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PART I

HIGHLIGHTS OF THIS ISSUE

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

VINYL CHLORIDE—Labor/OSHA announces availability of final economic impact study 33009

JUNKYARDS—DoT/FHA proposes rules for control and acquisition; comments by 10–11–74 33010

SEX DISCRIMINATION—EPA requires equal opportunity in programs funded under Water Pollution Act; effective 10–15–74 32989

UNLEADED GAS—FEA rule on method of allocation; effective 9–1–74 32979

MOTOR COMMON CARRIERS—ICC notice of petition for enlargement of operational circuitry reduction; comments by 10–29–74 33043

SUPPLEMENTAL SECURITY INCOME—HEW/SSA rules on initial determinations of eligibility; effective 9–13–74 32982

SOCIAL SERVICES—HEW/SRS notices of medical assistance and child welfare payment percentages to States (2 documents) 33020

VOLUNTEERS—ACTION proposes rules for nondisplacement of employed workers; comments by 10–15–74 33012

CONSERVATION—USDA/SCS proposes rules for assistance in Resource Conservation and Development Program; comments by 10–21–74 33004

(Continued inside)

PART II:

DRUGS—

HEW/FDA proposes monograph for O-T-C topical antimicrobial products; comments by 11–12–74; reply comments by 12–12–74 33103

HEW/FDA proposal on use of certain halogenated salicylanilides as ingredients in drug and cosmetic products; comments by 10–15–74 33101

PART III:

WAGE DETERMINATIONS—Labor/ESA decisions on Federal and Federally-assisted construction 33143

September 13, 1974—Pages 32975–33195

reminders

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

Rules Going Into Effect Today

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

page no. and date

Labor/W & H—Agriculture Industry in Puerto Rico; wage order..... 31316; 8–28–74

Rules Going Into Effect September 14, 1974

DoT/FAA—Use of certificated land airports..... 29341; 8–15–74

HEW/OE—Vocational education; research and training, exemplary, and curriculum development programs. 29361; 8–15–74

Rules Going Into Effect September 15, 1974

FDIC—Powers inconsistent with purposes of Federal deposit insurance law; letters of credit issued in the usual course of business..... 29178; 8–14–74

Unsafe and unsound banking practices; restrictions and disclosure requirements applicable to standby letters of credit..... 29178; 8–14–74

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HAZARDOUS MATERIALS—DoT/CG marking requirements for packages containing radioactive substances and for portable tanks; effective 10–15–74 32997

PASSPORTS—State Department raises application fee; comments by 10–29–74 32984

INCREASED DUTIES—Treasury/Customs proposes notification to importers; comments by 10–15–74 33003

COPPER RAW MATERIALS—Commerce/DIBA proposes change to a priority rating in "defense system"; comments by 10–15–74 33008

VETERANS—VA rules on award of disability pension; effective 1–1–74 32987

CROPS—
USDA/AMS rules and policy statement on inspection and price support services for flue-cured tobacco; effective 9–12–74 32975
Proposed expenses for Almond Control Board and rate of assessment for '74–75 crop year; comments by 9–30–74 33004
USDA/FAS estimate of '74 domestic potato production 33017

NEW ANIMAL DRUGS—
HEW/FDA approves robenidine hydrochloride and chlortetracycline in chicken feed; effective 9–13–74 32983
HEW/FDA approves revised dosage of pyrantel tartrate used in treating swine; effective 9–13–74 32984

COMMODITY FUTURES BROKERS—USDA/CEA rule for monthly statement to customers; effective 11–1–74 32981

MEETINGS—
NSF: Advisory Panel for Astronomy, 9–30 to 10–1–74 33036
Advisory Panel for Engineering Materials, 9–30 to 10–1–74 33036
Commission of Fine Arts, 9–18–74 33026
CRC: Florida State Advisory Committee, 9–11–74 33025
Indiana State Advisory Committee, 9–28–74 33025
Montana State Advisory Committee, 10–4–74 33025
New Jersey State Advisory Committee, 10–8–74 33026
FEA: Environmental Advisory Committee, 9–27–74 33028
Interior/BLM: Colorado, Craig District; Advisory Board, 9–23–74 33017
VA: Station Committee on Educational Allowances (2 documents); 9–25 and 9–26–74 33037
CPSC: Bicycle safety regulations, 9–20–74 33026
Commerce/DIBA: Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, 10–17–74 33018
DOD: Wage Committee, 10–1, 10–8, 10–15, 10–22, and 10–29–74 33016
Electronics Panel discussion, week of 10–21–74 33016
Air: USAF Scientific Advisory Board, 9–30–74 33016
Labor/Manpower: Federal Committee on Apprenticeship, 10–10–74 33037
Citizens' Advisory Committee on Environmental Quality; 9–30–74 33025

CANCELLED MEETING:
CPSC: Committee for Hand Gun Control 33026

contents

ACTION

Proposed Rules

Volumteer workers; nondisplacement of employed workers and nonimpairment of contracts for service 33012

AGRICULTURAL MARKETING SERVICE

Rules

Expenses and rate of assessment; lemons grown in California and Arizona 32978
Grades and sizes requirements; oranges, grapefruit, tangerines, and tangelos grown in Florida 32976
Limitation of handling; lemons grown in California and Arizona 32978
Tobacco Inspection Service; allocation; eligibility of price support 32975

Proposed Rules

Expenses and rate of assessment:
Almonds (California) 33004
Pacific Coast Winter pears 33003

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Commodity Exchange Authority; Foreign Agricultural Service; Packers and Stockyards Administration; Soil Conservation Service.

AIR FORCE DEPARTMENT

Rules

Information policies and procedures; deletion 32986

Notices

Meeting; USAF Scientific Advisory Board 33016

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Imported fire ant; additions to regulated areas; correction 32975

ARMY DEPARTMENT

See Engineers Corps.

Notices

Environmental statement; Fort Carson, Colorado 33016

ATOMIC ENERGY COMMISSION

Notices

Applications, etc.:
Boston Edison Co 33021
Kansas Gas and Electric Co. and Kansas City Power and Light Co 33022
Long Island Lighting Co 33022
Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin) 33023
Philadelphia Electric Co 33023
Rochester Gas and Electric Co 33023
Union Electric Co 33024
Washington Public Power Supply System, et al 33025
Meeting:
Advisory Committee on Reactor Safeguards Subcommittee on ECCS 33021

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

Notices

Meeting; environmental issues for coming year 33025

CIVIL RIGHTS COMMISSION

Notices

Meetings of State Advisory Committees:
Florida 33025
Indiana 33025
Montana 33025
New Jersey 33026

COAST GUARD

Rules

Dangerous cargoes:
Interim regulations for shipboard fumigation 32998
Marking of packages 32997
Drawbridge operations:
Buffalo River, New York 32986
Manasquan River, New Jersey 32987
Oregon 32986
Ship Channel, Great Egg Harbor Bay, New Jersey 32987

(Continued on next page)

CONTENTS

COMMERCE DEPARTMENT

See Domestic and International Business Administration; Economic Development Administration; Maritime Administration.

COMMODITY CREDIT CORPORATION

Proposed Rules

Setoff, withholding and stop payment policies; loss or damage due ---- 33004

COMMODITY EXCHANGE AUTHORITY

Rules

Commodity Exchange Act; futures commission merchant statements to customers ---- 32981

CONSUMER PRODUCT SAFETY COMMISSION

Notices

Meetings:
- Bicycles ---- 33026
- Petition to ban hand gun bullets, cancelled ---- 33026

CUSTOMS SERVICE

Proposed Rules

Classification and appraisement of merchandise; notification of importer of increase in estimated duties ---- 33003

DEFENSE DEPARTMENT

See also Air Force Department; Army Department; Engineers Corps.

Rules

DoD contractors receiving negotiated contract awards for FY 1974; updating of list ---- 32985

Notices

Meetings:
- Department of Defense Wage Committee ---- 33016
- Electronics Panel on Defense Material Specifications and Standards Board ---- 33016

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Proposed Rules

Defense Priorities System; change in Schedule II to DPS Reg. 1 ---- 33008

Notices

Meeting; Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee ---- 33018

ECONOMIC DEVELOPMENT ADMINISTRATION

Rules

Establishment and organization; disclosure of information to public ---- 32979

EDUCATION OFFICE

Notices

Supplemental Education Opportunity Grant, College Work-Study and National Direct Student Loan Programs; closing date for application receipt and eligibility establishment ---- 33019

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

General wage determinations; minimum wages for Federal and Federally assisted construction ---- 33143

ENGINEERS CORPS

Proposed Rules

Danger zone; Gulf of Mexico, Fla ---- 33003

ENVIRONMENTAL PROTECTION AGENCY

Rules

Effluent guidelines; dairy products; correction ---- 32993

Nondiscrimination; programs receiving assistance ---- 32989

ENVIRONMENTAL QUALITY COUNCIL

Notices

Environmental impact statements; availability ---- 33026

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directive: Lear ---- 32980

Transition area (5 documents) ---- 32980, 32981

Proposed Rules

Transition areas (2 documents) ---- 33009, 33010

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rules

FM broadcast stations; Wisconsin ---- 33013

Uniform system of accounts for Class A and Class B telephone companies; increase of monetary limit ---- 33013

Notices

Canadian Television Stations; changes; additions, and deletions ---- 33029

Hearings, etc.:
- RCA Global Communications, Inc., et al ---- 33029

FEDERAL ENERGY ADMINISTRATION

Rules

Unleaded gasoline; mandatory petroleum allocation ---- 32979

Proposed Rules

Mandatory petroleum price rules; computation of landed costs; correction ---- 33015

Notices

Meeting:
- Environmental Advisory Committee ---- 33028

FEDERAL HIGHWAY ADMINISTRATION

Proposed Rules

Junkyards; control and acquisition ---- 33010

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
- Societa Italiana Di Armamento S. p. A ---- 33032

FEDERAL POWER COMMISSION

Notices

Applications:
- Certificates, abandonment of service and petitions ---- 33035
- Certificates of public convenience and necessity ---- 33034

Hearings:
- American Petrofina Co. of Texas ---- 33032
- Belco Petroleum Corp ---- 33033

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:
- Mercantile Bancorporation, Inc ---- 33036

FINE ARTS COMMISSION

Notices

Meeting:
- Various Public Projects in Washington, D.C ---- 33026

FISH AND WILDLIFE SERVICE

Rules

Hunting:
- Agassiz National Wildlife Refuge, Minnesota ---- 33001
- J. Clark Salyer National Wildlife Refuge, North Dakota ---- 33002
- Quivira National Wildlife Refuge, Kansas (2 documents) ---- 33002

Migratory game birds; open season, bag limits, and possessions; correction ---- 33001

FOOD AND DRUG ADMINISTRATION

Rules

Color additives; disodium-EDTA-copper; confirmation of effective date ---- 32983

Drugs; pyrantel tartrate ---- 32984

Food and food products:
- Chlortetracycline, robenidine hydrochloride ---- 32983
- Spiced, flavored standardized cheeses ---- 32983

Proposed Rules

Certain halogenated salicylanilides as ingredients in drug and cosmetic products; findings regarding applications ---- 33102

Over-the-counter-drugs; establishment of monograph for topical antimicrobial products ---- 33103

FOREIGN AGRICULTURAL SERVICE

Notices

Potatoes (White or Irish); estimated 1974 production ---- 33017

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration; Health Resources Administration; Health Services Administration; Social and Rehabilitation Service; Social Security Administration.

HEALTH RESOURCES ADMINISTRATION

Notices

Filing of annual reports; Arthritis Ad Hoc Review Committee, et al ---- 33018

HEALTH SERVICES ADMINISTRATION

Notices

Filing of annual reports; Indian Health Advisory Committee, et al ---- 33018

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Interstate Land Sales Registration Office.

Notices

Authority delegation; Secretary of Labor ---- 33020

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau.

Notices

Environmental statement; Barstow to Las Vegas motorcycle race 33017

INTERSTATE COMMERCE COMMISSION

Rules

Car service:
- Duluth, Missabe and Iron Range Railway Co 33001
- Kansas City Southern Railway Co 33000

Notices

American Trucking Associations, Inc.; regular common carrier conference 33043

Irregular route property carriers; elimination of gateway letter notices 33045

Motor Carrier Board transfer proceedings 33043

Transportation of household goods; rulings 33039

INTERSTATE LAND SALES REGISTRATION OFFICE

Notices

Hearing:
- Apple Valley Subdivision, et al. 33020

LABOR DEPARTMENT

See also Employment Standards Administration; Manpower Administration; Occupational Safety and Health Administration.

Notices

Eligibility certification for adjustment assistance:
- Henryetta, Oklahoma plant of PPG Industries, Inc 33038
- Sbicca of California 33039

LAND MANAGEMENT BUREAU

Notices

Applications; New Mexico 33017

Meeting; Craig District Grazing Advisory Board 33017

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 33037

MANPOWER ADMINISTRATION

Notices

Meeting:
- Federal Committee on Apprenticeship 33037

MARITIME ADMINISTRATION

Rules

War risk insurance; change of expiration dates 33000

Notices

Applications:
- Alaska Statebank 33018
- Pacific Far East Line, Inc 33018

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
- Advisory Panel for Astronomy 33036
- Advisory Panel for Engineering Materials 33036

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rules

Vinyl chloride; availability of final economic impact study 33009

Notices

Grant of variance:
- General Insurance Company of America 33038

PACKERS AND STOCKYARDS ADMINISTRATION

Notices

Rates and charges: Anderson Livestock Commission Co 33017

SOCIAL AND REHABILITATION SERVICE

Notices

Child welfare services; Federal shares and allotment percentages 33019

Medical and state assistance expenditures; Federal percentages determination 33020

SOCIAL SECURITY ADMINISTRATION

Rules

Supplemental security income for aged, blind, and disabled; initial determinations 32982

SOIL CONSERVATION SERVICE

Rules

Environmental impact statements; final guidelines; correction 32976

Proposed Rules

Research conservation development program; codification of policy and procedures 33004

STATE DEPARTMENT

Rules

Fees; passport applications 32984

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration; Federal Highway Administration.

TREASURY DEPARTMENT

See Customs Service.

VETERANS ADMINISTRATION

Rules

Authority delegation; Adjudication Officer 32987

Procurement; small business and minority business programs 32995

Veterans benefits; awards of pension 32987

Notices

Meetings:
- Station Committee on Educational Allowances (2 documents) 33037

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

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

7 CFR

29 32975
301 32975
650 32976
905 32976
910 (2 documents) 32978

PROPOSED RULES:

640 33004
641 33004
642 33004
643 33004
927 33003
981 33004
1408 33004

10 CFR

211 32979

PROPOSED RULES:

212 33015

13 CFR

301 32979

14 CFR

39 32980
71 (5 documents) 32980, 32981

PROPOSED RULES:

71 (2 documents) 33009, 33010

17 CFR

1 32981

19 CFR

PROPOSED RULES:

152 33003

20 CFR

416 32982

21 CFR

8 32983
19 32983
121 32983
135c 32984
135e 32983

PROPOSED RULES:

310 33102
333 33103
700 33102

22 CFR

51 32984

23 CFR

PROPOSED RULES:

751 33010

29 CFR

PROPOSED RULES:

1910 33009

32 CFR

166 32985
835 33986

32A CFR

PROPOSED RULES:

Ch. VI 33008

33 CFR

117 (4 documents) 32986, 32987

PROPOSED RULES:

204 33003

38 CFR

2 32987
3 32987

40 CFR

12 32989
405 32993

41 CFR

8–1 32995

45 CFR

PROPOSED RULES:

1216 33012

46 CFR

146 32997
147 32998
147A 32998
308 33000

47 CFR

PROPOSED RULES:

31 33013
73 33013

49 CFR

1033 (2 documents) 33000, 33001

50 CFR

20 33001
32 (4 documents) 33001, 33002

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

3 CFR Page

EXECUTIVE ORDERS:

11802 ... 32111

PROCLAMATIONS:

4310 ... 32317
4311 ... 32601

4 CFR

6 ... 31997

5 CFR

213 ... 31873, 31874, 32603
294 ... 32537
300 ... 32537
315 ... 32537
336 ... 32537
351 ... 32537
352 ... 32537
353 ... 32538
531 ... 32539
532 ... 32539
713 ... 32540
731 ... 32540
752 ... 32541
771 ... 32542
772 ... 32545
831 ... 32548
870 ... 32548
890 ... 32548
891 ... 32549

7 CFR

24 ... 32004
26 ... 31874, 32124
29 ... 32975
52 ... 32004
210 ... 32733
225 ... 32733
301 ... 31875, 32126, 32975
330 ... 32319
401 ... 32010, 32127
650 ... 31879, 32976
780 ... 32321
905 ... 32976
908 ... 32128, 32900
910 ... 32549, 32978
931 ... 31879
932 ... 32010
947 ... 31879, 32011
993 ... 32733
2400 ... 32011

PROPOSED RULES:

53 ... 32743
640 ... 33004
641 ... 33004
642 ... 33004
643 ... 33004
650 ... 32139
927 ... 33003
931 ... 32919
948 ... 32139
966 ... 32616
981 ... 33004
993 ... 32752
1030 ... 32753
1408 ... 33004

8 CFR Page

PROPOSED RULES:

214 ... 32919
223 ... 32129
223a ... 32129

9 CFR

76 ... 32129
78 ... 32129
91 ... 32322
94 ... 32322
317 ... 31880
318 ... 31880
381 ... 31880

PROPOSED RULES:

78 ... 32139
92 ... 32146
102 ... 32332

10 CFR

205 ... 32262
210 ... 32283
211 ... 32283, 32306, 32979
212 ... 32286, 32306
215 ... 32286
Rulings ... 32901

PROPOSED RULES:

20 ... 32921
150 ... 32922
210 ... 32718
211 ... 31920, 32718, 32876
212 ... 32309, 32310, 33015

12 CFR

210 ... 32011

PROPOSED RULES:

701 ... 32632

13 CFR

121 ... 32901
301 ... 32979

PROPOSED RULES:

121 ... 32334

14 CFR

39 ... 32011, 32324, 32325, 32549, 32550, 32603, 32734, 32901, 32902, 32980
71 ... 31881, 32012, 32325, 32550, 32603, 32734, 32902, 32903, 32980, 32981
73 ... 32325
93 ... 32551
95 ... 32326
97 ... 31881, 32327
221 ... 31882
288 ... 32013
372a ... 32013

PROPOSED RULES:

39 ... 32332, 32333
71 ... 32333, 32758, 32920, 33009, 33010
73 ... 32759
121 ... 31913, 32920

16 CFR

13 ... 32555–32557
1512 ... 32903

16 CFR—Continued Page

PROPOSED RULES:

257 ... 32923
436 ... 32631
1120 ... 31916

17 CFR

1 ... 32981
211 ... 31894
231 ... 31894
240 ... 32557
241 ... 31894
271 ... 32129

PROPOSED RULES:

240 ... 31920

18 CFR

703 ... 31896

PROPOSED RULES:

1 ... 32763
3 ... 32763
4 ... 32763
5 ... 32763
16 ... 32763
35 ... 32764
141 ... 32153–32155
201 ... 32156
260 ... 32154, 32155

19 CFR

1 ... 32903
10 ... 32015
11 ... 32015
12 ... 32015
18 ... 32015
19 ... 32015
24 ... 32015
25 ... 32015
113 ... 32015
114 ... 32023
133 ... 32023
141 ... 32023
142 ... 32023
159 ... 32903, 32904
172 ... 32023

PROPOSED RULES:

141 ... 32035
152 ... 33003

20 CFR

405 ... 32327
416 ... 32024, 32982

PROPOSED RULES:

404 ... 32757
416 ... 32757

21 CFR

2 ... 31898, 32558
8 ... 32983
19 ... 32983
30 ... 32604
53 ... 31898
121 ... 31899, 32735, 32983
135a ... 32025, 32735, 32736
135c ... 32984
135e ... 32736, 32983
310 ... 32907
331 ... 32736

21 CFR—Continued — Page

332 — 32736

PROPOSED RULES:

1 — 32616
17 — 32753
20 — 32562
100 — 32616
102 — 32616
132 — 32146
310 — 33102
333 — 33103
700 — 33102
1010 — 32094
1040 — 32094

22 CFR

51 — 32984

23 CFR

712 — 32604
752 — 32031
753 — 32032

PROPOSED RULES:

751 — 33010
772 — 32616
810 — 32298

24 CFR

201 — 32432
203 — 32026, 32432
205 — 32026, 32435
207 — 32026, 32435
213 — 32026, 32435
220 — 32026, 32433, 32435
221 — 32026, 32433, 32436
222 — 32433
227 — 32436
231 — 32436
232 — 32026, 32436
234 — 32027, 32434, 32436
235 — 32027, 32434
236 — 32027, 32437
241 — 32027
242 — 32027, 32437
244 — 32027, 32437
401 — 32736
410 — 32736
1914 — 32881–32884
1915 — 32329, 32885, 32892

25 CFR

35 — 32741

PROPOSED RULES:

30 — 31984
91 — 31986
93 — 31989

28 CFR

2 — 31882

29 CFR

701 — 32027
1952 — 32905
1953 — 32905

PROPOSED RULES:

5 — 32920
5a — 32920
529 — 32037
1910 — 32562, 33009

31 CFR

225 — 32911

32 CFR

166 — 32985
174 — 31899
835 — 32986

32A CFR — Page

PROPOSED RULES:

Ch. VI — 33008

33 CFR

3 — 32131, 32558
117 — 32986, 32987
128 — 32132
151 — 31901

PROPOSED RULES:

204 — 32029, 32912, 33003

34 CFR

212 — 32559
213 — 32134

36 CFR

252 — 32029
327 — 32111A

37 CFR

202 — 32631

38 CFR

2 — 32987
3 — 32987
17 — 31901, 32605
21 (2 documents) — 31901, 31902
21 — 31901, 31902

PROPOSED RULES:

21 — 32157

39 CFR

601 — 32912

PROPOSED RULES:

123 — 32036
124 — 32036

40 CFR

12 — 32989
52 — 31903, 32111A, 32113, 32329, 32559, 32606
85 — 32609, 32612
180 — 31903, 32912
405 — 32993
419 — 32614

PROPOSED RULES:

51 — 32871
52 — 31918, 32563, 32759
55 — 32624
60 — 32852
87 — 32631
180 — 31919, 31920

41 CFR

5A–16 — 32029
8–1 — 32995
60 — 32615
114–43 — 31904

42 CFR

100 — 32029

PROPOSED RULES:

72 — 32035

43 CFR

PROPOSED RULES:

2800 — 31906

45 CFR

250 — 32739
801 — 32031

PROPOSED RULES:

250 — 32562
1215 — 31914
1216 — 33012

46 CFR — Page

146 — 32997
147 — 32998
147A — 32998
308 — 33000
401 — 32739

PROPOSED RULES:

30 — 32147
31 — 32147
32 — 32147
33 — 32147
34 — 32147
35 — 32147
151 — 32147
531 — 32036

47 CFR

31 — 33013
43 — 31904
73 — 32560, 33013
81 — 32560

PROPOSED RULES:

2 — 32148, 32566
31 — 32631
73 — 32148
76 — 32036
83 — 32150
89 — 32148
91 — 32148
97 — 32567

49 CFR

171 — 32615
172 — 32615
173 — 32615, 32912
174 — 32615
175 — 32615
177 — 32615
178 — 32615
179 — 32912
389 — 32561
390 — 32561
391 — 32561
396 — 32561
397 — 32561
393 — 32135
571 — 32030, 32321, 32739, 32914
1033 — 32137, 32138, 33000, 33001
1300 — 31905
1307 — 31905

PROPOSED RULES:

172 — 32624
173 — 32624
177 — 32624
178 — 32624
179 — 32624
395 — 32620
571 — 32624
575 — 32563
810 — 32298
1204 — 32333
1260 — 32333
1261 — 32333

50 CFR

20 — 31883, 33001
32 — 32030, 32031, 32116, 32117, 32330, 32331, 32739–32741, 32915–32918, 33001, 33002
33 — 31894
216 — 32117

PROPOSED RULES:

32 — 31907, 31908

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*
31872–31996	Sept. 3
31997–32109	4
32111–32315	5
32317–32536	6
32537–32600	9
32601–32731	10
32733–32879	11
32881–32973	12
32975–33195	13

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.

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Title 7—Agriculture

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

PART 29—TOBACCO INSPECTION

Allocation of Tobacco Inspection Service; Eligibility for Price Support

Notice is hereby given that the Department is further amending its regulations (published at 39 FR 17753 and 39 FR 30475) relating to tobacco inspection and price support services with regard to flue-cured tobacco by amending Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-Cured Tobacco on Designated Markets (7 CFR Part 29).

The aforesaid policy statement and regulations are statements of agency policy and rules and regulations issued pursuant to the authority of The Tobacco Inspection Act (49 Stat. 731 (7 U.S.C. 511, et seq.); the Agricultural Act of 1949, as amended (63 Stat. 1051, 7 U.S.C. 1421, et seq.); and the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended (15 U.S.C. 714 et seq.).

Statement of consideration. It has become obvious to the Flue-Cured Tobacco Advisory Committee and the Secretary that the current sales schedules, particularly the undesignated sales opportunity portion thereof, reflect considerable volumes of tobacco which were not, in fact, planted by growers and, therefore, are not available for marketing.

This has encouraged producers who have designated their tobacco for sale at warehouses within 100 miles of the county seat of the county in which that tobacco was produced to transport such tobacco to areas distant from its production area to be sold as undesignated tobacco; is tending to create inequities among producers with regard to their opportunity to market tobacco under the sales schedules which are developed based on producer designations; and, further, is encouraging inefficient and uneconomic movement of tobacco.

Section 29.9404 of the regulations is, therefore, amended to remove from the undesignated sales opportunity that tobacco which has not been planted but, nevertheless, is reflected in the undesignated sales opportunity. It is anticipated that by limiting the undesignated sales opportunity to 2 percent the undesignated sales opportunity portion of the sales schedule will reflect only that tobacco which has actually been planted and available for marketing, but not designated by the producer.

Section 29.9404 is amended as follows:

§ 29.9404 Marketing area opening dates and marketing schedules.

(a) The Flue-Cured Tobacco Advisory Committee shall recommend, to the Secretary, marketing areas in the flue-cured tobacco production area, marketing area opening dates and selling schedules for both designated and undesignated tobacco for each marketing area and for the individual warehouses in each marketing area, which specify the length of time inspectors will be available to inspect designated tobacco and undesignated tobacco and/or the quantity of designated or undesignated tobacco to be marketed in each area and through each warehouse within such marketing area. In developing such opening date and selling schedules, the committee shall take into account the following:

* * * * *

(2) The volume of tobacco ready for marketing which the producers have designated under § 1464.2(e) of this title to be sold at specific warehouses and also the volume of tobacco ready for market which has not been so designated by the producers; for the purpose of developing opening date and selling schedules, the committee shall consider any undesignated tobacco in any county as being distributed to the warehouses which were designated for the sale of tobacco produced in the county in the same proportion as the tobacco designated at such warehouses. However, after such computation is made the undesignated sales opportunity shall be limited to an amount not to exceed 2 percent of the total volume of such designated and undesignated tobacco: *Provided, however,* That the Secretary can authorize additional undesignated sales opportunity if the warehouse provides proper proof that it does, in fact, have available for sale a volume of tobacco which has not previously been designated which is in excess of said 2 percent limitation.

* * * * *

It is hereby found and determined that notice of proposed rulemaking, public procedure thereon, and thirty days' notice of the effective date hereof are impractical, unnecessary and contrary to the public interest in that this amendment is necessary to continue orderly marketing conditions in the flue-cured marketing area under the grower designation plan put into effect on May 20, 1974.

Therefore, good cause exists for making the amendments to the regulations effective September 12th, 1974.

Done at Washington, D.C., this 9th day of September 1974.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.74-21230 Filed 9-12-74;8:45 am]

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

ADDITIONS TO REGULATED AREAS

Correction

In FR Doc. 74-20220 appearing in the issue of Tuesday, September 3, 1974 make the following changes:

1. The fourth entry under Alabama on page 31875 reading *"Babour County"* should read *"Barbour County"*.

2. In the first line of the *Franklin County* for Alabama on page 31875 "Pa." should read "Rs".

3. In the eighth line of the *Edgefield County* entry for South Carolina on page 31877 "Edgefield McCormick" should read "Edgefield-Aiken".

4. In the twelfth line of the *Marion County* entry for South Carolina on page 31877 the word "northeasterly" should read "northwesterly".

5. The ninth line of the second paragraph following the listed areas on page 31879 reading "to imported and infestation or their" should read "to imported fire ant infestation or their".

6. The following material was inadvertently omitted and should be inserted immediately after the *Columbia County* entry for Arkansas on page 31875:

Lafayette County. Secs. 4, 5, 8, and 9, T. 20 S., R. 23 W.; secs. 2, 3, 10, and 11, T. 20 S., R. 25 W.
Union County. The entire county.
(2) *Suppressive areas.* None.

FLORIDA

(1) *Generally infested area.*
Alachua County. The entire county.
Baker County. The entire county.
Bay County. The entire county.
Bradford County. The entire county.
Brevard County. The entire county.
Calhoun County. The entire county.
Charlotte County. The entire county.
Citrus County. The entire county.
Clay County. The entire county.
Collier County. Sec. 12, T. 49 S., R. 25 E.
Columbia County. The entire county.
De Soto County. The entire county.
Dixie County. The entire county.
Dural County. The entire county.
Escambia County. The entire county.
Flagler County. The entire county.
Franklin County. The entire county.

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SUPPORT ACTIVITIES

PART 650—COMPLIANCE WITH NEPA

Subpart A—Guidelines for Preparation of Environmental Impact Statements

FINAL GUIDELINES; CORRECTION

Correction

In FR Doc. 74-20200 appearing on page 31879 in the issue of Tuesday, September 3, 1974, the date in the second from the last line of the first paragraph now reading "May 20, 1974", should read "May 29, 1974".

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

[Orange Regulation 73; Grapefruit Reg. 75; Tangerine Reg. 46; Tangelo Reg. 46; Export Reg. 24]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade and Size Requirements

These regulations specify minimum grade and size requirements for the period September 16, 1974, through October 20, 1974, applicable to the handling of oranges, grapefruit, tangerines and tangelos grown in the production area in Florida. These regulatory requirements are designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos 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 the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Navel, Temple and Murcott Honey oranges, grapefruit, tangerines, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum grade and size requirements specified herein reflect the Department's appraisal of the need for regulation of shipments of the specified varieties of oranges, grapefruit, tangerines, and tangelos during the period September 16, through October 20, 1974, based on the available supply and current and prospective market demand conditions. Available data indicate that during the 1974-75 season fresh market outlets will take about 18,000 carlots of round oranges, 3,500 carlots of Temple oranges, 3,250 carlots of tangelos, 4,000 carlots of tangerines, 1,200 carlots of murcotts, 100 carlots of seeded grapefruit and 32,000 carlots of seedless grapefruit. The minimum grade and size requirements specified for Early and Midseason type oranges are prescribed during the present stage of maturity and development of such oranges to guard against the shipment of lower quality and smaller size fruit which tends to weaken the market for such fruit. The U.S. No. 1 Golden grade requirement specified herein for Navel oranges is consistent with the fact that when the Navel orange attains maturity the fruit often does not possess the color required for the U.S. No. 1 grade.

The specified grade and size limitations for shipments of seeded and seedless grapefruit are necessary to provide consumers with grapefruit of desirable grades and sizes consistent with the overall quality and size composition of the crops.

The size and grade requirements specified herein for tangerines and tangelos are necessary during the early part of the season to prevent the handling of such fruits that are of a lower grade or smaller size in order to provide good quality fruit to consumers and promote orderly marketing.

The specified grade and size requirements for export shipments of the named varieties of oranges, grapefruit, tangerines and tangelos are necessary to assure the exportation of good quality fruit and thereby aid the expansion of export markets.

It is concluded that the grade and size requirements hereinafter provided are necessary to provide good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(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 these regulations until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which these regulations are based became available and the time when these regulations must become effective in order to effectuate the declared policy of the act is insufficient; 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. Shipments of oranges, grapefruit, tangerines, and tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 5, 1974, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of these regulations, including the effective time hereof, are identical with the aforesaid recommendations of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such fruits; it is necessary to make these regulations effective on September 16, 1974, to preclude the shipment of lower quality oranges, grapefruit, tangerines, and tangelos, as hereinafter set forth, and to otherwise effectuate the declared policy of the act; and compliance with these regulations will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.555 Orange Regulation 73.

Order. (a) Orange Regulation 72 (38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 3812, 6605, 12107, 24512) is hereby terminated on September 16, 1974.

(b) During the period September 16, 1974, through October 20, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos: *Provided*, That such tolerance for undersize oranges shall be based only on those oranges in such lot which are of a size $2^{1}/_{16}$ inches in diameter or smaller;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(4) Any Navel oranges, grown in the production area, which are of a size smaller than 2-8/16 inches in diameter, except that a tolerance for undersize Navel oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance for undersize Temple oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do

not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 11/16 inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That during the period September 16, 1974, through October 13, 1974, such oranges may be shipped if they grade at least U.S. No. 2; and

(10) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2 5/16 inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos: *Provided*, That such tolerance for undersize oranges shall be based only on those oranges in such lot which are 2 1/16 inches in diameter or smaller.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; Florida No. 1 grade for murcotts shall have the same meaning as provided in section (1)(b) of Regulation 105–1.02, as amended, of the Regulations of the Florida Citrus Commission, and all other terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1180 of this title).

§ 905.556 Grapefruit Regulation 75.

Order. (a) Grapefruit Regulation 74 (38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 6605, 16231, 17970, 21040, 24512) is hereby terminated on September 16, 1974.

(b) During the period September 16, 1974, through October 20, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than 3 1/16 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) Any seedless grapefruit, grown in the production area, which are of a size smaller than 3 5/16 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

(c) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, except Improved No. 2 grade, and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Grapefruit (§§ 511.750–51.784 of this title).

§ 905.557 Tangerine Regulation 46.

Order. (a) Tangerine Regulation 45 (38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 12106) is hereby terminated on September 16, 1974.

(b) During the period September 16, 1974, through October 20, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance for undersize tangerines shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1835 of this title).

§ 905.558 Tangelo Regulation 46.

Order. (a) Tangelo Regulation 45 (38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 12106) is hereby terminated on September 16, 1974.

(b) During the period September 16, 1974, through October 20, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangelos, grown in the production area, which are of a size smaller than 2 5/16 inches in diameter, except that a tolerance for undersize tangelos shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1180 of this title).

§ 905.559 Export Regulation 24.

Order. (a) Export Regulation 23 (38 FR 25665, 28063; 39 FR 3812, 12105, 21040; 39 FR 24512) is hereby terminated on September 16, 1974.

(b) During the period September 16, 1974, through October 20, 1974, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(4) Any Navel oranges, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance for undersize Navel oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance for undersize Temple oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 5/16 inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That during the period September 16, 1974, through October 13, 1974, such oranges may be shipped if they grade at least U.S. No. 2;

(10) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a

tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(11) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(12) Any seeded grapefruit, grown in the production area, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(13) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2;

(14) Any seedless grapefruit, grown in the production area, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(15) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1;

(16) Any tangerines, grown in the production area, which are of a size smaller than 2$^{4}/_{16}$ inches in diameter, except that a tolerance for undersize tangerines shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines;

(17) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(18) Any tangelos, grown in the production area, which are of a size smaller than 2$^{4}/_{16}$ inches in diameter, except that a tolerance for undersize tangelos shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos.

(c) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meanings as are given to the respective terms in said amended marketing agreement and order; Florida No. 1 grade for murcotts shall have the same meaning as provided in section (1)(b) of Regulation 105–1.02, as amended, of the regulations of the Florida Citrus Commission, and all other terms relating to grade, except Improved No. 2 grade, and diameter, as used herein, shall have the same meanings as are given to the respective terms in the following United States Standards, as applicable: United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1180 of this title), United States Standards for Florida Grapefruit (§§ 51.750–51.784 of this title), or the United States Standards for Florida Tangerines (§§ 51.1810–51.1835 of this title).

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

Dated: September 10, 1974, to become effective September 16, 1974.

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

[FR Doc.74–21229 Filed 9–12–74;8:45 am]

PART 910—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $295,200 for the Lemon Administrative Committee, under Marketing Order No. 910, for the 1974–75 fiscal year and fixes a rate of assessment of $0.024 per carton of lemons handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses. The carryover of unexpended 1973–74 assessments is also authorized.

On August 20, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 30047) regarding proposed expenses, the proposed rate of assessment and the proposed carryover of unexpended funds from the fiscal year ended July 31, 1974, pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the States of California and Arizona. This notice allowed interested persons until September 6, 1974, during which they could submit data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Lemon Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

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

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Lemon Administrative Committee during the period August 1, 1974, through July 31, 1975, will amount to $295,200.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 910.41, is fixed at $0.024 per carton of lemons.

(c) *Carryover of unexpended funds.* Unexpended funds in excess of expenses incurred during the fiscal year ended July 31, 1974, in the amount of $20,000 be added to the reserve, established pursuant to § 910.42(a)(2).

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

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

Dated: September 10, 1974.

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

[FR Doc.74–21227 Filed 9–12–74;8:45 am]

[Lemon Reg. 657]

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 September 15–21, 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.

§ 910.957 Lemon Regulation 657.

(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 continues to decrease, particularly for small sizes because of cool weather and the effects of the hurricane in Southern markets. Average f.o.b. price was $6.55 per carton the week ended September 7, 1974, compared to $6.60 per carton the previous week. Track and rolling supplies at 145 cars were down 16 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 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 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 September 10, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 15, 1974, through September 21, 1974, is hereby fixed at 180,000 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: September 12, 1974.

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

[FR Doc.74-21440 Filed 9-12-74;11:43 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Unleaded Gasoline

On August 23, 1974 the Federal Energy Administration published a notice of proposed rulemaking to amend § 211.108 of the Mandatory Petroleum Allocation Regulations (39 FR 30504) to correct certain oversights in its regulations dealing with unleaded gasoline. The proposal provided that suppliers would continue to supply unleaded gasoline to the retail sales outlets which they supplied, and which were selling unleaded gasoline, during the thirty (30) days prior to July 1, 1974. In addition, a supplier with an allocation fraction of one (1.0) or less but which has excess product would be required to distribute such excess product in the manner in which surplus product is disposed of under § 211.10(f)(2).

The comments received with respect to the notice of proposed rulemaking were substantially in favor of the proposal, and raised no valid objections. Therefore, FEA hereby adopts the proposed amendments.

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective September 1, 1974.

Issued in Washington, D.C. on September 11, 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185.)

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

Section 211.108 is amended in paragraphs (c)(1)(ii) and (c)(3)(ii) to read as follows:

§ 211.108 Allocation of unleaded gasoline.

* * * * *

(c) *Method of allocation for unleaded gasoline.* (1) * * *

(ii) This subparagraph (1) applies as of September 1, 1974, to all of the supplier's wholesale purchasers and end-user's which are entitled to receive motor gasoline from that supplier except those retail sales outlets which were not selling unleaded gasoline during the thirty (30) days prior to July 1, 1974, and which are not required to sell unleaded gasoline pursuant to 40 CFR Ch. I, Part 80, Subpart B. This subparagraph becomes applicable to retail sales outlets which were not selling unleaded gasoline during the thirty (30) days prior to July 1, 1974 and which are not required to sell unleaded gasoline pursuant to 40 CFR Ch. I, Part 80, Subpart B, on October 1, 1974.

* * * * *

(3) * * *

(ii) Any supplier with a motor gasoline allocation fraction less than or equal to one (1.0) which has a supply of unleaded gasoline that none of its purchasers entitled to receive motor gasoline from that supplier desire to purchase shall notify FEA and may dispose of such supply in accordance with the provisions of § 211.10(f)(2).

* * * * *

[FR Doc.74-21311 Filed 9-11-74;2:53 pm]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 301—ESTABLISHMENT AND ORGANIZATION

Subpart D—Disclosure of Information to the Public

AVAILABILITY

Part 301 of Chapter III of Title 13 of the Code of Federal Regulations is hereby revised to reflect the spirit of the Freedom of Information Act and to establish a more expeditious process for handling Freedom of Information requests.

Section 301.55(b) is revised to read as follows:

§ 301.55 Determinations of availability of records.

* * * * *

(b) If the requested record is identifiable, the application shall be reviewed by the Office of Public Affairs in coordination with the appropriate program personnel. The record shall be made available unless it meets the criteria contained in the following exemptions in accordance with 5 U.S.C. 552(b) (1–9):

(1) Specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency in litigation with the agency;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells. If it is determined, after consultation with the Office of the Chief Counsel that, as provided by law, the record is not to be made available to the requesting person, said party shall receive in writing the specific reason(s) for not disclosing the record.

* * * * *

(Sec. 701, Pub. L. 89–136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Order 10–4 (April 1, 1970))

Effective date. These amendments become effective on September 13, 1974.

Dated: September 9, 1974.

