	3.75				
Steel Worker Helper (Structural)	2.75				
Sign Erector	3.00				
Sign Erector Helper	2.75				
Spreader Box Man	3.25				
Power Equipment Operators:					
Asphalt Distributor	3.50				
Bulldozer, 150 HP and Less	3.50				
Bulldozer, over 150 HP	3.70				
Concrete Paving Saw	2.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1½ CY)	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.10				
Crusher or Screening Plant Operator	3.50				
Foundation Drill Operator (Truck Mounted)	3.75				
Front End Loader (2½ CY & Less)	3.25				
Front End Loader (Over 2½ CY)	3.50				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.75				
Roller, Steel Wheel (Plant-Mix Pavements)	2.90				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50				
Roller, Pneumatic (Self-Propelled)	2.50				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	3.50				
Side Boom	4.00				

DECISION #AQ-97 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Tractor (Crawler Type) 150 HP and Less	$3.00				
Tractor (Crawler Type) over 150 HP	3.25				
Tractor (Pneumatic) 80 HP and Less	2.60				
Tractor (Pneumatic) over 80 HP	3.10				
Trenching Machine, Light	3.10				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.50				
Weighman (Truck Scales)	2.25				
Welder	3.50				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-98 - Mod. #1 (39 FR 17080 - May 10, 1974) Kleberg & Nueces Counties, Texas Change Description of Work to Read: Building Construction, (excluding single family homes & garden type apartments up to & including 4 stories). (See General Wage Determination AQ-118 for Paving & Utilities Incidental to Building Construction)					
DECISION #AQ-106 - Mod. #2 (39 FR 17084 - May 10, 1974) Galveston & Harris Counties, Texas Change Description of Work to Read: Building Construction, (excluding single family homes & garden type apartments up to & including 4 stories). (See General Wage Determination AQ-118 for Paving & Utilities Incidental to Building Construction)					

DECISION #AQ-1101-Mod. #1 (39 FR 15679-May 3, 1974) Statewide, Utah	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA 1	AREA 2				
Change: Power Equipment Operators*** (Except Piledriving & Steel Erection)						
Group 1	$6.21	$7.21	.57	.725	.45	.10
Group 2	6.46	7.46	.57	.725	.45	.10
Group 3	6.78	7.78	.57	.725	.45	.10
Group 4	6.94	7.94	.57	.725	.45	.10
Group 5	7.04	8.04	.57	.725	.45	.10
Group 6	7.45	8.45	.57	.725	.45	.10
Group 7	7.58	8.58	.57	.725	.45	.10
Group 7-A	7.68	8.68	.57	.725	.45	.10
Group 8	7.95	8.95	.57	.725	.45	.10
Group 8-A	8.00	9.00	.57	.725	.45	.10
Group 9	8.05	9.05	.57	.725	.45	.10
Group 10	8.20	9.20	.57	.725	.45	.10
Group 11	8.59	9.59	.57	.725	.45	.10
Group 11-A	9.45	10.45	.57	.725	.45	.10
Group 11-B	9.85	10.85	.57	.725	.45	.10

DECISION NO. AQ-1101 - (Cont'd)

POWER EQUIPMENT OPERATORS
(Piledriving)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1-a: Assistant to Engineer (Fireman, Oiler, Deckhand)	$6.99	.57	.725	.45	.10
Group 1-b: Compressor Operator (electrically, gas or diesel powered, etc.)	7.26	.57	.725	.45	.10
Group 1-c: Truck Crane Oiler	7.38	.57	.725	.45	.10
Group 2-a: Operator of Tugger Hoist (hoisting materials only)	7.89	.57	.725	.45	.10
Group 2-b: Compressor Operator (2 to 6)(electrically, gas or diesel powered); Generator Op. (electrically, gas or diesel driven, 100 KW; Pump Operator (2 to 6); Welding Machine Operator (2 to 6)(gas or diesel powered)	8.06	.57	.725	.45	.10
Group 3: "A" Frames; Deck Engineer; Fork Lift Operator; Self-propelled Boom Type Lifting Device	8.30	.57	.725	.45	.10
Group 3-a: Heavy Duty Repairman and/or welder	8.61	.57	.725	.45	.10
Group 4: Operating Engineer in lieu of assistant to engineer tending boiler or compressor attached to crane piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of Diesel or gasoline powered Crane Piledriver (w/o boiler) up to and incl. 1 cu. yd. rating; Truck Crane Operator (up to and incl. 25 tons) (hoisting material only) (Assistant to engineer required) (not driving piles)	9.06	.57	.725	.45	.10
Group 5: Operator of diesel or gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd. rating; Operator of Crane (w/steam flash boiler, pump or compressor attached); Operator of steam powered crawler or universal type driver (Raymond or similar type); Truck Crane Op.)over 25 tons); (Hoisting material or performing Piledriving work)	9.18	.57	.725	.45	.10

DECISION NO. AQ-1101 - (Cont'd)

POWER EQUIPMENT OPERATORS
(Steel Erection)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1: Assistant to Engineer (Oiler)	$7.35	.57	.725	.45	.10
Group 2: Assistant to Engineer (Truck Crane Oiler); Compressor; Generator, gasoline or diesel driver (100 KW)	7.66	.57	.725	.45	.10
Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6); Deck Engineer; Instrument Man; Signalman (using mechanical equipment); Fork Lift	8.47	.57	.725	.45	.10
Group 4: Heavy Duty Repairman; Tractor Operator	8.59	.57	.725	.45	.10
Group 4-A: Combination Heavy Duty Repairman; Welder	8.82	.57	.725	.45	.10
Group 5: "A" Frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons m.r.c. or less) Self-propelled Boom Type Lifting Device; Single Drum Hoist; Tugger Hoist; Chief of Party	9.21	.57	.725	.45	.10
Group 6: Crawler Cranes and Truck Cranes (over 15 tons m.r.c.); Derricks (2 operators required when swing engine remote from hoist); Universal Liebher and Tower Cranes (and similar types)(In the erection, dismantling and moving of equipment, there shall be an additional operating engineer); Two or more Drum Hoist	9.54	.57	.725	.45	.10

MODIFICATIONS P. 27

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2024 - Mod. #5					
(38 FR 29195 - October 19, 1973)					
Henrico County and the City of Richmond, Virginia					
Change:					
Cement Masons:					
Cement masons	$5.95				
Machine men	6.05				
Scaffolds 30' & over	6.20				
Millwrights	7.45	.20	.20		.01
Plasterers	7.35				
Plumbers	7.25	.40	.30		.05
Sprinkler fitters	7.77	.50	.70		.08
Steamfitters	7.25	.40	.30		.05
Lathers:					
Lathers (plaster finish)	7.24		.10		.01
Lathers (dry wall finish	6.99		.10		.01
Sheet rock applicators	5.90		.10		.01