WILLIAM W. BLUNT, JR.,
Assistant Secretary for Economic Development.

[FR Doc.74-21235 Filed 9-12-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-CE-23-AD, Amdt. 39-1959]

PART 39—AIRWORTHINESS DIRECTIVES

Lear Jet Models 24 and 25 Airplanes

Amendment 39-1489 (37 FR 14689), AD 72-15-3, applicable to certain serial numbers of Lear Jet Models 24 and 25 airplanes, is an Airworthiness Directive (AD) which requires replacement of the spoiler actuator pivot bolts, nuts and cotter pins in accordance with Lear Jet Service Bulletin No. 24/25-237 dated July 7, 1972, at each 500 hours' time in service. Subsequently, AD 72-15-3 was amended by Amendment 39-1597 (38 FR 5238) which provided that when a new spoiler actuator pivot structure was installed in these model airplanes per Gates Lear Jet Aircraft Modification Kit AMK 73-1 and Service Bulletin 24/25-237B, dated January 15, 1973, the need for further compliance with AD 72-15-3 would be eliminated. In processing Amendment 39-1597 the agency made an administrative error in serial number effectivity in that this installation has been incorporated into production aircraft starting with Serial Numbers 24-269 and 25-115 rather than Serial Numbers 24-268 and 25-114 as stated in the amendment. Accordingly, it is necessary to amend the applicability statement of AD 72-15-3 to correct this error.

Since this amendment provides for clarification and is in the interest of safety, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, the applicability statement of Amendment 39-1597, AD 72-15-3, is being amended so that it now reads as follows:

LEAR JET. Applies to Model 24 (Serial Numbers 24-178 through 24-268) and Model 25 (Serial Numbers 25-020 through 25-114) airplanes.

This amendment becomes effective September 19, 1974.

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

Issued in Kansas City, Mo., on September 5, 1974.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.74-21126 Filed 9-12-74;8:45 am]

[Airspace Docket No. 74-CE-15]

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

Designation of Transition Area

On page 26916 of the FEDERAL REGISTER dated July 24, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Belleville, Kansas.

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

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

This amendment shall be effective 0901 G.m.t., November 7, 1974.

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

Issued in Kansas City, Mo., on August 30, 1974.

A. L. COULTER,
Director, Central Region.

In § 71.181 (39 FR 440), the following transition area is added.

BELLEVILLE, KANSAS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Belleville Municipal Airport (latitude 39°49'00" N., longitude 97°39'00" W.); within 3 miles each side of the 356° bearing from the Belleville Municipal Airport, extending from the 5-mile radius to 8 miles north of the airport and within 5 miles each side of the 269° bearing from the Belleville Municipal Airport, extending from the 5-mile radius to 17 miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles west and 9.5 miles east of the 356° bearing of the Belleville Municipal Airport extending from the airport to 18.5 miles north of the airport; and within 5 miles north and 9.5 miles south of the 269° bearing extending from the Belleville Municipal Airport to 22 miles west of the airport; and within 5 miles each side of the 269° bearing of the Belleville Municipal Airport from the 22-mile extension to the Mankato VOR.

[FR Doc.74-21128 Filed 9-12-74;8:45 am]

[Airspace Docket No. 74-CE-12]

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

Designation of Transition Area

On page 26916 of the FEDERAL REGISTER dated July 24, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Clarinda, Iowa

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

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

This amendment shall be effective 0901 G.m.t., November 7, 1974.

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

Issued in Kansas City, Mo., on September 3, 1974.

GEORGE R. LACAILLE,
Acting Director, Central Region.

In § 71.181 (39 FR 440), the following transition area is added:

CLARINDA, IOWA

That airspace extending upward from 700 feet above the surface within a five mile radius of Clarinda Municipal Airport (latitude 40°43'30" N, longitude 95°01'30" W); within three miles each side of the 169° bearing from the Clarinda Municipal Airport extending from the five mile radius to eight miles south of the airport; and that airspace extending upward from 1200 feet above the surface within 4½ miles west and 9½ east of the 169° bearing of the Clarinda Municipal Airport to 18½ miles south of the airport.

[FR Doc.74-21130 Filed 9-12-74;8:45 am]

[Airspace Docket No. 74-CE-13]

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

Designation of Transition Area

On pages 26754 and 26755 of the FEDERAL REGISTER dated July 23, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Higgensville, Missouri.

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

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

This amendment shall be effective 0901 G.m.t., November 7, 1974.

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

Issued in Kansas City, Mo., on August 30, 1974.

A. L. COULTER,
Director, Central Region.

In Section 71.181 (39 FR 440), the following transition area is added:

HIGGINSVILLE, MISSOURI

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Higginsville Municipal Airport (latitude 39°04'20" N., longitude 93°40'39" W.); and within three miles either side of the 351° bearing from the airport, extending from the 5.5-mile radius to eight miles north of the airport.

[FR Doc.74-21129 Filed 9-12-74;8:45 am]

[Airspace Docket No. 74-CE-10]

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

Alteration of Transition Area

On page 27918 of the FEDERAL REGISTER dated August 2, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Spencer, Iowa.

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

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

This amendment shall be effective 0901 G.m.t., November 7, 1974.

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

Issued in Kansas City, Missouri, on September 3, 1974.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

SPENCER, IOWA

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Spencer, Iowa Municipal Airport (latitude 43°09'45" N., longitude 95°-11'30" W.); and within three miles each side of the Spencer VOR 298° radial, extending from the five-mile radius zone to eight miles northwest of the VOR; within five miles east and three miles west of the Spencer VOR 134° radial, extending from the five-mile radius zone to 15 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Spencer VOR 298° radial, extending from 6½ miles southeast of the VOR to 18½ miles northwest of the VOR; within eight miles northeast and 9½ miles southwest of the Spencer VOR 134° radial, extending from 6½ miles northwest of the VOR to 22½ miles southeast of the VOR.

[FR Doc.74-21131 Filed 9-12-74;8:45 am]

[Airspace Docket No. 74-SO-34]

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

Alteration of Transition Area

On March 29, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 11561) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vidalia, Ga., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 7, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Vidalia, Ga., transition area is amended as follows: "* * * longitude 82°22'15" W.) * * *" is deleted and "* * * longitude 82°22'15" W.); within a 6.5-mile radius of Reidsville Airport, Reidsville, Ga. (latitude 32°03'19" N., longitude 82°09'19" W.); within 3 miles each side of the 295° bearing from Prison RBN (latitude 32°03'27" N., longitude 82°-09'09" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 165(c)))

Issued in East Point, Ga., on September 5, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-21127 Filed 9-12-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION), DEPARTMENT OF AGRICULTURE

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Futures Commission Merchant Statements to Customers

A proposal was published in the FEDERAL REGISTER on July 1, 1974, (39 FR 24235), pursuant to the authority of section 8a of the Commodity Exchange Act (7 U.S.C. 12a), to amend §§ 1.33 and 1.33a of Part 1 of the regulations under the Commodity Exchange Act (17 CFR Part 1) to require all futures commission merchants to render every customer, with certain specified exceptions, a monthly statement which clearly shows the customer's net unrealized profit or loss in all open contracts figured to the market. Interested persons were given an opportunity to request a hearing or to make written submissions on the matter on or before August 12, 1974.

As set forth in the notice of proposed rulemaking published on July 1, 1974, the purpose of the proposed amendments is to require futures commission merchants to send each customer a statement which would enable the customer to better appraise his market positions. To ease the burden of the requirement, especially for futures commission merchants using manual bookkeeping systems, it would not apply to certain limited types of accounts.

No objections have been received and the proposed amendments are hereby adopted without change. As amended, § 1.33 and paragraph (a) of § 1.33a read as set forth below.

Effective date. These amendments shall become effective November 1, 1974.

1. Section 1.33 is amended to read as follows:

§ 1.33 Monthly statement for customer and record of customer's position in each future.

Each futures commission merchant shall promptly furnish in writing directly to each customer, as of the close of the last business day of each calendar month or as of any regular monthly date selected: (a) A statement which clearly shows the open contracts with prices at which acquired, and the ledger balance carried for the customer's account; (b) a statement which clearly shows the net unrealized profit or loss in all open contracts figured to the market: *Provided, however,* That this requirement shall not apply to the following: (1) Any account carried for a person who is a member of any contract market, (2) any omnibus account carried for another futures commission merchant, and (3) any account containing only hedge positions; and (c) a statement which clearly shows any securities or other property which the customer has deposited with the futures commission merchant to margin, guarantee, or secure the account. Copies of the statements prepared for customers shall be retained by the futures commission merchant in accordance with the requirements of § 1.31.

2. Section 1.33a(a) is revised to read as follows:

§ 1.33a Controlled accounts.

(a) With respect to any account controlled by any person other than the customer for whom such account is carried, each futures commission merchant shall (1) promptly confirm in writing directly to the customer for whom such account is carried the execution of any trade originated by the controller of the account and retain a copy of such confirmation in accordance with the requirements of § 1.31; and (2) clearly show on each monthly statement furnished as required by § 133, or on an accompanying supplemental statement, the net profit or loss on all contracts closed since the date of the previous statement: *Provided, however,* That the provisions of this paragraph shall not apply to an account controlled by the spouse, parent, or child of the customer for whom such account is carried (7 U.S.C. 6g, 12a).

* * * * *

Issued: September 10, 1974.

RICHARD L. FELTNER,
Assistant Secretary for
Marketing and Consumer Services.

[FR Doc.74-21226 Filed 9-12-74;8:45 am]

Title 20—Employees' Benefits

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

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

INITIAL DETERMINATIONS

On January 15, 1974, there was published in the FEDERAL REGISTER (39 FR 1860) a notice of proposed rulemaking with a proposed portion of Subpart N of Regulations No. 16, relating to determinations. Interested parties were given 30 days within which to submit data, views, and arguments. The 30-day period has elapsed and few comments have been received.

The only party recommending changes was the Legal Services for the Elderly Poor, which suggested (1) that the regulations provide a time limit for the making of an initial determination; and (2) that determinations as to emergency cash advances be considered initial determinations and thus be subject to review.

By providing for the payment of as many as 3 months' benefits prior to the initial determination where disability may be presumed, Congress has allowed at least 90 days for the making of an initial determination in a supplemental security income claim based on disability. In other supplemental security income claims, Congress set the amount of the emergency cash advance at $100 because it was expected that in those cases the initial determination can be made within 30 days. Although, at the present time, title XVI nondisability initial determinations are taking longer to process than intended by Congress, efforts are currently being directed toward making these determinations in the shortest possible time and, as a result, the Social Security Administration expects that, in the not too distant future as the initial load of claims is processed, the personnel becomes more proficient with the new program and the systems are perfected), nondisability initial determinations can be made in 30 days and the current processing time of approximately 90 days for initial determinations involving disability under both the title II and title XVI programs can be improved. Since the payment under the title XVI program is effective with the month in which the application is filed, the Administration will gain no advantage by delaying the initial determination. In addition, the local Social Security Administration office will both take the claims and make the initial determinations in title XVI claims whereas initial determinations in title II or title XVIII claims require review by another office of the Social Security Administration. However, there are some cases that present problems which prolong processing, and to establish a 30-day maximum for all initial determinations would be unrealistic. Consequently, a time limit for making such determinations has not been included in the regulations, but the Social Security Administration will continue to make every effort to render an initial determination within a 30-day period.

With regard to the comment regarding review of the determination of eligibility for an emergency cash advance, if such a determination were appealable, the intended purpose of such an advance (i.e., to meet the immediate needs of the individual) would not be served. In most cases, by the time the appellate process could be completed, the claimant would be receiving benefits based on the initial determination. The immediate needs of the individual would have been met for the full period in question (i.e., beginning with the month the application was filed), and the issue of the emergency cash advance would no longer be meaningful.

Accordingly, the proposed amendments are adopted with the following changes:

(1) One minor editorial change in § 416.1403(b) for clarification;

(2) A change in § 416.1404(a) to provide that where, upon redetermination, an individual's eligibility for supplemental security income benefits and the amount of his benefits are not changed, the usual written notice of an initial determination will not be sent;

(3) A change in § 416.1403(b) to make clear that although determinations are not considered initial determinations, explanatory notices will be sent; and

(4) A change in § 416.1405 to include, as another exception to the usual rule regarding finality of initial determinations, the case of an initial determination regarding cessation of disability due to medical improvements. The amendments, as revised, are set forth below.

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

Effective date. The amendments shall be effective September 13, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: August 6, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 6, 1974.

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

Part 416 of 20 CFR Ch. III is amended as follows:

1. Sections 416.1401–1405 are added to proposed Subpart N to read as follows:

Sec.
416.1401 General.
416.1403 Determinations.
416.1404 Notice of initial determination.
416.1405 Effect of initial determination.

§ 416.1401 General.

The provisions contained in this Subpart N relate to determinations under title XVI (Supplemental Security Income) and administrative and judicial review. The provisions herein govern in determining whether a determination is subject to review and set forth the conditions and procedures for reconsideration, hearings, Appeals Council review, and the right to judicial review of initial determinations.

§ 416.1403 Determinations.

(a) *Initial determinations.* The Administration shall, with respect to the application (or conversion) of, or on behalf of, any individual who is or claims to be an eligible individual or eligible spouse and with respect to redeterminations pursuant to section 1611(c)(1) of the Act, make findings of fact setting forth pertinent conclusions and an initial determination with respect to eligibility for supplemental security income benefits and the amount of such benefits. For the purposes of this subpart, the following determinations are also considered initial determinations:

(1) A determination with respect to waiver of recovery of an overpayment;

(2) A determination that payment will be made to a representative payee on behalf of a recipient; except that such a determination with respect to an individual under age 18 or with respect to an individual adjudged legally incompetent or with respect to an individual determined to be a drug addict or an alcoholic shall not be considered an initial determination;

(3) A determination that penalties are to be imposed for failure to report the occurrence of certain events; and

(4) A determination that a recipient is a drug addict or alcoholic.

(b) *Other determinations.* Determinations with respect to presumptive disability for the payment of benefits prior to a determination of disability and with respect to eligibility for, or amount of, emergency cash advances are not considered initial determinations. However, when payment of presumptive disability benefits or emergency cash advances are made, a notice shall be sent, explaining the nature of the payments and the conditions under which they are made; and notice shall also be sent when no further presumptive disability payments can be made.

§ 416.1404 Notice of initial determination.

(a) Written notice of an initial determination shall be mailed to the party to such determination at his last known address and to his representative, if any, except that such notice shall not be required in the case of a determination that a party's eligibility for benefits has ended because of such party's death or in the case of a redetermination pursuant to section 1611(c)(1) of the Act if the Party's eligibility for benefits and the amount of his benefits have not changed.

(b) If the initial determination denies, in whole or in part, the application of a party, the notice of the determination shall state the basis for such determination.

(c) If the initial determination is that a party's eligibility for benefits has ended or that benefits are to be suspended or that a reduction or adjustment is to be made in the amount of benefits, the notice of such determination shall state the basis for the determination and shall provide notice and opportunity for an evidentiary hearing before such determination is effectuated except as otherwise provided in Subpart M of this Part.

(d) Each notice of an initial determination shall inform the party of his right to the pertinent administrative appellate process.

§ 416.1405 Effect of initial determination.

The initial determination shall be final and binding upon the party or parties to such determination unless it is reconsidered in accordance with §§ 416.1408–416.1423, it is revised, or, in the case of an initial determination regarding cessation of disability due to medical improvement, a decision on such issue is made by a presiding officer in accordance with § 416.1447 or § 416.1457(a).

[FR Doc.74-21156 Filed 9-12-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Disodium EDTA-Copper; Confirmation of Effective Date

In the matter of listing disodium EDTA-copper for safe use in coloring shampoos which are cosmetics:

1. Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c), and (d)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for hearing were filed in response to the order in the above identified matter published in the FEDERAL REGISTER of May 10, 1974 (39 FR 16884). Accordingly, the regulation (21 CFR 8.8006) promulgated thereby became effective July 9, 1974.

2. Effective as of July 9, 1974, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (g) by deleting "Copper versenate" from the list of color additives.

Dated: September 6, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-21210 Filed 9-12-74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Spiced, Flavored Standardized Cheeses; Confirmation of Effective Date of Order Establishing Standards of Identity and Label Statement of Optional Ingredients

An order was published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19776), amending Part 19 by adding a new § 19.792, establishing a standard of identity and label statement of optional ingredients for spiced, flavored standardized natural cheeses (21 CFR 19.792). The order provided for the filing of objections within 30 days after its date of publication in the FEDERAL REGISTER.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the subject order. Accordingly, the amendment promulgated by that order became effective August 5, 1974.

Dated: September 5, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-21209 Filed 9-12-74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

SUBCHAPTER C—DRUGS

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

Chlortetracycline, Robenidine Hydrochloride

The Commissioner of Food and Drugs has evaluated a new animal drug application (92-507V) filed by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, proposing safe and effective use of robenidine hydrochloride and chlortetracycline in chicken feed. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

1. In § 121.208(d) by adding to table 1 a new item 17 as follows:

§ 121.208 Chlortetracycline.

* * * * * *

(d) * * *

TABLE 1.—*Chlortetracycline in complete chicken and turkey feeds*

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
*	*	*	*	*	*
17. Chlortetracycline.	100, 200, 500	Robenidine hydrochloride.	30	See § 135e.66(f) table items 3, 4, and 5 of this chapter for limitations.	See § 135e.66(f) table items 3, 4, and 5 of this chapter for indications for use.

* * * * * * *

2. In § 135e.66(f) by adding to the table of new items 3, 4, and 5 as follows:

§ 135e.66 Robenidine hydrochloride.

* * * * * * *

(f) * * *

	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
*	*	*	*	*	*
3. Robenidine hydrochloride.	30 (0.0033%)	Chlortetracycline.	100	For broiler or fryer chickens only; withdraw 5 days prior to slaughter; do not feed to layers, feed continuously as sole ration: as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. mivati, E. brunetti, E. tenella, E. acervulina, E. maxima,* and *E. necatrix;* as an aid in the control of chronic respiratory disease (CRD) caused by *M. gallisepticum* susceptible to chlortetracycline; as an aid in the control of infectious synovitis caused by *M. synoviae* susceptible to chlortetracycline.
4. Robenidine hydrochloride.	30 (0.0033%)	Chlortetracycline.	200	For broiler or fryer chickens only; withdraw 5 days prior to slaughter do not feed to layers; feed continuously as sole ration; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. mivati, E. brunetti, E. tenella, E. acervulina, E. maxima,* and *E. necatrix;* as an aid in the treatment of infectious synovitis caused by *M. synoviae* susceptible to chlortetracycline; as an aid in the control of chronic respiratory disease (CRD) caused by *M. gallisepticum* susceptible to chlortetracycline.

	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
5. Robenidine hydrochloride.	30 (0.0083%)	Chlortetracycline.	500	For broiler or fryer chickens only: withdraw 5 days prior to slaughter; do not feed to layers; not to be fed continuously for more than 5 days; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. mivati, E. brunetti, E. tenella, E. acervulina, E. maxima,* and *E. necatrix;* as an aid in the reduction of mortality due to *E. coli* susceptible to chlortetracycline.

Effective date. This order shall be effective on September 13, 1974.

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

Dated: September 5, 1974.

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

[FR Doc.74-20930 Filed 9-12-74;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

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

Pyrantel Tartrate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (43-290V) filed by Pfizer, Inc., New York, NY 10017, proposing safe and effective use of pyrantel tartrate at a revised dosage administered in feed for swine over 200 pounds body weight. The supplemental application is approved.

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

1. In § 135c.59 by revising the introductory text of paragraph (d)(2) and (d)(2)(ii) to read as follows:

§ 135c.59 Pyrantel tartrate powder.

* * * * *

(d) * * *

(2) Swine:

* * * * *

(ii) It is added to feed at 0.4 gram pyrantel tartrate per pound of nonpelleted ration. The ration is administered as a single treatment as the sole ration at the rate of 1 pound per 40 pounds of animal weight for animals up to 200 pounds. Animals 200 pounds and over are administered 5 pounds of ration per animal.

* * * * *

2. In § 135e.64 by revising item 3 in the table of paragraph (e) to read as follows:

§ 135e.64 Pyrantel tartrate.

* * * * *

(e) * * *

Principal ingredient	Grams per ton	Limitations	Indications for use
*	*	*	*
3. Pyrantel tartrate.	800 (0.0881%)	For swine: as a single therapeutic treatment in complete feed; feed at the rate of 1 lb of feed per 40 lb of body weight for animals up to 200 lb, and 5 lb of feed per head for animals 200 lb or over; withdraw 24 hours prior to slaughter.	For the removal and control of large round worm (*Ascaris suum*) and nodular worm (*Oesophagostomum*) infections.

Effective date. This order shall be effective on September 13, 1974.

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

Dated: September 5, 1974.

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

[FR Doc.74-20929 Filed 9-12-74;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.704]

PART 51—PASSPORTS

Subpart D—Fees

PASSPORT APPLICATION FEE

H.R. 15172, which amends 22 U.S.C. 214, has passed both Houses of Congress and is awaiting signature by the President. Under the legislation the Secretary of State is authorized to prescribe the passport application fee, in lieu of the present statutory fee. Accordingly, and pursuant to the authority vested in the Secretary by 22 U.S.C. 214, as amended by H.R. 15172, and authority delegated to me by the Secretary, Title 22, Code of Federal Regulations, § 51.61, is amended by substituting "$3" for "$2" wherever the latter figure appears in that section, effective on the date of signature by the President of H.R. 15172.

The maximum application fee has been set by statute at $2 since 1956. This amendment raises the fee for executing an application for a passport to $3. This amendment is being made effective immediately on the date of signing of the legislation by the President for the following reason: The legislation terminates the statutory fee and authorizes the Secretary of State to prescribe the fee. If a fee is not prescribed by the Secretary by regulation at the same time as the termination of the statutory fee, there would be no authority to charge an application fee, and passport acceptance facilities that are reimbursed for their services by the application fee might be compelled to suspend receiving applications from the public. Since immediate action was required, it was considered that notice and public procedure thereon were impracticable and contrary to the public interest.

However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, and inasmuch as the amount of the fee is subject to periodic review and change, interested persons may submit written comments, suggestions, data, or arguments to the Director, Passport Office, Department of State, Washington, D.C. 20524, on or before October 29, 1974. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as a further amendment is made, however, § 51.61, as amended, shall remain in effect, thus permitting the public business to proceed more expeditiously.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

SEPTEMBER 9, 1974.

[FR Doc.74-21124 Filed 9-12-74;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER E—DEFENSE CONTRACTING

PART 166—REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT

Updating DoD Contractors List

The purpose of this amendment to Part 166(d) is to update the list of DoD contractors receiving negotiated contract awards of $10,000,000 or more for FY 1974.

Section 166.11 has been amended by the addition of a new paragraph (d) as follows:

§ 166.11 Department of Defense contractors receiving negotiated contract awards of $10,000,000 or more.

* * * * *

(d) *Fiscal Year 1974.*

AAI Corp
AMF, Inc.
Aerojet-General Corp.
Aerospace Corp.
Air America, Inc.
Alabama Refining Co., Inc.
American Export Isbrandsten Lines
American Oil Co.
American President Lines, Ltd.
American Telephone & Telegraph Co.
Amron Corp.
Amstar Corp.
Anthony Co.
ARO, Inc.
Ashland Oil, Inc.
Asiatic Petroleum Corp.
Atlantic Richfield Co.
Automation Industries, Inc.
AVCO Corp.
Ayers, N W & Son, Inc.
Bath Iron Works Corp.
Battelle Memorial Institute
Bendix Corp.
Blue Cross Association
Blue Shield of Florida, Inc.
Blue Shield of Virginia
Boeing Co.
Boeing International Corp.
Boeing Vertol Co.
Boland Machine Mfg. Co.
Brown & Williamson Tobacco Co.
Brunswick Corp.
Bulova Watch Co., Inc.
Bunker Ramo Corp.
Burlington Industries, Inc.
Burroughs Corp.
CCI Corp.
California, University of
Calspan Corp.
Caltex Oil Products Co.
Campbell Soup Co.
Carson Oil Co.
Celesco Industries
Chamberlain Mfg. Corp.
Chesapeake & Potomac Telephone Co.
Chevron Oil Co.
Chromalloy American Corp.
Chrysler Corp.
Cincinnati Electronics Corp.
Cities Service Oil Co.
Coastal States Marketing, Inc.
Colt Industries Operating Corp.
Computer Sciences Corp.
Condec Corp.
Continental Oil Co.
Control Data Corp.
Cubic Corp.
Curtiss Wright Corp.
Cutler Hammer, Inc.
Day & Zimmerman, Inc.
De Laval Turbine, Inc.
Donovan Construction Co. of Minn.
Douglas Oil Co. of California
Draper Charles Stark Lab., Inc.
Dynalectron Corp.
ESL, Inc.
E Systems, Inc.
Eastman Kodak Co.
Ecoscience & Assocs., JV
Edgington Oil Co.
Electronic Communications, Inc.
Emerson Electric Co.
Esso International Corp.
Exxon Corp.
FMC Corp.
Fairchild Camera & Instrument Corp.
Fairchild Industries, Inc.
Federal Electric Corp.
Flying Tiger Corp.
GTE Sylvania, Inc.
Garrett Corp.
Gary Aircraft Corp.
General Dynamics Corp.
General Electric Co.
General Foods Corp.
General Motors Corp.
General Research Corp.
General Time Corp.
Gibralter Fabrics, Inc.
Global Associates
Gold Pak Meat Co., Inc.
Goodrich B. F. Co.
Goodyear Aerospace Corp.
Goodyear Tire & Rubber Co.
Gould, Inc.
Grey Advertising, Inc.
Grumman Aerospace Corp.
Grumman Corp.
Guam Oil & Refining Co., Inc.
Gulf & Western Industries, Inc.
Gulf Oil Corp.
Hallicrafters Co.
Hamilton Technology, Inc.
Harris Corp.
Hawaiian Independent Refinery, Inc.
Hayes International Corp.
Hazeltine Corp.
Heckethorn Mfg. Co.
Hercules, Inc.
Hess Oil Virgin Island Corp.
Hewlett Packard Co.
Hoffman Electronics Corp.
Honeywell, Inc.
Hudson Waterways Corp.
Hughes Aircraft Co.
Hunt Building Corp.
ICI America, Inc.
ITT Research Institute
ITT Arctic Services
ITT World Communications, Inc.
Institute for Defense Analyses
Intercontinental Mfg. Co.
International Business Machine Co.
International Harvester Co.
International Telephone & Tel. Corp.
Interstate Electronics Corp.
Itek Corp.
Johns Hopkins University
Kaiser Aetna & Pendleton, JV
Kaman Aerospace Corp.
Kentron Hawaii, Ltd.
Kraftco Corp.
Kurz Charles & Co.
LTV Aerospace Corp.
Lear Siegler, Inc.
Litton Industries, Inc.
Litton Systems, Inc.
Lockheed Aircraft Corp.
Lockheed Electronics Co., Inc.
Lockheed Missiles & Space Co., Inc.
Logicon, Inc.
Loral Corp.
MB Associates
Magnavox Co.
Maremont Corp.
Marinette Marine Corp.
Martin Marietta Aluminum Sales, Inc.
Martin Marietta Corp.
Mason & Hanger Silas Mason Co.
Massachusetts Institute of Technology
Mayer Oscar & Co., Inc.
McDonnell Douglas Astronautics Co.
McDonnell Douglas Corp.
Medical Association of Georgia
Medical Service of the DC
Medico Industries, Inc.
Mine Safety Appliances Co.
Mitre Corp.
Mobil Oil Corp.
Morrison Knudsen Co., Inc.
Motorola, Inc.
Murdock Machine & Engr. Co. of Utah
National Presto Industries, Inc.
Newport News Shipbld & Dry Dock Co.
Norris Industries, Inc.
Northrop Corp.
Northrop Worldwide Acft Svcs, Inc.
Northwest Airlines, Inc.
Olin Corp.
Overseas National Airways, Inc.
PRD Electronics, Inc.
Pacific Architects & Engineers, Inc.
Pacific Far East Line, Inc.
Pan American World Airways, Inc.
Perkin Elmer Corp.
Philco Ford Corp.
Philip Morris, Inc.
Phillips Petroleum Company
Planning Research Corp.
Powerine Oil Co.
Proctor & Gamble Distributing Co.
Putman Mills Corp.
RCA Corp.
RCA Global Communications, Inc.
Rand Corp.
Raytheon Co.
Remington Arms Co.
Reynolds R J Industries, Inc.
Rochester, University of
Rockwell International Corp.
Rohr Industries, Inc.
Sanders Associates, Inc.
Science Applications, Inc.
Sea Land Service, Inc.
Sea Tankers
Seatrain Lines, Inc.
Shell Oil Co.
Simplex Wire & Cable Co.
Singer Co.
Singer General Precision, Inc.
Singer Tele Signal.
Southern Air Transport, Inc.
Sparton Corp.
Sperry Rand Corp.
Standard Oil Co. of Calif.
Stanford Research Institute
Stevens Foods, Inc.
Sun Oil Co.
Sundstrand Corp.
Supreme Beef Co., Inc.
Susquehanna Corp.
Swift & Co.
System Development Corp.
Systems Consultants, Inc.
TRW, Inc.
Teledyne CAE
Teledyne, Inc.
Teledyne Industries, Inc.
Temtex Industries, Inc.
Tesoro Alaskan Petroleum Corp.
Texaco Export, Inc.
Texaco, Inc.
Texas Instruments, Inc.
Texas, University of
Textron, Inc.
Thiokol Corp.
Thompson J. Walter Co.
Tracor, Inc.
Trans International Airlines, Inc.
Trans World Airlines, Inc.
Tumpane Co.
Union Carbide Corp.
Union Oil Co. of California
Uniroyal, Inc.
United Aircraft Corp.
United Medical Service, Inc.
United States Lines Co.

Varian Associates
Vitro Corp. of America
Walters E & Co., Inc.
Watkins Johnson Co.
Western Electric Co., Inc.
Western Union International, Inc.
Western Union Telegraph Co.
Westinghouse Electric Corp.
Wilson & Co., Inc.
World Airways, Inc.
World Wide Meats, Inc.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 10, 1974.

[FR Doc.74-21213 Filed 9-12-74;8:45 am]

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER C—PUBLIC RELATIONS

PART 835—INFORMATION POLICIES AND PROCEDURES

Deletion of Part

Part 835 was extracted in part from Air Force Manual 190-4. This manual has been superseded by AFM 190-9. The information contained in AFM 190-9 is designed primarily for the internal use of Air Force information officers worldwide. Therefore, Part 835 is herewith deleted in its entirety.

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-21215 Filed 9-12-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-107]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Buffalo River, N.Y.

This amendment changes the regulations for the Michigan Avenue and Ohio Street drawbridges across the Buffalo River, Buffalo, New York, to allow that during the morning and evening vehicular traffic rush hour periods the draws need not open for the passage of vessels. This amendment was circulated as a public notice dated May 30, 1974 by the Commander, Ninth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 74-107) on May 30, 1974 (39 FR 18800). Four replies were received. Three supported the proposal. The fourth recommended that the closed period in the morning be reduced from 7:30-9:30 a.m. to 7:30 to 9 a.m. and in the afternoon from 3:30 to 6 p.m. to 4 to 5:45 p.m. The recommended time change more nearly meets the needs of vehicular traffic while shortening the periods when the draws of these bridges may remain closed to vessels. Therefore, this recommendation is accepted and incorporated into this regulation.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising the heading and paragraphs (a) and (b) of § 117.707 to read as follows:

§ 117.707 Buffalo Harbor, N.Y.; City of Buffalo bridges across Buffalo River.

(a) The draw of the Michigan Avenue bridge across the Buffalo River need not open for the passage of vessels from 7:30 a.m. to 9 a.m. and 4 p.m. to 5:45 p.m.

(b) The draw of the Ohio Street bridge across the Buffalo River need not open for the passage of vessels from 7:30 a.m. to 9 a.m. and 4 p.m. to 5:45 p.m.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on October 14, 1974.

Dated: September 9, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21166 Filed 9-12-74;8:45 am]

[CGD 72-231R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

DRAWBRIDGES IN STATE OF OREGON WHERE CONSTANT ATTENDANCE IS NOT REQUIRED

This amendment changes the regulations for certain drawbridges in the State of Oregon where constant attendance is not required. This amendment was circulated as a public notice dated July 3, 1973 by the Commander, Thirteenth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 72-231P) on November 28, 1972 (37 FR 25174). Commercial fishermen objected to the proposal that the railroad bridges across the John Day River, Blind Slough and Clatskanie River require one hour's notice at all times. Their objection was based on the fact that during the fishing seasons, which are of short duration, fishing vessels must move rapidly in order to realize maximum profits. The Burlington Northern agreed to open the draws of these bridges on signal during designated fishing periods and will open these draws on one hour's notice for the remainder of the year. This change is included in the regulation below. The Coos County Board of Commissioners objected to the proposal that the Oregon State Highway Bridge across Coalbank Slough be allowed to remain closed to the passage of vessels. This objection was based on potential development of the area upstream of the bridge. This drawbridge has not been opened in over 20 years. The requirement that the draw be restored to operable condition within six months upon notification by the Commandant to take such action provides adequate time for any developmental plans to include the operation of this drawbridge and the objection is therefore not considered valid. Section 117.759(f)(4) is deleted because this proviso is included in § 117.759(f)(14). The opening signal for the Lewis and Clark River highway drawbridge (§ 117.740(a)(4) is amended to avoid possible confusion with another nearby drawbridge. The advance notice requirement for the Coos River highway drawbridge across the Isthmus Slough at Coos Bay is amended to read four hours rather than three hours. Six replies regarding the proposed change in the operation of the highway bridges were received. All six had no objection, however one proposed to amend the whistle signals for the Lewis and Clark highway bridge, set forth in § 117.740(a)(4) to eliminate possible confusion. This proposal has merit and is incorporated in the regulation. The reference to "The bridge across the Skipanon River in Columbia County" set forth in § 117.740(a) is deleted because it was included in the original proposal in error. Renumbering of several subsections in § 117.740(a) has been done for clarity.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Revising § 117.740 to read as follows:

§ 117.740 Youngs Bay, Lewis and Clark River and Skipanon River, Oreg.; bridges.

(a) The drawbridges across Youngs Bay, Lewis and Clark River and Skipanon River, all in Clatsop County, shall open on signal for the passage of vessels. The signals which may be made by a whistle, horn, siren, trumpet or by shouting for each bridge are:

(1) Highway bridge across Youngs Bay at Smith Point—two long blasts followed by two short blasts.

(2) Burlington Northern (Spokane, Portland, and Seattle) railroad bridge across Youngs Bay at Smith Point—one long blast followed by one short blast.

(3) Youngs Bay highway bridge at the foot of Fifth Street, Astoria—two long blasts followed by one short blast.

(4) Lewis and Clark River highway bridge, near the mouth—one long blast followed by four short blasts.

(5) Skipanon River railroad and highway bridges at Warrenton—one long blast followed by one short blast.

2. Deleting subparagraph (4) of paragraph (f) of § 117.759b and adding subparagraphs (10) through (15) to § 117.759b(f) to read as follows:

§ 117.759b Drawbridges in the State of Oregon where constant attendance is not required.

* * * * *

(f) * * *

(10) Burlington Northern (Spokane, Portland, and Seattle) railroad bridges across the John Day River near Astoria, Blind Slough and the Clatskanie River near Clatskanie. The draws shall open

on signal if at least one hours notice is given. However, the draws shall open promptly on signal from four hours before to four hours after each day's authorized fishing period as established by the Oregon and Washington State Department of Fisheries.

(11) Oregon Coast U.S. 101 drawbridges across the Siuslaw River at Florence and the Coquille River at Bandon. The draws shall open on signal if at least two hours notice is given. This notice may be given by marine radio, telephone, radiotelephone via the marine operator, or any other suitable means to the Coos Bay South Slough Bridge attendant.

(12) Coos River secondary highway drawbridge across the Isthmus Slough at Coos Bay. The draw shall open on signal if at least four hours notice is given.

(13) Coos River secondary highway drawbridge across the Coos River at Coos Bay. The draw shall open on signal if at least 12 hours notice is given.

(14) Coos River secondary highway drawbridge across Catching Slough at Coos Bay, lower Columbia River highway drawbridge across the John Day River at Astoria and the Nehalem secondary highway drawbridge across the Walluski River at Astoria. The draws shall open on signal if at least 48 hours notice is given.

(15) Oregon Coast highway drawbridge across Coalbank Slough at Coos Bay. The draw need not open for the passage of vessels and the machinery for the draw need not be maintained in operable condition. However, the draw shall be returned to operable condition by the owner of the bridge within six months after notification by the Commandant, U.S. Coast Guard, to take such action.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on October 14, 1974.

Dated: September 6, 1974.

R. I. PRICE,
Real Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21161 Filed 9-12-74;8:45 am]

[CGD 74-139]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Manasquan River, N.J.

This amendment changes the regulations for the Route 70 drawbridge across the Manasquan River at Brielle, New Jersey, to require at least 12 hours notice from 11 p.m. to 7 a.m. from December 1 through March 31. The draw shall open on signal at all other times. This amendment was circulated as a public notice dated June 26, 1974 by the Commander, Third Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 74-139) on June 13, 1974 (39 FR 20702). No comments were received.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (6) immediately after subparagraph (5) of paragraph (f) of § 117.225 to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(6) Route 70 bridge across the Manasquan River at Brielle, Monmouth County, New Jersey. From 11 p.m. to 7 a.m. from December 1 through March 31 the draw shall open on signal if at least 12 hours notice is given. At all other times the draw shall open on signal.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on December 1, 1974.

Dated: September 5, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21162 Filed 9-12-74;8:45 am]

[CGD 74-138]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Ship Channel, Great Egg Harbor Bay, N.J.

This amendment changes the regulations for the Route 52 drawbridge across Ship Channel, Great Egg Harbor Bay, New Jersey, to require at least 24 hours notice from 11 p.m. to 7 a.m. The draw shall open on signal from 7 a.m. to 11 p.m. This amendment was circulated as a public notice dated June 26, 1974 by the Commander, Third Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 74-138) on June 13, 1974 (39 FR 20702). No comments were received.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (6-a) immediately after subparagraph (6) of paragraph (f) of § 117.225 to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(6-a) Route 52 bridge across Ship Channel, Great Egg Harbor Bay; New Jersey. The draw shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. the draw shall open on signal if at least 24 hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on October 14, 1974.

Dated: September 9, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21165 Filed 9-12-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 2—DELEGATIONS OF AUTHORITY

Adjudication Officer

Section 2.70 is revised to read as follows:

§ 2.70 Adjudication Officer, or where regular schedular standards are met as of date of rating decision, the rating board, authorized to approve on an extra-schedular basis a permanent and total disability rating for pension purposes.

This delegation of authority is identical to § 3.321(b) of this chapter.

Approved: September 9, 1974.

[SEAL] R. L. ROUDEBUSH,
Acting Administrator.

[FR Doc.74-21179 Filed 9-12-74;8:45 am]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

AWARDS OF PENSION

On page 20086 of the FEDERAL REGISTER of June 6, 1974, there was published a notice of regulatory development to Amend §§ 3.321, 3.400 and 3.551 to implement Pub. L. 93-177 (87 Stat. 694) relating to awards of pension to veterans. This act provided (1) that disability pension may be awarded effective the date the veteran became permanently and totally disabled if an application is filed within 1 year from such date and (2) an increase from $30 to $50 in the amount of pension payable to a hospitalized veteran whose award is reduced under 38 U.S.C. 3203(a)(1). In addition minor editorial changes were made to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, their dependents or beneficiaries. Obsolete provisions in § 3.400 relating to commissioned officers of the Environmental Science Services Administration and the National Oceanic and Atmospheric Administration were deleted. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received. The proposed regulations are

adopted subject to the following change: In § 3.321(b)(3) the words "and reopened" have been inserted following "original" to clarify that the provision is applicable to both original and reopened claims.

Effective date. Sections 3.321(b)(3), 3.400(b)(1) and 3.551(a) and the introductory portion of (c) are effective January 1, 1974.

Approved: September 9, 1974.

[SEAL] R. L. ROUDEBUSH,
Acting Administrator.

1. In § 3.321, paragraph (b) (2) and (3) are revised to read as follows:

§ 3.321 General rating considerations.

* * * * *

(b) * * *

(2) *Pension.* Where the evidence of record establishes that an applicant for pension who is basically eligible fails to meet the disability requirements based on the percentage standards of the rating schedule but is found to be unemployable by reason of his or her disability(ies), age, occupational background and other related factors, the following are authorized to approve on an extra-schedular basis a permanent and total disability rating for pension purposes: the Adjudication Officer; or where regular schedular standards are met as of the date of the rating decision, the rating board.

(3) *Effective dates.* The effective date of these extra-schedular evaluations granting or increasing benefits will be in accordance with § 3.400(b) (1) and (2) as to original and reopened claims and in accordance with the facts found but not earlier than the date of claim in claims for increased benefits.

* * * * *

2. In § 3.400, the introductory portion preceding paragraph (a) and paragraph (b)(1) are amended and paragraphs (b)(2)(iii) and (c)(3)(iv) are revoked. The amended material reads as follows:

§ 3.400 General.

Except as otherwise provided, the effective date of an evaluation and award of pension, compensation or dependency and indemnity compensation based on an original claim, a claim reopened after final disallowance, or a claim for increase will be the date of receipt of the claim or the date entitlement arose, whichever is the later. (38 U.S.C. 3010(a))

* * * * *

(b) *Disability benefits*—(1) *Disability pension (§ 3.3(c)).* Date of receipt of claim or date on which the veteran became permanently and totally disabled, if claim is filed within 1 year from such date, whichever is to the advantage of the veteran: *Provided,* That, an award of pension may not be effective prior to the date entitlement arose. (Pub. L. 93-177; 87 Stat. 694)

(2) * * *

(iii) [Revoked]

(c) * * *

(3) * * *

(iv) [Revoked]

* * * * *

3. In § 3.551, paragraphs (a), (b), (c), (d), (e)(2) and (f) are revised to read as follows:

§ 3.551 Reduction because of hospitalization.

(a) *General.* Pension in excess of $50 monthly is subject to reduction when a veteran who has neither wife, husband, child nor dependent parent is hospitalized, unless the veteran is hospitalized for Hansen's disease. The provisions of this section apply to initial periods of hospitalization and to readmissions following discharge from a prior period of hospitalization. If the veteran is hospitalized for observation and examination, the date treatment began is considered the date of admission. Special rules governing discontinuance of aid and attendance allowance are contained in § 3.552 and for discontinuance of awards for incompetent veterans in § 3.557. Except as otherwise indicated the terms "hospitalized" and "hospitalization" in §§ 3.551 through 3.559 mean:

(1) Hospital treatment in a Veterans Administration hospital or in any hospital at Veterans Administration expense.

(2) Institutional, domiciliary or nursing home care in a Veterans Administration institution or domiciliary or at Veterans Administration expense.

(b) *Reduction after 6 months.* Pension (except as provided in paragraph (c) of this section) in excess of $30 monthly for a veteran who has neither wife, husband, child nor dependent parent shall continue at the full monthly rate until the end of the sixth calendar month following the month of admission for hospitalization. The rate payable will be reduced effective the first of the seventh calendar month to $30 monthly or 50 percent of the amount otherwise payable, whichever is greater. The reduced rate will be effective the first day of the seventh calendar month following admission. Payment of the amount withheld may be made on termination of hospitalization, as provided in § 3.556. (Pub. L. 92-328; 86 Stat. 393)

(c) *Reduction after 2 months.* Where pension is being paid to a veteran under 38 U.S.C. 521(b) or to a Spanish-American War veteran or an Indian war veteran who was not receiving pension for June 30, 1960, or who is receiving pension under 38 U.S.C. 521, the pension for a veteran who has neither wife, husband, nor child, or who, though married, is receiving pension as prescribed by 38 U.S.C. 521(b) because not living with or reasonably contributing to the support of his or her spouse shall continue at the full monthly rate until the end of the second calendar month (except as provided in paragraph (d) of this section) following the month of admission for hospitalization. The rate payable effective the first of the third calendar month will be an amount not in excess of $50 monthly. Where the veteran has been discharged from a period of hospitalization of not less than 2 full calendar months and is readmitted within 6 months, the award will be reduced effective the date of readmission. (Pub. L. 93-177; 87 Stat. 694)

(1) Where pension was being paid to a married veteran at the rate prescribed by 38 U.S.C. 521(b), all or any part of the rates payable under 38 U.S.C. 521(c) or (c) and (e) may be apportioned for an estranged wife or husband as provided in § 3.454(b) (38 U.S.C. 3203(a)).

(2) Where pension is payable to an Indian war or Spanish-American War veteran who is in need of aid and attendance, pension under 38 U.S.C. 511 or 512 may be continued under the provisions of paragraph (b) of this section if the veteran was receiving or entitled to receive pension for June 30, 1960. See § 3.711.

(d) *Computation of period.* In computing the period of hospitalization prior to reduction under paragraph (c) of this section, the period will be extended by reason of time spent on leave, regularly authorized furlough or trial visit, regardless of length after the month of admission. Absence on pass is included as part of the period of hospitalization. For the purposes of paragraph (c) of this section, the veteran will be considered to have been hospitalized for 2 calendar months when he (or she) has received a total of 60 days of treatment or care, exclusive of specified absences.

(e) * * *

(2) *Unapproved discharge.* When a veteran whose award is subject to reduction under paragraph (b) of this section has been discharged or released from a hospital against medical advice or as the result of disciplinary action, reentry within 6 months from the date of a previous admission constitutes a continuation of that period of hospitalization, and the award will not be reduced prior to the first day of the seventh calendar month following the month of original admission, exclusive of furloughs. Except as provided in the preceding sentence, if a veteran reenters a hospital within 6 months after discharge or release against medical advice or as a result of disciplinary action, the award will be reduced as of the date of readmission. A reentry 6 months or more after such discharge or release will be considered as a new admission. (Pub. L. 89-362; 80 Stat. 30)

(f) *Proof of dependents.* The veteran will be considered to have neither wife, husband, child nor dependent parent in the absence of satisfactory proof. Statements contained in the claims folder concerning the existence of such dependents will be considered a prima facie showing. If the necessary evidence is not received (1) within 60 days after the date of request where the award is subject to reduction under paragraph (b) of this section, or (2) prior to the effective date of reduction under paragraph (c) of this section, the veteran's award will be reduced on the basis of no dependents. The full rate may be authorized from the date of reduction if the necessary evidence is received within 1 year after the date of request.

* * * * *

[FR Doc.74-21180 Filed 9-12-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER A—GENERAL

[FRL 228–2]

PART 12—NONDISCRIMINATION IN PROGRAMS RECEIVING ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY—EFFECTUATION OF SECTION 13 OF THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

On June 12, 1973, notice was published in the FEDERAL REGISTER (38 FR 15457) that the Environmental Protection Agency was proposing policies and procedures implementing section 13 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) which prohibits discrimination on account of sex under any program or activity receiving assistance from the Environmental Protection Agency under the Federal Water Pollution Control Act (86 Stat. 816) or the Environmental Financing Act (86 Stat. 899). These regulations, on adoption, will be published as a new Part 12 in Chapter I of Title 40 of the Code of Federal Regulations.

Written data, views, or comments on the proposed rulemaking were invited and received from interested parties. All written comments are on file with the Agency. The Environmental Protection Agency has carefully considered all submitted comments. Certain of these comments have been adopted or substantially satisfied by editorial changes, deletions from, or additions to, the regulations. The comments received and actions taken with respect to them are described below.

(1) Comment was received recommending that § 12.3 of the proposed regulations be revised to make them applicable to any program to which money was paid, property transferred, or other assistance extended after enactment of the Federal Water Pollution Control Act Amendments of 1972. (The proposed regulations had excluded all such programs from coverage if the assistance had been extended to them prior to the effective date of the regulations.)

The recommendation of this comment has been accepted. The regulations have been revised to make it clear that the bar to discrimination on account of sex which is prescribed by section 13 of the Act became applicable to all programs under the Federal Water Pollution Control Act, as amended, on October 18, 1972, the date of enactment of the 1972 Amendments to the Act. However, procedures applicable to the recipient of Federal assistance and instituted to implement this part shall be applicable only to Federal assistance awarded or extended on or after the effective date of this part.

(2) Comment was received recommending that § 12.3(1) of our proposed regulations—which excluded programs of insurance and guarantee from the coverage of section 13 of the Act—be revised to include such coverage.

The recommendation accompanying this comment was adopted and § 12.3(1) of the regulations has been rewritten to include such coverage.

(3) Comment was received that the proposed regulations unnecessarily excluded coverage of employment (except where employment is the principal purpose of the program being assisted). It was noted that the proposed regulations were prepared under the direction of the statute that section 13 be enforced through Agency rules similar to those already established with respect to racial and other discrimination under Title VI of the Civil Rights Act of 1964, but it was argued that section 13 did not have the specific restraints on employment coverage that Title VI contained, so that implementing regulations for section 13 need not include the restrictions on employment coverage contained in the Agency's Title VI regulations.

The recommendations of this comment for revision of the proposed regulations were not adopted. The Agency proposes to administer its section 13 regulations in tandem with its Title VI regulations, pursuant to section 13. In these circumstances, it was considerd both necessary and desirable to have the coverage of the two regulations co-extensive rather than in variance on a principal point of coverage.

(4) Comment was received that the general "affirmative action" language of § 12.5(b) of the proposed regulations was insufficient and a more detailed provision was recommended patterned after Order No. 4 of the Office of Federal Contract Compliance, Department of Labor. These recommendations set forth in this comment were not adopted. The language of § 12.5(b) as set forth in the proposed regulations was considered sufficient for the coverage intended at this time.

(5) Several organizations commented that § 12.8(b) of the proposed regulations appeared unclear on the point whether third party complaints could be allowed if the complaint did not include a named grievant in the charge. They recommended revision of § 12.8(b) to make it clear that such complaints would be allowable.

The section as originally drafted was intended to allow third party complaints that did not include named grievants in the charge, and the Agency believes that the initial language permits this allowance, so long as the complaint is adequately specific. Accordingly, no change in § 12.8(b) of the proposed regulations was made.

(6) Comment was received which noted that § 12.10 authorized hearings for recipients or applicants wishing to appeal a finding of discrimation on account of sex, but does not authorize appeals by complainants who disagree with a contrary Agency finding. It was recommended that appeal rights also be granted complainants who disagree with Agency findings of no discrimination.

This recommendation was not adopted. As earlier stated, section 13 will be administered co-extensively as far as practicable with the Agency's Title VI regulations. The Title VI regulations do not contain such appeal rights. Thus, no change was made in the final section 13 regulations because it was not considered desirable to create a divergence between the two regulations on this principal point.

(7) Comment was received recommending that § 12.6(c) of the proposed regulations be amended to provide that assurances of compliance received with applications for Federal financial assistance to institutions of higher education be referred to the Department of Health, Education and Welfare for clearance to avoid duplication or conflict of compliance efforts. This recommendation was not adopted. The language of the section as written was considered broad enough to allow referrals if subsequent circumstances warranted. EPA intends to administer this part in a manner which will preclude conflict with HEW requirements under Title IX of the Education Amendments of 1972, where recipients are covered under both the HEW and EPA sex discrimination programs, insofar as possible.

Effective date. The regulations of this Part 12 shall become effective on October 15, 1974.

Dated: September 6, 1974.

JOHN QUARLES,
Acting Administrator.

Sec.

12.1 Purpose.
12.2 Definitions.
12.3 Applicability.
12.4 Discrimination prohibited.
12.5 Affirmative action.
12.6 Assurances required.
12.7 Compliance information.
12.8 Investigations.
12.9 Procedure for obtaining compliance.
12.10 Hearings.
12.11 Decisions and notices.
12.12 Effect on other regulations, forms, and instructions.

AUTHORITY: Sec. 13, Federal Water Pollution Control Act Amendments of 1972.

§ 12.1 Purpose.

The purpose of this part is to effectuate section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to as the Act) to the end that no person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from the Environmental Protection Agency under the Federal Water Pollution Control Act Amendments of 1972.

§ 12.2 Definitions.

Unless the context requires otherwise, as used in this part the term:

(a) "Administrator" means the Administrator of the Environmental Protection Agency or, except in § 12.11(e), any other Agency official who by delegation may exercise the Administrator's authority.

(b) "Agency" means the Environmental Protection Agency and includes each and all of its organizational components.

(c) "Applicant" means one who submits an application, subagreement, request, plan, or any other document required to be approved by the Administrator, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, subagreement, request, plan, or any other such document.

(d) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the term "provision of facilities" includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(e) "Federal financial assistance" includes:

(1) Grants, loans, and advances of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale or lease of, or the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration, or for less than adequate consideration, for the purpose of assisting the recipient, or in recognition of the public interest to be served by such a sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) "Primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program for which it receives Federal financial assistance.

(g) "Program" includes any program, project, or activity for the provision of services, financial assistance, or other benefits to individuals (including education or training, health, welfare, housing, rehabilitation, or other services, whether provided through employees of the recipient of Feedral financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities or other assistance to individuals), or for the provisions of facilities for furnishing services, financial assistance, or other benefits to individuals. The services, financial assistance, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include (1) any services, financial assistance, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and (2) any services, financial assistance, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-federal resources.

(h) "Recipient" means any State, or any political subdivision or instrumentality thereof, any public or private agency, institution, organization, or other entity, or any individual, in any State to which or whom Federal financial assistance is extended, directly or through another recipient, for any program, or who otherwise participates in carrying out such program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(i) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

§ 12.3 Applicability.

This part applies to any program administered by the Agency for which Federal financial assistance is authorized under the Act. This part does not apply to: (a) Any assistance to any individual who is the ultimate beneficiary under any such program, or (b) any employment practice under any such program of any employer, employment agency, or labor organization, except as provided in § 12.4(c).

§ 12.4 Discrimination prohibited.

(a) *General.* No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program or activity to which this part applies may not, directly or indirectly, on the ground of sex:

(i) Deny a person any service, financial assistance, or other benefit provided under the program;

(ii) Provide to a person any service, financial assistance, or other benefit which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to such person's receipt of any service, financial assistance, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial assistance, or other benefit under the program;

(v) Treat a person differently from others in determining whether such person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial assistance, or other benefit provided under the program;

(vi) Deny a person an opportunity to participate in the program through the provisions of services (or otherwise) or afford a person an opportunity to participate in a manner different from that afforded others; or

(vii) Deny a person the opportunity to participate as a member of any planning or advisory body which is an integral part of the program.

(2) A recipient in determining the types of services, financial assistance, or other benefits of facilities which will be provided under any such program or the class of persons to whom, or the situations in which, such services, financial assistance, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program may not, directly or indirectly, utilize criteria or methods of administration which have or may have the effect of subjecting a person to discrimination because of sex or which have or may have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular sex.

(3) In any program receiving financial assistance in the form, or for acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under any such property are included as part of the program receiving that assistance, the nondiscrimination requirement of this part shall extend to any facility located wholly or in part in that space during the period of time stated in § 12.6(a)(2).

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(c) *Employment practices.* (1) Where a primary objective of a program receiving Federal financial assistance to which this part applies is to provide employment, a recipient or other person or entity subject to this part shall not discriminate, directly or indirectly, on the ground of sex in its employment practices under any program receiving Federal financial assistance to which this part applies. Employment practices include recruitment, recruitment advertising, employment, layoff, termination, firing, upgrading, demotion, transfer, rates of pay, or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees. Each recipient shall take affirmative steps to insure that applicants are employed and employees are treated during employment without regard to sex. Where this part applies to construction employment, the applicable procedural requirements shall be the same as those specified in or pursuant to Part III of Executive Order 11246, as amended, or any Executive Order which may supersede it.

(2) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of subparagraph (1) of this paragraph apply to the employment practices of the recipient if discrimination on the ground of sex in such employment practices tends on the ground of sex to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under the program receiving Federal financial assistance. In any such case, the provisions

of subparagraph (1) of this paragraph shall apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

(d) *Site selection.* A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the ground of sex.

(e) *Construction projects.* An EPA recipient of funds awarded for the location, design, or construction of a demonstration facility or sewage treatment plant may not deny access to, or use of, the facility being constructed or the system of which it is a part to any person on the basis of sex.

§ 12.5 Affirmative action.

(a) Each applicant or recipient must take reasonable steps to remove or overcome the consequences of prior discrimination and to accomplish the purposes of the Act where previous practice or usage has in purpose or effect tended to exclude individuals from participation in, deny them the benefits of, or subject them to discrimination under any program or activity to which this part applies, on the ground of sex.

(b) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by, or denying benefits to, persons of a particular sex.

§ 12.6 Assurances required.

(a) *General.*—(1) *Form of assurance.* Every application for Federal financial assistance to a program to which this part applies and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part, and that the applicant shall take affirmative steps to insure equal opportunity and shall periodically evaluate its performance. Like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which express consent to judicial enforcement by the United States.

(2) *Duration of assurance.* In cases where the Federal financial assistance is to provide or is in the form of either personal property or real property or any interest therein or structure thereon, the assurance shall obligate the recipient or in the case of a subsequent transfer, the transferee, for the period during which the property is used for any purpose for which the Federal financial assistance is or was extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program.

(3) *Assistance for construction.* In the case where the assistance is sought for the construction of a facility, or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith. In particular, if a facility to be constructed is part of a larger system, the assurance shall extend to the larger system.

(4) *Assistance through transfer of real property.* Where Federal financial assistance is provided in the form of a transfer from the Federal Government of real property, structures, any improvements thereon, or any interest therein, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period for which the real property is used for a purpose for which the Federal financial assistance is or was extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or an interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, the covenant may also include a condition coupled with a right to be reserved by the Agency to revert title to the property in the event of a breach of the covenant. Such a condition and right of reverter may be included in covenants for any grants or other assistance that the Administrator in his discretion deems appropriate for such treatment. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new or improvement of existing facilities on such property for the purposes for which the property was transferred, the Administrator may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

(b) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, (1) contain or be accompanied by a statement that that program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or under this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the Administrator to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or under this part.

(c) *Assurances from educational institutions.* In the case of any application for Federal financial assistance to an institution of higher education, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

§ 12.7 Compliance information.

(a) *Cooperation and assistance.* Each responsible Agency official shall seek the cooperation of recipients and applicants in obtaining compliance with this part and shall provide assistance and guidance to recipients and applicants to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient or applicant shall keep such records and submit to the responsible Agency official or such official's designee timely, complete, and accurate compliance reports at such times, in such form, and containing such information, as the responsible Agency official or such official's designee may determine to be necessary or useful to enable the Agency to ascertain whether the recipient or applicant has complied or is complying with this part. Recipients and applicants shall have available for Agency officials on request data showing the extent to which persons of each sex are or will be beneficiaries of the assistance. In the case of any program under which a primary recipient extends or will extend Federal financial assistance to any other recipient such other recipient shall submit such compliance reports to the primary recipient as may be necessary or useful to enable the primary recipient to carry out its obligations as a recipient or applicant under this part.

(c) *Access to source of information.* Each recipient shall permit access by the responsible Agency official or such official's designee during normal business hours to such of its facilities, books, records, accounts, and other sources of information as may be relevant to a determination of whether or not the recipient is complying with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and such agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it had made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons any information pertinent to the provisions of this part and its applicability to the

program receiving Federal financial assistance which is necessary or useful to apprise such persons of the protections against discrimination assured them by the Act and by this part.

§ 12.8 Investigations.

(a) *Periodic compliance reviews.* The Administrator shall from time to time review the practices of recipients to determine whether they are complying with this part

(b) *Complaints.* Any person or entity who believes any specific class of persons (including the person or entity complaining) to be subjected to discrimination prohibited by this part may personally or by a representative file with the Administrator a written complaint. This complaint should be filed as promptly as possible after the date of the alleged discrimination.

(c) *Investigations.* The Administrator will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination of whether the recipient has failed to comply with this part.

(d) *Resolution of investigation.* (1) If an investigation indicates a failure to comply with this part, the Administrator will so inform the recipient and complainant, if any, in writing, and the matter will be resolved by informal means whenever possible. If the Administrator determines that the matter cannot be resolved by informal means, action will be taken as provided for in § 12.9.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the Administrator will so inform the recipient and complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Act or by this part, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The Administrator or the Administrator's designee may agree to keep confidential the identity of any complainant except to the extent that disclosure would be required by law in proceedings for the enforcement of this part.

§ 12.9 Procedure for obtaining compliance.

(a) *General.* If compliance with this part cannot be assured by informal means, compliance with this part shall be effected by termination of or refusal to grant or to continue Federal assistance in accordance with the procedures of paragraph (b) of this section, or by any other means authorized by law in accordance with the procedures of paragraph (c) of this section. Such other means include, but are not limited to, (1) a referral of the matter to the Department of Justice with a recommendation that appropriate judicial proceedings be brought to enforce any rights of the United States under any law or assurance or contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Procedure for termination or refusal to grant or continue assistance.* An order terminating or refusing to grant or continue Federal assistance shall become effective only after:

(1) The Administrator has advised the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or under this part;

(3) The action has been approved by the Administrator pursuant to § 12.11 (e); and

(4) The expiration of 30 days after the Administrator has filed with the Committee of the House and the Committee of the Senate having legislative jurisdiction over the program or activity involved, a full written report of the circumstances and the grounds for such action. The termination or refusal to grant or continue assistance shall be limited to the particular political entity, or part thereof, or other recipient as to which a finding of noncompliance with section 13 of the Act and with this part has been made and shall be limited in its effect to the particular program or part thereof in which such noncompliance has been so found.

(c) *Other means authorized by law.* No action to effect compliance with section 13 of the Act and with this part by any other means authorized by law shall be taken until:

(1) The Administrator has determined that compliance cannot be secured by voluntary means, and the recipient or other person against whom action will be sought has been notified of such determination; and

(2) The expiration of at least 10 days from the mailing of such notice to the recipient or such other person. During this period of at least 10 days, additional efforts may be made to persuade the recipient or such other person to take such corrective action as may be appropriate.

§ 12.10 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 12.9(b), reasonable notice shall be given by certified mail, return receipt requested, to the affected applicant or recipient. This notice shall fix a date not less than 3 weeks after the date of receipt of such notice within which the applicant or recipient may file with the Administrator a request in writing that the matter be scheduled for hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under § 12.9(b) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Agency in Washington, D.C., unless the Administrator determines that the convenience of the applicant or recipient or of the Agency requires that another place be selected. Hearings shall be held at a time fixed by the Administrator before an administrative law judge appointed in accordance with section 3105 of title 5, United States Code, or detailed under section 3344 of title 5, United States Code.

(c) *Right to counsel.* In any proceeding under this section, the applicant or recipient and the Agency shall have the right to be represented by counsel.

(d) *Procedures, evidence, and the record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (1970).

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more types of Federal financial assistance to which this part applies, the Administrator may provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases shall be made in accordance with § 12.11.

§ 12.11 Decisions and notices.

(a) *Procedure on decisions by administrative law judge.* The administrative law judge shall make an initial decision, including his or her recommended findings and proposed decision, and a copy of such initial decision shall be mailed by certified mail (return receipt requested) to the applicant or recipient. The applicant or recipient may, within 30 days after the receipt of such notice of initial decision, file with the Administrator his exceptions to the initial decision, and his reasons therefor. In the absence of exceptions, the Administrator may, on his own motion, within 45

days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of notice of review, the Administrator shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall, subject to paragraph (e) of this section, constitute the final decision of the Administrator.

(b) *Decisions on record on review by the Administrator.* Whenever the Administrator reviews the decision of an administrative law judge pursuant to paragraph (a) of this section, the applicant or recipient, the Agency officials responsible, and the complainant, if any, shall be given reasonable opportunity to file with him briefs or other written statements of their contentions, and a written copy of the final decision of the Administrator shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 12.10(a), a decision shall be made by the Administrator on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of an administrative law judge shall set forth his or her ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Administrator.* Any decision by an official of the Agency, other than the Administrator personally, which provides for the termination of, or the refusal to grant or continue, Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Administrator personally, who may approve such decision, vacate it ,or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision, vacate it, or remit or mitigate any or refusal to grant or continue, Federal financial assistance, in whole or in part, to the program involved and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purpose of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to have failed to comply with requirements imposed by or under this part unless and until it corrects its noncompliance and satisfies the Administrator that it will fully comply with this part.

(g) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance from the Agency if it satisfies the terms and conditions of that order for such eligibility and brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part in the future.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Administrator to restore fully its eligibility to receive Federal financial assistance from the Agency. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the Administrator determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the Administrator denies any request made under subparagraph (2) of this paragraph the applicant or recipient may submit a request in writing for a hearing, specifying why it believes him to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record in accordance with rules or procedures issued by the Administrator. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. Failure to file such a request within 3 weeks after receipt of notice of such denial shall constitute consent to the Administrator's determination.

(4) While proceedings under this paragraph (g) are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 12.12 Effect on other regulations, forms, and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions issued before the effective date of this part by any officer of the Agency, or by any predecessor of such an officer, which impose requirements designed to prohibit any discrimination against individuals on the ground of sex under any program or activity to which this part applies, and which authorize the termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that the discrimination against which they are directed is prohibited by this part. Nothing in this part, however, supersedes any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR 1971 et., page 424) and regulations issued thereunder, or (2) any other orders, regulations, or instructions insofar as such orders, regulations, or instructions prohibit discrimination on the ground of sex in any program or activity to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Administrator shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Administrator may from time to time assign to officials of the Agency, or to officials of other departments or agencies of the government with the consent of such departments or agencies, responsibilities in connection with effectuation of the purposes of section 13 of the Act, and this part. The Administrator may delegate in writing any function assigned (other than responsibility for final decision as provided in § 12.11) to him by the Act or by this part. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment or delegation of responsibility under this paragraph shall have the same effect as though such action had been taken by the Administrator of the Agency. All actions taken pursuant to this part with respect to EPA grants including written communications to or from a grant applicant or grantee shall be effected through the appropriate EPA Grants Officer.

[FR Doc.74-21122 Filed 9-12-74;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 263-6]

PART 405—EFFLUENT LIMITATIONS GUIDELINES FOR STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE DAIRY PRODUCTS PROCESSING INDUSTRY POINT SOURCE CATEGORY

Miscellaneous Amendments; Corrections

In FR Doc. 74-11753 appearing on pages 18594 through 18609 in the issue of May 28, 1974, make the following changes:

1. In the metric units portion of the table in § 405.62(a), at page 18603, the effluent limitation maximum for any 1 day for BOD5 now reads "0.715"; the figure should read "0.725."

2. In the table in § 405.72(a), at page 18604, the effluent limitation maximum for any 1 day for TSS now reads "2.640" in the metric units portion and ".264" in the English units portion; the figures should read "3.30" in the Metric units portion and ".330" in the English units portion.

3. In the English units portion of the table in § 405.92(b), at page 18606, the effluent limitation for average of daily values for 30 consecutive days now reads "0.184" for BOD5 and "2.76" for TSS; the figures should read "0.230" for BOD5 and ".345" for TSS.

4. In the metric units portion of the table in § 405.105, at page 18607, the effluent limitation maximum for any 1 day for BOD5 now reads "0.036"; the figure should read "0.360."

5. On page 18595, column 3, paragraph (b)(2), now reads: * * * controlled trainment for small plants * * *; should read * * * controlled entrainment for small plants * * *.

6. On page 18599, column 1, first paragraph, now ends: * * * to revise these regulations; ADD: 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:

7. On page 18606, column 2, § 405.95: Delete; (a) For plants condensing more than 100,000 lb/day of milk equivalent (more than 10,390 lb/day of BOD5 input.

8. In § 405.16, page 18598, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the receiving stations 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 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 405.15; 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."

9. In § 405.26, page 18599, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the fluid products 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 Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows: "In addition to the prohibitions set forth in § 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 § 405.25: *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."

10. In § 405.36, page 18600, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the cultured products 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 Part 128 of this chapter, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 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 § 405.35: *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."

11. In § 405.46, page 18601, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the butter 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 Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 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 § 405.45: *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."

12. In § 405.56, page 18602, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the cottage cheese and cultured cream cheese 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 Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in §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 § 405.55: *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."

13. In § 405.66, page 18603, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the natural and processed cheese 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 Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of preformance for new sources specified in § 405.65; *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."

14. In § 405.76, page 18604, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the fluid mix for ice cream and other frozen desserts 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 Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 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 § 405.75; *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 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."

15. In § 405.86, page 18605, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the manufacture of ice cream, frozen

desserts, novelties and other dairy desserts 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 Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of perfromance for new sources specified in § 405.85: *Provided*, That, if the publicly owned treatment works which receives the pollutants is comitted, 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."

16. In § 405.96, page 18606, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the condensed milk 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 Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 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 § 405.95: *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."

17. In § 405.106, page 18607, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the dry milk 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 Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 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 § 405.105: *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."

18. In § 405.116, page 18608, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the condensed whey 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 Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth § 128.131, the pretreatment standards for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 405.115; *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."

19. In § 405.126, page 18609, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the dry whey 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 Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 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 § 405.125; *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."

Dated: September 9, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-21237 Filed 9-12-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-1—GENERAL

Small Business and Minority Business Programs

Chapter 8 of Title 41, Code of Federal Regulations, is amended as set forth below. Subpart 8-1.7 is revised to conform to Subpart 1-1.7 of the Federal procurement regulations; material is deleted that is already adequately covered by the Federal procurement regulations; and Subpart 8-1.13 on "Minority Business Enterprises" is added. In addition minor editorial changes have been made to reflect agency policy of using precise terms denoting gender.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rulemaking process (§ 1.12, Title 38, Code of Federal Regulations). However, the amendments herein concern agency procedures and practice. Therefore, the public rulemaking process is deemed unnecessary in this instance.

1. Section 8-1.700 is revised to read as follows:

§ 8-1.700 General.

This subpart sets forth the Veterans Administration small business program including section 8(a) contracts with SBA (Small Business Administration) and unilateral set-asides. It establishes responsibility for making such determinations, reviewing determinations and evaluation of the program.

2. In § 8-1.704-1, paragraph (d) is amended to read as follows:

§ 8-1.704-1 Program direction.

* * * * *

(d) The Chief Benefits Director, Manager, Administrative Services, Director, Canteen Service, and Manager, VA Marketing Center, will designate an employee of their respective organizations to serve as a small business officer. The name, telephone number, and mail routing symbol of each designee will be forwarded to the Deputy Director, Supply Service. The small business officer will serve, in addition to his/her other duties, as liaison between his/her organization, the Deputy Director, Supply Service, and the SBA (Small Business Administration) on small business problems affecting his/her organization.

3. In § 8-1.704-2, paragraphs (a) and (b) are amended and paragraph (f) is revoked. The amended material reads as follows:

§ 8-1.704-2 Responsibility.

(a) Except as provided in paragraphs (b), (c), (d), and (e) of this section, the Director, Supply Service, is responsible for the purchasing and contracting aspects of this program in connection with the procurement of supplies, equipment, and services. He/she is responsible

for the compilation and submission of all reports required by the program.

(1) The Chief, Procurement Division, Supply Service, Central Office, is responsible for the purchasing, contracting and reporting aspects of this program as they apply to contracts and purchases made by his/her division. He/she is also responsible for advising and counseling field station contracting officers in the various facets of the small business program.

(2) The Manager, VA Marketing Center, Managers, VA Supply Depots; Executive Officer, VA Supply Subdepot, Bell, California; and the Chief, Supply Service, at Veterans Administration field stations are responsible for the purchasing, contracting and reporting aspects of this program at their respective installations.

(b) The Assistant Administrator for Construction is responsible for the purchasing and contracting aspects of this program as they apply to (1) contracts awarded by a contracting officer assigned to his/her office, and (2) construction projects assigned by him/her to the Chief Medical Director for solicitation, award and administration of the resulting contract by a field station.

* * * * *

(f) [Revoked]

4. Section 8–1.704–3 is revised to read as follows:

§ 8–1.704–3 Program operations.

Each Veterans Administration contracting officer delegated contracting authority by Chapter 8, Title 41, Code of Federal Regulations, a Central Office directive or other Veterans Administration Manual will take positive action to encourage participation in the program by small business entities. He/she will perform the following duties to execute a small business program as appropriate for his/her procurement activity.

(a) Develop a plan of operation to increase the share of contracts and purchase orders awarded to small business concerns.

(b) Promote the minority business enterprise program through the Small Business Administration 8(a) procedures set forth in § 8–1.713.

(c) Review the types and classes of items and services to be purchased to determine the applicability of small business set-asides or class set-asides.

(d) Plan for locating capable small business sources for current and future procurements.

(e) Develop adequate small business competition on all appropriate procurements.

(f) Examine bidders lists to assure that small business firms are identified and adequately represented on all procurements.

(g) Assure that small business firms are identified on bid abstracts.

(h) Assure that restrictive specifications or other actions which prevent small business participation are modified to permit small business participation where adequate performance can be obtained.

(i) Assist and counsel small business firms with individual problems.

(j) Provide for counseling nonresponsive or nonresponsible small business bidders to help qualify them for future awards.

(k) Screen proposed large procurements to determine the possibility of separation or breakout of components suitable for purchase from small business firms.

(l) Attend conferences and meetings publicizing the small business program.

(m) Insure that proposed procurements are publicized in the Commerce Business Daily.

(n) Set goals for small business and 8(a) purchase orders and contracts.

(o) Assure preference to small business firms on multiple award Federal supply schedules.

(p) Promote the award of research contracts to small business firms.

5. In § 8–1.704–4, paragraph (b) is amended and paragraphs (d) and (e) are revoked. The amended material reads as follows:

§ 8–1.704–4 Definitions.

As used in this subpart the following terms have the following meanings:

* * * * *

(b) "Head of procuring activity" means the Chief, Procurement Division, Central Office; Project Directors, Office of the Assistant Administrator for Construction; Director, Building and Supply Service, Central Office; Director, Publications Service; Central Office; Chiefs, Marketing Divisions, VA Marketing Center; and the Chief, Supply Service, at a field station.

* * * * *

(d) [Revoked]
(e) [Revoked]

§§ 8–1.705, 8–1.705–7, 8–1.705–50 and 8–1.705–51 [Revoked]

6. Section 8–1.705, "Cooperation with the Small Business Administration" is revoked.

7. Section 8–1.706–1 is revised to read as follows:

§ 8–1.706–1 General.

Each Veterans Administration contracting officer will exercise his/her best efforts to identify those commodities or services required by the Veterans Administration, that are capable of being furnished or rendered by a small business entity. He/she will determine in cooperation with an SBA representative, where possible, whether or not a particular procurement or class of procurements will be set aside, in whole or in part, for exclusive small business participation. In the event an SBA representative is not available, a unilateral determination will be made by the contracting officer. Each determination will be reviewed by the head of the specific procuring activity and either approved or disapproved. Should there be a difference of opinion on such determinations the matter will be referred to the Deputy Director, Supply Service, for resolution. The Deputy Director will, when necessary, refer the matter to SBA as provided in FPR 1–1.706–2.

8. Section 8–1.706–2 is revised to read as follows:

§ 8–1.706–2 Review of SBA set-aside proposals.

When a recommendation is made by an SBA representative to set aside either an individual procurement or a class of procurements, the contracting officer will either accept or reject the recommendation. If rejected, the reasons therefor will be documented and submitted to the head of the procuring activity for review. If the rejection is upheld by the reviewing authority his/her decision, reduced to writing, will be transmitted to the SBA representative, for necessary action in accordance with FPR 1–1.706–2. Pending resolution of the dispute, procurement action will be suspended except as provided in FPR 1–1.706–2(a)(2).

9. In § 8–1.706–5, paragraph (b) is amended to read as follows:

§ 8–1.706–5 Total set-asides.

* * * * *

(b) Each proposed procurement for construction, including alteration, maintenance, and repairs, in excess of $2,000 and under $500,000 shall be considered individually as though SBA had initiated a set-aside request. When, in the judgment of the contracting officer, a particular project falling within these dollar limits is determined unsuitable as a set-aside for exclusive small business participation pursuant to FPR 1–1.7 of this title, he/she shall notify the Director, Supply Service, of his/her decision. Unless the Director, Supply Service, or his/her designee, disagrees with the contracting officer's decision, the contracting officer shall proceed to process the procurement on an unrestricted basis.

10. In § 8–1.708–2, paragraph (c) is amended to read as follows:

§ 8–1.708–2 Applicability and procedure.

The higher authority referred to in FPR 1–1.708–2(a)(1) will be the following individuals in the Veterans Administration:

* * * * *

(c) Director, Supply Service for the Procurement Division, Supply Service, Central Office.

* * * * *

11. Section 8–1.708–3 is revised to read as follows:

§ 8–1.708–3 Conclusiveness of certificate of competency.

When a certificate of competency has been issued by the SBA and the contracting officer, as provided for in FPR 1–1.708–2(a)(5), has substantial doubts as to the ability of the prospective contractor to perform, he/she shall document his/her reasons therefor and submit the matter to the Deputy Director, Supply Service. The Deputy Director, Supply Service, will resolve the matter with SBA. If, in his/her opinion, the contracting officer's reasons are valid he/she may request SBA to withdraw the certificate of

competency. The contracting officer will be advised as to the action he/she is to take.

§ 8–1.710–2 [Revoked]

12. Section 8–1.710–2, "Small business subcontracting program," is revoked.

13. Section 8–1.710–4 is revised to read as follows:

§ 8–1.710–4 Review of subcontracting program.

Responsibility for reviewing and reporting on the prime contractor's subcontracting program is assigned to:

(a) Manager, VA Marketing Center, or his/her designee, for all contracts entered into by the marketing divisions of the center.

(b) The Assistant Administrator for Construction, or his/her designee, for all contracts entered into by contracting officers assigned to his/her office.

(c) The Chief, Procurement Division, Central Office, or his/her designee, for all contracts entered into by that division.

(d) The Chief, Supply Service, or his/her designee, for contracts entered into by field station contracting officers.

14. Sections 8–1.713–1, 8–1.713–2, 8–1.713–3 and 8–1.713–4 are added to read as follows:

§ 8–1.713 Contracts with the Small Business Administration.

§ 8–1.713–1 Authority.

Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) authorizes the Veterans Administration to enter into contracts with the SBA. The latter agency is, in turn, authorized to enter into subcontracts with eligible concerns who are capable of performing these contracts.

§ 8–1.713–2 Policy.

(a) No contract will be entered into with SBA under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) unless a certification is made by the Administrator of that agency, or designee, that SBA is competent to perform the contract.

(b) When it is determined that the requirements of the Veterans Administration are appropriate for inclusion in this program, the contracting officer will make this fact known to the proper officials of the SBA regional office servicing his/her area. If the certification required by paragraph (a) of this section is received, the Veterans Administration contracting officer will secure from SBA the name(s) and location(s) of their subcontractor(s) and the unit price(s) to be paid. Should these prices be within a range acceptable to the Veterans Administration, the contracting officer will notify SBA of acceptance.

(c) The contract will be made between the Veterans Administration and SBA and will be administered by the Veterans Administration. Funds will be obligated prior to execution of the contract.

§ 8–1.713–3 Procurement of supplies, services, and research and development.

(a) Contracts for supplies, equipment and services other than construction will be prepared as any other prime contract and in accordance with FPR 1–1.713–3.

(b) The Veterans Administration contracting officer will forward the prime contract to the SBA in sufficient numbers to furnish two copies to SBA and one copy to each subcontractor. SBA will return the signed original to the Veterans Administration contracting officer.

§ 8–1.713–4 Procurement of construction.

Construction projects which have been selected for inclusion in this program will be contracted for as provided in this section and FPR 1–1.713–4.

(a) The contracting officer will submit, for each project so identified, the complete project listing including technical specifications, drawings and wage rates to the proper official of the appropriate SBA regional office. Should SBA select a competent subcontractor capable of performing the work, they will so certify to the Veterans Administration contracting officer. They will furnish him/her the name and complete address of the subcontractor(s), the project involved and the price(s) quoted. If the price quoted is within the range acceptable to the Veterans Administration, the contracting officer will indicate acceptance to the SBA.

(b) When the contracting officer received Standard Form 23, Construction Contract, signed by the SBA and the subcontractor, and the performance and payment bonds, the contracting officer will forward a notice to proceed to the subcontractor.

(c) In the event SBA or the contracting officer cannot locate an eligible concern capable of and willing to perform the work, the provisions of § 8–1.706–5 will be complied with.

15. In Part 8–1, Subpart 8–1.13 is added to read as follows:

Subpart 8–1.13—Minority Business Enterprises

§ 8–1.1350 VA Minority Business Enterprise Program.

(a) The Administrator, in implementation of the desires of the President to enhance the sharing of the nation's minorities in the free enterprise system, has pledged the full participation of the Veterans Administration in achieving this goal. The VA Committee on Minority Business Enterprise establishes goals to be achieved by this agency in the award of contracts during each fiscal year. To achieve these goals, it is essential that contracting officers exercise their best efforts to determine which requirements can be channeled into this program.

(b) To assure the widest participation of the Veterans Administration in this program, department, staff office and field station heads will require their procurement staff to: contact local business and social organizations composed of minority groups; secure the names of companies owned or operated by minority groups or individuals who are capable of and willing to participate in the program. The individuals and companies contacted will be instructed by the procurement staff in the proper manner to register as suppliers. The procurement staff will also take positive steps to assure that such minority businesses are given an opportunity to bid on Veterans Administration requirements.

(c) Minority businesses disclosed by the actions set forth in paragraph (b) of this section will be furnished Standard Form 129, Bidder's Mailing List Application, on which the following will be inscribed:

> The business entity submitting this offer (is) (is not) a minority-owned business. This certification is furnished for statistical purposes only and is not a condition for bidding nor a restriction upon eligibility for award.