MODIFICATIONS P. 28

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2074 - Mod. #3					
(39 FR 9341 - March 8, 1974)					
York County and the cities of Hampton and Newport News including Langley AFB, Virginia					
Change: (BUILDING CONSTRUCTION)					
Bricklayers & stone masons	$7.25	.30			
Dock builders & piledrivermen	5.65	.20	.20		
Ironworkers:					
Structural, ornamental & reinforcing	7.10	.45	.40	.04	
Fence erectors, riggers, machinery movers	7.10	.45	.40	.04	
Marble setters	7.25	.30			
Millwrights	7.45	.20	.20	.01	
Painters:					
York Co., from a point on the north shore of Queens Creek at the intersection of York River due west to a point on the eastern shore of James River including all cities therein; the cities of Hampton & New port News					
Brush & roller	6.10				
Spray	6.45				
Structural steel to 74' from ground	6.45				
Work over 74' from ground	6.60				
Swing stage from ground up	6.45				
Painters:					
The remainder of York Co:					
Brush	6.70				
Spray	7.05				
Structural steel to 74' from ground	7.05				
Work over 74' from ground	7.20				
Roofers:					
Composition	4.85				
Helpers	3.45				
Sheet Metal Workers:					
Hampton & Newport News	6.70	.35	.20		
York County	6.95	.35	.20		
Sprinkler fitters	7.77	.50	.70	.08	
Power Equipment Operators building construction					

#AQ-2074 Cont'd.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Heavy Duty Operators						
Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad	$7.05	.225	.10		.05	
Medium Duty Operators						
Cableways, tractors with attachments, conbination front end loader & backhoe, front end loader, rubber tired scraper & pans, rough motor grader, 20-ton locomotive, bull dozers, pump crete, trenching machine, mixer larger than 16'S, fork lift	5.64	.225	.10		.05	
Light Duty Operators						
Compressor over 125 cu. ft., bottom & end dumps, tractors without attachments, 1 drum hoist, rollers welding machines (gas or diesel), locomotive under 20-tons, power plant, generator (1200 KW or larger), pumps (over 2 inches, including welpoints), A-frame trucks, trucks, mechanic's helpers	4.76	.225	.10		.05	
Firemen	4.58	.225	.10		.05	
Oilers	4.41	.225	.10		.05	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2109 - Mod. #1 (39 FR 15687 - May 3, 1974) The cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia					
Change:					
Bricklayers & stone masons	$7.00	.35	.20		.02
Bricklayers & stone masons on stacks or chimmeys 50' & over	7.25	.35	.20		.02
Linemen	6.945	5%	1%+3%		1%
Millwrights	7.45	.20	.20		.01
Sheet metal workers	6.45	.35	.20		
Sprinkler fitters	7.77	.50	.70		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2051 - Mod. #1					
(39 FR 10072 - March 15, 1974)					
Wayne County, West Virginia					
Change:					
Asbestos workers	9.85	.40	.35		.03
Boilermakers	8.30	.30	.70	.75	.02
Boilermakers helpers	8.05	.30	.70	.75	.02
Laborers:					
Common laborers, flagmen, demolition worker, water boy fire watch, landscape laborers.	6.00	.25	.25		.03
Mason tenders, plasterers' tenders, cement finisher tender, lathers tenders, tile setters tenders, mortar mixer, jackhammer, vibrator, tamper, pavement buster, air siphon & air pump, concrete saw, power saw, chain saw, motorized buggy op., pipelayers helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powdermen helpers and grade checkers	6.30	.25	.25		.03
Burner and powdermen, air track op., pipelayer	6.65	.25	.25		.03
Line Construction:					
Lineman	8.31	.25	1%+.17	1,02	
Groundman	6,65	.25	1%+.17	1.02	
Equiptment operators	8.31	.25	1%+.17	1.02	
Sheet metal workers	9.21	.45	.40		.05
Sprinkler fitters	9.25	.50	.70		.08

DECISION #AQ-2051 (cont'd)

Change: BUILDING CONSTRUCTION

4-W. VA-PEO-1-H 1 of 1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I					
Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18, 000 pound line pull or over	9.40	.25	.35		.04
CLASS II					
All mechaincs, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2½ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ½ cubic yard)	8.90	.25	.35		.04
Class III					
Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2½ cu. yd. capacity. Two drum hoist. Well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (½ cu. yd. & under)	8.50	.25	.35		.04
Class IV					
Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single cage) grick tote machine, concrete pump (single), "A" frame truck, rubber tired scraper, power grader, dozer tractor and pan, push cat, all tractors oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	8.10	.25	.35		.04
Class V					
Roller and compactor, concrete mixer (1 bag) Barber Greene loader, mechanic helper, oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	7.40	.25	.35		.04

DECISION #AQ-2087 - Mod. #1
(39 FR 11843 - March 29, 1974)
Cabell County, West Virginia

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	9.85	.40	.35		.03
Boilermakers	8.30	.30	.70	.75	.02
Boilermakers helper	8.05	.30	.70	.75	.02
Line construction:					
Lineman	8.31	.25	1%+.17	1.02	
Groundman	6.65	.25	1%+.17	1.02	
Equiptment operators	8.31	.25	1%+.17	1.02	
Sheet metal workers	9.21	.45	.40		.05
Sprinkler fitters	9.25	.50	.70		.08

1-LAB-W.VA-1-B

Change:

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.
Common laborers, flagmen, demolition worker, water boy, fire watch, landscape laborer	6.00	.25	.25		.03
Mason tenders, plasterers' tender, cement finisher tenders, lathers tenders, tile setters tenders, mortar mixers, jackhammer, vibrator, tamper, pavement buster, air sipon & air pump, concrete saw, power saw, chain saw, motorized buggy ops., pipelayers' helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powderman helper, grade checker	6.30	.25	.25		.03
Burner & powdermen, air track op., pipelayer	6.65	.25	.25		.03

DECISION #AQ-2087 (cont'd)