The above certification shall also be included in all invitations for bids, requests for quotations and requests for proposals.

(72 Stat. 1114, sec. 205(c), 63 Stat. 390; (38 U.S.C. 210, 40 U.S.C. 486(c)))

These VA regulations are effective October 11, 1974.

Approved: September 6, 1974.

[SEAL] R. L. ROUDEBUSH,
Acting Administrator.

[FR Doc.74–21178 Filed 9–12–74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER N—DANGEROUS CARGOES

[CGD 73–137 R]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS

Marking of Packages

The purpose of this amendment is to amend the dangerous cargo regulations to require the marking of packages containing radioactive materials with the proper shipping name and to prescribe markings for portable tanks.

On Friday, August 31, 1973, the Coast Guard published a notice of proposed rulemaking on this matter (38 FR 23535). A hearing was held on September 25, 1973. No one testified at the hearing; however, one written comment was received.

The one comment received dealt with the height requirement for the lettering, of the required markings on portable tanks. This comment stated that the height of lettering could easily reach 12 inches when considering 1/10 the diameter of the larger portable tanks, and that lettering of this size would not readily

communicate the desired warning and information if viewed at close quarters. Additionally the commenter pointed out that it would be extremely difficult if not impossible to place all the required information on the tank using such large lettering. It was recommended that a maximum height be specified for the lettering. This comment has been incorporated in the amendment.

In consideration of the foregoing, Title 46 Code of Federal Regulations Part 146 is amended by:

§ 146.05–15 [Amended]

1. Adding to § 146.05–15(a) after the words "poisonous articles" the words "radioactive materials".

2. Revising § 146.05–15(e)(1) to read as follows:

* * * * *

(e) * * *

(1) Packages containing hazardous materials other than explosives must be marked, unless exempted, with the proper shipping name as shown in the commodity list of the regulations in this part. For tank cars, this marking must appear either on the placards or commodity cards. For other than domestic shipments, where the proper shipping name of the commodity is an "N.O.S." entry in the particular table, this marking shall be qualified by the chemical name of the commodity in parenthesis e.g. "Corrosive Liquid, N.O.S. (caprylyl chloride)".

(i) Each portable tank used for the transportation of a hazardous material must be conspicuously and legibly marked, on a background of sharply contrasting color with a sign or lettering on the tank, such as "Corrosive Liquid", "Compressed Gas", or "Flammable Compressed Gas" as appropriate, and with the proper shipping name as shown in the list of hazardous materials. The height of all required lettering must be at least 2 inches or one-tenth the diameter of the tank (subject to a maximum of 5 inches), whichever is greater. Each portable tank must be marked with the owner's name. In addition to these markings, the trade name for the contents may be marked on the portable tank: *Provided, however,* That no such marking will be of such size and character as to render the required markings inconspicuous.

(R.S. 4472 as amended: R.S. 4417a, as amended; Sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).)

Voluntary compliance is permitted before the effective date.

This amendment becomes effective on October 15, 1974.

Dated: September 4, 1974.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.74-21160 Filed 9-12-74;8:45 am]

[CGD 74-144]

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS STORES AND SUPPLIES ON BOARD VESSELS

PART 147A—INTERIM REGULATIONS FOR SHIPBOARD FUMIGATION

Minimum Requirements

The purpose of these amendments is to add to Subchapter N of Title 46, Code of Federal Regulations, a new Part 147A that contains the minimum requirements for shipboard fumigation.

Under 46 U.S.C. 170(7), the Commandant of the Coast Guard is to promulgate regulations "to secure effective provisions against the hazards of health, life, limb, or property created by * * * dangerous articles or substances." Under 46 U.S.C. 170(6)(a), dangerous articles or substances may not be used on board a vessel unless the use is permitted by these regulations of the Commandant. Under 46 U.S.C. 170(6)(a), flammable or poisonous substances are included as dangerous articles or substances. Therefore, since fumigants that are used on shipboard are flammable or poisonous, they may not be used unless that use is permitted by regulations of the Commandant that are promulgated under 46 U.S.C. 170(7).

46 CFR Part 146 contains regulations for the transportation or storage of explosives or other dangerous articles or substances, and combustible liquids on board vessels. 46 CFR Part 147 contains regulations that govern the use of dangerous articles as ships' stores and supplies on board vessels. Ships' stores and supplies, as defined in 46 CFR 147.-02–1, are any articles or substances that are used on board a vessel for the upkeep and maintenance of the vessel, the safety or comfort of the vessel, its passengers or crew, or for the operation or navigation of the vessel. Certain uses of fumigants may be permitted under these ships' stores regulations; however, neither Part 146 nor Part 147 covers the use of fumigants on cargo aboard the vessel. Therefore, before that use is permitted on board a vessel under 46 U.S.C. 170(6)(a), it must be permitted by regulations of the Commandant that are promulgated under 46 U.S.C. 170(7).

It has come to the attention of the Coast Guard that shipboard fumigation has recently resulted in injury and death. Therefore, the Coast Guard has determined that the procedure for certification of fumigants as ships' stores under 46 CFR Part 147 is not always adequate and that it is also necessary to promulgate specific regulations for the fumigation of cargo. The Coast Guard is promulgating these interim regulations for the immediate protection of the health and safety of the crew and other persons on board a vessel during fumigation. The Coast Guard needs more experience, information, and time to promulgate final regulations for the use of fumigants. These interim regulations provide the minimum requirements for the safe use of fumigants aboard vessels until these final regulations are promulgated. During this interim fumigants will not be certified for use as ships' stores under Part 147. The requirements that are being considered for the final regulations include a new procedure for the certification of fumigants that includes the approval by the Coast Guard of the instructions for use that will appear on the label.

Because there is an immediate need for these regulations to protect the health and safety of the crew and other persons on board a vessel during fumigation, the Coast Guard finds that notice and hearing are contrary to the public interest under 5 U.S.C. 553(b)(3)(B) and 46 U.S.C. 170(9) and that these regulations are to be effective immediately under 5 U.S.C. 553(d)(3) and 46 U.S.C. 170(9).

In consideration of the foregoing, Subchapter N of Title 46, Code of Federal Regulations is amended as follows:

§ 147.02–1 [Amended]

1. By amending § 147.02–1 by striking the period after the words, "(except fuel for its own machinery)" and adding the words, "; except shipboard fumigation that is regulated under Part 147A of this subchapter."

2. By adding a new Part 147A to read as follows:

GENERAL

Sec.
147A.1 Purpose.
147A.3 Applicability.
147A.5 General requirement.
147A.7 Definitions.
147A.9 Persons in charge of fumigation and the vessel; designation.
147A.10 Notice to Captain of the Port.

BEFORE FUMIGATION

147A.11 Person in charge of fumigation; before fumigation.
147A.13 Person in charge of vessel; before fumigation.

DURING FUMIGATION

147A.21 Person in charge of fumigation; during fumigation.
147A.23 Person in charge of the vessel; during fumigation.
147A.25 Entry.

AFTER VENTILATION

147A.31 Removal of fumigation material and warning signs.

SPECIAL REQUIREMENTS FOR FLAMMABLE FUMIGANTS

147A.41 Person in charge of fumigation; flammable fumigants.
147A.43 Other sources of ignition; flammable fumigants.

AUTHORITY: 46 U.S.C. 170; (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).

GENERAL

§ 147A.1 Purpose.

The purpose of this part is to prescribe the requirements for shipboard fumigation that are critical for the health and

safety of the crew and any other person who is on board a vessel during fumigation. These are interim rules pending further study and promulgation of comprehensive regulations on shipboard fumigation.

§ 147A.3 Applicability.

This part prescribes the rules for shipboard fumigation on vessels to which Subchapter N applies under § 146.02-2.

§ 147A.5 General requirement.

No person may cause or authorize shipboard fumigation contrary to the rules in this part.

§ 147A.7 Definitions.

As used in this part—

(a) "Qualified person" means a person who has experience with the particular fumigant or knowledge of its properties and is familiar with fumigant detection equipment and procedures, or an applicator who is certified by the Environmental Protection Agency if his certification covers the fumigant that is used.

(b) "Fumigant" means a substance or mixture of substances that is a gas or is rapidly or progressively transformed to the gaseous state though some nongaseous or particulate matter may remain in the space that is fumigated.

(c) "Fumigation" means the application of a fumigant on board a vessel to a specific treatment space.

§ 147A.9 Persons in charge of fumigation and the vessel; designation.

(a) The person, including any individual, firm, association, partnership, or corporation, that is conducting a fumigation operation shall designate a person in charge of fumigation for each operation.

(b) The operator of each vessel shall designate a person in charge of the vessel for each fumigation operation.

§ 147A.10 Notice to Captain of the Port.

Unless otherwise authorized by the Captain of the Port, at least 24 hours before fumigation the operator of the vessel shall notify the Coast Guard Captain of the Port, for the area where the vessel is to be fumigated, of the time and place of the fumigation, and the name of the vessel that is to be fumigated.

BEFORE FUMIGATION

§ 147A.11 Person in charge of fumigation; before fumigation.

(a) The person in charge of fumigation shall notify the person in charge of the vessel of—

(1) The space that is to be fumigated;

(2) The name, address, and emergency telephone number of the fumigation company;

(3) The dates and times of fumigation;

(4) The characteristics of the fumigant;

(5) The spaces that are determined to paragraph (b) (1) (i) of this section;

(6) The maximum allowable concentration of fumigant in spaces, if any, that are determined to be safe for occupancy under paragraph (b) (1) (i) of this section;

(7) The symptoms of exposure to the fumigant; and

(8) Emergency first aid treatment for exposure to the fumigant.

(b) The person in charge of fumigation shall ensure that—

(1) A marine chemist or other qualified person who has knowledge of and experience in shipboard fumigation evaluates the vessel's construction and configuration and determines—

(i) Which spaces, if any, are safe for occupancy during fumigation; and

(ii) The intervals that inspections must be made under § 147A.21(a) (1);

(2) No persons or domestic animals are in the space that is to be fumigated or the spaces that are designated as unsafe for occupancy under paragraph (b) (1) (i) of this section;

(3) There is proper and secure sealing to confine the fumigant to the space that is to be fumigated, including blanking off and sealing any ventilation ducts and smoke detectors;

(4) The personal protection and fumigation detection equipment for the fumigant that is to be used is on board the vessel;

(5) Warning signs are—

(i) Posted upon all gangplanks, ladders, and other points of access to the vessel;

(ii) Posted on all entrances to the spaces that are designated as unsafe for occupancy under paragraph (b) (1) (i) of this section; and

(iii) In accordance with section 432 of the Standard for Fumigation (NFPA No. 57-1973) of the National Fire Protection Association (copies may be obtained by requesting NFPA No. 57-1973 from the National Fire Protection Association, International, 470 Atlantic Avenue, Boston, Massachusetts 02210); and

(6) Watchmen are stationed at all entrances to—

(i) Spaces that are not determined to be safe for occupancy under paragraph (b) (1) (i) of this section; or

(ii) The vessel, if no spaces are determined to be safe for occupancy under paragraph (b) (1) (i) of this section.

§ 147A.13 Person in charge of the vessel; before fumigation.

(a) After notice under § 147A.11(a) (5), the person in charge of the vessel shall notify the crew and all other persons on board the vessel who are not participating in the fumigation of the spaces that are determined to be safe for occupancy under § 147A.11(b) (1) (i).

(b) If no spaces are determined to be safe for occupancy under § 147A.11(b) (1) (i), the person in charge of the vessel shall ensure that the crew and all persons who are not participating in the fumigation leave the vessel and remain away during fumigation.

DURING FUMIGATION

§ 147A.21 Person in charge of fumigation; during fumigation.

(a) Until ventilation begins, or until the vessel leaves port, the person in charge of fumigation shall ensure that a qualified person inspects the vessel as follows:

(1) He must use detection equipment for the fumigant that is used to ensure that the fumigant is confined to—

(i) The space that is fumigated, if partial occupancy is allowed under § 147A.11 (b) (1) (i); or

(ii) The vessel, if no space is determined to be safe for occupancy under § 147A.11(b) (1) (i).

(2) He must make inspections at the intervals that are determined to be necessary by the marine chemist or qualified person under § 147A.11(b) (1) (ii).

(b) If leakage occurs, the person in charge of fumigation shall—

(1) Notify the person in charge of the vessel that there is leakage;

(2) Ensure that all necessary measures are taken for the health and safety of any person; and

(3) Notify the person in charge of the vessel when there is no danger to the health and safety of any person.

(c) After the exposure period, if the vessel is in port, the person in charge of fumigation shall ensure that fumigators or other qualified persons ventilate the space that is fumigated as follows:

(1) Hatch covers and vent seals must be removed, other routes of access to the atmosphere must be opened, and if necessary, mechanical ventilation must be used.

(2) Personal protection equipment that is appropriate for the fumigant that is used must be worn.

(d) If ventilation is completed before the vessel leaves port, the person in charge of fumigation shall—

(1) Ensure that a qualified person, who is wearing the personal protection equipment for the fumigant that is used if remote detection equipment is not used, tests the space that is fumigated and determines if there is any danger to the health and safety of any person, including a danger from fumigant that may be retained in bagged, baled, or other absorbent cargo;

(2) Notify the person in charge of the vessel of this determination; and

(3) If it is determined that there is a danger—

(i) Ensure that all measures are taken that are necessary for the health and safety of all persons; and

(ii) Notify the person in charge of the vessel when there is no danger to the health and safety of any person.

§ 147A.23 Person in charge of vessel; during fumigation.

(a) The person in charge of the vessel shall ensure that the crew and all other persons on board the vessel who are not participating in the fumigation restrict their movement during fumigation to the spaces that are determined to be safe

for occupancy under § 147A.11(b)(1)(i).

(b) The person in charge of the vessel shall ensure that the crew and all other persons who are not participating in the fumigation follow any instructions of the person in charge of fumigation that are issued under § 147A.21 (b)(2) or (d)(3)(i) and that the vessel does not leave port if he is notified under—

(1) Section 147A.21(b)(1) that there is leakage, unless the person in charge of fumigation notifies him under § 147A.21 (b)(3) of this subpart that there is no danger; or

(2) Section 147A.21(d)(2) that there is a danger after ventilation, unless the person in charge of the fumigation notifies him under § 147A.21(d)(3)(ii) that there is no danger.

(c) If fumigation is not completed before the vessel leaves port, the person in charge of the vessel shall ensure that personal protection and fumigant detection equipment for the fumigant that is used is on board the vessel.

(d) If the vessel leaves port before fumigation is completed, the person in charge of the vessel shall ensure that a qualified person makes periodic inspections until ventilation is completed and this person shall use detection equipment for the fumigant that is used to determine if—

(1) There is leakage of fumigant; or

(2) There is a concentration of fumigant that is a danger to the health and safety of any person.

(e) If the qualified person determines under paragraph (d) of this section that there is leakage or a concentration of fumigant that is a danger to the health and safety of any person, the person in charge of the vessel shall take all measures that are, in his discretion, necessary to ensure health and safety of all persons who are on board the vessel. If the danger is due to leakage, he shall also ensure that qualified persons immediately ventilate in accordance with paragraphs (c)(1) and (2) of § 147A.21.

(f) If the vessel leaves port during the exposure period, the person in charge of the vessel shall ensure that the space that is fumigated is ventilated by qualified persons after the exposure period in accordance with paragraphs (c)(1) and (2) of § 147A.21.

(g) If ventilation is completed after the vessel leaves port, the person in charge of the vessel shall ensure that a qualified person, who is wearing the personal protection equipment for the fumigant that is used if remote detection equipment is not used, tests the space that is fumigated to determine if there is a danger to the health and safety of any person, including a danger from fumigant that may be retained in bagged, baled, or other absorbent cargo. If the qualified person determines that there is a danger, the person in charge of the vessel shall take all measures that are, in his discretion, necessary to ensure the health and safety of all persons who are on board the vessel.

§ 147A.25 Entry.

(a) No person may enter the spaces that immediately adjoin the space that is fumigated during fumigation unless entry is for emergency purposes or the space is tested and declared safe for human occupancy by a marine chemist or other qualified person and is inspected under § 147A.21(a)(2) or § 157A.23(d).

(b) If entry is made for emergency purposes—

(1) No person may enter the space that is fumigated or any adjoining spaces during fugimation unless he wears the personal protection equipment for the fumigant that is in use;

(2) No person may enter the space that is fugimated unless the entry is made by a two person team; and

(3) No person may enter the space that is fumigated unless he wears a lifeline and safety harness and each life-line is tended by a person who is outside the space and who is wearing the personal protection equipment for the fumigant that is in use.

AFTER VENTILATION

§ 147A.31 Removal of fumigation material and warning signs.

After ventilation is completed and a marine chemist or other qualified person determines that there is no danger to the health and safety of any person under § 147A.21(d) or § 147A.23(g), the person in charge of fumigation, or, if the vessel has left port, the person in charge of the vessel, shall ensure that all warning signs are removed and fumigation containers and materials are removed and disposed of in accordance with the manufacturer's recommendations.

SPECIAL REQUIREMENTS FOR FLAMMABLE FUMIGANTS

§ 147A.41 Person in charge of fumigation; flammable fumigants.

(a) The person in charge of fumigation shall ensure that—

(1) Before the space that is to be fumigated is sealed, it is thoroughly cleaned, and all refuse, oily waste, and other combustible material is removed;

(2) Before fumigation, all fire fighting equipment, including sprinklers and fire pumps, is in operating condition; and

(3) Before and during fumigation, electrical circuits that are in the space that is fumigated are de-energized.

§ 147A.43 Other sources of ignition; flammable fumigants.

While the space that is fumigated is being sealed or during fumigation, no person may use matches, smoking materials, fires, open flames, or any other source of ignition in any spaces that are not determined to be safe for occupancy under § 147A.11(b)(1)(i).

(46 U.S.C. 170; (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Effective date. These amendments are effective on September 13, 1974.

Dated: September 5, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74-21164 Filed 9-12-74;8:45 am]

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 33]

PART 308—WAR RISK INSURANCE

Expiration Dates Changed

In F.R. Doc. 74-5830, appearing in the FEDERAL REGISTER issue of March 13, 1974 (39 FR 9669) Part 308 was amended to reflect the following changes:

Amend § 308.6 Period of interim binders and renewal procedure, § 308.106 Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement, § 308.206 Standard form of war risk protection and indemnity insurance interim binder, and § 308.305 Standard form of Second Seamen's war risk insurance interim binder, by changing the expiration dates contained therein to read "midnight October 7, 1974, g.m.t."

The same is hereby further amended by changing the expiration dates contained therein to read "midnight April 7, 1975, g.m.t."

(Sec. 204, 49 Stat. 1987, as amended; (46 U.S.C. 1114))

Dated: September 6, 1974.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.74-21242 Filed 9-12-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[[1] Corrected S.O. 1176, Amdt. 1]

PART 1033—CAR SERVICE

Kansas City Southern Railway Co. Authorized To Operate Over Certain Tracks of St. Louis-San Francisco Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of August 1974.

Upon further consideration of [1] Corrected Service Order No. 1176 (39 FR 13264), and good cause appearing therefor:

[1] Correction Amendment No. 1 Served August 30, 1974, erroneously referred to Service Order No. 1176.

It is ordered, That: § 1033.1176 *Service Order No. 1176* (The Kansas City Southern Railway Company authorized to operate over certain tracks of St. Louis-San Francisco Railway Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1974.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), 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.74–21243 Filed 9–12–74;8:45 am]

[S.O. 1196]

PART 1033—CAR SERVICE

Duluth, Missabe and Iron Range Railway Co. Authorized To Operate Over Tracks of Soo Line Railroad, Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of September 1974.

It appearing, that the Duluth, Missabe and Iron Range Railway Company (DMIR) and the Soo Line Railroad Company (Soo) have agreed to change the point of interchange of traffic delivered by the DMIR to the Soo from Missabe Junction, Wisconsin to Stinson, Wisconsin, both points being located within the limits of Superior, Wisconsin; that the aforementioned change of interchange to Stinson will enable these carriers to move this traffic through the Superior, Wisconsin terminal twenty-four hours faster than when interchange is accomplished at Missabe Junction; that the change in the interchange point to Stinson will greatly improve freight car utilization and thereby assist in overcoming freight car shortages; that interchange of cars between these carriers at Stinson, Wisconsin will require operation by the DMIR over tracks of the Soo between Saunders, Wisconsin, and Stinson, Wisconsin, a distance of approximately three (3) miles; that the Soo has consented to such use of its tracks by the DMIR; that operation by the DMIR over the aforementioned tracks of the Soo, pending disposition of application with the Commission to operate over these tracks, 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:

§ 1033.1196 Service Order No. 1196.

(a) *Duluth, Missabe and Iron Range Railway Company authorized to operate over tracks of Soo Line Railroad Company.* The Duluth, Missabe and Iron Range Railway Company (DMIR) be, and it is hereby, authorized to operate over tracks of the Soo Line Railroad Company (Soo), for interchange purposes only, from Saunders Interchange at Superior, Wisconsin, to Stinson Interchange, also at Superior, Wisconsin, a distance of three (3) miles, all within the yard limits of the Soo's Duluth-Superior Terminal.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.* This order shall become effective at 12:01 p.m., September 10, 1974.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), 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.74–21244 Filed 9–12–74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Correction

In FR Doc. 74–20064 appearing at page 31883 in the issue of Tuesday, September 3, 1974, the following changes should be made in § 20.105:

1. In paragraph (c), in the first column on page 31885, the entry for New Mexico should read:

New Mexico [3] ..... Oct. 12 to Jan. 12.

2. In paragraph (e):

a. In the table on page 31886, all footnotes [1] should read footnotes *.

b. In the table on page 31887, under "Illinois", the entry for "Geese" should read:

	Season dates	Limits	
		Bag	Possession
Geese [1] [2]		5	5

c. In this same table on page 31887, under Michigan, the entry for Zones 2 and 3 under "Ducks" should read:

Zones 2 and 3	Oct. 9 to Nov. 20	Point system.	Point system.

d. In the table on page 31888, all footnotes [1] should read footnotes *.

e. In the first table on page 31889, under the entry "Geese:", the Season dates for "In remainder of State" should read:

Oct. 2* to Dec. 10....

PART 32—HUNTING

Agassiz National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective September 13, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Agassiz National Wildlife Refuge, Minnesota, is permitted from sunrise to sunset November 1 through November 30, 1974, inclusive, on all areas except those designated by closed area signs. This open area comprises 58,660 acres, is delineated on a map available at the Refuge Headquarters near Holt, Minnesota, and from the Regional Director, U.S. Fish & Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting

shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1974.

JOSEPH KOTOK,
Refuge Manager, Agassiz National Wildlife Refuge, Middle River, Minnesota.

SEPTEMBER 4, 1974.

[FR Doc.74-21148 Filed 9-12-74;8:45 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective September 13, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer on portions of the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from 12 noon to sunset November 8, 1974, and from sunrise to sunset November 9, 1974 through November 17, 1974, only on the area south of State Highway #14 designated by signs as open to hunting. This open area is delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the Area Office, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) A special access permit is required, with a limited number of permits being issued from refuge headquarters.

(2) All hunters must exhibit their special access permit, hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1974.

DAROLD T. WALLS,
Acting Refuge Manager.

SEPTEMBER 5, 1974.

[FR Doc.74-21211 Filed 9-12-74;8:45 am]

PART 32—HUNTING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective September 13, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, gallinules, and mergansers on the Quivira National Wildlife Refuge, Kans., is permitted from October 19, 1974 through December 8, 1974, inclusive, and from December 23, 1974 through December 29, 1974, inclusive; geese, from October 19, 1974 through December 29, 1974, inclusive. Hunting of mourning doves, snipe, rails, crows, and woodcock is permitted when the respective seasons are concurrent with the waterfowl seasons as designated by the Kansas Forestry, Fish, and Game Commission. Hunting shall be only on the areas designated by signs as open to hunting. These open areas, comprising 7,990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, gallinules, geese, mourning doves, snipes, rails, crows, and woodcock subject to the following special regulations:

(1) Blinds—only temporary blinds constructed above ground of natural vegetation are permitted.

(2) Dogs—not to exceed two per hunter may be used only for retrieving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 29, 1974.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

AUGUST 26, 1974.

[FR Doc.74-21219 Filed 9-12-74;8:45 am]

PART 32—HUNTING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective September 13, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants, bobwhite, squirrel and rabbits on the Quivira National Wildlife Refuge, Kansas is permitted only in the areas open to waterfowl hunting. These areas, comprising 7,990 acres are delineated on maps available at refuge headquarters, Stafford, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State regulations governing the hunting of ring-necked pheasants, bobwhite, squirrel and rabbits October 19, 1974 through January 31, 1975, inclusive, subject to the following special conditions:

(1) The use of rifles is prohibited for taking squirrel and rabbits.

(2) The hunting of any species after sunset is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1975.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kansas.

AUGUST 26, 1974.

[FR Doc.74-21220 Filed 9-12-74;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 152]

CLASSIFICATION AND APPRAISEMENT OF MERCHANDISE

Notification of an Importer of an Increase in Estimated Duties

Notice is hereby given that under the authority of 5 U.S.C. 301, R.S. 251, as amended (19 U.S.C. 66), and sections 505, 624, 46 Stat. 732, as amended, 759 (19 U.S.C. 1505, 1624), it is proposed to amend § 152.2 of the Customs regulations (19 CFR 152.2) to provide that the district director of Customs shall notify the importer on Customs Form 29, Notice of Action, when the estimated aggregate of the increase in duties on an entry exceeds $50.

Section 152.2 of the Customs Regulations presently requires that the importer be notified on Customs Form 5561 when the estimated aggregate of the increase in duties on an entry exceeds $15. Customs Form 5561 has been abolished, and notification to importers of increased duties is now made on Customs Form 29, Notice of Action. A study by the United States Customs Service has determined that administrative costs incurred in notifying importers of increases in duty ranging between $15 and $50 are disproportionate to the amount of duties involved, and that an increase of the minimum amount to $50 will not result in a significant reduction of services provided to the importing public.

Accordingly, it is proposed to amend § 152.2 of the Customs regulations (19 CFR 152.2) to read as follows:

§ 152.2 Notification to importer of increased duties.

If the district director believes that the entered rate or value of any merchandise is too low, or if he finds that the quantity imported exceeds the entered quantity, and the estimated aggregate of the increase in duties on that entry exceeds $50, he shall promptly notify the importer on Customs Form 29, Notice of Action, specifying the nature of the difference on the notice. Liquidation shall be made promptly and shall not be withheld for a period of more than 20 days from the date of mailing of the notice unless in the judgement of the district director there are compell'ng reasons that would warrant such action.

Data, views, or arguments with respects to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before October 15, 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] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: September 5, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-21225 Filed 9-12-74;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 204]

GULF OF MEXICO, FLORIDA

Use and Navigation of Dangerous Zones

Notice is hereby given that pursuant to section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 236; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3) the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to govern the use and navigation of danger zones in the Gulf of Mexico, southeast of St. Andrew Bay East Entrance, Florida. It is proposed to amend the present regulations with respect only to subparagraph (1) of paragraph (a) in Title 33 Code of Federal Regulations, § 204.120 to change the boundaries of Area No. 1. The remainder of Title 33 Code of Federal Regulations § 204.120 remains unchanged.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN-CWO-N on or before October 15, 1974.

§ 204.120 Gulf of Mexico, southeast of St. Andrew Bay East Entrance, Small Arms Firing Range, Tyndall Air Force Base, Fla.

(a) *The Danger Zones*—(1) *Area No. 1.* The waters of the Gulf of Mexico, southeast of St. Andrew Bay East Entrance within a rectangular area beginning at a point on shore at latitude 30°04'32", longitude 85°37'07"; thence to latitude 30°03'03", longitude 85°38'42"; thence to latitude 30°02'14", longitude 85°37'15"; thence to a point on shore at latitude 30°04'13", longitude 85°36'47"; thence along the shoreline to the point of beginning.

* * * * *

Dated: September 6, 1974.

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army, Chief, Plans Office, TAGO.

[FR Doc.74-21216 Filed 9-12-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

PACIFIC COAST WINTER PEARS

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This notice invites written comments relative to the proposed Control Committee expenses of $111,663 and an assessment rate of $0.015 per standard western pear box or equivalent quantity of regulated winter pears to support committee activities during the 1974-75 fiscal period under Marketing Order No. 927. The committee has also proposed that unexpended assessment income from 1973-74 and prior years be carried over as a reserve.

Consideration is being given to the following proposals submitted by the Control Committee, established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927; 39 FR 26714), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses which are reasonable and necessary to be incurred by the Control Committee, during the period July 1, 1974, through June 30, 1975, will amount to $111,663.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 927.41, be fixed at $0.015 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(3) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended June 30, 1974, and prior years be carried over as a reserve in accordance with the applicable provisions of § 927.42.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 1, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 6, 1974.

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

[FR Doc.74-21157 Filed 9-12-74;8:45 am]

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Proposed Expenses of Control Board and Rate of Assessment for 1974–75 Crop Year

Notice is given of proposed expenses of the Almond Control Board and rate of assessment for the 1974–75 crop year. The proposal is pursuant to §§ 981.80 and 981.81 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981). The amended marketing agreement and order regulate the handling of almonds grown in California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is based on the unanimous recommendation of the Almond Control Board. Proposed expenses of the Board for the 1974–75 marketing year, beginning July 1, 1974, total $4,660,750. The proposed rate of assessment is 2.2 cents per pound of almonds (kernel weight basis).

If is also proposed that paragraph (b) of § 981.300 Subpart-Budget of Expenses and Rate of Assessment (7 CFR 981.300; 981.323), authorizing retention in an operating reserve fund of unexpended assessment funds in excess of expenses incurred during the crop year ending June 30, 1973, be deleted. That paragraph is obsolete.

All persons who desire to submit written data, views, or arguments on this proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, to be received no later than September 30, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 981.300 [Amended]

(1) In § 981.300 delete paragraph (b) and the "(a)" appearing before the remaining paragraph.

(2) Add the following § 981.324 to read as follows:

§ 981.324 Expenses of the Control Board and rate of assessment for the 1974–75 crop year.

(a) *Expenses.* Expenses in the amount of $4,660,750 are reasonable and likely to be incurred by the Control Board during the crop year beginning July 1, 1974, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year, payable by each handler in accordance with § 981.81, less any amount credited pursuant to § 981.41 but not to exceed 2 cents per pound of almonds (kernel weight basis), is fixed at 2.2 cents per pound of almonds (kernel weight basis).

Dated: September 10, 1974.

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

[FR Doc.74-21228 Filed 9-12-74;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1408]

SETOFF, WITHHOLDING AND STOP PAYMENT POLICIES

Loss or Damage Debts Due

Pursuant to the authority contained in section 4(d), 62 Stat. 1071; 15 U.S.C. 714b, notice is hereby given that Commodity Credit Corporation proposes to revise setoff and withholding procedures.

The proposed revision would eliminate the present $250 limitation on setoff of carrier debts and the requirement that setoff be made only if the debt cannot be grouped within 20 months from the date it was first declined by the carrier with other similar debts against the same carrier making a total of $250 or more.

Other proposed changes are editorial and the term "either in cash or in kind" with reference to a withholding by CCC, is absolete and will be deleted.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the Controller, Commodity Credit Corporation, Department of Agriculture, Washington, D.C. 20250, on or before October 15, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Controller during regular business hours (8:15 a.m.–4:45 p.m.) in room 6096 South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Accordingly, it is proposed to delete paragraphs (e)(2)(iv) and (e)(3) and revise paragraph (e)(2) of § 1408.4 to read as follows:

§ 1408.4 Setoff.

* * * * * *

(e) * * *

(2) Any loss or damage debt * * * if:

* * * * * *

Signed at Washington, D.C., on September 4, 1974.

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

[FR Doc.74-21159 Filed 9-12-74;8:45 am]

Soil Conservation Service

[7 CFR Parts 640, 641, 642, 643]

RESOURCE CONSERVATION AND DEVELOPMENT

Program Development, Planning, and Operations

The Soil Conservation Service (SCS) plans to codify its policy and procedures for administering its resource conservation development program under 7 CFR Chapter VI, Subchapter E.

Interested persons may participate in the proposed rulemaking by submitting written data, views, or arguments as they may desire to the Administrator, Soil Conservation Service, Washington, DC 20250. All communications received on or before October 21, 1974, will be considered before action is taken on the proposed policy and procedures. The proposal contained in this policy notice may be changed in the light of comments received.

The policy and procedures are proposed under the authority of Pub. L. 87–703, 76 Stat. 607; Pub. L. 89–796, 80 Stat. 1478; Pub. L. 91–343, 84 Stat. 439; Title III, Pub. L. 92–419, 86 Stat. 669 (7 U.S.C. 1010–1011); Pub. L. 74–46, 49 Stat. 163 (16 U.S.C. 590 a–f).

(Catalog of Federal Domestic Assistance Program No. 10.901 National Archives Reference Services)

Dated: September 6, 1974.

NORMAN A. BERG,
Acting Administrator.

SUBCHAPTER E—RESOURCE CONSERVATION AND DEVELOPMENT

PART 640—GENERAL

Sec.
640.1 Purpose and scope.
640.2 Definitions.

AUTHORITY: Pub. L. 87–703, 76 Stat. 607; Pub. L. 89–796, 80 Stat. 1478; Pub. L. 91–343, 84 Stat. 439; Title III, Pub. L. 92–419, 86 Stat. 669 (7 U.S.C. 1010–1011); Pub. L. 74–46, 49 Stat. 163 (16 U.S.C. 590 a–f).

§ 640.1 Purpose and scope.

This subchapter sets forth Soil Conservation Service (SCS) policies, requirements, and procedures for the resource conservation and development program (RC&D). Included is a broad scope of activities for assisting local people in initiating and carrying out work necessary to accelerate the conservation, development, and utilization of natural resources, improve the general level of economic activity, and enhance the quality of the environment and the standard of living in the 50 states, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

§ 640.2 Definitions.

Administrator. The Administrator of SCS.

Community benefits. Activities carried out in accordance with the project or measure plan which benefit the community by improving socioeconomic conditions for the people living in the project area.

Measure. A proposed activity adopted by the RC&D council for incorporation in the project plan as a means to accomplish project objectives.

Measure plan. A written document for a land area controlled or under the jurisdiction of the measure sponsor setting forth decisions for carrying out a measure involving RC&D technical or financial assistance.

Measure sponsor. A governmental unit or nonprofit organization having authority to plan, carry out, operate, and maintain a measure.

Program. The program established to implement authorities of the Food and Agriculture Act of 1962, Pub. L. 87–703, 76 Stat. 607, as amended (7 U.S.C. 1010–1011), and the other authorities cited above.

Project. A project authorized by the Secretary of Agriculture designed to carry out a program of land conservation, land utilization, and accelerated economic development under sponsorship, direction, and initiative of project sponsors.

Project area. A multijurisdictional area including conservation districts serving the area. All jurisdictions within the project area are eligible to the benefits of the program.

Project operations. Implementation of the project plan, including measures approved for RC&D technical and financial assistance.

Project plan. The written plan of the project sponsors for the project area. The project plan shall include broad projectwide goals and objectives, policies, and planned courses of actions. Measures adopted to help meet projectwide goals and objectives are included in the project plan. The initial project plan is subject to a continuing planning process and may be supplemented annually or revised as changing conditions warrant.

Project sponsors. Federal, state, and local public agencies and nonprofit organizations that have authority to join together to develop and carry out plans for the conservation and utilization of land and water resources.

RC&D council. An organization established by the project sponsors to represent them in coordinating and guiding the project effort. A majority of the RC&D council must be composed of members of the project sponsors. Others on the RC&D council may be members at large from the jurisdictions in the project area.

Secretary. The Secretary of Agriculture.

Short-term plan. A multiyear plan developed in fiscal year increments as a part of the project plan and containing plans for development and necessary strategy. Short-term plans must be revised annually.

State conservationist. The SCS line officer responsible for SCS activities within a particular state or the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

PART 641—PROJECT DEVELOPMENT

Sec.
641.1 Purpose and scope.
641.2 Basic policy.
641.3 Basic objectives.
641.4 Principles.
641.5 Assistance available.

AUTHORITY: Pub. L. 87–703, 76 Stat. 607; Pub. L. 89–796, 80 Stat. 1478; Pub. L. 91–343, 84 Stat. 439; Title III, Pub. L. 92–419, 86 Stat. 669 (7 U.S.C. 1010–1011); Pub. L. 74–46, 49 Stat. 163 (16 U.S.C. 590a–f).

§ 641.1 Purpose and scope.

This part sets forth SCS basic policies, objectives, and principles for the development of RC&D projects.

§ 641.2 Basic policy.

(a) RC&D projects are initiated and carried out by project sponsors with the assistance of agencies of the U.S. Department of Agriculture (USDA). Projects are planned and carried out in areas where there is need to accelerate the conservation, development, and utilization of natural resources, improve the general level of economic activity, and enhance the quality of the environment and the standard of living.

(b) SCS is the USDA agency responsible for the administration of activities relating to RC&D projects (7 CFR 2.62 (a) (6)).

(c) USDA agencies assisting projects in accordance with their assigned functions include the Agricultural Stabilization and Conservation Service, Economic Research Service, Farmer Cooperative Service, Farmers Home Administration, Extension Service, Forest Service, Rural Electrification Administration, and Office of Communications.

(d) Governing bodies of conservation districts, singly or acting in unison, in furtherance of their agreements with the Secretary and in cooperation with other interested groups, take the initiative at the local level in developing with local government officials the leadership and participating sponsorship for needed projects

§ 641.3 Basic objectives.

The basic objectives of the program are:

(a) The orderly development, improvement, conservation, and utilization of natural resources of the project area to provide employment and other economic opportunities to the people of the project area.

(b) Providing a means for local leadership to coordinate and utilize the facilities and techniques available under current federal, state, and local agricultural programs and any new programs as may be instituted to aid in planning and carrying out a balanced program of development and conservation of natural resources to meet local, state, and national needs.

§ 641.4 Principles.

Administration of the program will be guided by the following principles:

(a) The project will be determined by local needs and desires. Priority will be given to those of optimum size such as multijurisdictional areas in one substate planning and development district limited only by the area in which local initiative and leadership truly can be effective and a reasonable time in which necessary surveys and investigations needed in planning can be carried out.

(b) Applications for planning assistance and project plans must be endorsed by the governor or designated state agency.

(c) A continuing planning process must be established by the project sponsors which will result in their preparing, maintaining, and implementing the project plan. If state or areawide comprehensive planning agencies are operational, the continuing planning process must be coordinated by the project sponsors with the planning activities of these agencies.

(d) The project plan must be developed by the project sponsors. SCS and other federal, state, and local agencies and groups may assist.

(e) The project plan must set forth the opportunities for the development, conservation, and utilization of the natural resources and for improvement of the economic activity and the enhancement of the environment in the project area.

§ 641.5 Assistance available.

SCS technical and financial assistance will be provided to project sponsors in developing and carrying out the project plan. A project coordinator will be provided by SCS. Other USDA agencies are directed by the Secretary to assist project sponsors within the assigned functions of each agency.

PART 642—PROJECT PLANNING

Sec.
642.1 Purpose and scope.
642.2 Criteria for project areas.
642.3 Conservation districts.
642.4 Application for program assistance.
642.5 Authorization for program assistance.

Sec.
642.6 Planning process.
642.7 Project sponsor responsibilities.
642.8 Citizen resource committees and technical advisory teams.
642.9 Project plan.
642.10 Authorization for operations assistance.

AUTHORITY: Pub. L. 87-703, 76 Stat. 607; Pub. L. 89-796, 80 Stat. 1478; Pub. L. 91-343, 84 Stat. 439; Title III, Pub. L. 92-419, 86 Stat. 669 (7 U.S.C. 1010-1011); Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590a-f).

§ 642.1 Purpose and scope.

This part sets forth SCS policies, requirements, and procedures for developing and maintaining an RC&D project plan.

§ 642.2 Criteria for project areas.

The program is applicable to multijurisdictional areas where opportunities exist for project sponsors to develop and carry out plans for the orderly development, improvement, conservation, and utilization of natural resources of a project area to provide employment, other economic opportunities, and improvement in the environment. Project sponsors must establish a system that will stimulate coordination and cooperation in sponsoring and carrying out project planning activities, and be prepared to use their resources, including reasonable financial investments, in implementing the project plan.

§ 642.3 Conservation districts.

Conservation districts wholly or partially within a proposed project area are expected to be project sponsors.

§ 642.4 Application for program assistance.

Project sponsors must submit to the Administrator an application for RC&D program assistance to receive help from USDA in developing and carrying out a project plan. Assistance in preparing the application may be received from SCS and other USDA agencies. Procedures and requirements for developing and submitting the application include:

(a) *Evaluation, review, and coordination.* Applicants must file with concerned state and areawide planning and development clearinghouses a notice of intent to submit an application for RC&D program assistance, and must enter into a memorandum of agreement with the areawide comprehensive planning agency for the jurisdiction in which the project is to be located. The memorandum of agreement must provide for coordination of planning activities and assure compatibility of RC&D activities with goals and policies of the areawide comprehensive planning agency.

(b) *Application content.* The application for RC&D program assistance must include a brief description of the proposed project area, the problems within the project area, goals and objectives of the project sponsors, anticipated benefits, remedial measures and opportunities that are believed to be needed and available, environmental considerations, and scope and degree of local participation. An outline for preparing the application may be obtained from SCS state offices.

(c) *RC&D council.* Prior to submission of an application for assistance, project sponsors must have established an RC&D council to coordinate project activities and provide for the effective involvement of each project sponsor.

(d) *Constitution and bylaws.* A constitution and bylaws must be adopted by the project sponsors and accompany the application for assistance. Items to be considered in the constitution and bylaws include the name and purpose of the RC&D council; its functions, membership, and terms of office; methods for coordination between members of the RC&D council and the project sponsors; officers, their duties, and terms of office; meetings and voting; coordination with existing areawide comprehensive planning agencies; and provisions for use of committees or other methods to afford interested groups and individuals opportunities to be involved in the preparation and implementation of the project plan.

(e) *Memorandum of agreement.* A jointly development memorandum of agreement must be entered into between the project sponsors and the areawide comprehensive planning agency for the jurisdiction in which the project will be located. The memorandum of agreement must contain provisions for cooperation, use of common base data and statistics, organization and procedure for coordinating planning activities, and compatibility of the project plan with goals and policies of the areawide comprehensive planning agency.

(f) *Endorsement by the governor or designated agency.* Applications for assistance must have the endorsement of the governor or designated state agency.

(g) *Where to submit the application.* Send three copies of the application for assistance, one of which must be manually signed by an authorized representative of each project sponsor, through the state conservationist to the Administrator.

§ 642.5 Authorization for program assistance.

The RC&D council will be advised through the state conservationist when their application for program assistance has been approved by the Secretary. In considering requests for assistance, the Secretary is guided by the annual agricultural appropriations act.

§ 642.6 Planning process.

(a) Project planning activities must be carried out within the framework of a continuing planning process that provides for:

(1) Orderly progress by the RC&D council in preparing and maintaining the project plan and in carrying out planning activities;

(2) Project sponsors to expedite measure planning and implementation;

(3) Community leadership participation and citizen involvement; and

(4) Coordination with areawide comprehensive planning agencies.

(b) During the initial planning phase, the RC&D council, with technical assistance from SCS and other cooperating agencies, must:

(1) Further define, evaluate, and analyze the major problems and needs of the project area identified in the application for program assistantce.

(2) Hold informational meetings to further acquaint local people with the program and identify other problems, needs, and opportunities of the project area.

(3) Evaluate and revise as needed the project goals and objectives.

(4) Establish an organizational arrangement that will further local leadership participation and citizen involvement, including citizen resource committees and technical advisory teams to deal with each major resource concern.

(5) Inventory the resources of the project area, identify studies to be made during preparation of the project plan, and list possible sources of data and information.

(6) Establish policies and procedures for a continuing planning process for the project area, including implementation of decisions reflected in the project plan.

(7) Develop a work schedule for preparing the project plan.

(c) Following the initial planning phase, the project plan must be developed by the RC&D council, with appropriate technical assistance from SCS and other federal, state, and local agencies, providing for:

(1) Developing needed inventories and studies dealing with land and related natural resources, the economy, community facilities and services, and other concerns of the project sponsors that affect natural resource management and the well being of the people.

(2) Interpreting, evaluating, and analyzing the inventories and other information.

(3) Revising overall project goals and objectives as needed.

(4) Considering feasible alternatives for meeting project goals and objectives.

(5) Making decisions, establishing policies to guide project activities, outlining major courses of action, setting priorities, adopting measures to accomplish goals and objectives, and preparing a short-term plan.

(d) The continuing planning process requires maintaining the project plan through development of new and updated inventories and analyses, reevaluating goals and objectives, and revising the project plan as needed to represent RC&D council decisions on actions to be taken. Annual revision of the short-term plan and amendment of the project plan to add measures adopted during the year are required. Measures shall be selected for action in accordance with decisions recorded in the project plan. The planning process should be established by the project sponsors within six months following authorization by the Secretary for program assistance and the project plan should be completed in less than two years thereafter.

§ 642.7 Project sponsor responsibilities.

Project sponsors are responsible for leadership in RC&D project activities. This includes establishing an RC&D council; preparing and submitting the application for program assistance; preparing and adopting the constitution and bylaws; establishing and carrying out a continuous planning process; preparing, adopting, and maintaining a project plan for the project area; implementing the project plan; and coordinating planning activities with the areawide comprehensive planning agencies through a memorandum of agreement.

§ 642.8 Citizen resource committees and technical advisory teams.

(a) *Citizen resource committees.* Opportunities must be provided by project sponsors to permit interested groups, local citizen leaders, and individuals to participate in the planning process through the use of techniques such as projectwide citizen resource committees. Citizen resource committees function as advisory groups to the RC&D council.

(b) *Technical advisory teams.* Within the limits of their assigned responsibilities and available resources, SCS and other USDA agency representatives will provide technical advisory assistance to RC&D councils. Project sponsors should seek and use assistance available from other federal, state, and local agencies. To further timely assistance and appropriate coordination between assisting agencies during preparation of the project plan, the use of technical advisory teams is recommended. Technical advisory teams assist the citizen resource committees in preparing needed inventories, evaluations, and analyses for use in planning, and provide technical advice to both the citizen resource committees and the RC&D council.

§ 642.9 Project plan.

(a) *Project plan requirements.* (1) The RC&D council must develop and keep up to date a project plan. Project plans must include a summary of resource inventories, analyses, and other information developed and used by the project sponsors in making decisions recorded in the project plan. Items to be considered during project plan development include:

(i) Quantity and location or distribution of resources;

(ii) Economic and social values of resources;

(iii) Problems, trends, needs, and quality conditions of resources;

(iv) Basic reasons for problems and trends; and

(v) Potentials or opportunities for improvement, prudent use, management, and development of resources.

(2) A plan of action section of the project plan must reflect decisions of the project sponsors and include:

(i) Goals and objectives;

(ii) Policies, major courses of action, and priorities;

(iii) Adopted measures; and

(iv) A short-term plan for a multiyear period updated annually to show the technical and financial needs for measures and other activities to be carried on within the period of the short-term plan.

(b) *Draft project plan review.* A review draft of the project plan must be submitted by the RC&D council to each project sponsor, assisting agency, and other concerned organizations for review and comment. Comments received must be considered in the preparation of the final draft of the project plan.

(c) *Endorsement.* Endorsement by the governor or designated agency of the project plan must be obtained by the project sponsors. The endorsement must be included as a part of the project plan.

(d) *Submitting the project plan.* A copy of the completed project plan must be sent through the state conservationist to the Administrator. The copy must be manually signed by an authorized representative of each project sponsor and must indicate that it has been approved and adopted by each project sponsor.

(e) *Plan amendment.* The project plan must be amended as needed, but not more often than annually, to include additions to or adjustments in adopted measures and changes in goals and objectives, policies, and priorities.

§ 642.10 Authorization for operations assistance.

If the project plan is accepted by the Secretary, he will authorize operations assistance for the project and direct USDA agencies to assist, within their assigned responsibilities and limits of available resources, project sponsors in carrying out the project plan. Project sponsors will be advised of the approval for operations assistance through the state conservationist.

PART 643—PROJECT OPERATIONS

Subpart A—Implementation of the Project Plan (Operations)

Sec.
643.1 Purpose and scope.
643.2 Assistance available.

Subpart B—Criteria for Measures Eligible for RC&D Technical and Financial Assistance

643.10 Criteria for eligible measures.
643.11 Measure plan.
643.12 Operation and maintenance.
643.13 Installation of measures.

AUTHORITY: Pub. L. 87-703, 76 Stat. 607; Pub. L. 89-796, 80 Stat. 1478; Pub. L. 91-343, 84 Stat. 439; Title III, Pub. L. 92-419, 86 Stat. 669 (7 U.S.C. 1010-1011); Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590a-f).

Subpart A—Implementation of the Project Plan (Operations)

§ 643.1 Purpose and scope.

This part sets forth SCS policies, requirements, and procedures for carrying out measures that are identified in the project plan as provided in § 642.9(a)(2)(iii) of this chapter. The project plan includes policies and courses of action that result in the identification and adoption of measures. The completion of measures is a means to achieving project sponsors' goals and objectives as outlined in the project plan.

§ 643.2 Assistance available.

(a) *Measures eligible for RC&D financial and technical assistance.* RC&D financial and technical assistance may be provided measure sponsors to plan and carry out measures having community benefits as shown in the following table:

ASSISTANCE AVAILABLE TO MEASURE SPONSORS BY PURPOSE AND AUTHORITY

Purpose	R.C. & D. assistance available and authority		
	Technical assistance maximum	Financial assistance	Authority
	Percent		
Critical area treatment	100	Not to exceed the level of going programs.	(2)
Flood prevention	100	Up to 100 percent of construction costs.	(3)
Farm irrigation	100	Up to 50 percent of construction costs.	(3)
Land drainage	100	do	(3)
Soil and water management for agriculture-related pollutant control.	100	Not to exceed the level of going programs.	(2)
Public water based fish and wildlife and recreation development:			
(a) Structures	100	Up to 50 percent of construction costs.	(3)
(b) Land rights	(1)	Up to 50 percent of land rights costs.	(3)
(c) Basic facilities	50	Up to 50 percent of costs.	(3)
Water quality management	100	100 percent.	(3)
Accelerated services	100	None.	(4)

[1] Advisory only.
[2] Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590 a-f).
[3] Pub. L. 91-343, 84 Stat. 439 (7 U.S.C. 1011).
[4] Sec. 301, Pub. L. 92-419, 86 Stat. 669 (7 U.S.C. 1011).

(b) *Associated measures.* Associated measures are actions and measures other than those listed in paragraph (a) of this section which are included in the project plan. The RC&D council adopts associated measures and helps move them to completion by assuming either a supporting or leadership role.

Subpart B—Criteria for Measures Eligible for RC&D Technical and Financial Assistance

§ 643.10 Criteria for eligible measures.

Measures described in this section are eligible for RC&D technical and financial assistance if they provide community benefits, are covered by a measure plan

with an eligible sponsor, and meet other criteria specified for each measure.

(a) *Critical area treatment measures (erosion and sediment control).* Critical area treatment measures may be carried out to stabilize and treat areas such as active gullies or seriously eroding lands that are sources of excessive runoff or sediment and that, if left untreated, will adversely affect downstream land, streams, reservoirs, and the general public.

(b) *Flood prevention measures.* Flood prevention measures may be carried out to reduce or prevent damage from inundation, including erosion and sedimentation, of property, disruption of business and other activity, or hazards to health, security, or life. Flood prevention measures are related to the control and disposal of surface water caused or aggravated by abnormally high direct precipitation or stream overflow.

(c) *Public water-based fish and wildlife and public water-based recreation developments.* Developments for public fish and wildlife and public recreational purposes must be water based.

(d) *Farm irrigation measures.* Farm irrigation measures may be carried out for more efficient use of water on land now used for agricultural purposes, increasing net farm income, and making efficient and sustained productive use of land and water resources.

(e) *Land drainage measures.* Land drainage measures may be carried out where wetness problems have an adverse effect on a community's efficiency of land use, level of income, and quality of environment.

(f) *Soil and water management for agriculture-related pollutant control measures.* Soil and water management for agriculture-related pollutant control measures may be carried out to reduce agriculture-related pollutants that adversely affect the community and the general public.

(g) *Water quality management measures.* Water quality management measures may be carried out to solve water quality problems to meet community needs. These measures are also subject to the following requirements:

(1) The need for, the value of, and the impact of storage for water quality control must be determined by the Environmental Protection Agency.

(2) The proposed water supply will be adequate in quantity and quality to meet the agreed-upon need.

(3) Water storage and release will not be used as a substitute for adequate treatment or other methods of controlling waste at the source.

(h) *Accelerated services measures.* Accelerated services measures may be carried out to speed up a specific phase of the ongoing conservation program in selected problem areas. These services must be guided by an accelerated services plan with appropriate sponsorship. A plan for accelerated services should be of a type that can be completed in approximately five years or less.

§ 643.11 Measure plan.

(a) A measure for which RC&D technical or financial assistance will be provided must have a measure plan covering the measure plan area. The measure plan is the basic document for providing RC&D technical and financial assistance to measure sponsors. The measure plan serves as a guide to measure sponsors, local citizens, SCS, and other participants in the installation, operation, and maintenance of the measure.

(b) If a reservoir is to be installed with RC&D technical or financial assistance, the measure plan must include the decision that the measure sponsor will be responsible for obtaining agreements through conservation districts covering at least 50 percent of the land draining into the reservoir that need conservation practices and treating 75 percent of the critical sediment producing areas above the reservoir. The agreements must be obtained prior to or concurrent with installation of the dam.

(c) Measure plans for land drainage, farm irrigation, and other structural type measures must include provisions for land treatment to be installed as necessary for the protection, effective operation and maintenance of the measure, and to assure that benefits used for justification of the measure are realized.

§ 643.12 Operation and maintenance.

Prior to installation of a measure, an agreement for the operation and maintenance of the measure must be entered into between SCS and the measure sponsor.

§ 643.13 Installation of measures.

Materials, services, and equipment needed by a measure sponsor for installation of a measure may be obtained by:

(a) *Force account.* Under this method the measure sponsor provides its own forces including labor, equipment, materials, and equipment rental in lieu of cash. Accurate records must be kept of the costs of all work performed by force account. This account will be credited toward the measure sponsor's share of the cost.

(b) *Performance of work.* Under this method, the value of work to be provided by the measure sponsor is determined by negotiation between the measure sponsor and SCS and is included in a project or engineering services agreement for the work. SCS approved cost estimates made immediately prior to signing the project or engineering services agreement establish the maximum value of the work. A financial settlement will be made between SCS and the measure sponsor upon completion of work covered by each agreement. This method of installation may be used only if:

(1) SCS determines that this action is in the interest of the measure sponsor and the federal government;

(2) SCS determines that the organization or agency to perform the work has the necessary equipment and work force, and is skilled in performing the type of work contemplated;

(3) Performance will conform to drawings and specifications approved by SCS and will be in accordance with an agreed upon time schedule.

(4) The measure sponsor assumes full financial and other responsibility for any work that must be torn out, replaced, or repaired because of construction error or other causes which would be the responsibility of a contractor if the work was performed by contract; and

(5) The estimated value of the work the measure sponsor is to perform does not exceed the measure sponsor's share of the cost-shared items.

(c) *Division of work.* This method may be used for cost sharing land treatment type measures only. A measure to be installed by this method must be described in the measure plan. The measure plan must specify the increments of installation work for which SCS and the measure sponsor are responsible without citing a percentage rate of cost sharing. The measure sponsor is not required to keep records of expenditures. Detailed SCS cost estimates must be maintained in support of the measure plan to provide evidence that the SCS cost for land treatment does not exceed the rate authorized.

[FR Doc.74-21062 Filed 9-12-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[32A CFR Ch. VI]

DPS REG. 1; BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

Proposed Change in Schedule II

Notice is hereby given that the Deputy Assistant Secretary for Domestic Commerce, Domestic and International Business Administration, pursuant to section 704 of the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2154) and Executive Order 10480, as amended, is proposing to amend Schedule II to DPS Reg. 1—*Materials and Services Not Subject to BDC Rating Authority*, Part A to remove from the schedule "copper raw materials" as that term is defined in DMS Order 4. This action would thereby make all "cooper raw materials", other than scrap, subject to priority ratings.

DPS Reg. 1 currently provides only for the extension of priority ratings to copper refined from ores mined in the United States and copper intermediate shapes. Copperbase scrap, in its various forms and shapes will be excluded from BDC rating authority, as the category of "scrap" would be continued in Schedule II to DPS Reg. 1.

Interested persons who desire to submit written views or comments on the proposed amendment should file them, in triplicate, with the Deputy Assistant Secretary for Domestic Commerce, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Reg. 1, on or before October 15, 1974.

The proposed amendment is presented below:

Part A of Schedule II to DPS Regulation 1 is hereby amended to read as follows:

PART A

The following items under the jurisdiction of BDC are presently not subject to any ratings issued by or under authority of BDC (but are subject to directives issued by or under authority of BDC) and therefore such ratings shall not be effective to obtain any of them: [1]

Communications services.
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.

* * * * *

(Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR Part 15; Department of Commerce Organization Order 10–3, 38 FR 33624, and 40–1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended, 39 FR 2780, 39 FR 18490, 45–1, 39 FR 18488, and 45–2, 39 FR 18489)

Dated: September 10, 1974.

DOMESTIC AND INTERSTATE BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE,
SAMUEL B. SHERWIN,
Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.74–21181 Filed 9–12–74;8:45 am]

[1] The following delegations and agreements, as the same may from time to time be amended, revoked, or superseded, further delineate jurisdictional responsibilities for the exercise of priorities and allocations powers:

(1) Memorandum of Agreement between the Department of the Interior and the Department of Commerce with respect to the production and/or distribution of designated products and equipment, including chemicals, associated with the output of petroleum and gas, effective October 30, 1973 (38 FR 30896).

(2) Defense Solid Fuels Administration (DSFA) Delegation 1 to the Secretary of Commerce with respect to the distribution of coal chemicals produced as by-products of coke made from coal, effective May 15, 1951 (16 FR 4590). The DSFA was abolished in 1954 and its responsibilities within the Department of the Interior have been transferred to the Office of the Assistant Secretary for Energy and Minerals, Department of the Interior.

(3) Delegation of Authority from the Secretary of Commerce to the Secretary of the Interior of priorities and allocations powers with respect to certain minerals facilities and materials, effective January 26, 1967 (32 FR 2462).

(4) Memorandum of Agreement between the Department of Agriculture and the Department of Commerce with respect to the scope of allocation and priority responsibilities in connection with foods which have industrial uses, effective December 5, 1973 (38 FR 33504).

(5) Memorandum of Understanding and Agreement between the Agricultural Stabilization and Conservation Service, Department of Agriculture, and the Bureau of Competitive Assessment and Business Policy, Department of Commerce, with respect to the scope of the term "farm equipment," effective December 5, 1973 (38 FR 33506). The responsibilities of the Bureau of Competitive Assessment and Business Policy have been transferred to the Bureau of Domestic Commerce (BDC), Department of Commerce.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH–36]

VINYL CHLORIDE

Availability of Final Economic Impact Study

On May 10, 1974, pursuant to sections 6(b), 6(c), and 8(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1596, 1599 (29 U.S.C. 655, 657)) Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR 1911, a proposed standard concerning occupational exposure to vinyl chloride was published in the FEDERAL REGISTER (39 FR 16896). On June 25–28 and July 8–11, 1974, an informal rulemaking hearing was held on the proposal pursuant to section 6(b)(3) of the Act.

At the close of the hearing, the presiding Administrative Law Judge, Gordon J. Myatt, ruled, in accordance with the authority granted him under 29 CFR 1911.16(g), that the record would remain open until August 23, 1974 for the receipt of general comments and an additional period after that date solely for the submission of written comments on the economic impact study being conducted for OSHA by an independent consultant.

On August 26, 1974, a notice was published in the FEDERAL REGISTER (39 FR 30844) announcing the availability of the preliminary report, which examines the economic and technological feasibility of compliance with the proposed standard in the monomer, polymer and copolymer producing industries, and inviting comments to be submitted no later than September 6, 1974.

Several persons requested additional time to comment on the preliminary report and also asked for an opportunity to comment on the final economic impact study when available. Since certain portions to be included in the final report were not contained in the preliminary report, the request for additional time to comment on the preliminary report and for an opportunity to comment on the final report is granted.

The final economic impact report will be available for examination and copying beginning at 10 a.m. on September 16, 1974, in Room 230, 1726 M Street NW., Occupational Safety and Health Administration, Washington, D.C. 20210. This report, although labeled "final draft" because the independent consultant may subsequently make minor editorial corrections, will be treated as the final economic impact report for purposes of this rulemaking proceeding.

All comments regarding the preliminary and final economic impact study should be mailed to the Docket Officer, Docket OSH–36, at the above address, and must be received no later than September 25, 1974.

Signed at Washington, D.C., this 12th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[F.Doc.74–21398 Filed 9–12–74;10:42 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–GL–30]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at the White County Airport, Monticello, Indiana.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 15, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become a part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A standard instrument approach procedure has been developed for the White County Airport, Monticello, Indiana. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Monticello, Indiana.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal

Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

MONTICELLO, INDIANA

That airspace extending upward from 700 feet above the surface within a five mile radius of White County Airport (Latitude 40°42'30" N., Longitude 86°46'00" W.) and within three miles each side of the 185° bearing from the airport extending from the five mile radius area to 8.5 miles south.

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

Issued in Des Plaines, Ill., on August 26, 1974.

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

[FR Doc.74-21133 Filed 9-12-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-27]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at the Jasper County Airport, Rensselaer, Indiana.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 15, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become a part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A standard instrument approach procedure has been developed for the Jasper County Airport, Rensselaer, Indiana. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Rensselaer, Indiana.

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

In § 71.181 (39 FR 440), the following transition area is added:

RENSSELAER, INDIANA

That airspace extending upward from 700 feet above the surface within a five-mile radius of Jasper County Airport (Latitude 40°56'30" N., Longitude 87°11'00" W.) and and within three miles each side of the 007° bearing from the airport extending from the five-mile radius area to eight miles north of the airport.

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

Issued in Des Plaines, Ill., on August 26, 1974.

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

[FR Doc.74-21132 Filed 9-12-74;8:45 am]

Federal Highway Administration

[23 CFR Part 751]

[FHWA Docket No. 74-8]

JUNKYARD CONTROL AND ACQUISITION

Areas Adjacent to Federally Aided Highway Systems

The Federal Highway Administration is considering issuing regulations for the control of junkyards and the acquisition of interests necessary for this control, pursuant to 23 U.S.C. 136. Interested persons are invited to submit, in writing, data, views or agreements relating to the proposal. All comments received should refer to the FHWA docket number referred to above, and should be submitted in three copies to Associate Administrator for Right-of-Way and Environment, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20590. The comment should include the name and address of the person submitting it. All comments received before October 11, 1974, will be considered before final action is taken on the proposal. Comments received will be available to any interested person both before and after the closing date in Room 3215, Office of Right-of-Way, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh St. SW., Washington, D.C. 20590.

The proposed rule would be a new Part under Chapter I, 23 CFR, and would be codified as 23 CFR Ch. I, Part 751. The complete proposed text follows:

PART 751—JUNKYARD CONTROL AND ACQUISITION

Sec.
751.1 Purpose.
751.3 Applicability.
751.5 Policy.
751.7 Definitions.
751.9 Effective control.
751.11 Control measures.
751.13 Nonconforming junkyards.
751.15 Zoning.
751.17 Just compensation.
751.19 Federal participation.
751.21 Documentation for Federal participation.
751.23 Application of other FHWA regulations.
751.25 Concurrent junkyard control and right-of-way projects.
751.27 Programming and authorization.

AUTHORITY: 23 U.S.C. 136 and 315, 42 U.S.C. 4321–4655, 23 CFR 1.32, 49 CFR 1.48.

§ 751.1 Purpose.

Pursuant to 23 U.S.C. 136, this part prescribes Federal Highway Administration (FHWA) policies and procedures relating to the effective control of junkyards in areas adjacent to the Interstate and Federal-aid primary systems. Nothing in this part shall be construed to prevent a State from establishing more stringent junkyard control requirements than provided herein.

§ 751.3 Applicability.

The provisions of this part are applicable to all areas within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled way of all Federal-aid Primary and Interstate Systems regardless of whether Federal funds participated in the construction thereof, including toll sections of such highways. This Part does not apply to the Urban System.

§ 751.5 Policy.

In carrying out the purposes of this part:

(a) Emphasis should be placed on encouraging recycling of scrap and junk where practicable, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321);

(b) Every effort should be made to screen non-conforming junkyards which are on-going businesses; and

(c) Nonconforming junkyards should be relocated only as a last resort.

§ 751.7 Definitions.

(a) *Junkyard.* An establishment or place of business which is maintained, operated or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary landfills.

(1) This definition includes:

(i) Scrap metal processors, auto-wrecking yards, salvage yards, scrap yards, auto-recycling yards, used auto parts yards, and similar facilities;

(ii) Temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises.

(2) This definition does not include litter, trash, and other debris scattered along or upon the highway or temporary operations and outdoor storage of limited duration not falling within subparagraph (1) (ii) of this paragraph.

(3) Automobile graveyards: Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked,

scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Ten or more such dismantled vehicles will constitute an automobile graveyard.

(4) Illegal junkyards: One which was established and/or maintained in violation of State law.

(5) Nonconforming junkyard is one which was lawfully established, but which does not comply with the provisions of State law or State regulations passed at a later date or which later fails to comply with State regulations due to changed conditions. Illegally established junkyards are not nonconforming junkyards.

(b) *Junk.* Old or scrap metal, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof.

(c) *Main-traveled way.* The traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(d) *Unzoned industrial area.* An area where there is no zoning in effect which is used primarily for industrial purposes as determined by the State and approved by the FHWA. An unzoned area does not include areas which may have a rural zoning classification or land uses established by zoning variances or special exceptions.

§ 751.9 Effective control.

(a) In order to provide effective control of junkyards located within 1,000 feet of Interstate and Federal-aid primary highways, the State must:

(1) Require all junkyards located outside of zoned and unzoned industrial areas to be screened or located so as not to be visible from the main-traveled way or be removed from sight.

(2) Require the screening or removal of all nonconforming junkyards within a reasonable time, but no later than 5 years after the date such junkyard becomes nonconforming unless Federal funds are not available in adequate amounts to participate in the cost of such screening or removal as provided in 23 U.S.C. 136(j).

(3) Prohibit the establishment of new junkyards which cannot comply with the requirements of subparagraph (1) of this paragraph.

(4) Expeditiously require junkyards which are illegally established or maintained to conform to the requirements of subparagraph (1) of this paragraph.

(b) Sanitary landfills as described herein need not be screened but landscaping should be required when the fill has been completed and operations have ceased, unless the landfill area is to be used for immediate development purposes. A sanitary landfill is a method of disposing of refuse on land without creating a nuisance or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

(c) The State shall have laws, rules, and procedures sufficient to provide effective control. If these controls are not carried out under a permit or license system, the State must set up a continuing surveillance of Interstate and Federal-aid primary highways in order to accomplish the desired results. If a permit or license system is utilized by the State, it shall be accompanied by regularly scheduled inspections designed to discover violations of the State's law and permit or license system. State enforcement procedures must be sufficient to discover illegally established or maintained junkyards shortly after such occurrence and to cause the compliance or removal of same promptly in accordance with State legal procedures.

§ 751.11 Control measures.

(a) Consistent with the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) recycling of junk and scrap is to be encouraged to the greatest extent practicable in the implementation of the junkyard control program. Recycling may be used in conjunction with other control measures.

(b) To facilitate recycling, junk or scrap should be moved to the nearest scrap processor or put to some useful purpose such as for fish habitats, rip rap, erosion control, reclamation, etc. Junk and scrap should be recycled where the benefits of recycling outweigh its cost and the junk or scrap is not usable as stock-in-trade.

(c) Every effort shall be made to screen an on-going business. Screening, by use of natural objects, landscape plantings, fences, and other appropriate means, including relocating inventory on site to utilize an existing natural screen or a screenable portion of the site, may be used where practicable. Where screening is used, it must immediately and completely screen the junkyard from the main-traveled way of the highway on a year-around basis, and be compatible with the surroundings. Arbitrary requirements for height limitations will not be considered acceptable screening if the junkyard will remain visible.

(d) A junkyard should be relocated to a site not visible from the highway or to an industrial area only when other control measures are not feasible. Junkyards should not be relocated to residential, commercial or other areas where environmental problems may develop.

(e) The State shall determine, on a case by case basis, which control measures or combinations thereof it will employ, subject to the provisions of this part.

(f) The State should establish criteria governing the location, planting, construction, maintenance, and materials used in fencing or screening as required herein.

(g) The State may develop and use other methods of operation to carry out the purposes of this part, subject to prior FHWA approval.

§ 751.13 Nonconforming junkyards.

Requirements for the maintenance and continuance of a nonconforming junkyard:

(a) The junkyard must have been actually in existence at the time the State law or regulations became effective as distinguished from a contemplated use, except where a permit or similar specific State governmental action was granted for the establishment of a junkyard prior to the effective date of the State law or regulations, and the junkyard owner acted in good faith and expended sums in reliance thereon.

(b) There must be existing property rights in the junkyard or junk affected by the State law or regulation. Thus, abandoned junk and junkyards, worthless junk, and the like are not protected.

(c) The location of nonconforming junkyard may not be changed. A nonconforming junkyard relocated as a result of a right-of-way taking or for any other reason, shall be treated as a new junkyard at the new location.

(d) The junkyard must have been lawful on the effective date of the State law or regulations and must continue to be lawfully maintained.

(e) The nonconforming junkyard may continue as long as it is not changed, extended, or enlarged. Once a junkyard has been made conforming by effective screening, the placement of junk so that it may be seen above or beyond the screen shall be treated the same as the establishment of a new junkyard.

(f) The nonconforming junkyard may continue as long as it is not abandoned, destroyed, or voluntarily discontinued. Each State should develop criteria to define these terms.

§ 751.15 Zoning.

Industrial zones are those districts established by zoning authorities as being most appropriate for industry or manufacturing. A zone which simply permits certain industrial activities as an incident to the primary land use designation is not considered to be an industrial zone. The provisions of Part 750 of this chapter shall apply insofar as industrial zones are concerned.

§ 751.17 Just compensation.

(a) Just compensation shall be paid the owner for the relocation, removal, or disposal of the following junkyards:

(1) Those lawfully in existence on October 22, 1965;

(2) Those lawfully along any highway made a part of the Interstate or primary system on or after October 22, 1965, and before January 1, 1968; and

(3) Those lawfully established on or after January 1, 1968, or the effective date of State law, whichever is later.

(b) No rights to compensation accrue until a taking or removal has occurred. The conditions which establish a right to maintain and continue a nonconforming junkyard as provided in § 751.13 must pertain at the time of the taking

or removal in order to establish a right to just compensation.

§ 751.19 Federal participation.

(a) Federal funds may participate in 75 percent of the costs of control measures incurred in carrying out the provisions of this part, including necessary studies for particular projects, and the employment of fee landscape architects.

(b) Where State control standards are more stringent than Federal control requirements, the FHWA may approve Federal participation in the costs of applying the State standards on a statewide basis subject to the conditions of this part. Where State standards require control of junkyards in zoned or unzoned industrial areas, Federal funds may participate only if such action will make an effective contribution to the character of the area as a whole and the cost is reasonable with regard to other needs. Such projects should be deferred until the work in the areas where control is required has progressed well toward completion.

(c) Generally, only costs associated with the acquisition of minimal real property interests, such as easements or temporary rights of entry, necessary to accomplish the purposes of this Part are eligible for Federal participation. Participation in costs of other interests beyond the minimum necessary, including fee title, may be allowed if the State submits justification for prior FHWA approval on a case-by-case basis.

(d) Federal funds may participate in costs to correct the inadequacies of screening in prior control projects due to higher screening standards established in this Part or due to changed conditions.

(e) Federal funds may participate in the costs of moving junk or scrap to a recycling place of business, or in the case of junk with little or no recycling potential, to a site for permanent disposal. In the latter case, reasonable land rehabilitation costs or fees connected with the use of such a disposal site are also eligible. In a case where the acquisition of a permanent disposal site by the State would be the most economical method of disposal, Federal funds may participate in the net cost (cost of acquisition less a credit after disposal) of a site obtained for this purpose.

(f) Federal funds may participate in control measure costs involved in any junkyard lawfully established or maintained under State law which is reclassified from conforming to nonconforming under revised State regulations and policy pursuant to this part.

(g) Federal funds shall not participate in:

(1) Costs associated with the control of illegals junkyards, or in costs of controlling junkyards established after the effective date of the State's compliance law except where a conforming junkyard later becomes nonconforming due to changed conditions;

(2) Any costs associated with the acquisition of any dwelling or its related buildings if acquired through eminent domain in connection with the junkyard control program;

(3) Costs of acquisition of interests or rights as a measure for prohibition or control of the establishment of future junkyards;

(4) Costs of maintaining screening devices after they have been erected; or

(5) Costs of screening junk which has been or will be removed.

§ 751.21 Documentation for Federal participation.

The following information concerning each eligible junkyard must be available in the States' files to be eligible for Federal participation in the costs thereof:

(a) Satisfactory evidence of ownership of the junk or junkyard, or both as necessary, in accordance with the junkyard control objectives authorized by FHWA.

(b) Value or cost documentation (including separate interests if applicable) including proof of obligation or payment of Funds.

(c) Evidence that the necessary property interests have passed to the State and that the junk has been screened, relocated, removed or disposed of so that it is no longer visible from the main travelled way of the highway.

§ 751.23 Application of other FHWA regulations.

(a) The provisions of volume 6, chapter 4, section 1, subsection 6, of the Federal-Aid Highway Program Manual concerning State contract and force account work apply to junkyard control projects.[1]

(b) The provisions of Parts 710 to 712 of this chapter concerning appraisal and acquisition apply to junkyard control projects except where the provisions of this Part differ.

(c) The provisions of Part 740 of this chapter concerning relocation assistance are applicable for:

(1) The actual reasonable moving expenses of the junk, actual direct loss of tangible personal property and actual reasonable expenses in searching for a replacement business or, if the eligibility requirements are met, a payment in lieu of such expenses.

(2) Relocation assistance in locating a replacement business.

(3) Moving costs of personal property from a dwelling and relocation assistance in locating a replacement dwelling, provided the acquisition of the real property used for the business causes a person to vacate a dwelling.

§ 751.25 Concurrent junkyard control and right-of-way projects.

The State is encouraged to combine junkyard control and right-of-way projects. Expenses incurred in furtherance of concurrent projects shall be prorated between projects.

§ 751.27 Programming and authorization.

(a) Junkyard control projects shall be programmed in accordance with the Provisions of volume 6, chapter 3, section 2, subsection 2, of the Federal-aid Highway Program Manual.[2] Such projects may include one or more junkyards.

(b) Authorization to proceed with a junkyard control project may be given when the State submits a written request to FHWA which includes the following:

(1) The zoning and validation of the legal status of each junkyard on the project;

(2) The control measures proposed for each junkyard including, where applicable, information relative to permanent disposal sites to be acquired by the State;

(3) The real property interest to be acquired in order to implement the control measures;

(4) Plans indicating the location of the junkyard relative to the highway, the 1,000 foot control lines, property ownership boundaries, the general location of the junk or scrap material, and any buildings, structures, or improvements involved;

(5) Where screening is to be utilized, the type of screening, and adequately detailed plans and cross sections which illustrate the relationship of the motorist, the screen, and the material to be screened at critical points of view; and

(6) Where dwellings are involved, only the rights to maintain a junkyard may be acquired by eminent domain.

Issued on: September 3, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-21275 Filed 9-12-74;8:45 am]

[1] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

[2] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

ACTION

[45 CFR Part 1216]

NONDISPLACEMENT OF EMPLOYED WORKERS AND NONIMPAIRMENT OF CONTRACTS FOR SERVICE

Assignment of Volunteer Workers

Section 404(a) of the Domestic Volunteer Service Act of 1973 (87 Stat. 408) requires the Director of ACTION to prescribe regulations to assure that the service of volunteers is limited to activities which would not otherwise be performed by employed workers and which will not result in the displacement of employed workers, or impair existing contracts for service.

Notice is hereby given that the Director of ACTION proposes to amend Chapter XII of Title 45, Code of Federal Regulations to add a new Part 1216, which will provide regulations concerning ACTION volunteers nondisplacement of employed workers and nonimpairment of contracts for service.

Inquiries may be addressed and comments and views concerning the proposed subpart may be submitted to ACTION, 806 Connecticut Avenue, NW., Washington, D.C., 20525, Attn: General Counsel. All comments received on or before October 15, 1974, will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the aforementioned address.

It is therefore proposed to add a new Part 1216 to Chapter XII of Title 45 of the Code of Federal Regulations as follows:

PART 1216—NONDISPLACEMENT OF EMPLOYED WORKERS AND NONIMPAIRMENT OF CONTRACTS FOR SERVICE

Sec.
1216.1–1 Purpose.
1216.1–2 Applicability of this part.
1216.1–3 Policy.
1216.1–4 Exceptions.

AUTHORITY: Secs. 402(12), 404(a), 420 of Pub. L. 93–113, 87 Stat. 394, 408, 414.

§ 1216.1–1 Purpose.

This part establishes rules to assure that the services of volunteers are limited to activities which would not otherwise be performed by employed workers and which will not supplant the hiring of, or result in the displacement of, employed workers or impair existing contracts for service. It implements section 404(a) of the Domestic Volunteer Service Act of 1973, Pub. L. 93–113 (the "Act").

§ 1216.1–2 Applicability of this part.

(a) All persons enrolled in volunteer programs authorized pursuant to any provision of the Act.

(b) All full-time and part-time volunteers participating in programs directly or indirectly receiving assistance pursuant to any provision of the Act.

(c) All agencies and organizations to which the volunteers in paragraph (a) of this section are assigned, referred, or provide services or which directly or indirectly receive assistance pursuant to any provision of the Act.

§ 1216.1–3 Policy.

(a) Volunteers enrolled or participating in programs referred to in paragraphs (a) and (b) of § 1216.1–2 may not perform any services or duties or engage in activities which would otherwise be performed by an employed worker as part of his assigned duties as an employee.

(b) Volunteers referred to in paragraph (a) of this section may not perform any services or duties or engage in activities which will supplant the hiring of employed workers. This prohibition is violated if, prior to engaging a volunteer, an agency or organization referred to in § 1216.1–2(c) had intended to hire a person to undertake all or a substantial part of the services, duties, or other activities to be provided by the volunteer.

(c) Volunteers referred to in paragraph (a) of this section may not perform any services or duties or engage in activities which result in the displacement of employed workers. Such volunteers may not perform services or duties which have been performed by, or were assigned to, any of the following:

(1) Presently employed workers,

(2) Employees who recently resigned or were discharged,

(3) Employees who are on leave (terminal, temporary, vacation, emergency, or sick), or

(4) Employees who are on strike or who are being locked out.

(d) Volunteers referred to in paragraph (a) of this section may not perform any services or duties or engage in activities which impair existing contracts for service. This prohibition is violated if a contract for services is modified or cancelled because an agency or organization referred to in § 1216.1–2(c) engages a volunteer to provide or perform all or a substantial part of any services, duties, or other activities set forth in such contract. The term "contract for services" includes but is not limited to contracts, understandings and arrangements, either written or oral, to provide professional, managerial, technical, or administrative services.

(e) Agencies and organizations referred to in § 1216.1–2(c) are prohibited from assigning or permitting volunteers referred to in § 1216.1–2(a) and (b) to perform any services or duties or engage in any activities prohibited by paragraphs (a)–(d) of this section.

§ 1216.1–4 Exceptions.

(a) The requirements of § 1216.1–3 are not applicable to the following, or similar, situations:

(1) Funds are unavailable for the employment of sufficient staff to accomplish a program authorized or of a character eligible for assistance under the Act and the activity, service, or duty is otherwise appropriate for the assignment of a volunteer.

(2) Volunteer services are required in order to avoid or relieve suffering threatened by or resulting from major natural disasters or civil disturbances.

(3) Reasonable efforts to obtain employed workers have been unsuccessful due to the unavailability of persons within the community who are able, willing, and qualified to perform the needed activities.

(4) The assignment of volunteers will significantly expand services to a target community over those which could be performed by existing paid staff, and the activity, service or duty is otherwise appropriate for the assignment of a volunteer and no actual displacement of paid staff will occur as a result of the assignment.

(b) For the purpose of paragraphs (a)((1) and (4) of this section, the assignment is not appropriate for the assignment of a volunteer if:

(1) The service, duty or activity is principally administrative or clerical, or

(2) The volunteer is not directly in contact with groups or individuals whom the Act is designed to serve or is not performing services, duties, or engaged in activities authorized or of a character eligible for assistance under the Act.

Issued at Washington, D.C. on September 9, 1974.

JOHN L. GANLEY,
Deputy Director, ACTION.

[FR Doc.74–21135 Filed 9–12–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 31]

[Docket No. 20110; RM–2338]

CLASS A AND CLASS B TELEPHONE COMPANIES

Increase of Monetary Limit; Extension of Time for Filing Comments

Order. In the matter of (Uniform System of Accounts for Class A and Class B Telephone Companies) to increase the monetary limit where capitalization is appropriate from $25 to $50.

1. The Commission has received a letter dated August 29, 1974 from The Western Union Telegraph Company (Western Union) requesting an extension from August 30, 1974 to October 31, 1974 in which to submit its views as to whether Part 35 of our rules should be amended in the same manner as proposed for Part 31. (Published at page 27701 in the issue of Wednesday, July 31, 1974.)