Change: BUILDING CONSTRUCTION

4-W. VA-PEO-1-H 1 of 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
CLASS I					
Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18, 000 pound line pull or over	9.40	.25	.35		.04
CLASS II					
All mechaincs, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2½ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ½ cubic yard)	8.90	.25	.35		.04
Class III					
Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2½ cu. yd. capacity. Two drum hoist. Well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (½ cu. yd. & under)	8.50	.25	.35		.04
Class IV					
Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single cage) grick tote machine, concrete pump (single), "A" frame truck, rubber tired scraper, power grader, dozer tractor and pan, push cat, all tractors oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	8.10	.25	.35		.04
Class V					
Roller and compactor, concrete mixer (1 bag) Barber Greene loader, mechanic helper, oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	7.40	.25	.35		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2088 - Mod. #2					
(39 FR 11845 - March 29, 1974)					
Clay, Boone, Fayette, Kanawha, Putnam Counties, West Virginia					
Change:					
Asbestos Workers	9.85	.40	.35		.03
Boilermakers	8.30	.30	.70	.75	.02
Boilermakers helpers	8.05	.30	.70	.75	.02
Ironworkers:					
Structural & ornamental	8.75	.55	1.15		.05
Reinforcing	8.75	,55	1.15		.05
Plasterers	8.65				.01
Plumbers	9.27	.35	.30		.05
Roofers	9.09	.34	.10		.02+f
Sheet metal workers	8.93	.34	.40		.02
Truck drivers:					
Pick-up, stationwagons, panel trucks, flatbody material trucks (straight jobs), dump trucks (up to 5 cu. yds.) greasers, washers, tiremen, gas pump attendants.	7.71	c	d		
Mechanic helpers, material checkers and receivers.	8.06	c	d		
Tank trucks (straight)	7.81	c	d		
Dump trucks (5 cu. yds. and over), semi dump trucks, semi trailers (whether flat, rack or pole and hauled or pushed by tractors), agitator or mixer trucks(up to 5 cubic yds.) farm type tractor, tank truck (semi).	7.96	c	d		
Low boy trailers, winch trucks, fork trucks, distributor trucks, (front and back end), truck crane, monorail truck	8.01	c	d		
Euclids, dumpsters, turnarockers, ross carriers, athey wagons or similar equiptment, A-frame, hydrolift, dual purpose trucks	8.36	c	d		

Footnotes:
c. $41.16 per month for employees employed over 30 days.
d. $34.67 per month.

Change: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Common laborers, flagmen, demolition worker, water boy, fire watch, landscape laborer	6.00	.25	.25		.03
Mason tenders, plasterers' tender, cement finisher tenders, lathers tenders, tile setters tenders, mortar mixers, jackhammer, vibrator, tamper, pavement buster, air sipon & air pump, concrete saw, power saw, chain saw, motorized buggy ops., pipelayers' helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powderman helper, grade checker	6.30	.25	.25		.03
Burner & powdermen, air track op., pipelayer	6.65	.25	.25		.03

DECISION #AQ-2088 (cont'd)

Change:
BUILDING CONSTRUCTION

MODIFICATIONS P. 37
4-W. VA-PEO-1-H 1 of 1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I					
Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18, 000 pound line pull or over	9.40	.25	.35		.04
CLASS II					
All mechainc, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2½ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ½ cubic yard)	8.90	.25	.35		.04
Class III					
Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2½ cu. yd. capacity. Two drum hoist. Well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (½ cu. yd. & under)	8.50	.25	.35		.04
Class IV					
Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single cage) grick tote machine, concrete pump (single), "A" frame truck, rubber tired scraper, power grader, dozer tractor and pan, push cat, all tractors oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	8.10	.25	.35		.04
Class V					
Roller and compactor, concrete mixer (1 bag) Barber Greene loader, mechanic helper, oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	7.40	.25	.35		.04

MODIFICATIONS P. 38

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1043 - Mod. #2 (38 FR 27745 - October 5, 1973) Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming					
Add:					
Painters:					
Goshen, Laramie and Platte Counties					
Painters, brush	$ 5.00				

SUPERSEDEAS DECISION

AQ-4127 P. 2

STATE: Florida
DECISION NUMBER: AQ-4127
COUNTY: Orange
DATE:
Supersedes Decision No. AQ-4053 dated January 25, 1974 in 38 FR 3384
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

48-Florica-1-C (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$6.24	.35	.20	.75	.02
Boilermakers	7.50	.40	.90		.01
Bricklayers:					
Bricklayers	7.35	.35	.20		.02
Stonemasons	7.35	.35	.20		.02
Marble masons	7.35	.35	.20		.02
Plasterers	7.35	.35	.20		.02
Cement masons	7.20	.35	.20		.02
Carpenters:					
Carpenters	7.15	.40		.20	.03
Piledrivermen	7.40	.40		.20	.03
Soft floor layers	7.15	.40		.20	.03
Electricians:					
Electrical contracts less than $20,000.00	6.50	.30	1%		½ of 1%
All others	7.95	.30	1%		½ of 1%
Elevator constructors	7.035	.345	.23	2%+a & b	.015
Elevator constructors' helpers	70% JR	.345	.23	2%+a & b	.015
Elevator constructors' Helpers (prob.)	50% JR				
Glaziers	5.20	.20			.005
Ironworkers, structural & ornamental	7.18	.40	.29	.50	.05
Ironworkers, reinforcing	7.18	.40	.29	.50	.05
Laborers:					
Air tool operator	4.75	.15			
Laborers	4.60	.15			
Mason tenders	4.75	.15			
Mortar mixers	4.75	.15			
Pipelayers (concrete & clay)	4.75	.15			
Plasterers tenders	4.75	.15			
Lathers	6.25	.20	.10		
Linemen:					
Linemen	7.46	.25	1%		¼ of 1%
Cable splicers	7.96	.25	1%		¼ of 1%
Groundmen					
Up to 1 year experience	3.02	.25	1%		¼ of 1%
Over 1 year experience	4.26	.25	1%		¼ of 1%
Heavy equipment operator	7.46	.25	1%		¼ of 1%
Winch truck operator	5.89	.25	1%		¼ of 1%
Pick up or flat bed operator	4.28	.25	1%		¼ of 1%
Painters:					
Brush, roller (9" roll & 12" pole)	6.35	.30	.30		.05
Spray	6.60	.30	.30		.05
Paperhangers	6.85	.30	.30		.05
Sandblaster	6.85	.30	.30		.05
Structural steel	6.60	.30	.30		.05
Plumbers	7.02	.40	.35	.50	.05
Roofers:					
Roofers	$5.90	.25	.05		.05
Kettlemen	4.45	.25	.05		.05
Roofers' helpers	3.80	.25	.05		.05
Sheet Metal Workers	6.34	.20	.20	.20	.01
Sprinkler Fitters	8.71	.40	.60		.10
Steamfitters	7.02	.40	.35	.50	.05
Terrazzo workers	7.35				.05
Tile setters	7.35				.05
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$7.33	.35	.30		.05
GROUP II	6.29	.35	.30		.05
GROUP III	5.48	.35	.30		.05
GROUP IV	4.51	.35	.30		.05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24" width, concrete paver & scrapers

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist) mobile winch trucks, self-propelled sub-grader, asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines

GROUP IV: Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Tulsa & Creek
DECISION NO.: AQ-123 DATE: Date of Publication
Supersedes Decision AQ-64, dated December 7, 1973 in 38 FR 33904
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.20		.35		.015
Boilermakers	7.00	.30	.76		.02
Bricklayers; Stonemasons	7.38	.30	.40	.33	.04
Carpenters	6.91	.25	.25		.03
Cement Masons:					
Cement Masons	6.07			.70	.06
Power tool operator	6.32			.70	.06
Electricians	7.65	.36	1%+.25	.30	.07
Cable splicers	7.90	.36	1%.25	.30	.07
Elevator constructors	7.40	.395	.26	2½%+a+b	.02
Elevator constructors' helpers	5.18	.395	.26	2½%+a+b	.02
Elevator constructors' helpers (prob. 6 mos.)	3.70				
Glaziers	6.625	.25	.30		.01
Ironworkers:					
Structural: Ornamental; Reinforcing	7.74	.30	.35		.05
Laborers:					
Laborers	5.15	.20	.15		
Air tool op. (jackhammer, vibrator) Mason tender; Mortar mixers; Pipelayers (concrete & clay);					
Plasterers tenders	5.35	.20	.15		
Wagon drill operator	5.55	.20	.15		
Powderman or Blaster	6.00	.20	.15		
Lathers	6.60		.30		.01
Millwrights	7.21	.25	.25		.03
Painters:					
Brush	6.50		.25	.35	.02
High work and stage	6.90		.25	.35	.02
Spray and sandblasting	7.15		.25	.35	.02
Hot or Bituminous	7.80		.25	.35	.02
Sheetrock handtools	6.50		.25	.35	.02
Sheetrock Power tools	6.85		.25	.35	.02
Hazadous work	8.70		.25	.35	.02
Piledrivermen	7.21	.25	.25		.03
Pipefitters	7.80	.35	.40		.05
Plasterers	6.45				.01
Plumbers	7.80	.35	.40		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Roofers	$6.75		.25		.04
Sheet Metal workers	7.66	.38	.45		.06
Soft floor layers	6.24		.15	.42	.03
Sprinkler fitters	8.50	.40	.60		.07
Terrazzo workers	7.78		.10		
Terrazzo workers' & tile layers; helper	5.30				
Terrazzo workers' helpers floor machine operator	5.40				
Terrazzo workers' helpers base machine operator	5.60				
Tile layers	7.78		.10		
Truck drivers:					
Truck drivers, including pick-up 1½ tons or 2½ yds. up to but not including 3 tons or 4 yds. such as dump trucks, flat beds, stake body or bus driver	5.58				
3 tons or 4 yds. up to but not including 4 tons or 6 yards	5.63				
5 tons or 6 yds. and over, including heavy equipment	5.73				
Truck drivers' helpers	5.53				
Tractor-trailer and similar equipment	5.73				

FOOTNOTES:

a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 years. - 4% of basic hourly rate

b. Paid Holidays - A through F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
All Crane Type equipment with 100' of boom or over (including jib), all Tower Cranes and all Cranes and all Cranes type equipment of 3 cu. yd. or more	$7.65	.35	.25		.07	
Heavy Duty Mechanic; Welder; Crane-Hook & Overhead Monorail; Whirley; Derrick; Piledriver Engineer; Dragline; Shovel; Clamshell; Backhoe; Sideboom; Gradall; Hydro Crane; Hoists while operating 2 or more drums; Cherry picker	7.40	.35	.25		.07	
Motor Patrol (Blade); (Engine H.P. 65 or more); Scraper type equipment; Tournapull; DW 10, 15, 16, 20, 21 & similar rubber-tired equipment; Euclid, TS-24 and similar; Loader Operator or Hi-Lift (Engine H.P. 65 or over); Asphalt Lay Machine; Tail Boom; Conveyor-Multiple, Panel Board Control; Power Driver Hole Digger; Trenching Machine; Fordson Tractor or like equipment with hoe or loader equipment or ditcher	7.15	.35	.25		.07	
Locomotive Engineer; Boring Machine; Tug Boat; Mixer, 18 cu. ft. and over; Sand Barge; Dredging Machine; Tugger; Hoist-when operating one drum; Welding machine, 3 to 6; Air Compressor, 3 to 6, 500 cu. ft. and under; Air Compressor, over 500 cu. ft. (1); Pumps, Battery, 3 to 6; Forklift and similar equipment; Generator Plant Engineers, Diesel Elec; Winch Truck with A-Frame Pumps, Battery, 3 to 6; Batch Plant Operator (Portable); Roller, all types; Elevator, building type or personnel hoist; Concrete Buster or Tamper; Heaters under jurisdiction of Op. Engrs.; Fireman; Boiler Operator; Crushing Plants; Oiler Distributor; Pulvimixer; Farm Tractor - with or without attachments; Conveyor Operator dual, continous or Belt-Bulk Handling; Screed Operator; Concrete Pump; Form Grader; Screening Plant; Well Point Pump Operator; Signal Man on Large whirleys when & if required	6.90	.35	.25		.07	

POWER EQUIPMENT OPERATORS CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Operator for rotary drilling machines when operated from console or machine	$6.90	.35	.25		.07	
Concrete mixer, with hopper less than 13 cu. ft.; Air compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fuelman; Conveyor Operator - Single - Continous Belt Bulk Handling	6.40	.35	.25		.07	
Greaser; Tilt Top Trailer Operator	6.50	.35	.25		.07	
Asphalt Lay Machine Back End Man; Helpers	6.20	.35	.25		.07	
Track crane oiler or Truck crane driver	6.10	.35	.25		.07	
Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.						
Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above all the above listed rates.						
LINE CONSTRUCTION						
Lineman	$7.25		1%		½%	
Cable Splicer	7.65		1%		½%	
Hole Digger Operator	6.58		1%		½%	
Heavy Equipment Operator (or Pole Cat Equivalent)	6.58		1%		½%	
Line Truck Driver (Winch Operator)	5.95		1%		½%	
Jack Hammerman	5.43		1%		½%	
Powderman	6.58		1%		½%	
Groundman	4.84		1%		½%	
Truck Driver (Flat Bed, ton and half and under)	5.12		1%		½%	

STATE: Oklahoma COUNTY: Statewide (except the City of Muskogee)

DECISION NO.: AQ-124 DATE: Date of Publication

Supersedes Decision No. AQ-111, dated June 14, 1974, in 39 FR 20929

DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities.