2. Western Union indicates that it desires to request a revision in Part 35 but due to time constraints it will not be able to develop the information requested by the Commission in paragraph 7 of the notice of proposed rulemaking in this matter by the due date of August 30, 1974 for filing comments.

3. It appears that it is in the public interest to allow additional time for comments. However, it is believed that an extension to September 30, 1974 rather than to October 31, 1974 as requested by Western Union would be more appropriate in order not to unduly delay action in this proceeding.

4. *Accordingly, it is ordered,* Pursuant to authority delegated by § 0.303(c) of the Commission's rules, that the time for filing comments in the above captioned proceeding is hereby extended to September 30, 1974, and the time for filing reply comments is hereby extended to October 11, 1974.

Adopted: August 30, 1974.

Released: September 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALTER R. HINCHMAN,
Chief,
Common Carrier Bureau.

[FR Doc.74–21172 Filed 9–12–74;8:45 am]

[47 CFR Part 73]

[Docket No. 20178; RM–2185]

FM BROADCAST STATIONS IN MAUSTON, WISCONSIN

Proposed Table of Assignments

1. Notice of proposed rule making is hereby given concerning the proposed

amendment of § 73.202(b) of the rules, the FM Table of Assignments, by assignment of Channel 221A to Mauston, Wisconsin. This proposal would require that noncommercial educational Station WHRM, Wausau, Wisconsin, change its channel of operation from 220 to Channel 215.

2. Petitioner, George Blum, owner of standard daytime-only Station WRIC, Mauston, seeks Mauston's first FM assignment. In support of his petition, Blum avers that this channel is the only one available for assignment to Mauston and thereby constitutes Mauston's last opportunity for its own fulltime aural service. Mauston (pop. 3,466)[1] is in Juneau County (pop. 18,455) 60 miles northwest of Madison, Wisconsin, and 180 miles southeast of St. Paul, Minnesota. It is the county seat. Mauston's industry is largely agricultural with a number of small manufacturing plants. Blum avers that Mauston is the gateway to the Castle Rock-Pentewell Lakes Recreation area 8 miles away and that the recreation area hosts a large summer population which would be served by the proposed assignment. Petitioner avers that the Castle Rock Lake area will soon have the development of the Buckhorn State Park which the Wisconsin Department of Natural Resources expects will upon completion host an annual visitation of 2,000,000. Emergency weather reports and other services would reach these people as well as the Mauston community. In addition, Blum avers that Juneau County has no local newspaper and as such local radio coverage is of increased importance. Petitioner states that if the aforementioned assignment is made he will make application for it. In view of the aforementioned facts it appears that the public interest would be served by this assignment.

3. In order to assign Channel 221A to Mauston, it would be necessary for noncommercial educational Station WHRM, Wausau, licensed to the State of Wisconsin-Educational Communications Board (ECB) for operation on Channel 220 to change its operation to Channel 215. Although ECB had originally expressed a willingness to accommodate the proposal of Mr. Blum by changing channels if ECB were reimbursed for its expenses, a subsequent study by the consulting engineer of ECB showed that operation on Channel 215 by Station WHRM would be prohibited by the Commission's rules. ECB states that the technical feasibility of any proposal offered by Mr. Blum is a necessary precondition to any agreement by ECB to change channels and that absent reliable assurances of such feasibility, it must resist modification of its license.

4. The proposed reassignment of WHRM would comply with the minimum mileage separation requirements (§ 73.504(g)) and as such WHRM would not be short-spaced to any other assignment. However, the proposed assignment does run contrary to the note in § 1.573. The note establishes temporary noncommercial educational assignment restrictions that are in force during the pendency of Docket No. 14185. The restrictions differ from those generally applied to commercial and noncommercial FM channels in that they apply on the basis of signal interference and not mileage separation. Thus, a station may have the requisite separation from co-channel and adjacent channel assignments and still have the proscribed interference. Such is the case here. The proscribed objectionable interference would occur between WHRM and noncommercial educational Station WLFM, Appleton, Wisconsin, operating on Channel 216. However, the area of interference is very small. WHRM avers that the interference contours would overlap 1.289 miles. Petitioner avers that the overlap would be .3 of a mile. This variance results from the inexactitude inherent in visual interpretation of the Commission's F(50,10) Chart (FCC 61–1477). Petitioner further states that only 255 people would be within the overlap of the interference contours. It appears that under the circumstances the interference that would occur between Station WHRM and WLFM is de minimis and if so that it might well serve the public interest to make this assignment. The petitioner and interested parties may direct comments to this point in addition to any other comments to be made.

5. A copy of this notice of proposed rule making will be sent to the licensee of Station WLFM in order that it be given notice and an opportunity to comment.

6. With the above facts and public interest finding before us, we propose for consideration the following revision in our FM Table of Assignments (§ 73.202 (b) of our rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Mauston, Wis.		221A

As noted above, this proposal would require noncommercial educational FM Station WHRM, Wausau, Wisconsin to change its channel of operation from 220 to 215.

7. Authority for the action proposed herein is contained in sections 4(i), 303, 307(b), 316 and 5(d) (1) of the Communications Act of 1934, as amended, and § 0.281(b) (6) of the Commission's rules and regulations.

8. *It is ordered*, That, pursuant to section 316 of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing the channel on which it operates the State of Wisconsin-Educational Communications Board shall show cause why the license of its Station WHRM, Wausau, Wisconsin should not be modified to specify operation on Channel 215 as proposed herein instead of the present Channel 220. Pursuant to § 1.87(b) of the Commission's rules, the licensee of Station WHRM may, not later than 1974 request that a hearing be held on the proposed modification. Pursuant to § 1.87 (f), if the right to request a hearing is waived, the aforementioned party may, not later than October 25, 1974 file written statements showing with particularity why its license should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may call on the party to furnish additional information, designate the matter for hearing, or issue without further proceedings orders modifying the license as proposed in the order to show cause. If the right to request a hearing is waived and no written statement is filed by the above-mentioned date, the party will be deemed to consent to the modification as proposed in the order to show cause and a final order will be issued by the Commission.

9. *Showings required.* Comments are invited on the proposals discussed and set forth above. Proponents of proposed assignments are expected to file comments even if they only resubmit or incorporate by reference their former pleadings. Proponents should also restate their present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

10. *Cut-off procedure.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in this proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before October 25, 1974 and reply comments on or before November 15, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

12. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

[1] All population figures as of 1970 Census.

13. It is directed, that the Secretary of the Commission send a copy of this notice and order by certified mail, return receipt requested, to the State of Wisconsin-Educational Communications Board, Rib Mountain State Park, Wausau, Wisconsin 54401; a copy by regular mail to Daniel W. Toohey, counsel for that Board, c/o Dow, Lohnes & Albertson, 1225 Connecticut Avenue, NW., Washington, D.C.; and a copy by regular mail to the licensee of Station WLFM, Lawrence University of Wisconsin, 115 North Park Avenue, Appleton, Wisconsin 54911.

Adopted: August 29, 1974.

Released: September 5, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-21170 Filed 9-12-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

MANDATORY PETROLEUM PRICE REGULATIONS

Computation of Landed Costs; Correction

The Federal Energy Administration's further notice of proposed rulemaking and public hearing respecting the computation of landed costs published in the FEDERAL REGISTER on Thursday, September 5, 1974, at 39 FR 32310, is corrected by changing "20 cents" to read "10 cents" in paragraph (e)(2)(i) of the proposed regulation § 212.84.

Issued in Washington, D.C., September 10, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

[FR Doc.74-21173 Filed 9-12-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meetings

SEPTEMBER 9, 1974.

The USAF Scientific Advisory Board Guidance and Control Panel Review of Aircraft Inertial Systems will hold a closed meeting on September 30, 1974 from 9 a.m. until 4 p.m., at Litton Industries, Woodland Hills, California.

The Panel will receive classified and competition sensitive briefings on Litton's experience with aircraft inertial systems.

The USAF Scientific Advisory Board Fall General Meeting will be held on October 17 and 18, 1974; from 8:30 a.m. until 4:45 p.m. on October 17, and from 8:15 a.m. until 12:45 p.m. on October 18, at Andrews Air Force Base, D.C. The meeting will be closed to the public under the provisions of 5 U.S.C. 552(b)(1) and (4).

The Board will receive classified briefings on the Air Superiority Mission.

For further information on these meetings, 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.74–21217 Filed 9–12–74;8:45 am]

Department of the Army

FORT CARSON, COLORADO

Filing of Draft Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army on August 30, 1974, filed with the Council on Environmental Quality a Draft Environmental Impact Statement concerning the acquisition of 74,200 acres of land contiguous to Fort Carson, Colorado.

Copies of the statement have been forwarded to concerned Federal, State and local agencies. Interested individuals may obtain copies from the Office of the Commanding General, 4th Infantry Division (Mechanized), Fort Carson, Colorado 80913, Attention: COL. J. Shay, Deputy Installation Commander, Inspection copies are available at the Office of the Deputy Installation Commander, 4th Infantry Division (Mechanized), Fort Carson, Colorado 80913. In the Washington area, inspection copies can be seen in the Environmental Office, Assistant Chief of Engineers, Room 1E678, Pentagon Building, Washington, D.C. (Phone (703) 694–1163).

HENRY L. T. KOREN,
Deputy Under Secretary of the Army.

[FR Doc.74–21152 Filed 9–12–74;8:45 am]

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, October 1, 1974
Tuesday, October 8, 1974
Tuesday, October 15, 1974
Tuesday, October 22, 1974
Tuesday, October 29, 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 Pub. L. 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 Pub. L. 92–463, the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public because the matters considered are related to the internal personnel rules and practices of the Department of Defense (5 U.S.C. 552(b)(2)) and the wage survey data considered by the Committee have been obtained from private industry with the guarantee of confidentiality (5 U.S.C. 552(b)(4)).

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).

SEPTEMBER 10, 1974.

[FR Doc.74–21212 Filed 9–12–74;8:45 am]

ELECTRONICS PANEL OF THE DEFENSE MATERIEL SPECIFICATIONS AND STANDARDS BOARD

Microelectronics Discussion

The Department of Defense is continually seeking ways to reduce the long production lead times, high cost, and proliferation of microelectronic devices utilized in military electronic systems. To these ends, and in accordance with section 245(4), Ch. 145, Title 10 U.S. Code, the Electronics Panel of the Defense Materiel Specifications and Standards Board is considering various potential improvements including more widespread use of families of standardized microelectronics modules. Illustrative of existing families of these types of modules are the Navy's Standard Hardware Program (SHP), the Air Force's Standard Equipment Modules (SEM), and the Army's SAM–D Standard Module Concept.

The Panel will discuss this effort in meetings held over a period of one or two days during the week of October 21, 1974, in the Washington, D.C. area. Specific agenda, meeting times and location, will be determined following receipt of statements of interest and requested participation. The Electronic Industries Association (EIA) and Aerospace Industries Association (AIA) are being asked to participate in these discussions by providing coordinated representation of their respective member and affiliated companies. Due to limited time and space availability, it is therefore requested that members and affiliates of these associations work through them in matters pertaining to these sessions. In any event, parties desirous of participating in these discussion are requested to provide written notice to the address listed below by September 26, 1974. Notices should include information as to whether the participant wishes to make a presentation, and complete mail and telephonic contact information. Mr. Michael Keller, Office of the Director, Defense Research and Engineering (Planning), Room 3D 1043, Pentagon, Washington,

D.C. 20301. Telephone inquiries may also be made to Mr. Keller at (202) 695-7245.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 10, 1974.

[FR Doc.74-21214 Filed 9-12-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CRAIG DISTRICT GRAZING ADVISORY BOARD, COLORADO

Notice of Meeting

The Craig District Grazing Advisory Board will meet at 10 a.m. on September 23, 1974, at the District Office, 455 Emerson Street, Craig, Colorado.

The purpose of the meeting will be to consider District grazing applications, licenses and transfer of grazing privileges in the Little Snake, Kremmling and White River Resource Areas.

Other topics for discussion include range improvement projects, planning system progress in the North Park Planning Unit and White River Resource Area, predator control, matters related to wild horse management, and the future roll of the Advisory Board.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman, Nick Theos, prior to the meeting. Any interested persons may file a written statement with the Board for its consideration. Written statements should be submitted prior to the meeting to Nick Theos, c/o District Manager, Bureau of Land Management, 455 Emerson Street, P.O. Box 248, Craig, Colorado 81625, telephone number (303) 824-3289.

Requests for additional information should be submitted to the District Manager.

This order will become effective on September 16, 1974.

Dated: September 4, 1974.

CARROLL M. LEVITT,
Acting District Manager.

[FR Doc.74-21153 Filed 9-12-74;8:45 am]

[NM 20532]

NEW MEXICO

Application

SEPTEMBER 3, 1974.

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

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 34 E.,
Sec. 9, SE¼SE¼;
Sec. 10, SW¼SW¼;
Sec. 15, E½NW¼;
Sec. 22, E½NE¼.

This pipeline will convey natural gas across .918 mile of national resource lands in Lea 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.74-21154 Filed 9-12-74;8:45 am]

Office of the Secretary

[INT DES 74-85]

PROPOSED BARSTOW TO LAS VEGAS MOTORCYCLE RACE

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 motorcycle race from Barstow, California, to Las Vegas, Nevada.

The environmental statement considers the effects of the proposed motorcycle race on resources occurring along the race course, in the start area, the gasoline refueling areas and the finish area. These resources include cultural values, soils, vegetation, and wildlife populations.

Copies are available for inspection at the following locations:

Office of Public Affairs, Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240, telephone (202) 343-5717

State Director, Bureau of Land Management, 2800 Cottage Way, Room E-2841, Sacramento, California 95825, telephone (916) 484-4724

District Manager, Bureau of Land Management, 1414 University Avenue, Riverside, California 92507, telephone (714) 784-1462

District Manager, Bureau of Land Management, 5765 Vegas Drive, Las Vegas 89108, telephone (702) 385-6403

A limited number of single copies are available and may be obtained by writing the District Manager. Please refer to the statement number above.

Comments concerning the environmental statements and impacts should be addressed to the State Director, Bureau of Land Management, 2800 Cottage Way, Room E-2841, Sacramento, California 95825. Comments must be submitted on or before October 15, 1974 to be considered in the preparation of the final environmental statement.

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

SEPTEMBER 10, 1974.

[FR Doc.74-21249 Filed 9-12-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

WHITE OR IRISH POTATO

Estimate Regarding 1974 Production

Headnote 2 of Subpart A of Part 8 of Schedule 1 of the Tariff Schedules of the United States (TSUS) provides that, if for any calendar year the production in the United States of white or Irish potatoes, including seed potatoes, according to the estimate of the Department of Agriculture made as of September 1, is less than 21 billion pounds, an additional quantity of potatoes equal to the amount by which such estimated production is less than 21 billion pounds shall be added to the 45 million pounds for which duty at 37.5 cents per 100 pounds is provided by TSUS item 137.25 for the year beginning the following September 15.

The estimate of the Department of Agriculture, made as of September 1, 1974, is that for the calendar year 1974 the production in the United States of white or Irish potatoes, including seed potatoes, will exceed 21 billion pounds.

Issued at Washington, D.C., this 9th day of September 1974.

DAVID L. HUME,
Administrator, Foreign Agricultural Service.

[FR Doc.74-21125 Filed 9-12-74;8:45 am]

Packers and Stockyards Administration

[P. & S. Docket No. 4989]

ANDERSON LIVESTOCK COMMISSION CO.

Order Extending Period of Suspension of Modifications of Rates and Charges

On July 26, 1974, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.):

In re: Raymond Anderson, Jr., and Aurora M. Anderson d/b/a Anderson Livestock Commission Company, Chino, California

Such order, among other things, suspended and deferred the operation and use by the respondent of modifications of its current schedule of rates and charges to become effective July 29, 1974, for a period of thirty days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding could not be concluded within such period of suspension, an order has been issued in the above proceeding suspending and deferring the operation and use of such modifications of the current schedule of rates and charges for a further period of thirty days beyond the date when such modifications would have otherwise become effective.

Done at Washington, D.C., September 9, 1974.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.74-21158 Filed 9-12-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet Thursday, October 17, 1974, at 9:30 a.m. in Room 5230 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of report on transfer of technology.
4. Executive Session:
   a. Continuation of review of report on technology transfer.
   b. Discussion of future assignments.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was established January 3, 1973, and consists of technical experts from a representative cross-section of the industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1–3, and a limited number of seats, approximately 15, will be available to the public for these agenda items. To the extent time permits members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (4), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Pub. L. 92–463, that this agenda item should be exempt from the provisions of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202/967–4196).

Dated: September 5, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74–21236 Filed 9–12–74;8:45 am]

Maritime Administration

ALASKA STATEBANK

Approval of Applicant as Trustee

Notice is hereby given that Alaska Statebank, with offices at 442 West Fifth Avenue, Anchorage, Alaska, has been approved as Trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30.

BURT KYLE,
Director, Office of Domestic Shipping.

[FR Doc.74–21240 Filed 9–12–74;8:45 am]

[Docket No. S–423]

PACIFIC FAR EAST LINE, INC.

Application

Notice is hereby given that Pacific Far East Line, Inc. has applied for amendment of the service description of its subsidized Trade Route 29, Transpacific Freight Service so as to add Singapore-Malaysia-Indonesia.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on September 23, 1974 notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated therein.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated: September 19, 1974.

By order of the Maritime Administration.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.74–21241 Filed 9–12–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

ARTHRITIS AD HOC REVIEW COMMITTEE, ET AL.

Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of Pub. L. 92–463, the Annual Reports for the following Health Resources Administration Committees have been filed with the Library of Congress:

Arthritis Ad Hoc Review Committee
Cooperative Health Statistics Advisory Committee
Federal Hospital Council
Federal Hospital Council and National Advisory Health Services Council Joint Meetings
Health Care Technology Study Section
Health Services Developmental Grants Study Section
Health Services Research Grants Study Section
Health Services Research Training Committee
Long-Term Care for the Elderly Research Review and Advisory Committee
National Advisory Council on Comprehensive Health Planning Programs
National Advisory Council on Health Professions Education
National Advisory Council on Health Research Facilities
National Advisory Council on Nurse Training
National Advisory Council on Regional Medical Programs
National Advisory Health Services Council
Nursing Research and Education Advisory Committee
Public Health Conference on Records and Statistics—Standing Committee
The United States National Committee on Vital and Health Statistics

Copies are available to the public for inspection at the Library of Congress or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Committee Management Office, North Building, Room 4036, 330 Independence Avenue SW., Washington, D.C. 20201, telephone (202)–245–7545.

Dated: September 10, 1974.

DANIEL F. WHITESIDE,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.74–21251 Filed 9–12–74;8:45 am]

Health Services Administration

INDIAN HEALTH ADVISORY COMMITTEE ET AL.

Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of Pub. L. 92–463, the Annual

Reports for the following Health Services Administration Committees have been filed with the Library of Congress:

Indian Health Advisory Committee
Maternal and Child Health Research Grants Review Committee
National Advisory Council on Health Manpower Shortage Areas
National Migrant Health Advisory Committee

Copies are available to the public for inspection at the Library of Congress or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Committee Management Office, North Building, Room 4036, 330 Independence Avenue SW., Washington, D.C. 20201, telephone 202–245–7545.

Dated: September 9, 1974.

ANDREW J. CARDINAL,
Associate Administrator for Management Health Services Administration.

[FR Doc.74–21250 Filed 9–12–74;8:45 am]

Office of Education

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT, COLLEGE WORK-STUDY, AND NATIONAL DIRECT STUDENT LOAN PROGRAMS

Closing Dates for Receipt of Applications and Establishment of Eligibility

1. Notice is hereby given that pursuant to the authority contained in sections 413D(b), 443, and 462(b) of the Higher Education Act of 1965 (20 U.S.C. 1070b–3(b), 42 U.S.C. 2753, and 20 U.S.C. 1087–bb(b)), applications for fiscal year 1975 funds, for use in fiscal year 1976, will be accepted from institutions of higher education under the Supplemental Educational Opportunity Grant, College Work-Study, and National Direct Student Loan Programs (Part A Subpart 2, Part C, and Part E of Title IV of the Higher Education Act of 1965, respectively), and area vocational schools under the College Work-Study Program. In order to receive consideration, such applications must be received on or before October 18, 1974. Applications shall be submitted to the Regional Office of the Office of Education serving the area in which the institution is located.

Application forms have been mailed to all institutions currently receiving funds under any of the three programs. Such application forms may also be obtained from the various Regional Offices of the Office of Education.

The addresses of the Regional Offices are as follows:

Office of Education, Region I
John Fitzgerald Kennedy Federal Building
Boston, Massachusetts 02203

Office of Education, Region II
26 Federal Plaza
New York, New York 10007

Office of Education, Region III
P.O. Box 13716 (3535 Market Street)
Philadelphia, Pennsylvania 19101

Office of Education, Region IV
50 Seventh Street, N.E., Room 507
Atlanta, Georgia 30323

Office of Education, Region V
300 South Wacker Drive
Chicago, Illinois 60606

Office of Education, Region VI
1114 Commerce Street
Dallas, Texas 75202

Office of Education, Region VII
601 East 12th Street
Kansas City, Missouri 64106

Office of Education, Region VIII
9017 Federal Office Building
19th and Stout Streets
Denver, Colorado 80202

Office of Education, Region IX
50 Fulton Street
San Francisco, California 94102

Office of Education, Region X
Arcade Plaza Building
1321 Second Avenue—M.S. 621
Seattle, Washington 98101

(20 U.S.C. 1070b–3(b); 42 U.S.C. 2753; 20 U.S.C. 1087bb(b))

a. *Applications sent by mail.* An application sent by mail will be considered to be received on time in the Regional Office of the Office of Education serving the area in which the institution is located if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date in the mail room of the Regional Office of the Office of Education serving the area in which the institution is located. (In establishing the date of receipt, the Commission will rely on the time-date stamp of such mail room or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

b. *Hand delivered applications.* An application to be hand delivered must be taken to the Regional Office of the Office of Education serving the area in which the institution is located. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 4:00 p.m. in the appropriate Regional Office except Saturdays, Sundays, or Federal holidays. Applications will not be accepted in the appropriate Regional Office after 4:00 p.m. on the closing date.

2. Applications will be accepted from institutions of higher education that have not qualified as eligible institutions of higher education under section 435(b) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1085(b), 1141(a)). Such applications will also be processed and reviewed. However, in order for such institutions to receive an allocation of fiscal year 1975 funds, the Accreditation and Institutional Eligibility Staff of the Bureau of Postsecondary Education of the Office of Education must have received by January 15, 1975 all materials and documents necessary to determine whether such an institution is an eligible institution of higher education. Similarly with regard to the College Work-Study Program, applications will be accepted from area vocational schools that have not had their eligibility to participate in the College Work-Study Program established; however, in order for such schools to receive an allocation of fiscal year 1975 funds, the Accreditation and Institutional Eligibility Staff of the Bureau of Postsecondary Education of the Office of Education must have received by January 15, 1975 all materials and documents necessary to determine whether such a school is an eligible area vocational school.

(20 U.S.C. 1070b–1070b–3; 42 U.S.C. 2753; 20 U.S.C. 1087aa–ff)
(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program)

Dated: September 6, 1974.

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

[FR Doc.74–21119 Filed 9–12–74;8:45 am]

Social and Rehabilitation Service

CHILD WELFARE SERVICES

Promulgation of Federal Shares and Allotment Percentages

Pursuant to section 423 (a), (b), and (c) of Title IV, Part B of the Social Security Act (42 U.S.C. 623 (a), (b), and (c)), and pursuant to section 501 of Pub. L. 93–344 (the Congressional Budget and Impoundment Control Act of 1974) which provides that fiscal year 1977 shall begin on October 1, 1976 and end on September 30, 1977: It is hereby promulgated that for fiscal year 1976, for the period July 1, 1976 through September 30, 1976, and for the fiscal year ending September 30, 1977, for purposes of child welfare services under Title IV, Part B of the Social Security Act, for each of the fifty States, Puerto Rico, the District of Columbia, the Virgin Islands and Guam, the Federal shares and the allotment percentages, as specified in said Act, or as determined pursuant thereto, on the basis of the per capita income data specified therein, shall be as listed below.

State	Federal shares	Allotment percentages
Alabama	61.84	61.84
Alaska	41.59	41.59
Arizona	53.14	53.14
Arkansas	62.44	62.44
California	44.48	44.48
Colorado	49.83	49.83
Connecticut	40.45	40.45
Delaware	42.42	42.42
District of Columbia	36.45	36.45
Florida	51.32	51.32
Georgia	56.61	56.61
Guam	66⅔	70.00
Hawaii	43.67	43.67
Idaho	57.95	57.95
Illinois	42.91	42.91
Indiana	51.39	51.39
Iowa	51.20	51.20
Kansas	49.46	49.46
Kentucky	60.12	60.12
Louisiana	60.85	60.85
Maine	59.59	59.59
Maryland	45.20	45.20
Massachusetts	46.96	46.96
Michigan	45.54	45.54

State	Federal shares	Allotment percentages
Minnesota	51.03	51.03
Mississippi	65.27	65.27
Missouri	52.26	52.26
Montana	54.79	54.79
Nebraska	50.33	50.33
Nevada	42.57	42.57
New Hampshire	53.03	53.03
New Jersey	41.22	41.22
New Mexico	61.48	61.48
New York	42.18	42.18
North Carolina	57.86	57.86
North Dakota	51.46	51.46
Ohio	49.66	49.66
Oklahoma	57.45	57.45
Oregon	52.30	52.30
Pennsylvania	50.22	50.22
Puerto Rico	66⅔	70.00
Rhode Island	50.87	50.87
South Carolina	61.69	61.69
South Dakota	57.33	57.33
Tennessee	59.47	59.47
Texas	55.03	55.03
Utah	59.21	59.21
Vermont	59.05	59.05
Virgin Islands	66⅔	70.00
Virginia	51.89	51.89
Washington	49.29	49.29
West Virginia	60.49	60.49
Wisconsin	52.81	52.81
Wyoming	53.42	53.42

Dated: September 6, 1974.

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

[FR Doc.74-21060 Filed 9-12-74;8:45 am]

STATE ASSISTANCE EXPENDITURES

Promulgation of Federal Percentages and Federal Medical Assistance

Pursuant to section 1101(a)(8)(B) of the Social Security Act (42 U.S.C. 1301 (a)(8)(B)), which provides for the determination and promulgation of the Federal percentages, and section 1905(b) of said Act (42 U.S.C. 1396d(b)), which provides for the determination and promulgation of Federal medical assistance percentages:

It is hereby promulgated that, for each of the eight quarters in the period beginning July 1, 1975 and ending June 30, 1977, Federal percentages and the Federal medical assistance percentages to be used in determining Federal financial participation in State expenditures for the purposes specified herein, for each of the 50 States, Puerto Rico, the District of Columbia, the Virgin Islands, and Guam, as specified in said Act, or as determined pursuant thereto on the basis of the per capita income data specified therein, shall be as listed below.

State	Federal percentage	Federal medical assistance percentage
Alabama	65.00	73.79
Alaska	50.00	50.00
Arizona	56.09	60.48
Arkansas	65.00	74.60
California	50.00	50.00
Colorado	50.00	54.69
Connecticut	50.00	50.00
Delaware	50.00	50.00
District of Columbia	50.00	50.00
Florida	52.60	57.34
Georgia	62.34	66.10
Guam	50.00	50.00
Hawaii	50.00	50.00
Idaho	64.64	68.18
Illinois	50.00	50.00
Indiana	52.75	57.47
Iowa	52.37	57.13
Kansas	50.00	54.02
Kentucky	65.00	71.37
Louisiana	65.00	72.41
Maine	65.00	70.60
Maryland	50.00	50.00
Massachusetts	50.00	50.00
Michigan	50.00	50.00
Minnesota	52.05	56.84
Mississippi	65.00	78.28
Missouri	54.42	58.98
Montana	59.12	63.21
Nebraska	50.65	55.59
Nevada	50.00	50.00
New Hampshire	55.87	60.28
New Jersey	50.00	50.00
New Mexico	65.00	73.29
New York	50.00	50.00
North Carolina	64.48	68.03
North Dakota	52.87	57.59
Ohio	50.00	54.39
Oklahoma	63.80	67.42
Oregon	54.49	59.04
Pennsylvania	50.43	55.39
Puerto Rico	50.00	50.00
Rhode Island	51.73	56.55
South Carolina	65.00	73.58
South Dakota	63.59	67.23
Tennessee	65.00	70.43
Texas	59.55	63.59
Utah	65.00	70.04
Vermont	65.00	69.82
Virgin Islands	50.00	50.00
Virginia	53.72	58.34
Washington	50.00	53.72
West Virginia	65.00	71.90
Wisconsin	55.46	59.91
Wyoming	56.60	60.94

Dated: September 6, 1974.

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

[FR Doc.74-21118 Filed 9-12-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-74-249; Land Sales Enforcement Division Docket No. 74-88]

APPLE VALLEY SUBDIVISION, ET AL.

Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b) notice is hereby given that:

1. American Central Corporation, Howard J. Bohnet, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued June 17, 1974, which was sent to the developer pursuant to 15 U.S.C. 1706 (d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Apple Valley Subdivision, located in the County of Knox, Ohio, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received July 8, 1974, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b): *It is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge John W. Earman, in room 2253, Department of HUD, 451 7th Street SW., Washington, D.C. on September 13, 1974, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before September 11, 1974.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default, and the proceeding shall be determined against Respondent, the allegations in the Notice shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1) and 1720.160(c).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 9, 1974.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.74-21177 Filed 9-12-74;8:45 am]

Office of the Secretary

[Docket No. D-74-290]

SECRETARY OF LABOR

Delegation of Authority

Pursuant to the authority vested in me to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance pursuant to section 1 of the Executive Order entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" (E.O. 11795, 39 FR 25939, dated July 11, 1974), I hereby delegate to the Secretary of Labor, subject to the general policy guidance and coordination of the Administrator of the Federal Disaster Assistance Administration:

1. The authority, functions and powers granted by section 407(a) of the Disaster Relief Act of 1974 (88 Stat. 143, 42 U.S.C. 5121n.) to provide assistance to individuals unemployed as a result of a major disaster;

2. The authority, functions and powers granted by section 407(b) to provide reemployment assistance services under other laws administered by the Department of Labor to individuals who are unemployed as a result of a major disaster; and

3. With the concurrence of the Administrator of the Federal Disaster Assistance Administration, the authority to issue such rules and regulations as may be necessary and appropriate to effectuate this delegation.

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

I consent:
PETER J. BRENNAN,
Secretary of Labor.

Effective date. This delegation of authority shall be effective as of August 5, 1974.

[FR Doc.74-21176 Filed 9-12-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON ECCS

Notice of Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on ECCS will hold a meeting on September 28, 1974 in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to discuss the development of models formulated to meet current ECCS Criteria.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Saturday, September 28, 1974—9:00 a.m.–12:30 p.m. Discussion with the AEC Regulatory Staff on the development of models formulated to meet current ECCS criteria.

In connection with the above agenda item, the Subcommittee will hold executive sessions before and after the meeting to discuss its preliminary views and to exchange opinions and formulate recommendations to the ACRS. In addition, following the public portion of the meeting, the Subcommittee may hold closed sessions with the Regulatory Staff to discuss privileged information relating to the agenda item.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive session at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held to discuss certain documents which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than September 21, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the details of the agenda and schedule, whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on September 27, 1974 to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m. e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after December 28, 1974. Copies may be obtained upon payment of appropriate charges.

JOE B. LA GRONE,
Acting Advisory Committee
Management Officer.

[FR Doc.74-21307 Filed 9-12-74;8:45 am]

[Docket No. 50-471]

BOSTON EDISON CO.

Special Prehearing Conference

Notice is hereby given that, pursuant to memorandum and order dated August 9, 1974, issued herein by this Board, and pursuant to a telephone conference call held with the parties[1] on September 3, 1974, a further special prehearing conference will be held at the Hearing Room, Town Office Building, 11 Lincoln Street, Plymouth, Massachusetts 02360, commencing at 10:30 a.m., local time, on Thursday, October 3, 1974.

As a result of the agreement amongst the parties during the above-mentioned conference call, the schedule set forth in the Board's order of August 9, 1974 for the further course of this proceeding is amended to permit the parties to file comments on the revisions to the Draft Environmental Statement and the revised Environmental Report and PSAR on or before September 23, 1974. Further, in accordance with the indication contained in the aforesaid order, the Board has, upon examination of the revised Draft Environmental Statement, determined that recirculation to the pertinent agencies of said revised Draft Environmental Statement is advisable and would assist in the compilation of a full and complete record in this proceeding. Accordingly, the Staff is directed to recirculate said revised Statement requesting the respective agencies to respond

[1] Despite a number of efforts, the parties were unsuccessful in reaching Mr. Daniel Ford at any of the given telephone numbers for participation in the conference call. Nevertheless, the parties were urged by the Board to continue to attempt to reach Mr. Ford to advise him of the parties' agreements regarding the future schedule.

with comments, if any, on the aforementioned revisions on or before September 23, 1974.[2]

It was further agreed amongst the parties that, should circumstances require additional time after the prehearing conference of October 3, to arrive at further agreements and/or stipulations regarding the Intervenors' contentions, said stipulations may be filed with the Board on or before October 11, 1974; in like manner, if necessary and appropriate, motions to strike assertedly irrelevant or inappropriate contentions may be filed on or before the same day.

In summary, therefore, the revised schedule for this proceeding will be as follows:

September 23, 1974	Comments to be filed by the parties and Intervenors on the revisions to the Draft Environmental Statement and the revised Environmental Report and PSAR; Comments, if any, to be filed by agencies in response to recirculation of the revised Draft Environmental Statement;
October 3, 1974	Further Special Prehearing Conference to discuss Intervenors' revised contentions; and
October 11, 1974	Submission of further stipulations and/or agreements on contentions, and motions, if any, to strike contentions.

The parties are again urged to confer prior to the next prehearing conference to narrow, simplify and clarify the issues and contentions presented in this proceeding, and to discuss and consider the possible consolidation of issues and stipulations with regard to matters in issue, all with the view of assisting in the more orderly development of the record in this proceeding.

Dated at Bethesda, Md., this 6th day of September 1974.

It is so ordered.

For the Atomic Safety and Licensing Board.

MAX D. PAGLIN,
Chairman.

[FR Doc.74-21144 Filed 9-12-74;8:45 am]

[Docket No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO.

Wolf Creek Generating Station, Unit No. 1; Receipt of Application for Construction Permit and Operating License and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

Kansas Gas and Electric Company and Kansas City Power and Light Company (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed May 17, 1974, for authorization to construct and operate a generating unit utilizing a standardized pressurized water reactor. The application was tendered on April 1, 1974. Following a preliminary review for completeness, the application was accepted on May 10, 1974, for docketing.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket No. STN 50-482 has been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket Nos. STN 50-483 and STN 50-486 involving an application by Union Electric Company for construction permits for the Callaway Plant, Units 1 and 2, to be located in Callaway County, Missouri; Docket Nos. STN 50-484 and STN 50-487 involving an application by Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, for construction permits for the Tyrone Energy Park, Units 1 and 2 to be located in Dunn County, Wisconsin, and Docket No. STN 50-485 involving an application by Rochester Gas and Electric Corporation for a construction permit for the Sterling Power Project Nuclear Unit 1 to be located in Cayuga County, New York.

The proposed nuclear facility, designated by the applicants as the Wolf Creek Generating Station Unit No. 1, is located approximately 3.6 miles east of the Neosho River and the spillway at the John Redmond Reservoir in Coffey County, Kansas, approximately 3.5 miles northeast of Burlington, Kansas, and is designed for initial operation at approximately 3,411 megawatts (thermal), with a net electrical output of approximately 1,120 megawatts.

A Notice of Hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket No. STN 50-482-A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street NW., Washington, D.C. 20545, and at the Office of County Clerk (Ms. Joan Cox), Coffey County Courthouse, Burlington, Kansas.

The applicants have also filed an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, dated April 1, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the Budget Division, Department of Administration, First Floor-State House, Topeka, Kansas 66612.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 16th day of August 1974.

For the Atomic Energy Commission.

D. B. VASSELLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.74-19984 Filed 8-29-74;8:45 am]

[Docket Nos. STN 50-516, STN 50-517]

LONG ISLAND LIGHTING CO. AND JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2

Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

The Long Island Lighting Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 6, 1974, for authorization to construct and operate two generating units utilizing two pressurized water reactors. The application was tendered on June 14, 1974. Following a preliminary review of completeness, the application was accepted on August 13, 1974 for docketing. Docket Nos. STN 50-516 and STN 50-517 have been assigned to the application and they should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Jamesport Nuclear Power Station, Units 1 and 2 are to be located in Suffolk County, New York, 6 miles northeast of the town of Riverhead. Each unit is designed for initial operation at approximately 3,425 megawatts (thermal), with a net electrical output of approximately 1,150 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

[2] In a further telephone conference call held with the parties on September 6, 1974, it was agreed that the Staff would be granted a grace period of five (5) working days from the date of issuance of this Order for consideration of its further action in complying herewith.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before November 12, 1974. The request should be filed in connection with Docket Nos. STN 50–516–A and STN 50–517–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Riverhead Free Library, 330 Court Street, Riverhead, New York 11901.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an Environmental Report dated August 28, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207; and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 6th day of September 1974.

For the Atomic Energy Commission.

FRANCIS J. WILLIAMS,
Acting chief, Light Water Reactors Projects Branch 2–1, Directorate of Licensing.

[FR Doc.74–21143 Filed 9–12–74;8:45 am]

[Docket Nos. STN 50–484, STN 50–487]

NORTHERN STATES POWER CO. (MINNESOTA) AND NORTHERN STATES POWER CO. (WISCONSIN)

Tyrone Energy Park, Units 1 and 2; Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed June 21, 1974, for authorization to construct and operate two generating units utilizing two standardized pressurized water reactors. The application was tendered on April 30, 1974. Following a preliminary review for completeness, the application was accepted on June 18, 1974, for docketing.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket Nos. STN 50–484 and STN 50–487 have been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket No. STN 50–482 involving an application by Kansas Gas and Electric Company and Kansas City Power and Light Company for a construction permit for the Wolf Creek Generating Station, Unit No. 1 to be located in Coffey County, Kansas; Docket Nos. STN 50–483 and STN 50–486 involving an application by Union Electric Company for construction permits for the Callaway Plant, Units 1 and 2, to be located in Callaway County, Missouri, and Docket No. STN 50–485 involving an application by Rochester Gas and Electric Corporation for a construction permit for the Sterling Power Project Nuclear Unit 1 to be located in Cayuga County, New York.

The proposed nuclear facilities, designated by the applicants as the Tyrone Energy Park, Units 1 and 2, are located on the left descending bank of the Chippewa River in Dunn County, Wisconsin, approximately 19 miles west-southwest of Eau Claire, Wisconsin, and are each designed for initial operation at approximately 3,411 megawatts (thermal), with a net electrical output of approximately 1,120 megawatts.

A Notice of Hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket Nos. STN 50–484–A and STN 50–487–A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street NW., Washington, D.C. 20545, and at the Stout Library (Mr. John Jax, Director), University of Wisconsin, Menomonie, Wisconsin.

The applicants have also filed an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, dated April 26, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Bureau of Planning and Budget, Department of Administration, One West Wilson Street, State Office Building, Madison, Wisconsin 53701.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 16th day of August 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1–1, Directorate of Licensing.

[FR Doc.74–19986 Filed 8–29–74;8:45 am]

[Docket Nos. 50–352; 50–353]

PHILADELPHIA ELECTRIC CO.

Oral Argument

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Appeal Board's order of September 5, 1974, oral argument on the exceptions to the initial decision of June 14, 1974 in this construction permit proceeding has been scheduled for 9:30 a.m. on Tuesday, October 1, 1974, in the Appeal Panel hearing room, fifth floor, East West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

SEPTEMBER 10, 1974.

[FR Doc.74–21175 Filed 9–12–74;8:45 am]

[Docket No. STN 50–485]

ROCHESTER GAS AND ELECTRIC CORP.

Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matters

Rochester Gas and Electric Corporation (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1974, for authorization to construct and operate a generating unit utilizing a standardized

pressurized water reactor. The application was tendered on April 30, 1974. Following a preliminary review for completeness, the application was accepted on June 18, 1974, for docketing.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket No. STN 50–485 has been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket No. STN 50–482 involving an application by Kansas Gas and Electric Company and Kansas City Power and Light Company for a construction permit for the Wolf Creek Generating Station, Unit No. 1 to be located in Coffey County, Kansas; Docket Nos. STN 50–483 and STN 50–486 involving an application by Union Electric Company for construction permits for the Callaway Plant, Units 1 and 2, to be located in Callaway County, Missouri, and Docket Nos. STN 50–484 and STN 50–487 involving an application by Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, for construction permits for the Tyrone Energy Park, Units 1 and 2, to be located in Dunn County, Wisconsin.