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.75	2.50	2.50	3.00	2.50
Asphalt heaterman	3.00	3.25	3.25	3.25	3.25
Asphalt raker	2.75	2.50	2.50	2.50	2.50
Asphalt shoveler	2.75	2.50	2.50	2.50	2.50
Carpenter	3.75	3.50	3.50	3.50	3.50
Carpenter helper	2.75	3.00	2.75	2.75	2.75
Concrete finisher	3.75	3.50	3.50	3.50	3.50
Concrete finisher helper	2.75	2.85	2.75	2.75	3.00
Concrete rubber	3.75	3.50	3.50	3.50	3.50
Electrician	6.80	6.80	6.80	7.10	7.10
Electrician helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.25	3.25	3.25	3.00	3.25
Form builder	3.75	3.50	3.50	3.50	3.50
Form builder helper	2.75	2.75	2.75	2.75	2.75
Form setter	3.75	3.50	3.50	3.50	3.50
Form setter helper	2.75	2.75	2.75	2.75	2.75
Laborer, common	2.75	2.30	2.50	2.50	2.50
Manhole builder	3.75	3.50	3.50	3.50	3.50
Mechanic	3.75	3.50	3.50	3.75	4.00
Mechanic helper	2.75	3.00	2.75	3.25	3.25
Oiler	3.25	3.00	3.50	3.25	3.25
Painter	3.00	3.00	3.00	3.25	3.25
Painter helper	2.75	2.75	2.75	2.75	2.75
Piledriverman	3.25	3.50	3.50	3.80	3.50
Powderman	3.00	2.75	3.25	3.00	3.00
Powderman helper	2.75	2.50	2.75	2.75	2.75
Reinforcing steel setter(paving)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter (structures)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	2.75
Structural steel worker	3.75	3.50	3.50	3.50	3.50
Structural steel worker helper	3.00	3.00	3.00	3.00	3.00
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator(hand type)	2.75	2.50	2.50	3.00	2.50
Weighman (truckscales)	2.75	2.50	2.50	2.50	2.50
Welder	3.75	3.25	3.25	3.75	3.25
Welder helper	2.75	2.75	2.75	3.00	2.75
Pipelayers	2.75	2.30	2.50	2.75	2.75

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.50	2.50	3.00	3.00	3.00
Asphalt heaterman	2.35	3.25	3.25	3.25	3.50
Asphalt raker	2.50	2.75	2.50	2.50	3.00
Asphalt shoveler	2.50	2.75	2.50	2.50	2.75
Carpenter	3.50	3.50	3.75	3.75	3.75
Carpenter helper	2.75	2.75	2.75	3.00	3.00
Concrete finisher	3.50	3.50	3.50	3.50	3.75
Concrete finisher helper	2.75	2.75	2.75	2.75	2.75
Concrete rubber	3.50	3.50	3.50	3.50	3.75
Electricians	6.80	6.80	7.10	7.10	7.10
Electricians helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.00	3.00	3.00	3.00	3.50
Form Builder	3.50	3.50	3.75	3.75	3.75
Form Builder helper	2.75	2.75	2.75	2.75	3.00
Form Setter	3.50	3.50	3.75	3.75	3.75
Form setter helper	2.75	2.75	2.75	2.75	3.00
Laborer, common	2.50	2.50	2.50	2.50	2.50
Manhole builder	3.50	3.50	3.75	3.75	3.75
Mechanic	3.75	3.75	3.80	3.80	3.75
Mechanic helper	3.00	3.00	3.25	3.25	3.25
Oiler	3.50	3.25	3.60	3.60	3.40
Painter	3.25	3.25	3.50	3.50	3.50
Painter helper	2.75	2.75	3.00	3.00	3.00
Piledrivermen	3.50	3.75	3.75	3.75	3.75
Powderman	3.00	3.00	3.00	3.00	3.25
Powderman helper	2.75	2.75	2.75	2.75	2.75
Reinforcing steel setter (paving)	3.50	3.50	3.50	3.50	3.25
Reinforcing steel setter (structures)	3.50	3.50	3.50	3.50	3.25
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	2.75
Structural steel worker	3.50	3.50	3.50	3.50	3.50
Structural steel worker helper	2.75	2.75	2.75	2.75	2.75
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator (hand type)	2.50	2.50	2.75	3.00	3.00
Weighman (truckscales)	2.50	2.50	2.50	2.50	3.00
Welder	3.50	3.50	3.50	3.50	3.50
Welder helper	2.75	2.75	2.75	2.75	2.75
Pipelayers	2.75	2.75	2.75	2.75	2.75

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	2.75	2.60	2.60	3.00	2.75
2 tons and under	2.75	2.50	2.50	2.80	2.50
Tandem Axle & semitrailer	3.00	3.00	2.75	3.25	3.00
Lowboy	3.00	3.00	2.75	3.25	3.00
Transit mix	3.00	3.00	2.75	3.25	3.00
Winch	3.00	3.00	2.75	3.00	3.00
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.00	3.00	3.00	3.00	3.00
Asphalt paving Machine	3.50	3.50	3.50	3.25	3.25
Bulldozer	3.75	3.50	3.50	3.75	3.25
Cement unloading & machine op.	3.75	3.50	3.50	3.50	3.50
Concrete paving machine	3.75	3.50	3.25	3.50	3.50
Concrete finishing machine	3.75	3.50	3.25	3.50	3.50
Concrete saw operator	3.50	3.50	3.25	3.00	3.00
Concrete batching plant	3.00	3.00	3.00	3.50	3.25
Crane, clamshell, backhoe, derrick, dragline & shovel	3.75	3.50	3.75	3.80	2.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.50	3.50	3.25
Front end loader (over 1 cy)	3.50	3.50	3.50	3.50	3.25
Hoist	3.25	3.25	3.25	3.25	3.25
Mixer (over 16 C. F.)	3.00	3.00	3.25	3.25	3.25
Mixer (16 C.F. and less)	3.00	3.00	3.25	3.25	3.25
Mixer (Conc. Paving)	3.00	3.00	3.25	3.25	3.25
Motor grader operator	3.75	3.75	3.75	3.75	3.95
Pug mill operator	3.25	3.00	3.75	3.25	3.00
Pump crete	3.00	3.00	3.00	3.00	3.00
Roller (steel wheel)	3.25	3.50	3.15	3.50	3.25
Roller (pneumatic)	3.00	3.00	3.15	3.25	3.00
Scrapers	3.75	3.50	3.50	3.75	3.75
Tractors:					
Crawler, 80 HP & Less	3.25	3.00	2.75	3.00	2.75
Crawler, over 80 HP	3.75	3.50	3.25	3.25	3.25
Pneumatic, 80 HP & less	3.00	3.00	2.75	3.00	2.75
Pneumatic, over 80 HP	3.75	3.50	3.25	3.25	3.25
Traveling plant(stabilization	3.50	3.50	3.50	3.50	3.50
Trenching machine	3.50	3.25	3.75	3.50	3.25
Wagon drill	3.00	3.00	3.00	3.00	3.00

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	2.50	2.50	3.00	3.00	3.00
2 tons and under	2.50	2.50	2.50	2.50	2.75
Tandem axle & semitrailer	3.30	3.00	3.60	3.60	3.30
Lowboy	3.30	3.00	3.60	3.60	3.30
Transit mix	3.30	3.00	3.60	3.60	3.30
Winch	3.00	3.00	3.60	3.60	3.30
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.35	3.50	3.60	3.60	3.75
Asphalt paving machine	3.35	3.50	3.60	3.60	3.75
Bulldozer	3.75	3.75	3.60	3.60	3.75
Cement unloading & machine op.	3.50	3.25	3.25	3.25	3.25
Concrete paving machine	3.50	3.25	3.50	3.50	3.50
Concrete finishing machine	3.50	3.25	3.50	3.50	3.50
Concrete saw operator	3.00	3.00	3.00	3.00	3.00
Concrete batching plant	3.00	3.00	3.25	3.25	3.25
Crane, clamshell, backhoe, derrick, dragline & shovel	3.75	3.75	3.75	3.75	3.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.60	3.60	3.75
Front end loader (over 1 cy)	3.25	3.25	3.60	3.60	3.75
Hoist	3.25	3.25	3.60	3.60	3.75
Mixer (over 16 C. F.)	3.25	3.25	3.60	3.60	3.25
Mixer (16 C.F. and less)	3.25	3.25	3.60	3.60	3.25
Mixer (concrete paving)	3.25	3.25	3.60	3.60	3.25
Motor grader operator	3.75	3.75	3.60	3.60	3.75
Pug mill operator	3.00	3.00	3.25	3.25	3.75
Pump crete	3.00	3.00	3.00	3.00	3.25
Roller (steel wheel)	3.00	3.50	3.25	3.25	3.50
Roller (pneumatic)	3.00	3.25	3.25	3.25	3.25
Scrapers	3.75	3.75	3.60	3.60	3.75
TRACTORS:					
Crawler, 80 HP & less	2.75	2.75	3.00	3.00	2.75
Crawler, over 80 HP	3.25	3.25	3.60	3.60	3.25
Pneumatic, 80 HP & less	2.75	2.75	3.00	3.00	2.75
Pneumatic, over 80 HP	3.25	3.25	3.60	3.60	3.25
Traveling plant stabilization	3.50	3.25	3.60	3.60	3.50
Trenching machine	3.25	3.25	3.50	3.50	3.50
Wagon drill	3.00	3.00	3.00	3.00	3.00

AREAS COVERED BY VARIOUS ZONES

Construction, alteration, and/or repair of streets, runways, erosion control structures, and water and sewer utilities.

ZONE 1 - Adair, Cherokee, Haskell, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner Counties.

ZONE 2 - Atoka, Bryan, Choctaw, Latimer, Leflore, Marshall, McCurtain, Pittsburg and Pushmataha Counties.

ZONE 3 - Cleveland, Coal, Garvin, Hughes, Johnston, Murray, McClain, Okfuskee, Pontotoc, Pottawatomie, and Seminole Counties.

ZONE 4 - Canadian, Creek, Garfield, Grant, Kay, Kingfisher, Lincoln, Logan, Noble and Payne Counties.

ZONE 5 - Beckham, Blaine, Custer, Dewey, Greer, Harmon, Jackson, Kiowa, Roger Mills, Tillman and Washita Counties.

ZONE 6 - Alfalfa, Beaver, Cimarron, Ellis, Harper, Major, Woods, Woodward and Texas Counties.

ZONE 7 - Caddo, Carter, Comanche, Cotton, Grady, Jefferson, Love and Stephens Counties

ZONE 8 - Craig, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, and Washington Counties.

ZONE 9 - Tulsa County

ZONE 10 - Oklahoma County

WELL DRILLING

	ZONE-A	ZONE-B			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Well Drillers	$4.00	3.00			
Well Driller helpers	3.00	2.50			

AREA COVERED BY VARIOUS ZONES

Well Drilling

Zone-A - Adair, Atoka, Beckham, Blaine, Caddo, Canadian, Cherokee, Choctaw, Craig, Custer, Delaware, Dewey, Haskell, Kingfisher, Latimer, Leflore, McCurtain, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Ottawa, Pushmataha, Roger Mills, Rogers, Sequoyah, Tulsa, Wagoner, Washington and Washita Counties.

Zone-B - Alfalfa, Beaver, Bryan, Carter, Cimarron, Cleveland, Coal, Comanche, Cotton, Creek, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Hughes, Jackson, Jefferson, Johnston, Kay, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Seminole, Stephens, Texas, Tillman, Woods and Woodward Counties.

SUPERSEDEAS DECISION

STATE: Puerto Rico
COUNTY: Island Wide
DECISION NO: AQ-2,127
DATE: Date of Publication
Supersedes Decision No. AQ-2,117 dated May 10, 1974, in 39 FR 16979.
DESCRIPTION OF WORK: Residential Construction consisting of single family and garden type apartments up to and including 4 stories.

11-PUERTO RICO-R-1-C

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$2.50				
Carpenters	2.50				
Carpenters' helpers	1.95				
Cement masons	2.50				
Electriclans	2.50				
Electricians' helpers	2.10				
Ironworkers: Reinforcing	2.10				
Laborers	1.95				
Painters	2.25				
Plasterers	2.50				
Plumbers	2.45				
Plumbers' helpers	2.00				
Truck drivers	2.25				
Power Equipment Operators:					
Bulldozer	3.45				
Crane	3.50				
Grader	3.50				
Digger & transcavator	2.85				

SUPERSEDEAS DECISION

STATE: TENNESSEE
DECISION NUMBER: AQ-4128
COUNTY: *See below
DATE: Date of Publication
Supersedes Decisions Nos.: AQ-4059 dated 39 FR 3426 January 25, 1974
AQ-4062 dated 39 FR 3427 January 25, 1974

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Carter, Sullivan, & Washington

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Acoustical Tile Mechanics	3.50					
Air Conditioning Mechanics	3.00					
Bricklayers	6.00					
Carpenters	4.07					
Cement Masons	4.25					
Electricians	4.76					
Drywall Finishers	4.50					
Drywall Hangers	4.50					
Ironworkers, ornamental	2.75					
Ironworkers, reinforcing	4.70					
Insulation Installers	3.20					
Laborers:						
Laborers	2.50					
Mason Tenders	2.75					
Mortar Mixers	2.75					
Pipelayers	3.00					
Lathers	5.15					
Painters, brush	3.00					
Plasterers	4.75					
Plumbers	4.04					
Roofers	3.00					
Sheet Metal Workers	3.00					
Soft Floor Layers	3.30					
Tile Setters	3.00					
Truck Drivers	2.57					
Power Equipment Operators:						
Air Compressor	3.55					
Backhoe	3.50					
Bulldozer	3.50					
Front End Loader	3.75					
Grader	3.55					
Highlift	3.62					
Shovel	3.00					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: AQ-121

DATE: Date of Publication

Supersedes Decision No. AQ-92, dated May 3, 1974, in 39 FR 15677.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.25				
CARPENTERS	7.00				
CEMENT MASONS	6.05				
ELECTRICIANS	7.38	.25	1%		1/2%
LABORERS:					
Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Wheeler & Gray Counties:					
Laborers	3.50				
Mason tenders	3.65				
Potter, Carson, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Castro, Swisher & Childress Counties:					
Laborers	3.00				
Mason tenders	3.15				
PAINTERS	5.80		.15		
PLUMBERS	7.03	.25	.30	.35	
SHEET METAL WORKERS	5.08		.10		.04
TILE SETTERS	4.60				