The proposed nuclear facility, designated by the applicant as the Sterling Power Project Nuclear Unit 1, is bounded on the northwest by Lake Ontario, is located in Cayuga County, New York, and is designed for initial operation at approximately 3,411 megawatts (thermal), with a net electrical output of approximately 1,120 megawatts.

A Notice of Hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention, Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket No. STN 50–485–A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street NW., Washington, D.C. 20545, and at the Seymour Library (Mr. Erskine, Librarian), Case Memorial Building, 176 Genesee Street, Auburn, New York.

Approximately September 30, 1974 the applicant plans to file an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51. The report will discuss environmental considerations related to the construction and operation of the proposed facility. After it is docketed, it will be available for public inspection at the aforementioned locations and at the Office of Environmental Analysis, New bany, New York 12210; and at the Censervation, Albany, New York 12210; at the New York State Atomic Energy Council, New York State Department of Commerce, 99 Washington Street, Albank, New York 12210; and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, New York 13202. A Notice of Availability of Applicant's Environmental Report will be published following docketing of the Environmental Report.

Dated at Bethesda, Md., this 16th day of August 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1–1, Directorate of Licensing.

[FR Doc.74–19987 Filed 8–29–74;8:45 am]

[Docket Nos. STN 50–483, STN 50–486]

UNION ELECTRIC CO.

Callaway Plant, Units 1 and 2; Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

Union Electric Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1974, for authorization to construct and operate two generating units utilizing two standardized pressurized water reactors. The application was tendered on April 30, 1974. Following a preliminary review for completeness, the application was accepted on June 18, 1974, for docketing.

The application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket Nos. STN 50–483 and STN 50–486 have been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket No. STN 50–482 involving an application by Kansas Gas and Electric Company and Kansas City Power and Light Company for a construction permit for the Wolf Creek Generating Unit No. 1 to be located in Coffey County, Kansas; Docket Nos. STN 50–484 and STN 50–487 involving an application by Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, for construction permits for the Tyrone Energy Park, Units 1 and 2, to be located in Dunn County, Wisconsin, and Docket No. STN 50–485 involving an application by Rochester Gas and Electric Corporation for a construction permit for the Sterling Power Project Nuclear Unit 1 to be located in Cayuga County, New York.

The proposed nuclear facilities, designated by the applicants as the Callaway Plant, Units 1 and 2, are located approximately five miles north of the Missouri River in Callaway County, Missouri, approximately ten miles southeast of Fulton, Missouri, and are each designed for initial operation at approximately 3,411 megawatts (thermal), with a net electrical output of approximately 1,120 megawatts.

A Notice of Hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket Nos. STN 50–483–A and STN 50–486–A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street NW., Washington, D.C. 20545, and at the Fulton City Library (Mrs. Frieda Metweedie), 709 Market Street, Fulton, Missouri, and at the Olin Library of Washington University (Mrs. Ranata Rotkowicz), Skinker and Lindell Boulevards, St. Louis, Missouri.

The applicant has also filed an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, dated May 30, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Division of Planning, Office of Administration, P.O. Box 809, Jefferson City, Missouri 65101, and at the Mid-Missouri Regional Planning Commission, 10 West Sixth Street, Fulton, Missouri 65251.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 16th day of August 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1–1, Directorate of Licensing.

[FR Doc.74–19985 Filed 8–29–74;8:45 am]

[Docket Nos. STN 50-508, STN 50-509]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM, ET AL.

Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Washington Public Power Supply System, on behalf of itself and four investor-owned electric utilities, Pacific Power and Light Company, Portland General Electric Company, Puget Sound Power and Light Company, and The Washington Water Power Company (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed an application (Preliminary Safety Analysis Report, General and Financial Information and Antitrust), which was docketed on August 2, 1974, for authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor designated as the WPPSS Nuclear Project No. 3; and in which Washington Public Power Supply System (the applicant), on behalf of itself, requests authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor designated as the WPPSS Nuclear Project No. 5. The application was tendered on March 5, 1974. Following a preliminary review for completeness, the application (including the Environmental Report) was rejected on April 15, 1974 for lack of sufficient information. The applicants submitted a revised Preliminary Safety Analysis Report (application) on July 15, 1974, and the application was found to be acceptable for docketing. Docket Nos. STN 50-508 and STN 50-509 have been assigned to the application and they should be referenced in any correspondence relating to the application. The applicants will submit a revised Environmental Report on August 15, 1974. When the revised Environmental Report is found to be acceptable, a notice of availability of the Environmental Report will be published in the FEDERAL REGISTER.

This application has been filed utilizing the "reference system" option of the Commission's standardization policy for nuclear power plants, wherein a standard design that involves a major fraction of a nuclear facility may be referenced in license applications. This application references the standard nuclear steam supply system design of Combustion Engineering's Standard Safety Analysis Report (CESSAR), Docket No. STN 50-470, which is currently under staff review. The proposed nuclear facilities are to be located on Washington Public Power Supply System's site in Grays Harbor County, Washington, about 26 miles west of Olympia. Each unit is to be designed for initial operation at 3,800 megawatts thermal, and an electrical output of approximately 1,300 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 22, 1974. The request should be filed in connection with Docket Nos. STN 50-508-A and STN 50-509-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington 98563.

Dated at Bethesda, Md., this 6th day of August 1974.

For the Atomic Energy Commission.

OLAN D. PARR,
Chief, Light Water Reactors Project Branch 1-3, Directorate of Licensing.

[FR Doc.74-19341 Filed 8-22-74;8:45 am]

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

ACTIVITIES FOR COMING YEAR

Notice of Meeting

The Citizens' Advisory Committee on Environmental Quality will meet on September 30, 1974, at 9:30 a.m. at the Edgewater Hotel in Madison, Wisconsin.

The Committee advises the President and the Council on Environmental Quality on matters pertaining to environmental quality. The purpose of the meeting is to review pending Committee business and to consider Committee activities for the coming year. Subjects discussed will include Committee publications, loss of agricultural land to development, use of abandoned rights of way for public trails, land use, energy, solid waste, and other current environmental issues.

A limited number of seats, approximately 10, will be available to observers from the press and the public on a reserved, first-come basis. Requests to attend the meeting must be submitted in writing or by telephone no later than Wednesday, September 25, 1974, to Lawrence N. Stevens, Executive Director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006, telephone (202) 223-3040. Oral statements or questioning of Committee members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Committee before or after the meeting.

Requests for information should be submitted to Lawrence N. Stevens (address given above).

LAWRENCE N. STEVENS,
Executive Director, Citizens' Advisory Committee on Environmental Quality.

[FR Doc.74-21265 Filed 9-12-74;8:45 am]

CIVIL RIGHTS COMMISSION

FLORIDA STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Florida State Advisory Committee (SAC) to this Commission will convene at 1:30 p.m. on October 11, 1974, in the President's Board Room, Ashe Administration Building, University of Miami, Miami, Florida 33124.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purposes of this meeting shall be to (1) review the draft of the Florida SAC report on Police-Community Relations in the State, (2) plan for orientation of the recently rechartered Florida SAC, and (3) discuss proposed Florida SAC activities to be undertaken during the balance of FY 75.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 4, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-21140 Filed 9-12-74;8:45 am]

INDIANA STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on September 28, 1974, at the Quality Motel Downtown, 1530 North Meridian Street, Indianapolis, Indiana 46202.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to discuss followup activities to the Indiana SAC's recent hearing on problems of the migrant worker in Indiana.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 4, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-21141 Filed 9-12-74;8:45 am]

MONTANA STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations

of the U.S. Commission on Civil Rights, that a planning meeting of the Montana State Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. on October 4, 1974, at the Travelodge, 22 North Last Chance Gulch, Helena, Montana 59601.

Persons wishing to attend this meeting should contact the Committee Chairman or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purposes of this meeting shall be to (1) release the Montana SAC report entitled "Employment Practices in Montana: The Effects on Minorities and Women" and (2) discuss proposed Montana SAC activities to be undertaken during FY 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 4, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-21139 Filed 9-12-74;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on October 8, 1974, at Rutgers University, New Brunswick, New Jersey 07102.

Persons wishing to attend this meeting should contact the Committee Chairman, or the New York Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purposes of this meeting shall be to (1) review the New Jersey Prison Project and (2) recharter the New Jersey SAC.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 5, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-21138 Filed 9-12-74;8:45 am]

COMMISSION OF FINE ARTS

PUBLIC PROJECTS AFFECTING THE APPEARANCE OF WASHINGTON, D.C.

Notice of Meeting

AUGUST 26, 1974.

The Commission of Fine Arts will meet on Wednesday, September 18, 1974 at 10 a.m. in the Commission offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various public projects affecting the appearance of Washington, D.C. Inquiries regarding the agenda should be addressed to the Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.74-21151 Filed 9-12-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

BICYCLES

Notice of Meeting

The Consumer Product Safety Commission gives notice that on September 20, 1974, Ms. J. Penno and Mr. D. R. Mackay will meet with the U.S. Technical Advisory Group to ISO/TC-149 on International Safety Specifications for Bicycles. The meeting will be held at ANSI Headquarters at 1430 Broadway, New York, N.Y., commencing at 9:30 a.m.

The purpose of the meeting is to prepare the United States position for the upcoming meeting of Subcommittees 1 and 2.

The Commission, on July 16, 1974 (39 FR 26100) issued safety regulations for bicycles (16 CFR Part 1512) under the Federal Hazardous Substances Act (15 U.S.C. 1261). The Commission is currently reviewing objections to these regulations filed by manufacturers, distributors and consumers.

Dated: September 10, 1974.

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

[FR Doc.74-21168 Filed 9-12-74;8:45 am]

PETITION TO BAN HAND GUN BULLETS

Cancellation of Meeting

The Consumer Product Safety Commission gives notice that the September 30, 1974 meeting (reported in the August 22, 1974, FEDERAL REGISTER, 39 FR 30376; originally scheduled for August 26) with representatives of The Committee For Hand Gun Control has been cancelled. The meeting had been scheduled to discuss the Committee's petition to ban hand-gun bullets.

The Commission has, on September 5, 1974, denied the petition; therefore, there is no existing purpose for the meeting.

Dated: September 10, 1974.

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

[FR Doc.74-21167 Filed 9-12-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from September 2 through September 6, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (October 28, 1974.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available, at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250 (202) 447-3965.

FOREST SERVICE

Draft

Forks Unit, Ouachita National Forest, several Counties, Arkansas, September 3: The proposed action is to manage, administer and utilize the forest resources of the Forks Unit, Ouachita N.F., from July 1, 1975 to June 30, 1985. The 75,813 acres Forks Unit is in Garland, Montgomery, Yell and Perry Counties. Major actions are regenerating commercial timber stands on 6, 900 acres, thinning timber on 13,700 acres, increasing wildlife habitat, managing the range resource and constructing 75 miles of road by timber purchasers. The greatest impact will be to temporary soil disturbance and water quality from timber harvests, timber site preparation work and road construction (92 pages). (ELR Order No. 41383.)

Final

Vegetative Management with Herbicides, several Counties, Washington, September 4: The statement refers to the proposed use of the herbicides 2,4-D,2,4,5-T,2,4,5-TP, picloram, dicamba, atrazine, amitrole and Monosodium acid methanearsenate (MSMA) on lands of Colville, Okanogan, and Wenatchee National Forests, in order to reduce the volume of native vegetation where it seriously hampers forest management activities. Use of the chemicals will result in varying amounts of herbicidal residues in the environment. There is potential hazard to some species of wildlife as a result of the alteration of habitat (two volumes). Comments made by: USDA, HUD, EPA, HEW, DOI, COE, State and local agencies and concerned citizens. (ELR Order No. 41398.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, (301) 973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, AEC, Washington, D.C. 20545, (301) 973-7373.

Draft

Commercial High-level, Transuranium-Contaminated Wastes, September 6: The statement refers to a program for the management of commercial high-level and transuranium-contaminated radioactive wastes, for which AEC custody is required by present or anticipated regulations. The program consists of: development of a Retrievable

Surface Storage Facility (RSSF) for commercial high-level wastes; evaluating geological formations and sites for the development of a Geological Disposal Pilot Plant (GDPP) which would lead to permanent disposal; and providing retrievable storage for the transuranium-contaminated wastes pending availability of permanent disposal. (ELR Order No. 41405.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, (202) OX 4-4269.

Draft

Land Acquisition, Ft. Carson, El Paso and Pueblo Counties, Colorado, September 6: Proposed is the acquisition of 74,200 acres of land contiguous to the 140,000 acre military reservation of Fort Carson. The action would allow the expansion of training facilities to a capacity which would permit full-scale, brigade-size operations involving the 4th Infantry Division (Mechanized). The major adverse impacts will be effects on the limited vegetative cover in the area, and the destruction of wildlife habitat. (ELR Order No. 41408.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314 (202) 693-7168.

Draft

Big Creek and Tributaries, Lower White River Basin, several counties, Arkansas, September 3: The Big Creek and tributaries project, located in Lee, Monroe, Phillips, and St. Francis Counties provides for straightening, enlarging, and cleaning out the Big Creek channel from its mouth, upstream for 72.5 miles. In addition, channel cleanout and enlargement work is planned for about 39 miles of the upstream tributaries of Big Creek. There will be negative impact to fish and wildlife habitat (Memphis District). (ELR Order No. 41386.)

Sacramento River, Major and Minor Tributaries, California, September 3: The project involves the protection of extensive areas in the Sacramento River Basin flood plains from widespread damages and loss of life due to flooding. Loss of wildlife and associated natural riparian values along the streams cannot be avoided at some sites (Sacramento River). (ELR Order No. 41390.)

Collins Generating Station, Illinois, September 4: The statement discusses the proposed Collins Generating Station, Goose Lake Township, Illinois. The station will employ live oil-fired boilers to produce steam for the generation of 2500 MW net of electrical power. The exhaust steam from the turbine generators will be cooled and condensed by the recirculation of water from a 1990 acre cooling lake which will be constructed under this proposal. Adverse impacts include the diversion of land to industrial activity, inundation of 7 acres of the Goose Lake Prairie State Park, and increased fog caused by the heated lake (Chicago District). (ELR Order No. 41397.)

Keneenaw Waterway, Houghton County, Michigan, September 3: The proposed action is the continued operation and maintenance of the Keneenaw Waterway. This activity includes breakwater and revetment repair, dredging and dredge spoil disposal. Adverse impacts include increased turbidity, disruptions of benthic dwelling organisms during dredging operation, and the covering of approximately 40 acres in the proposed Lily Pond dike includes breakwater and revetment repair, dredging and (ELR Order No. 41382.) (NTIS Order No. (none).)

Springfield Flood Control Project, New Jersey, September 4: The project involves the construction of a flood control project in Springfield, New Jersey, consisting of channel modification, levees and ponding areas along Van Winkles Brook and the Rahway River. Construction impacts include noise and air pollution, traffic interruption, and stream turbidity and siltation. Long term impacts consist of dislocation of wildlife, disruption of aquatic life, degradation of aesthetic appearance, diminution of recreation of recreational areas, loss of commercial land, relocation of a home, loss of vegetation and an increased potential of flooding in park land south of the project area (New York District). (ELR Order No. 41396.)

Robinson's Branch of the Rahway River, New Jersey, September 5: The statement discusses the recommended plan for flood control on Robinson's Branch of the Rahway River and the Pumpkin Patch Brook. The project consists of channel modifications, levees, floodwalls and flumes, with some desnagging along the upper reaches of Pumpkin Brook. Floodgates or stop-log structures will be installed on two streets in Rahway, N.J. and two bridges will be replaced. Adverse impacts include removal of vegetation, loss of fish and wildlife habitat, change in channel alignment, and negative impacts associated with construction. (ELR Order No. 41399.)

Saw Mill River Basin, Flood Control Project, New York, September 6: The statement discusses the plan for flood control on the Saw Mill River. The project consists of channel modifications, approximately 4,300 feet of levees and floodwalls, ponding areas, a pumping station and associated interior drainage facilities. Three bridges would be affected by the plan. Adverse impacts include the removal of vegetation, some loss of fish and wildlife habitat, and temporary adverse impacts associated with construction (New York District) (85 pages). (ELR Order No. 41407.)

Green Mill Run, Pitt County, North Carolina, September 3: The project involves the construction of a flood control project on Green Mill Run in Greenville, Pitt County, consisting of about 1.9 miles of channel improvement by deepening and widening the existing stream. There will be loss of several mature trees in project right-of-way and slight temporary increase in turbidity during and immediately after project construction (Wilmington District). (ELR Order No. 41391.)

Shidler Lake, Salt Creek, Osage County, Oklahoma, September 5: The statement refers to the Shidler Lake damsite to be located at river mile 39.2 on Salt Creek in Osage County near Shidler, Oklahoma. Project purposes are flood control, water supply, recreation, and fish and wildlife. The project consists of an earth-fill dam, an uncontrolled saddle spillway, a gated flood control outlet works with water supply and low flow facilities, access roads, and project buildings. Adverse impacts are the inundation of 8.8 miles of stream that will result in a loss of wildlife habitat, and the degradation of ten archeological sites due to shore-erosion, land use change, and inundation (Tulsa District). (ELR Order No. 41404.)

R. D. Bailey Lake, Guyandotte River, Wyoming and Mingo Counties, West Virginia: The statement refers to the construction and operation of a multiple purpose lake on the Guyandotte River near the Mingo-Wyoming County line. Project purposes are flood control, water quality control, area redevelopment, general recreation and fish and wildlife recreation. Adverse impacts include the relocation of 33 businesses, 530 residential units, 11 churches, 3 schools, and 2 post offices, the inundation of about 7 miles of the Guyandotte River and 510 acres of land at seasonal pool, and construction problems with soil erosion, stream sedimentation, stream turbidity, dust, and noise (Huntington District). (ELR Order No. 41400.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street SW., Washington, D.C. 20410 (202) 755-5980.

Draft

Rapid City Flood Disaster Program, South Dakota, September 6: The statement refers to an urban renewal project for flood disaster recovery, involving two HUD actions. The original on-going activity involves a 3,078 acre urban area, 754 acres of which are to be cleared and developed as an open floodway; the remaining 2,234 acres are to be redeveloped for residential, commercial, light industrial, and public facilities use. The second action involves an annexed 150 acre area which is to be acquired, cleared, and developed as an open floodway with recreational use. (ELR Order No. 41406.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF OUTDOOR RECREATION

Draft

North Country Trail, September 3: The statement discusses the recommendation that Congress authorize the concept of the North Country Trail. Such authorization would permit the eventual designation of a hiking trail, approximately 3,246 miles in length originating at the Appalachian Trail in Vermont, traversing New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, and terminating at the proposed Lewis and Clark Trail in North Dakota. The Secretary of the Interior would have the authority to designate some sections of the trail "scenic" and recognize others as "recreational". Recreational use would cause continued disturbance of vegetation and wildlife, and soil compaction along the trail itself. (ELR Order No. 41380.)

BUREAU OF RECLAMATION

Final

Fontanelle Reservoir, Water Supply, Sweetwater, Lincoln, and Uinta Counties, Wyoming, September 5: The statement refers to a proposed contract between the United States and the State of Wyoming, which would convey to the State the right to use a water supply from Fontenelle Reservoir and Green River. The water would be used in the development of heavy industry and mineral resources, including coal, trona, oil, gas, and oil shale, in southeastern Wyoming. The proposal will result in the construction of industrial plants, pipelines, transmission lines, and access facilities. Adverse impact would include decreases in air and water quality, changes in population, and the introduction of man-made features to a desert area (220 pages). Comments made by: DOI, USDA, COE, EPA, AHP, HUD, DOC, FPC, DOT, State and local agencies and concerned citizens. (ELR Order No. 41401.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590 (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Boone Municipal Airport, Boone County, Iowa, September 4: The statement refers to the proposed development of the Boone Municipal Airport, Boone County, Iowa. The project consists of land acquisition, extension of a runway, strengthening of a runway, installation of lighting and fencing, and construction of a parallel taxiway. There will be slight increases in air and noise pollution during construction. (ELR Order No. 41393.)

Cloquet-Carlton County Airport; Carlton County, Minnesota, September 3: The statement refers to the development of the Cloquet-Carlton County Airport in Cloquet, Minnesota. The project involves extension of 2 runways, acquisition of 172 acres in fee and 44 acres in easement, and installation of a visual approach slope indicator system and medium intensity runway lights. Adverse impacts are the clearing of 113 acres, reduction of wildlife habitat, and increased air and noise pollution (30 pages). (ELR Order No. 41392.)

Final

Caldwell Industrial Air Park, Canyon County, Idaho, September 4: The proposal contemplates initially to construct a General Utility Airport and then later expanding to a Basic Transport Airport. The construction will take place in a three phase program over a period of 15–20 years. The most prominent adverse environmental impact is the conversion of 424 acres of agricultural land into an airport facility. Other impacts are rises in the levels of air and noise pollution created by the aircraft (67 pages). Comments made by: DOT, EPA, DOI, HUD, USDA, State and local agencies. (ELR Order No. 41395.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I–565, Madison and Limestone Counties, Alabama, September 3: The project described is an additional section (R4C) of Project I–565–5(1), in Madison, and Limestone Counties. This alternate is a 3.59 mile section within the City of Huntsville, beginning near the intersection of Jordan Lane and Governors Drive and extending northeasterly to a point near the intersection of Oakwood Avenue and Andrew Jackson Way. Adverse impacts are increased air pollution, some disruption of the Model Cities Area, loss of some vegetation, and displacement of 1398 people, 8 industries, 140 businesses, and 5 non-profit corporations (127 pages). (ELR Order No. 41381.)

State Road 60, Indian River County, Florida, September 3: The project involves the construction of 1.8 miles of multi lane highway between N.W. 20th Avenue and Indian River Boulevard on State Road 60 in Indian River Road. Adverse impacts are increased air pollution, degradation of water quality, and displacement of 1 residence and 2 businesses. (ELR Order No. 41388.)

I–275, Hamilton County, Ohio, September 3: The project involves the improvement of I–275 in Hamilton County, Ohio. Improvement will consist of constructing 1.55 miles of a six-lane facility. Included in the project will be 3 bridge structures, a full interchange with Kellog Avenue, landscaping and installation of fencing in the vicinity of the California Golf Course and improvement of the drainage system. Adverse impacts are loss of open space and wooded areas, some localized increase in water, air, and noise pollution, some erosion and sedimentation during construction, and demolition of 63 dwellings and 3 businesses. A 4(f) determination is necessary concerning the California Golf Course (100 pages). (ELR Order No. 41379.)

U.S.–30, Stark County, Ohio, September 3: The project involves construction of a new highway on new right-of-way nine miles in length, known as relocated U.S. 30 in the southern portion of Canton and central Stark County. The project consists of a four, six, and eight lane divided highway with elevated and depressed grade sections to connect with a completed section. Adverse impacts are increased noise levels and the displacement of 270 families, 85 individuals, 48 businesses, and 4 churches (137 pages). (ELR Order No. 41385.)

South Kirkland Trail Crossing, King County, Washington, September 3: The proposed facility will be a crossing located in the south part of the city of Kirkland, Washington and will connect to the King County and Kirkland Trail Systems and increase public access to Lake Washington and also parks and recreational facilities in the area. The trail will cross I–405, a six lane divided highway, and will have a length of approximately 400 feet. Adverse impacts are disruption of natural vegetation and wildlife habitat, and, increased air and noise pollution and degradation of water quality due to construction. (89 pages). (ELR Order No. 41384.)

Final

Northeast By-Pass Road, Hampshire County, Massachusetts, September 5: The statement refers to the proposed construction of approximately 3.5 miles of two lane roadway connecting existing Route 116 at the Hadley-Amherst town line to Route 9 in Amherst. The project also includes extending Route 116 approximately 1500′ and constructing a grade separation and interchange connecting Route 116 to the By-Pass Road. The number of displacements and the amount of right-of-way required will depend upon the route selected. Comments made by: EPA, DOI, DOC, USDA, HUD, State and local agencies and concerned citizens. (ELR Order No. 41403.)

NC 24, Cumberland County, North Carolina, September 4: The statement discusses the proposed relocation of NC 24 from Grove Street in Fayetteville to existing NC 24 near SR 1006 in Cumberland County, a distance of approximately 4.0 miles. Adverse impacts are the use of 235 arcres of land for right-of-way, and the displacement of 15 families and 2 farms. (80 pages). Comments made by: USDA, COE, DOC, EPA, GSA, HEW, DOI, State and local agencies. (ELR Order No. 41394.)

U.S. 14, Beadle County, South Dakota, September 3: The statement refers to the reconstruction of an existing section of U.S. 14 by building a 4 lane divided highway on the present alignment. The project begins approximately 1 mile east of Huron and follows existing U.S. 14 easterly 3.5 miles to the intersection of U.S. 14 and Bloomfield Road. Adverse impacts of the project include the use of 110 acres of land and the displacement of 5 families and 1 business (35 pages). Comments made by: USDA, DOC, DOI, EPA, State agencies. (ELR Order No. 41378.)

State Trunk Highways 29 and 32, Brown, Shawano, and Outagamie Counties, Wisconsin, September 3: The proposed project is the expansion of a 10-mile section of existing State Trunk Highway 29 in the City of Green Bay to a four lane dual roadway. Acquisition of approximately 174 acres of additional right-of-way will cause changes in land use patterns. Adverse effects stemming from the project are displacement of families and businesses and construction disruption (85 pages). Comments made by: EPA, DOI, State agencies. (ELR Order No. 41387.)

Final

U.S. 50, Loogootee to Bryantsville (Final Supplement), September 3: This supplement is a result of additional coordination meetings with representatives of the Hoosier N.F. and the Indiana Department of Natural Resources. The end result was a modification of Line 3 through the Martin County State Forest. This modification utilizes as much of the existing route of U.S. 50 through the Forest as possible. Comments made by: (ELR Order Number 41389.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74–21145 Filed 9–12–74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENVIRONMENTAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee will meet Friday, September 27, 1974 at 9 a.m., Room 3400, 12th & Pennsylvania Avenue NW., Washington, D.C.

The Committee was established to provide advice and information to the Federal Energy Administration concerning environmental aspects of Federal Energy Administration policies and programs.

The agenda for the meeting is as follows:

1. Energy Conservation Options for Project Independence.
2. Impact Assessment of Energy Supply and Demand Options for Project Independence.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office (202) 961–7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on September 9, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.74–21134 Filed 9–12–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[List No. 4]

CANADIAN TELEVISION STATIONS

Supplemental Change List

Supplementary list of changes, additions, deletions and corrections as of September 4, 1974, to the list of Canadian television stations within 250 miles of the border issued by the Commission dated April 1, 1973.

This list corrects List No. 3, dated August 28, 1974, to show station CJAY-TV (formerly CJAY-TV-2), Brandon, Manitoba, on channel 4 rather than channel 3 as follows:

SEPTEMBER 6, 1974.

CHANNEL 4 (66-72 MHz)

Call sign	Licensee	Location	Radiated power (kW)	Antenna				
				Directivity	Above ground	Above MSL	Above terrain	Offset
CJAY-TV (call letters changed from CJAY-TV-2).	Relay Communications, Ltd.....	Brandon, Manitoba, N. 49°40'05", W. 100°00'40".	55.00 V 11.00 A	D.A.	1332	2882	1200	(+)

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.74-21171 Filed 9-12-74;8:45 am]

[Docket Nos. 20150, etc. FCC 74-899]

RCA GLOBAL COMMUNICATIONS, INC.

Designating Applications for Consolidated Hearing

In the matter of RCA Global Communications, Inc. Application for authorization, pursuant to Section 214 of the Communications Act of 1934, to lease and operate satellite voice circuits between the continental United States and Hawaii, Docket No. 20150; File Nos. T-C-2033, T-C-2033-A, T-C-2033-1, T-C-2033-2, T-C-2033-3, T-C-2033-4; Western Union International, Inc. Application for modification of previously granted authorizations to permit the granted provision of leased circuit service for voice-only use between the United States and Hawaii, Docket No. 20151, File No. T-C-2025-7; ITT World Communications, Inc. Application for authority to provide voice-only service to Hawaii, Docket No. 20152, File No. T-C-2038-3.

1. The Commission is herein considering: A. Its order adopted May 22, 1974 in File No. T-C-2033 et al., FCC 74-530, requiring the parties to the said proceeding to file comments relative to factual data demonstrating the presence or absence of public need and public benefit associated with RCA Global Communication, Inc.'s (RCAGC) proposed voice-only communications service between the United States mainland and Hawaii;

B. the Hawaiian Telephone Company's (HTC) petition for reconsideration[1] of the memorandum opinion, order and certificate adopted June 7, 1973 in File No. T-C-2025-7, FCC 3M-698, granting the application of Western Union International, Inc. (WUI) to provide leased circuits for voice-only communications service between the United States mainland and Hawaii; and

C. an application, filed on July 3, 1972, by ITT World Communications Inc. (ITTWC) requesting modifications of its existing authorizations to permit it to provide leased circuits for voice-only communications service between the United States mainland and Hawaii.

BACKGROUND—RCAGC

2. By memorandum opinion, order, authorization and certificate adopted June 8, 1972 in File No. T-C-2033 et al., FCC 72M-754 (RCAGC order), the Telegraph Committee, pursuant to delegated authority, authorized RCAGC, inter alia, to provide leased circuits for voice-only use between the United States mainland and Hawaii. Until this action, only the American Telephone and Telegraph Company (AT&T), operating on the mainland, and HTC, operating in Hawaii, were authorized to provide this service between these points. Although RCA Communications, Inc. (RCA) had been authorized to provide leased channel voice service to Hawaii by high frequency radio in 1959, this authorization was never used and RCA had since surrendered its license.[2]

3. The Telegraph Committee, in its RCAGC order, based its approval of RCAGC's request to provide leased channel voice service to Hawaii on its findings that the requested service was economically feasible[3] and that allowing competition between RCAGC and AT&T/HTC was equitable and in the public interest.[4] The Committee noted AT&T/HTC had been authorized to provide record services between the mainland and Hawaii whereas such competition with the record carriers had been precluded for all other overseas points.[5]

4. HTC, in an application for review filed on June 27, 1972, requested that the Commission reverse the Telegraph Committee's decision and deny RCAGC's application insofar as it requested voice-only authority. HTC argued that the RCAGC order, insofar as it approved the voice-only authority, was in conflict with the statutory standard for judging an application under section 214 of the Communications Act of 1934, involved questions of law and policy not previously passed on by the Commission and thus was not appropriate for action under delegated authority, and contained erroneous findings of fact relative to the question of the economic feasibility of competition.

5. The Commission, in its November 8, 1972 decision, RCA Global Communications, 37 F.C.C. 2d 1043 (Reconsideration Order), denied the HTC application. The Commission first affirmed the Telegraph Committee's authority to act on the matter by stating that the Committee's authority was not limited to non-policy matters and, moreover, that in ITT World Communications, Inc., 2 F.C.C. 2d 573 (1966), the Commission had established its policy relative to the issue in dispute.[6] In addition, the Commission, in paragraphs which we will reference but not summarize herein, dismissed HTC's argument that the telegraph Committee failed to correctly assess the feasibility of competition.[7]

6. The third issue posed in HTC's application for review was that the criteria for the consideration of an application under section 214 of the Communications

[1] HTC's petition for reconsideration is referred to the Commission by the Telegraph Committee pursuant to § 1.106 of the rules of the Commission.

[2] See AT&T—RCA Communications, Inc., 27 F.C.C. 271 (1959).

[3] RCAGC Order, at para. 17.

[4] *Id.* at para. 16.

[5] *Id.* at para. 15.

[6] In the cited case, the Commission approved ITTWC's application to modify its existing authority so that it might permit customers unrestricted use of voice alternately with data between Hawaii and the mainland on its Datel Service. Such service, a high speed data exchange service, theretofore allowed a customer to use voice only for cue and contact control. ITT was allowed to enlarge the voice use to permit customers to converse so that the Datel Service would be more competitive with AT&T/HTC's Data-Phone Service.

[7] 37 F.C.C. 2d at 1047-1049.

Act of 1934 and § 63.01 of the Commission's rules were misapplied by the Telegraph Committee. Specifically, HTC argued that the Committee had failed to provide adequate reasoning for the conclusion that the public interest, convenience and necessity required the granting of RCAGC's voice-only request. HTC made specific reference to language in "FCC v. RCA Communications Inc.", 346 U.S. 86 (1953) (Three Circuits Case), which held that competition in itself cannot be assumed to be a public benefit, but that the "Commission must at least warrant, as it were, that competition will serve some beneficial purpose".[8]

7. In response to the public benefit argument the Commission stated:

> Insofar as public benefit is concerned, it is sufficient to note that wherever competition has been introduced we have found considerable benefit in the way of better service, responsiveness to public demand, and generally lower rates with substantial increases in volume and often profitability. We anticipate that a similar benefit may appear in the instant case. 37 F.C.C. 2d 1043, 1048 (footnotes omitted).
>
> Aside from the benefits to the public which we have indicated above, we think there is a further public benefit—that stemming from the viability of the record carriers which we sought to protect by our TAT–4 decision. As we have noted, the Mainland/Hawaii route was an exception to this protection in that voice carriers may provide record carrier services. As we have also noted, it appears that a considerable amount of the rationale for the exception has been dissipated with the passage of time. By permitting the record carriers to compete with the voice carriers on this route where competition is reasonable, feasible (sic), such action will, in a minor way, restore the parity which was upset by the special treatment given AT&T and HTC on the Mainland/Hawaii route. 37 F.C.C. 2d 1043, 1049–1050.

8. On January 5, 1973, HTC filed an appeal of the Reconsideration Order with the United States Court of Appeals for the District of Columbia Circuit. The Court of Appeals, on May 3, 1974, reversed and remanded the Commission's decision for reconsideration.[9] The Court held that the Commission had not met the standard of the Three Circuits Case, stating:

> We remand to the Commission for reconsideration of its decision. We imply no inference as to what that decision should be. But if on reconsideration its conclusion remains the same, it must "at least warrant" that competition will serve some beneficial public interest here. While the Commission need not make "specific findings of tangible benefits," it must go beyond its bare assertion of benefit. It must provide the basic facts which lead it to reach its conclusion of public benefit from the decision. If such basic facts have not been developed in the prior agency proceedings and record, then hearings or supplemental inquiry may be necessary.[10]

[8] 346 U.S. 86 at 96 (1953).

[9] HTC v. F.C.C., No. 73–1018 (U.S. Court of Appeals for the District of Columbia Circuit, May 3, 1973) at 13.

[10] HTC v. F.C.C., slip op. 12 (footnotes omitted).

9. Pursuant to "HTC v. F.C.C.," the Commission in an Order adopted May 22, 1974 in File No. T–C–2033 et al., FCC 74–530 (May 1974 Order), required the parties to File No. T–C–2033 et al. to submit comments with regard to:

> (1) factual data to demonstrate the presence or absence of public need and public benefits associated with RCA Global's proposed service, and
>
> (2) comments on the relevancy and significance of this data.

10. Comments from RSAGC, HTC and AT&T were filed with the Commission on June 24, 1974 and reply comments were filed by AT&T, HTC and RCAGC on July 8, July 9, and July 11, 1974, respectively. RCAGC argued that the Commission has established a general scheme of regulation which has facilitated competition in the international leased channel field and which has achieved "some of the benefits which free competition can be expected to achieve in an unregulated industry, while at the same time guarding against the risks which are traditionally present when carriers compete with each other." [11] RCAGC stated that the Commission should take notice of the fact that for years there has been competition on the mainland-Hawaii route between the international record carriers (IRC's) and the telephone carriers in the provision of all leased channel services except pure voice and that during that period of time "significant technological advances were introduced into service, service improved, and rates were broadly reduced." [12] RCAGC further noted that the first reduction in charges for voice-only leased channel service on the mainland-Hawaii route was instituted by RCAGC.[13]

11. AT&T and HTC in their comments and reply comments placed particular emphasis on the fact that the Court of Appeals had established a threshold question that the Commission must address itself to, i.e., whether the public interest requires more or different voice-only leased channel service between the mainland and Hawaii.[14] AT&T and HTC also argued that the Court clearly required that additional factual information supporting the RCAGC application be provided and that the Commission's May 1974 order also called for the submission of factual data. RCAGC, they argued, has failed to meet this test.[15] HTC further commented that RCAGC's reliance on past technological advances, service improvements and rate reductions was misplaced because RCAGC could demonstrate no causal relationship between these factors and the competition in the leased channel market.[16] AT&T, in fact, alleged that these three cited benefits were the result of the "continuing research and development effort of the Bell System and others to improve the overseas transmission facilities." [17] With regard to rate reductions, both HTC and AT&T noted that RCAGC is opposing the most recent rate reduction for leased channel service on the mainland-Hawaii route and HTC and AT&T are supporting this reduction.[18] HTC further noted RCAGC also failed to provide factual support for the second and third criteria posed by the Court for ruling on 214 applications, i.e., how much additional service is necessary and to whom the opportunity for providing service should be awarded.[19]

[11] RCAGC comments, at 3.

[12] *Id.* at 4, 5.

[13] RCAGC comments, at 3.

[14] HTC comments, at 4; HTC reply comments, at 4; and AT&T comments at 2.

[15] HTC reply comments, at 1, 2; and AT&T reply comments, at 1.

[16] HTC reply comments, at 2, 3.

[17] AT&T reply comments, at 2.

[18] HTC comments, at 5; and AT&T comments, at 5.

[19] HTC reply comments, at 5.

Background—WUI

12. On July 14, 1972, an application was filed by WUI, File No. T–C–2025–7, for modification of previously granted authority to premit the provision of leased circuit service for voice-only use between the United States mainland and Hawaii. HTC filed a petition to deny on July 28, 1972; WUI opposed said petition on August 11, 1972; and HTC replied to said opposition on August 18, 1972.

13. The thrust of HTC's petition to deny was that WUI had failed to comply with the provisions of Section 63.01 of the Commission's Rules, which pertain to the contents of applications requesting authorizations pursuant to Section 214 of the Communications Act. Specifically, HTC alleged that WUI had failed to present evidence that the public interest required the granting of its application, but instead relied on the argument that evenhanded regulatory treatment required WUI to receive the same authority granted to RCAGC.[20] HTC further argued that before the application could be acted upon, the Commission should first resolve the question of whether WUI had been providing leased circuits for voice-only use without authorization.[21]

14. In its opposition to the petition to deny, WUI argued that an investigation of prior service should be pursued independently of its application.[22] WUI responded to HTC's contention that WUI did not comply with § 63.01 of the rules by alleging that the Commission had "traditionally required a minimal showing of § 63.01 requirements with respect to applications involving existing service points." [23] WUI further noted that the Commission had taken into consideration in the *RCAGC Order* the inequitable position of the record carriers as opposed to the telephone carriers. WUI argued that it should receive "equal regulatory treatment." [24]

[20] HTC petition, at 2, 3.

[21] Id. at 1, 2.

[22] WUI opposition, at 1–6.

[23] Id. at 7.

[24] Id. at 8.

15. The Telegraph Committee in its Memorandum Opinion, Order and Authorization adopted June 7, 1973 in File No. T–C–2025–7, FCC 73M–689 (WUI Order), approved WUI's application. The Committee stated that the question of WUI's alleged previous provision of leased channel circuits for voice-only use without authority should appropriately be resolved in an independent proceeding. The resolution of the controversy, the Committee stated, involves factual questions which could not properly be considered in the context of a Section 214 application review. The Committee further noted that nothing would be gained by deferring the consideration of the application because a grant thereof would not exculpate WUI for past misdeeds.[25]

16. The Telegraph Committee further noted that growth in the voice-only leased channel market between the mainland and Hawaii, coupled with the fact that RCAGC's voice-only circuit acquisitions subsequent to the RCAGC order came from new growth rather than from HTC's established circuits, demonstrated that the additional competition of WUI would be reasonably feasible.[26] Moreover, the Committee determined that the fact that RCAGC had instituted a $25 per circuit per month rate reduction for voice-only leased channels, from $6,700 to $6,675, and that WUI was proposing a further $25 per circuit per month reduction, demonstrated that the public would benefit from a grant of WUI's application.[27]

17. HTC, on July 11, 1973, filed a petition for reconsideration of the Telegraph Committee's WUI order. HTC disputed the Committee's contention that the matter of WUI's alleged unauthorized provision of voice-only service involved disputed questions of fact. HTC also asserted that the grant of an application while the applicant is in violation of the Act and the rules is contrary to Commission policy.[28] In addition, HTC argued that the Committee incorrectly analyzed the feasibility of competition. Competition, according to HTC, did not cause the growth in voice-only leased circuits and it was false to assume that simply because RCAGC did not acquire any of HTC's prior customers that HTC was not hurt by being placed in a "no growth" posture.[29] HTC again stated that WUI had not supplied the information required by § 63.01 and that application was really granted on the basis of carrier equity rather than public benefit.[30]

18. In opposing HTC's petition for reconsideration, WUI emphasized that HTC was incorrect in arguing that equity and competitive parity between carriers could not be the basis for a grant of section 214 authority.