DECISION NO. AQ-121

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt Heaterman	$3.35				
Asphalt Raker	3.70				
Batching Plant Scaleman	4.00				
Carpenter	3.95				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.25				
Concrete Finisher Helper (Paving)	3.45				
Concrete Finisher (Structures)	4.30				
Electrician	6.35				
Form Builder (Structures)	4.45				
Form Builder Helper (Structures)	3.45				
Form Liner (Paving and Curb)	3.85				
Form Setter (Paving and Curb)	3.80				
Form Setter (Structures)	4.55				
Form Setter Helper (Structures)	3.50				
Laborer, Common	2.50				
Laborer, Utility Man	2.95				
Manhole Builder, Brick	3.25				
Mechanic	3.75				
Mechanic Helper	3.60				
Oiler	3.55				
Serviceman	3.45				
Pipelayer	2.80				
Powderman	3.75				
Reinforcing Steel Setter(Structures)	4.00				
Sign Erector	3.60				
Sign Erector Helper	2.50				
Spreader Box Man	3.55				
Swamper	2.60				
Power Equipment Operators:					
Asphalt Distributor	3.80				
Asphalt Paving Machine	4.20				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	3.95				
Concrete Paving Finishing Machine	3.10				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.55				
Crusher or Screening Plant Operator	3.75				
Front End Loader (2½ CY and Less)	3.55				
Front End Loader (Over 2½ CY)	4.05				
Motor Grader Operator, Fine Grade	4.55				
Motor Grader Operator	4.20				

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INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Roller, Steel Wheel (Plant-Mix Pavements)	$3.40				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	2.95				
Scrapers (17 CY and Less)	3.40				
Scrapers (Over 17 CY)	3.95				
Tractor (Crawler Type) 150 HP and Less	2.90				
Tractor (Crawler Type) over 150 HP	3.50				
Tractor (Pneumatic) 80 HP and Less	2.85				
Tractor (Pneumatic) over 80 HP	3.00				
Traveling Mixer	3.70				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.15				
Truck Drivers:					
Single Axle, Light	2.85				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	2.50				
Weighman (Truck Scales)	2.65				
Welder	4.55				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bexar
DECISION NO.: AQ-122 DATE: Date of Publication
Supersedes Decision No. AQ-103, dated April 12, 1974, in 39 FR 13503
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR CONDITIONING INSTALLERS	$3.50				
BRICKLAYERS	7.27	.30	.30		.05
CARPENTERS	4.10				
CEMENT MASONS	7.02	.25			
DUCT INSTALLERS	3.45				
ELECTRICIANS:					
Single or multiple family dwellings or apartments up to and including 8 units not exceeding 2 stories	5.20	.25	1%		1/2%
Over 8 units or over 2 stories	7.58	.25	1%		1/2%
FORM SETTERS	3.29				
GLAZIERS	3.50				
INSULATION INSTALLERS	4.50				
IRONWORKERS	4.66				
LABORERS, UNSKILLED	2.34				
PAINTERS	3.675				
TAPE & FLOAT	4.00				
PLASTERERS	7.40				.01
PLUMBERS & PIPEFITTERS	7.13	.25	.35		.10
ROOFERS	3.10				
ROOFERS, SHINGLERS	3.50				
SHEETROCK INSTALLER	4.00				
SOFT FLOOR LAYERS	3.71				
TILE SETTERS	5.18				
TRUCK DRIVERS	2.25				
T.V. ANTENNA INSTALLERS	3.50				
POWER EQUIPMENT OPERATORS:					
Fork lifts	2.75				
Foundation drill operator (crawler mounted)	5.85				
Front end loader	2.58				
Tractor	3.75				

DECISION NO. AQ-122

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.25				
Asphalt Heaterman	2.75				
Asphalt Raker	2.75				
Batching Plant Scaleman	3.25				
Batterboard Setter	3.50				
Carpenter	3.45				
Carpenter Helper	2.50				
Concrete Finisher (Paving)	3.75				
Concrete Finisher Helper (Paving)	2.75				
Concrete Finisher (Structures)	3.00				
Concrete Finisher Helper(Structures)	2.70				
Concrete Rubber	2.50				
Electrician	6.35				
Fireman	2.85				
Form Builder (Structures)	3.75				
Form Builder Helper (Structures)	2.80				
Form Setter (Structures)	3.00				
Form Setter Helper (Structures)	2.75				
Laborer, Common	2.00				
Laborer, Utility Man	2.50				
Manhole Builder, Brick	2.75				
Mechanic	3.55				
Mechanic Helper	2.75				
Oiler	2.60				
Serviceman	2.70				
Pipelayer	2.75				
Pipelayer Helper	2.35				
Powderman	3.00				
Powderman Helper	2.50				
Reinforcing Steel Setter (Structures)	3.25				
Reinforcing Steel Setter Helper	2.25				
Steel Worker (Structural)	3.25				
Steel Worker Helper (Structural)	2.75				
Spreader Box Man	2.75				
Power Equipment Operators:					
Asphalt Distributor	3.00				
Asphalt Paving Machine	3.15				
Broom or Sweeper Operator	2.40				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.50				

DECISION NO. AQ-122

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$3.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	3.85				
Crusher or Screening Plant Operator	3.15				
Foundation Drill Operator (Crawler Mounted)	4.00				
Foundation Drill Operator (Truck Mounted)	4.25				
Foundation Drill Operator Helper	3.10				
Front End Loader (2½ CY and Less)	3.00				
Front End Loader (Over 2½ CY)	3.25				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	2.55				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50				
Roller, Pneumatic (Self-Propelled)	2.50				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.25				
Tractor (Crawler Type) 150 HP and Less	2.50				
Tractor (Crawler Type) over 150 HP	2.90				
Tractor (Pneumatic) 80 HP and Less	2.25				
Tractor (Pneumatic) over 80 HP	2.50				
Trenching Machine, Light	3.25				
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75				
Truck Drivers:					
Single Axle, Light	2.25				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.50				
Welder	4.00				
Welder Helper	3.00				

SUPERSEDEUS DECISION

STATE: Vermont
DECISION NO. AQ-3184
Supersedes Decision AQ-3085, dated February 1, 1974, in 39 FR 4391.
DESCRIPTION OF WORK: Highway Construction.
COUNTY: Statewide, except Rutland County
DATE: Date of Publication

VERMONT HIGHWAY CONSTRUCTION 1 of 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
The following towns starting from the N/W corner and moving clockwise:					
Townshend, Brookline, Westminister, Putney, Drummerston, Brattleboro, Guilford, Vernon, Halifax, Whitingham, Marlboro and Newrane	$6.43	.35	.50		.02
Towns, townships, & cities within the perimeter formed by the following towns starting from the N/W corner and moving clockwise:					
Rupert, Dorset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilmington, Readsboro, Stamford, Pownal, Bennington, Shaftsbury, Arlington, and Sandgate	6.36	.40	.50		.04
Remainder of State	6.65	.35	.30		
LABORERS:					
Laborers (basic rate)	4.50	.45	.40	a	.075
Asphalt rakers, Adzemen, Bracers, Burners, Concrete & Power buggy ops, Concrete saw ops, chain saw ops, Fence & Caurd rail erectors, Form setters, Mortar mixers, Pipelayers, Riprap & Drywall builders, Operators, Tool ops, Wagon Drill ops, Tree trimmers, Tree toppers, Mulchers, Chippers, Stumpers, Scalers, Deckhands, Laborers employed at heights above 30 feet on open steel bridge work, on stripping of decks & on drilling concrete columns & all operationsconnected herewith	4.75	.45	.40	a	.075
Air track ops, Block pavers, Rammers, Curb setters	5.00	.45	.40	a	.075
Powdermen and Blasters	5.25	.45	.40	a	.075
MILLWRIGHTS:					
Townshend, Brookline, Westminister, Putney, Drummerston, Brattleboro, Guilford, Vernon, Halifax, Whitingham, Marlboro, and Newrane	6.68	.35	.50		.02
Rupert, Dorset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilmington, Readsboro, Stamford, Pownal, Bennington, Shaftsbury, Arlington, and Sandgate	6.61	.40	.50		.04

a. Two paid holidays (Memorial Day & Independence Day), provided he works at least two (2) full days in the calendar week in which the holiday falls.

VERMONT HIGHWAY CONSTRUCTION 2 of 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MILLWRIGHTS (Cont.)					
Remainder of State	$6.90	.35	.30		
PILEDRIVERMEN					
Townshend, Brookline, Westminister, Putney, Drummerston, Brattleboro, Guilford, Vernon, Halifax, Whitingham, Marlboro, and Newrane	6.78	.35	.50		
Rupert, Dorset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilmington, Readsboro, Stamford, Pownal, Bennington, Shaftsbury, Arlington, and Sandgate	6.71	.40	.50		
Remainder of State	7.00	.35	.30		
TRUCK DRIVERS:					
Two axle equipment	5.35				
Three axle equipment	5.50				
Specialized earth moving equipment	5.60				

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VERMONT HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: Shovels; crawler, tower, truck and hydraulic cranes; derricks; backhoes; trenching machines; elevating grader; gradall; pile drivers; concrete pavers; on-site processing plant; dragline; clam shell; cableways; belt-type loaders; mucking machines, shaft hoists; automatic grader (i. e. CMI); front end loaders 5-½ yards and over; scrapers towing a wagon or pan; dozer or push cats in tandem; automatic welder.	$8.20	.35	.50	b	.05	
Rotary drill (with mounted compressor); compressor house or bank (three to six compressors); rock and earth boring machines; grader; front-end loaders 4 to 5½ yards; scrapers; farm type combination hoe and bucket ½ yard and below; fork lifts 7-foot and over or over 3-ton capacity.	7.95	.35	.50	b	.05	
Bulldozer; push cats; tractor drawn scraper; self-powered asphalt paver; front end loader 3/4 to 4 yards; well driller; mechanics, welder; tireman; powered grease truck; Pumpcrete machine; engineer or fireman on boiler or generator; self-loading batch plant well-point operators; asphalt roller; locomotive and dinky machines; grout pumps; sonic hammers; hydraulic jacks for jacking pipe; eight or more electric pumps together performing the function of a well-point system.	7.75	.35	.50	b	.05	
Hoists; conveyors; self-powered rollers and compactors; power pavement breakers; self-propelled material spreader; self-powered concrete finishing machine; two-bag mixer with skip; front end loader under 3/4 yard; McCarthy and similar drills; batch plant (not self-loading); bulk cement plant.	7.20	.35	.50	b	.05	
Compressor (315 cubic feet or over, one or two); Pump 4" or over; tractor without blade drawing sheepsfoot roller or other type of compactors, including machines for pulverizing and aerating soil.	6.875	.35	.50	b	.05	

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VERMONT HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D): Compressor (up to 315 cubic feet); small mixers with skip; pumps up to 4"; grease truck; power heaters; welding machines; A-frame trucks; fork lifts up to 7-foot lift and up to 3-ton capacity; powered safety boat; assistant processing plant Engineer; oxidizer; oiler.	$6.35	.35	.50	b	.05	

FOOTNOTES:

a. 2 Paid Holidays: Memorial Day, & Independence Day, provided the employee has been employed for at least 7 days or more prior to the holiday and has worked 2 full days in the calendar week in which the holiday falls.

b. 9 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Washington's Birthday; Columbus Day and Veterans' Day.

Docket Ends Follows
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[FR Doc.74-14593 Filed 6-27-74;8:45 am]

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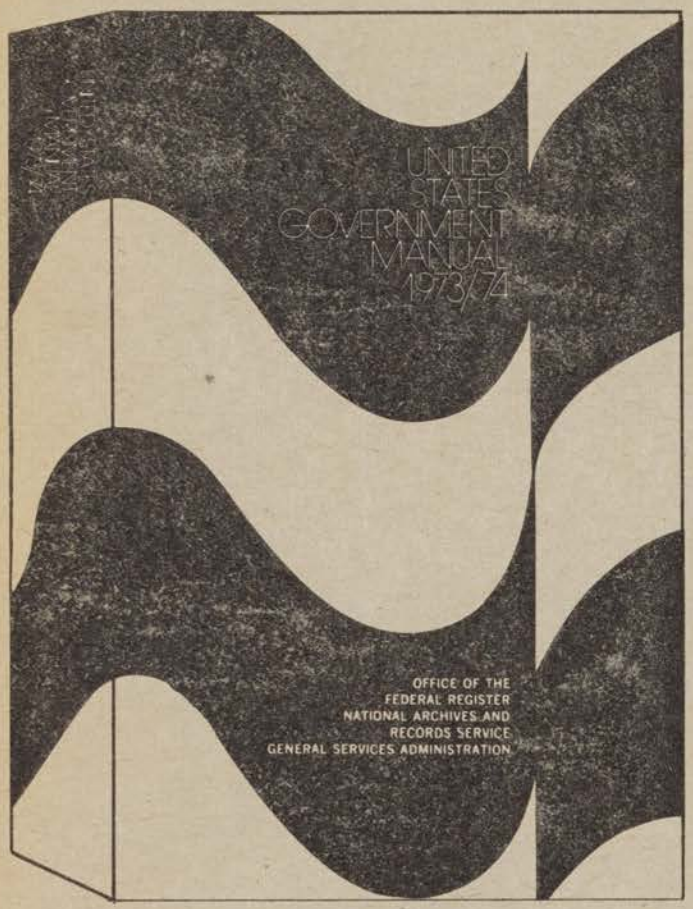

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