[25] WUI order, para. 9.
[26] Id. paras. 11–12.
[27] Id. paras. 11, 12.
[28] Id. para. 14.
[29] HTC petition for reconsideration, pp. 3–5.
[30] Id. at 6–8.

BACKGROUND—ITTWC

19. On July 3, 1972, an application was filed by ITTWC, File No. T–C–2038–3, for modification of its existing authority to permit it to provide leased circuits for voice-only use between the mainland and Hawaii. HTC filed a petition to deny on July 28, 1972. ITTWC opposed HTC's petition in a filing of August 25, 1972. In a letter of June 29, 1973 ITTWC stated that the Commission should grant its application or rescind the authority granted to WUI. On July 10, 1973, HTC reaffirmed its opposition to the application. On August 14, 1973, the Commission granted ITTWC temporary authority to provide the requested service until September 15, 1973 because of an urgent need therefor. This was extended once to October 15, 1973. ITTWC did not request a further extension of the temporary authority. Because the issues and pleadings in File No. T–C–2038–3 are substantially similar to the issues and pleadings we have recited with regard to the RCAGC and the WUI order, we shall not repeat them here.

DISCUSSION

20. In issuing its May 1974 order, requiring the parties to File No. T–C–2033 et al. to file additional factual information relevant to the public benefits associated with RCAGC's proposed voice-only service, the Commission was reflecting the fact that the Court of Appeals had ruled that the RCAGC order had not provided a sufficient public benefit rationale to support the grant of authority. Upon remand, the Commission determined that the RCAGC order had fully reflected the information provided by RCAGC in its original application and subsequent pleadings. Therefore, the Commission requested all parties to the proceeding to provide any additional information which might be relevant.

21. As summarized in paragraph 10, RCAGC's response to our May 1974 order provides us with no information which improved upon the general claims that the Court of Appeals found inadequate. It is clear that a broad assertion that further competition will result in better service and lower rates will not meet the standard set forth in "HTC v. F.C.C.". The Court's decision requires that the history of leased channel competition in general, and on the mainland-Hawaii route in particular, be examined in greater detail and that a logical relationship be shown between competition and specific benefits. As the Supreme Court stated in the Three Circuits Case, it is not necessary that an applicant be able to forecast future tangible benefits.[31] If, however, an applicant is arguing that the history of competition on a particular route, or with regard to a particular service, has shown that benefits may be prebenefits which it believes will be derived "HTC v. F.C.C." requires that the applicant be more precise in its analysis of the past competition and the relevant benefits which it believes wil lbe derived from the requested service.[32]

[31] 346 U.S. 86 at 96–97 (1953).

22. In addition to the public benefit question, the Commission has concluded that it is necessary to reexamine whether additional competition in the voice-only market on the mainland-Hawaii route is reasonably feasible. A brief review of the history of the relevant circuit growth will demonstrate the necessity of reopening the issue at this time. We noted in the RCAGC Order that AT&T's § 43.61 report for year end 1971 indicated that it, jointly with HTC, provided a total of 32 leased voice-grade circuits between the mainland and Hawaii, of which 7 were for voice-only service. In our Reconsideration Order of November 8, 1972 we noted that AT&T had amended its 1971 § 43.61 report to reflect a total of 49 mainland-Hawaii voice-grade leased circuits, with 7 circuits being for voice-only. At that time we noted that by 1980 the 49 leases were expected to increase to 121. On November 15, 1972, AT&T filed its § 43.61 report for the period from January through June 1972. The report indicated that AT&T/HTC were providing 9 voice-only leased circuits. In our WUI order of June 7, 1973, we noted that AT&T still retained 9 voice-only circuits, RCAGC was providing an additional 3, and WUI had a firm order for one. Thus, the number of voice-only circuits between the mainland and Hawaii had increased from 7 to 13 during the one year period following June 8, 1972, the date on which competition for the provision of voice-only circuits had been authorized. Moreover, AT&T/HTC's projections were that this growth would continue. Thus in June, 1973, we were correct in finding that competition had not harmed AT&T/HTC, and, in fact, competition was showing beneficial results.

23. The Commission notes, however, that AT&T's demand for voice-only leased circuits has increased by only one circuit since June, 1973. We further note that RCAGC's demand has increased to 4 circuits and WUI's demand has decreased from 1 to 0. Thus, overall, this service has not only failed to grow substantially over the last year but the total number of voice-only circuits involved has actually increased by only one circuit. It is clear, therefore, that it would be appropriate at this time to reexamine our earlier conclusion that competition for voice-only leased channel circuits on the mainland-Hawaii route is reasonably feasible.

24. In view of the fact that RCAGC has not convincingly demonstrated that

[32] It should be noted that it is not always necessary for a 214 applicant to perform the type of analysis referred to above. Very often the prospective public benefits related to a grant of authority can be demonstrated with specificity. For example, when a carrier proposes to serve directly a point to which it already provides indirect service, the improvements in the quality of service provided and lower costs involved can often be demonstrated as a factor in the public benefit analysis.

the public will benefit from a grant of its application and in view of the fact that a leveling-off of growth calls into question the feasibility of competition, we feel that it is appropriate that application, File No. T–C–2033 et al., be set for hearing in order that the issues in dispute may be finally resolved.

25. The decision in "HTC v. F.C.C." impacts on the WUI order as well as the RCAGC order and it is our judgment that WUI has likewise failed to provide an adequate public benefit rationale for proposed service. Moreover, the leveling-off of growth and its impact on the feasibility of competiton must be considered in light of WUI's service as well as RCAGC's. Therefore, pursuant to §§ 1.106(j) and 1.106(k)(2), we grant HTC's petition for reconsideration, defer ruling on the merits of the petition and set WUI's application, File No. T–C–2025, for hearing.

26. Finally, we also set ITTWC's pending application, File No. T–C–2038–3, for hearing and direct that proceedings on all three applications be consolidated for reasons of efficiency and in order that the three proposals can be judged in relation to each other.

27. In accordance with section 2 of the Administrative Procedure Act, 5 U.S.C. 551 and section 409 of the Communications Act, 47 U.S.C. 409, this proceeding shall be treated as an adjudication and the Chief, Common Carrier Bureau shall participate as a party and be separated from the Commission.

28. Accordingly, in view of our conclusions above: *It is ordered,* Pursuant to section 4(1), 4(j), 214, and 403 of the Communications Act, that:

a. The above-captioned applications are designated for hearing at the Commission's offices in Washington, D.C., at a time and date to be specified by the presiding Administrative Law Judge, to determine:

(1) Whether the present and future customer need for voice-only leased channel communications service between United States mainland and Hawaii will support the introduction of one or more competing common carriers in this specific market;

(2) What specific benefits, if any, to the public can be expected to result from the granting of any or all of the above-captioned applications;

(3) whether in light of the evidence adduced on the foregoing issues, the public interest, convenience and necessity would be served by a grant of any or all of the above-capitioned applications and

(4) which applicant should be granted authority to provide the subject communications service if it is determined in light of the evidence adduced on the foregoing issues that the public interest, convenience and necessity would be served by a grant of one or two, but not all, of the three above-captioned applications.

b. Upon the review of the record, the Administrative Law Judge shall prepare and issue an initial decision which shall be the subject of the submittal of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules (47 CFR 1.276 and 1.277), after which the Commission shall issue its decision as provided in § 1.282 of the Commission's rules (47 CFR 1.282).

c. RCAGC, WUI, and ITTWC are hereby named parties respondent herein and the Chief, Common Carrier Bureau is hereby named a party herein. Any person who has filed a petition to deny or other pleading with respect to the above-captioned applications may become a party by filing a notice of intention to participate within 10 days from the release date of this order, and shall be permitted to appear and adduce any relevant and probative evidence which bears on the issues specified for investigation herein.

FEDERAL COMMUNICATIONS COMMISSION,[33]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–21169 Filed 9–12–74;8:45 am]

FEDERAL MARITIME COMMISSION

SOCIETA ITALIANA DI ARMAMENTO S.P.A. AND COSTA ARMATORI S.P.A.

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, 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 and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement and the statement of justification 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 October 3, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esquire
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, N.W.
Washington, D.C. 20036

Agreement No. 10120–1, between the above named parties, would enlarge the geographic scope of the basic agreement to include Mexico and Venezuela.

Dated: September 10, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–21218 Filed 9–12–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI74–96, etc.]

AMERICAN PETROFINA COMPANY OF TEXAS

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change to Become Effective Subject to Refund

SEPTEMBER 6, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders.

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[33] Commissioners Wiley, Chairman; and Quello concurring in the result; Commissioners Reid and Hooks absent.

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	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI74-96	American Petrofina Company of Texas.	16	24	El Paso Natural Gas Co. (acreage in the San Juan Basin Area, San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain Area).	$1,258	8-8-74	8-8-74	[4] Accepted	26.33	[1] [2] 26.618	RI74-96.
RI74-96	do		25	do	1,573	8-8-74		8-9-74	[2] 33.35	[1] [2] 33.71	RI74-96.
RI74-58	do	[3] 20	14	do	363	8-8-74	8-8-74	[4] Accepted	26.33	[1] 26.618	RI74-58.
RI74-58	do		15	do	693	8-8-74		8-9-74	[2] 33.35	[1] [2] 33.71	RI74-58.
RI74-97	do	[3] 21	12	do	132	8-8-74	9-8-74	[4] Accepted	[5] 22.0	[1] 26.618	RI74-97.
RI74-97	do		13	do	29	8-8-74		8-9-74	[2] 33.35	[1] [2] 33.71	RI74-97.
RI74-230	do	[3] 24	13	do	118	8-8-74	8-8-74	[4] Accepted	26.33	[1] 26.618	RI74-230.
RI74-230	do		14	do	148	8-8-74		8-9-74	[2] 33.35	[1] [2] 33.71	RI74-230.
RI74-158	do	[3] 78	3	do	170	8-8-74		8-9-74	32.43	[1] 32.770	RI74-158.
RI74-97	do	[3] 80	3	do	164	8-8-74		8-9-74	30.09	[1] 30.418	RI74-97.
RI74-97	do	[3] 81	3	do	43	8-8-74		8-9-74	33.35	[1] 33.71	RI74-97.

*Unless otherwise stated, the pressure is 15.025 lb/in² a.
[1] Reflects contractual reimbursement for the increased New Mexico severance tax.
[2] Applicable to gas production from wells completed on or subsequent to June 1, 1970.
[3] Applicant reflects 22.5 cents as the present base rate—The last filed base rate is 22 cents (Supp. No. 8).
[4] Considered "new gas" pursuant to Opinion No. 639.
[5] Contract dated after Oct. 1, 1968.
[6] Accepted to become effective the date set forth in the "Effective Date Unless Suspended" column.

Some of the proposed tax increases relating to the recent increase in the New Mexico severance tax are increases from underlying rates that do not exceed the ceiling rates under Opinion No. 658 or Order No. 435, as applicable. These increases are accepted as of the date of filing, except for the rate under Rate Schedule No. 21, Supp. 12, which is accepted thirty days after filing.

The other tax increases are increases from underlying rates which are being collected subject to refund. These increases are suspended for one day from the date of filing in the same suspension proceeding involving the underlying rate.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-21100 Filed 9-12-74;8:45 am]

[Docket No. RI75-27]

BELCO PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

SEPTEMBER 6, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders.

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch., I) and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

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	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI75-27	Belco Petroleum Corp.	1	[1] 38	Northwest Pipeline Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo., Uinta-Green River Basin) (Rocky Mountain Area).		8-7-74	8-7-74	[10] Accepted	(2)		
	do		39	do	$523,308	8-7-74		2-7-75	[2] 21.16 [3] 22.4 [4] [5] 24.89	[7] [8] 41.72	
	do			do	(9)	8-7-74	8-7-74	[10] Accepted	(2)	[8] [7] 45.19	
	do	2	[1] 26	do		8-7-74	8-7-74	[10] Accepted	(2)		
	do		27	do	523,308	8-7-74		2-7-75	[2] 21.16 [3] 22.4 [4] [5] 24.89	[7] [8] 41.72	
	do			do	(9)	8-7-74	8-7-74	[10] Accepted	(2)	[8] [7] 45.19	
	do	3	[1] 24	do		8-7-74	8-7-74	[10] Accepted	(2)		
	do		25	do	1,394,670	8-7-74		2-7-75	[2] 21.16 [3] 22.4 [4] [5] 24.89	[7] [8] 41.72	
	do			do	(9)	8-7-74	8-7-74	[10] Accepted	(2)	[8] [7] 45.19	
	do	5	[1] 12	do		8-7-74	8-7-74	[10] Accepted	28.63		RI73-171.
	do		13	do	47,778	8-7-74		2-7-75	28.63	[8] 41.72	RI73-171.
	do			do	(9)	8-7-74	8-7-74	[10] Accepted			
	do	6	[1] 22	do		8-7-74	8-7-74	[10] Accepted	28.63		RI73-171.
	do		23	do	1,175,351	8-7-74		2-7-75	28.63	[7] [8] 41.72	RI73-171.
	do			do	(9)	8-7-74	8-7-74	[10] Accepted	28.63	[8] [7] 45.19	RI73-171.

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Letter agreement providing a new pricing schedule and agreement to drill new wells.
[2] Rates in effect are 21.16 cents, 22.4 cents, and 24.89 cents.
[3] Delivery pressure below 250 lb/in²g.
[4] Delivery pressure above 250 lb/in²g but below line pressure.
[5] Delivery pressure sufficient to enter pipeline.
[6] Applies to deliveries from wells commenced on or after Aug. 6, 1974.
[7] Subject to Btu adjustment above and below 1,000 Btu.
[8] Applies to deliveries from wells commenced prior to Aug. 6, 1974.
[9] No current deliveries of gas.
[10] Accepted to become effective as of the date set forth in the "Effective Date Unless Suspended" column.

That portion of the proposed rate increases by Belco which are applicable to Opinion No. 699, and the letter agreements related thereto are accepted. Those remaining portions of the proposed increases which exceed the applicable area ceiling rate established by Opinion No. 658 are suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in pa t. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-21101 Filed 9-12-74;8:45 am]

[Docket No. G-4616, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Applications, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 5, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 27, 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.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4616 C 8-16-74	Texaco, Inc., P.O. Box 2100, Denver, Colo. 80201.	El Paso Natural Gas Co., Blanco (Pictured Cliffs) Field, San Juan County, N. Mex.	[1] 54.6423	15.025
CI61-60 D 8-7-74	Texaco, Inc. (Operator) et al., P.O. Box 60252, New Orleans, La. 70160.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Grosse Isle Field, Vermilion Parish, La.	[2]	
CI70-381 D 8-19-74	Eason Oil Co., P.O. Box 18755, Oklahoma City, Okla. 73118.	Columbia Gas Transmission Corp., Cooper's Creek Field, Elk District, Kanawha County, W. Va.	Depleted	
CI75-78 A 8-12-74	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Southern Natural Gas Co., Chanceleur Sound Bloc 25 Area, St. Bernard Parish, La.	[3] 50.86	15.025
CI75-81 (CI61-1282) B 8-15-74	H. L. Hunt (Operator) et al., 1401 Elm St., Dallas Tex. 75202.	Natural Gas Pipeline Co. of America, Alta Loma Field, Galveston County, Tex.	Depleted	
CI75-82 (G-8684) B 8-15-74	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bethany Field, Panola County, Tex.	do	
CI75-83 (CS71-647) F 8-12-74	Exchange Oil & Gas Corp. (successor to Woods Petroleum Corp.), 16th Floor-1010 Common St., New Orleans, La. 70112.	Texas Gas Transmission Corp., Pass des Ilettes Field, Terrebonne Parish, La.	[4] 25.10	15.025
CI75-84 A 8-13-74	Champlin Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107.	Mountain Fuel Supply Co., Antelope Field, Sweetwater County, Wyo.	[5] 48.58	15.025
CI75-86 A 8-14-74	Sienal Petroleum, P.O. Box 94193, Houston, Tex. 77018.	Transcontinental Gas Pipe Line Corp., Second Bayou Field, Cameron Parish, La.	[3] [6] 55.0	15.025
CI75-87 A 8-15-74	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Northern Natural Gas Co., Dobbs No. 1 Well, Wheeler County, Tex.	[7] 45.541	14.65
CI75-88 (G-12668) B 8-15-74	Reserve Oil & Gas Co., 1806 Fidelity Union Tower, Dallas, Tex. 75201.	Texas Eastern Transmission Corp., Rudman Field, Bee County, Tex.	Uneconomical.	
CI75-89 (CI61-225) B 8-16-74	Caroline Hunt Sands et al., 1401 Elm St., Dallas, Tex. 75202.	Panhandle Eastern Pipe Line Co., Gloden No. 1 Well, Texas County, Okla.	Depleted	
CI75-90 (G-15922) B 8-16-74	do	United Gas Pipe Line Co., Pilgrim Church Field, Allen Parish, La.	do	
CI75-91 A 8-16-74	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Logan County, Colo.	[3] [6] 45.0	15.025
CI75-92 (CI61-290) F 8-15-74	Energy Corporation of America, Inc. (successor to Mobil Oil Corp.), 1220 Hibernia Bank Bldg., New Orleans, La. 70112	Southern Natural Gas Co., St. Gabriel Field, Iberville and Ascension Parishes, La.	[8] 25.014	15.025
CI75-93 (G-15714) F 8-19-74	Helmerich & Payne, Inc. (successor to Exxon Corp.), 1579 East 21st St., Tulsa, Okla. 74114.	Transwestern Pipeline Co., Cree-Flowers Field, Roberts County, Tex.	[9] 23.36 [10] 53.74	14.73 14.73
CI75-94 A 8-19-74	Ocean Drilling and Exploration Co., 1600 Canal St., New Orleans, La. 70112.	Transcontinental Gas Pipe Line Corp., Block 118 Field, East Cameron area, offshore Louisiana.	[3] [6] 45.0	15.025
CI75-95 A 8-16-74	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79173.	Transcontinental Gas Pipe Line Corp., Block 22-L Field, High Island area, offshore Texas.	[3] 46.24	14.65
CI75-97 (G-20464) F 8-19-74	Helmerich & Payne, Inc. (successor to Phillips Petroleum Co.), 1579 East 21st St., Tulsa, Okla. 74114.	Transwestern Pipeline Co., Cree-Flowers Field, Roberts County, Tex.	[8] 21.5	14.73
CI75-98 A 8-16-74	Transwestern Gas Supply Co., P.O. Box 2521, Houston, Tex. 77001.	Transwestern Pipeline Co., Apollo Field, Winkler County, Tex.	[3] [6] 65.0	14.65
CI75-99 (CI70-319) B 8-19-74	Rudder Oil & Gas Co., P.O. Box 126, Belpre, Ohio 45714.	Columbia Gas Transmission Corp., Ravenswood Field, Jackson County, W. Va.	Depleted	
CI75-100 (G-15924) B 8-19-74	H. L. Hunt et al., 1401 Elm St., Dallas, Tex. 75202.	United Gas Pipe Line Co., Pilgrim Church Field, Allen Parish, La.	do	
CI75-101 (G-14884) B 8-19-74	do	Texas Gas Transmission Corp., Oberlin Field, Allen Parish, La.	do	
CI75-102 (G-14882) B 8-19-74	Secure Trusts, 1401 Elm St., Dallas, Tex. 75202.	do	do	
CI75-103 (G-15048) B 8-20-74	B. B. Orr, P.O. Box 1608, Longview, Tex. 75601.	Mississippi River Transmission Corp., Waskom Field, Harrison County, Tex.	Uneconomical.	

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI75-105..... A 8-20-74 [11]	Tenneco Oil Co., 3000 One Shell Plaza, Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Vermilion Block 246, offshore Louisiana.	[12] 43.86	15.025
CI75-106..... A 8-20-74	Tenneco Exploration, Ltd.....	Tenneco Oil Co., Vermilion Block 246, offshore Louisiana.	[12] 43.86	15.025
CI75-109..... A 8-20-74	Transwestern Gas Supply Co., P.O. Box 2521, Houston, Tex. 77001.	Transwestern Pipeline Co., South Vici (Morrow) Field, Dewey County, Okla.	[3] [6] 65.0	14.65
CI75-111..... (CI72-98) B 8-19-74	Cayman Corp. (Delaware), P.O. Box 2099, Palos Verdes Peninsula, Calif. 90274.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Well plugged and abandoned.	----------
CI75-113..... (CS71-1050) B 8-21-74	Duer Wagner, Jr. et al., 2700 Continental National Bank Bldg., Fort Worth, Tex. 76102.	Transcontinental Gas Pipeline Corp., Orcones Field, Duval County, Tex.	Wells plugged and abandoned	----------

[1] Includes 7.1273 cents per Mcf upward Btu adjustment.
[2] Leases have expired or have been released.
[3] Subject to upward and downward Btu adjustment.
[4] Subject to downward Btu adjustment and price includes 2.85 cents per Mcf tax reimbursement.
[5] Includes Btu adjustment and tax reimbursement.
[6] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[7] Includes 0.641 cents per Mcf downward Btu adjustment and 3.416 cents per Mcf tax adjustment.
[8] Subject to downward Btu adjustment.
[9] Price prior to June 21, 1974, per Opinion No. 586; subject to upward and downward Btu adjustment; includes 3.36 cents per Mcf upward Btu adjustment.
[10] Price after June 21, 1974, per Opinion No. 699; subject to upward and downward Btu adjustment; includes 7.2 cents per Mcf upward Btu adjustment.
[11] Tenneco Exploration, Ltd. (a partnership composed of Tenneco Offshore, Inc., a publicly owned company in which Tenneco Oil does not own any interest, and Applicant) owns the gas to be produced from Vermilion Block 246. Applicant will purchase such gas from Tenneco Exploration, Ltd., and will resell to Tennessee. Applicant has committed and will sell 75 percent of its reserves to Tennessee, and will retain 25 percent for its own use after transportation onshore by Tennessee under other arrangements to be made later.
[12] Subject to upward and downward Btu adjustment; estimated upward adjustment is 2.28 cents per Mcf.

[FR Doc.74-20981 Filed 9-12-74;8:45 am]

[Docket No. G-15912, etc.]

CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES [1]

Notice of Applications

SEPTEMBER 6, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as decribed herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 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.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date field	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-15912..... C 8-16-74	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	El Paso Natural Gas Co., C. W. Roberts No. 4 Unit, Rio Arriba County, N. Mex.	[1] 47.5506	15.025
G-17379..... D 8-26-74	Texaco, Inc. (Operator) et al., P.O. Box 2420, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Southeast. Griggs Field, Cimarron County, Okla.	[2]	.....
CI61-1281..... D 8-27-74	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Michigan Wisconsin Pipe Line Co., Cedardale Field, Major, Woodward, and Dewey Counties, Okla.	[3]	.....
CI63-1264..... D 8-23-74	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	Texas Gas Transmission Corp., Downsville Field, Union Parish, La.	Depleted	.....
CI66-891..... D 8-22-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., Rayne Field, Acadia Parish, La.	[4]	.....
CI75-96..... A 8-19-74	Monsanto Co., 1300 Post Oak Tower, Houston, Tex. 77027.	Transwestern Pipeline Co., Apollo Field, Winkler County, Tex.	[1] [5] 65.0	14.65
CI75-115..... (CI70-85) B 8-19-74	Mustang Exploration Co., Inc., P.O. Box 272, Louise, Tex. 77455	Transcontinental Gas Pipe Line Corp., Trans-Tex Field, Wharton County, Tex.	Depleted	.....
CI75-117..... (CS71-789) B 8-19-74	Hurley Oil & Gas Co., 400 Petroleum Bldg., Shreveport, La. 71101.	Texas Gas Transmission Corp., Blackburn Field, Claiborne Parish, La.	Uneconomical.	.....
CI75-118..... (CS73-214) B 8-22-74	Mustang Exploration Co., Inc., P.O. Box 272, Louise, Tex. 77455.	Transcontinental Gas Pipe Line Corp., South Menefee Field, Wharton County, Tex.	Depleted	.....
CI75-120..... (CI72-196) B 8-23-74	Atlantic Richfield Co. (Operator) et al., P.O. Box 2819, Dallas, Tex. 75221.	Montana-Dakota Utilities Co., Gillette Gas Plant, Campbell County, Wyo.	[6]	.....
CI75-121..... (CI62-62) B 8-23-74	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	United Gas Pipe Line Co., North Leroy Field, Vermilion Parish, La.	Depleted	.....
CI75-122..... A 8-23-74 [7]	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	Trunkline Gas Co., South Marsh Island Area (North Addition), Blocks 268, 269, and 281, offshore Louisiana.	[1] 67.0	15.025
CI75-123..... (G-17760) B 8-23-74	Gulf Oil Corp.....	United Gas Pipe Line Co., Cranfield Field, Adams and Franklin Counties, Miss.	Depleted	.....
CI75-124..... (G-5145) F 8-26-74	Ram Exploration Co. (successor to Exxon Corp), 1308 West Robinhood Dr., Suite 16, Stockton, Calif. 95207.	El Paso Natural Gas Co., Spraberry Trend Field, Reagan County, Tex.	19.325	14.65
CI75-127..... (G-13365) B 8-22-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	W. M. Laughlin, Premont Area, Jim Wells County, Tex.	Depleted	.....
CI75-130..... A 8-28-74	Transwestern Gas Supply Co., P.O. Box 2521, Houston, Tex. 77001.	Transwestern Pipeline Co., South Viel Field, Dewey County, Okla.	[1] [5] 65.0	14.65

[1] Subject to upward and downward Btu adjustment.
[2] Leases for certain properties have expired or been released.
[3] Applicant leased acreage to Branda Oil Co.
[4] Certain leases have ceased to produce gas or never were productive of gas.
[5] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[6] The application states that gas has not been delivered under terms and conditions of the contract and that applicant has been unable to contract for any new gas reserves to be covered by said contract.
[7] Applicant proposes to reserve 50 percent of the reserves for its own use.

[FR Doc.74-21102 Filed 9-12-74;8:45 am]

FEDERAL RESERVE SYSTEM

MERCANTILE BANCORPORATION, INC.

Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri, 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 90 percent or more of the voting shares of Washington County Commercial Bank, Potosi, Missouri. 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 20, 1974.

Board of Governors of the Federal Reserve System, September 9, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21142 Filed 9-12-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ASTRONOMY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Astronomy to be held at 9 a.m. on September 30–October 1, 1974, in Room 338 at 1800 G St., NW., Washington, D.C. 20550.

The purpose of the Panel is to provide advice and recommendations concerning research proposals and projects in astronomy and to advise the Foundation of the impact of its research support programs on the scientific community in astronomy.

The agenda for this meeting shall include:

SEPTEMBER 30

MORNING

Introduction
Overview of NSF Programs in Astronomy (Presentations by Program Directors and National Observatory Directors) (5 hours)

AFTERNOON

Continuation of NSF Astronomy Programs
Solar Astronomy
(Presentation by a Panel Member) (2 hours)

OCTOBER 1

MORNING

Instrumentation in Astronomy (3 hours)

AFTERNOON

Status of former Panel recommendations (NSF Staff) (2 hours)

This meeting shall be open to the public on a space available basis. Individuals who wish to attend should inform Miss Mary Saffell, Secretary to the Head of the Astronomy Section by telephone (202/632-4196) or by mail, Room 305, 1800 G St. NW., National Science Foundation, Washington, D.C. 20550) by close of business on September 25, 1974. Persons requiring further information concerning this Panel should contact Dr. Robert Fleischer, Head, Astronomy Section, at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G St. NW., National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.74-21120 Filed 9-12-74;8:45 am]

ADVISORY PANEL FOR ENGINEERING MATERIALS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Engineering Materials to be held at 9 a.m. on September 30–October 1, 1974, in Room 642 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of the panel is to provide advice and recommendations for research in this area.

The agenda will include:

SEPTEMBER 30

MORNING

Presentation by staff members of the Division of Materials Research of structure of the Division and general program goals
An overview of the objectives, program content and long-range goals in Metallurgy, Ceramics, and Polymers. Discussion led by Program Officers. (This item will take part of morning, all afternoon, and part of morning on Oct. 1.)

OCTOBER 1

MORNING

Continuation of overview of the objectives, etc.
Staffing of the Section

AFTERNOON

Role of the Panel in Section development and evaluation

This meeting shall be open to the public. Individuals who wish to attend should inform Mr. C. A. Wert, Head, Metallurgy and Materials Section by telephone (202/

632-7406) or by mail (Room 336, 1800 G St. NW., National Science Foundation, Washington, D.C. 20550) not later than close of business on September 26, 1974.

For further information concerning this Panel, contact Mr. C. A. Wert, at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G St. NW., National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.74-21121 Filed 9-12-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORT

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 September 10, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF DEFENSE

Department of the Army:
Economic Social and Environmental Effects of Randleman Lake and Howards Mill Lake Projects—Household Survey Form ____, Single time, MG/N. Weiner, Households, within a five county area.
Social, Economic and Environmental Effects of Randleman Lake and Howards Mill Lake Projects—Mail Survey, Form ____, Single time, Weiner/MG, Planning, environmental & special interest groups.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education: A National Needs Survey of Curriculum Developers in Education, Business/Industry, and Government, Form NIE 76, Single time, Planchon, Developers of occupation related curriculum & instructional materials.
Office of Education: A Survey of Institutions Providing Residential Services to Mentally Retarded People, Form OE 9040, Single time, Collins, Facilities serving mentally retarded people.

DEPARTMENT OF LABOR

Pension Benefit Guaranty Corporation: Premium Payment Declaration Form, Form PBCG-1, Annual, Sheftel, Plan Administrators of defined benefit plans.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration: Intermediate Care Facility and Institutions for Mentally Retarded or Persons with Related Conditions Survey Report Forms, Form ____, Semiannual, Collins, Intermediate care facilities and institutions for mentally retarded.
Social Security Administration: Physical Therapist in Independent Practice Survey Report, Form SSA 3042, Single time, Lowry, Physical therapists.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
Request to Establish Eligibility in the Health Insurance for Aged and Disabled Program to Provide Outpatient Physical Therapy and/or Speech Pathology Services, Form SSA 1856, Annual, Lowry, Providers of outpatient physical therapy and/or speech pathology services.
Outpatient Physical Therapy and/or Speech Pathology Survey Report, Form SSA 1893, Annual, Lowry, Providers of outpatient physical therapy and/or speech pathology services.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: ELSEGIS VII, Part B-2 State Report of Operating and Nonoperating Local Public School Systems, Form OE 2350-8, Annual, Planchon, State education agencies.

U.S. CIVIL SERVICE COMMISSION

Education and Training Courses, Form CSC 226 JC, Occasional, Evinger, Applicants for Federal employment.
List of College Courses and Certification of Scholastic Achievement, Form CSC 226, Occasional, Evinger, Applicants for Federal employment.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-21312 Filed 9-12-74;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to section V, review procedure and hearing rules, Station Committee on Educational Allowances, that on September 25, 1974, at 10 a.m., the Huntington Regional Office Station Committee on Educational Allowances shall, at the Federal Building, 502 Eighth Street, Huntington, West Virginia, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Appalachian Flying Service, Inc., Mercer County Airport, 323 Ramsey Street, Bluefield, W. Va. 24701, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: September 6, 1974.

HARRY W. PIPER,
Director, VA Regional Office, 502 Eighth Street, Huntington, W. Va. 25701.

[FR Doc.74-21149 Filed 9-12-74;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pusuant to section V, review procedure and hearing rules, Station Committee on Educational Allowances, that on September 26, 1974, at 10 a.m., the Huntington Regional Office Station Committee on Educational Allowances shall, at the Federal Building, 502 Eighth Street, Huntington, West Virginia, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Beckley Aviation Training, Inc., Drawer (C), Bradley, W. Va. 25818, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: September 6, 1974.

HARRY W. PIPER,
Director, VA Regional Office, 502 Eighth Street, Huntington, W. Va. 25701.

[FR Doc.74-21150 Filed 9-12-74;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

FEDERAL COMMITTEE ON APPRENTICESHIP

Notice of Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, that the Federal Committee on Apprenticeship will conduct an open meeting on October 10, 1974, in Room 10017, Patrick Henry Building, 601 D St. NW., Washington, D.C. The meeting will begin at 9 a.m. and adjourn at 4 p.m.

Items on the agenda are the following:

1. Operating Rules of Procedure for FCA
2. Consideration of 29 CFR Part 29 Labor Standards for the Registration of Apprenticeship Programs
3. 29 CFR Parts 5, 5a Trainee and Apprenticeship (Proposed Revocation and Requirements Provision)

Members of the public are invited to attend the proceedings. Any written data, views, or arguments pertaining to the agenda must be received on or before October 3, 1974, by the Committee's Executive Secretary. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Persons wishing to address the Committee members during the meeting should submit to the Executive Secretary no later than October 3, 1974 a request to be heard, stating the nature of their intended presentation and the amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

M. M. Winters
Bureau of Apprenticeship and Training, MA
U.S. Dept. of Labor
601 D St. NW. (Rm. 5434)
Washington, D.C. 20213

Signed at Washington, D.C., this 10th day of September 1974.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.74-21221 Filed 9-12-74;8:45 am]

Occupational Safety and Health Administration

[V-73-28]

GENERAL INSURANCE COMPANY OF AMERICA

Grant of Variance

I. *Background.* General Insurance Company of America, 4347 Brooklyn Ave., NE., Seattle, Wash. 98105 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a permanent variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.66 (b)(3). The standard requires that all new powered platforms for exterior building maintenance meet the requirements of Parts II and III of ANSI A120.1-1970. The facility affected by this application is:

Safeco Plaza
4333 Brooklyn Avenue, NE.
Seattle, Washington 98185

Notice of the application, and of the granting of an interim order, was published in the FEDERAL REGISTER on October 18, 1973 (38 FR 28986). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments or requests for a hearing have been received.

II. *Facts.* The applicant has a 20 story building with a powered platform rise of approximately 250 ft. The building design does not allow for the inclusion of continuous T-rails or indented mullions as required by ANSI A120.1-1970 on buildings having powered maintenance platforms with a rise of at least 130 ft.

Instead, the applicant proposes to use cable restraints at every fourth floor to restrict horizontal movement. The powered platform is equipped with building face rollers.

III. *Decision.* ANSI A120.1-1970 Paragraph 11.2.1 requires that the face of buildings over 130 ft in height be equipped with T-rails, indented mullions or equivalent guides to provide positive and continuous contact with the work platform. This is intended to absorb wind forces and horizontal components of dead and live loads on the working platforms.

The applicant's building is approximately 250 ft, and is subject to the requirements in ANSI A120.1-1970 paragraph 11.2.1 for positive contact guides such as T-rails or indented mullions on the building face.

The design of the applicant's building does not provide for the installation of these guides. The applicant is providing building face rollers on the powered platform and is using cable restraints at every fourth floor. This will restrict horizontal movement at a maximum of every 50 ft and meet the intent of § 1910.66(b)(3) in that the pendulum movement of the powered platform is restricted. Therefore, it is decided that the applicant is providing a place of employment as safe as that required by § 1910.66(b)(3) and ANSI A120.1-1970 Paragraph 11.2.1.

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12-71 (36 FR 8754), it is ordered that General Insurance Company of America be, and it is hereby, authorized to provide cable restraints every fourth floor and building face rollers for the powered maintenance platform on its building at 4333 Brooklyn Ave. NE., Seattle, Wash., in lieu of the positive contact guides required by 29 CFR 1910.66(b)(3). Positive tie-offs shall be maintained at all floors above during the raising or lowering of the platform. As soon as possible General Insurance Company of America shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on September 13, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 6th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-21224 Filed 9-12-74;8:45 am]

HENRYETTA, OKLAHOMA PLANT OF PPG INDUSTRIES, INC., PITTSBURGH, PA.

Worker Request for Certification of Eligibility To Apply for Adjustment Assistance; Investigation

A petition requesting certification of eligibility to apply for adjustment assistance has been filed, on September 5, 1974, with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Glass and Ceramic Workers of North America, AFL-CIO, and the Window Glass Cutters League of America, AFL-CIO, on behalf of workers and former workers of the Henryetta, Oklahoma sheet glass plant of PPG Industries, Inc., Pittsburgh, Pennsylvania. The request for certification is made under Proclamation 3967 (Adjustment of Duties on Certain Sheet Glass) of February 27, 1970. In that proclamation the President, among other things, acted to provide under section 302(a)(3) with respect to the sheet glass industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance, under Chapter 3, Title III, of the Trade Expansion Act of 1962.

The act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under Chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof.

In view of the petition and the responsibilities of the Secretary of Labor, the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.11. The investigation relates, as above indicated, to the determination of whether any of the group of workers covered by the request should be certified as eligible to apply for adjustment assistance, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart C of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before September 23, 1974.

Signed at Washington, D.C., this 9th day of September 1974.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.74-21222 Filed 9-12-74;8:45 am]

SBICCA OF CALIFORNIA, INC., SOUTH EL MONTE, CALIF.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the petition for adjustment assistance filed on behalf of workers and former workers of Sbicca of California, Inc., South El Monte, Calif. (TEA-W-228) under section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding with respect to footwear for women, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify the group of workers involved as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before September 19, 1974.

Signed at Washington, D.C., this 5th day of September 1974.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.74-21223 Filed 9-12-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

BUREAU OF OPERATIONS

Rulings Regarding Transportation of Household Goods

SEPTEMBER 6, 1974.

The following is an administrative ruling of the Bureau of Operations made in response to questions propounded by the public, indicating what is deemed by the Bureau to be the correct application and interpretation of the Act and/or regulations and is made in the absence of an authoritative decision on the subject by the Commission.

(1) *Question.* It is customary in the household goods transportation industry for the carriers to employ or use agents in the conduct of their operations. What are the more common types of agents used by the authorized carriers?

Answer. (a) The most common type of agent is one, usually a local moving and storage company, who, under a specific agreement with the carrier, is delegated authority to act on behalf of the carrier in soliciting, booking, billing, packing, loading, transporting, unloading, unpacking, and storing shipments of household goods in the same manner as if the carrier itself provided the service. Such agents are usually called "prime" agents and it is customary for such agents to serve all types of shippers utilizing the carrier's services.

(b) Another common type of agent frequently used in the industry is one who, again under a specific agreement with the carrier, is delegated to act on behalf of the carrier in substantially the same manner as a "prime" agent with one important difference; that being that the agent is delegated to act on behalf of the carrier with reference to only those shipments moving on government bills of lading under the direction and control of the Department of Defense. Such agents are usually called "military" agents. "Military" agents ordinarily are not required to solicit shipments inasmuch as the D.O.D. tenders the shipments on a rotation basis to all carriers having Section 22 tenders on file with the Military Traffic Management Command (MTMC) to provide service at a particular D.O.D. installation.

(c) Also employed in the industry are agents who are delegated authority to represent the carriers only in the performance of those services normally associated with the pickup or delivery of shipments, such as providing packing or unpacking, cartage, origin and/or destination storage in transit, claims investigation and the collection of charges due the carrier. Such agents are not delegated authority to solicit business or to book shipments and are referred to as "non-booking origin and/or destination" agents.

(d) Less frequently employed in the industry are those agents who are delegated authority by the carrier to act on its behalf in the performance of only one or a few of the functions of a "prime" agent without delegating the agents the authority to provide a complete service. Such agents are frequently identified as "limited" agents, "booking" agents, "warehouse or storage" agents or "hauling" agents. Such agents usually serve all types of shippers using the carrier's service.

(2) *Question.* Is a vehicle owner who leases his vehicle, either a truck, a tractor or a tractor-trailer combination, to an authorized household goods carrier and who, in furtherance of the lease agreement, furnishes the services of a driver who inventories, packs, loads, transports, unloads and unpacks shipments of household goods, and who prepares in whole or in part the shipping documents and collects charges on behalf of the carrier's operations, an "agent" as that term is employed in the regulations adopted under Ex Parte No. MC-19 (Sub-No. 9)?

Answer. No. Vehicle lease contracts which may or may not require the lessor to drive or to furnish a driver, and which do not extend beyond requiring of the driver those duties and responsibilities normally associated with that vocation, are not required to be filed with the Commission.

(3) *Question.* Is there any requirement that an agency agreement be in writing?

Answer. Section 1056.19(a) specifically requires "all agency agreements shall be in writing and signed by the agent or its representative." Included within this requirement are all agency agreements between principal carriers and prime agents, military agents, limited, booking, warehouse, storage or hauling agents, and non-booking origin and destination agents.

(4) *Question.* Is it required that an agency agreement include provisions for the agent to be compensated by the principal for any act or service performed by the agent on behalf of the principal?

Answer. No. Any person may act as an agent for another person gratuitously. Such acts become binding on the principal if he assents to or ratifies the acts.

(5) *Question.* Must two or more principal carriers which act in behalf of each other in furtherance of the conduct of their transportation operations reduce to writing their agreements to act for each other and otherwise comply with the requirements under 49 CFR 1056.19?

Answer. Yes. Delegating one party to act for the other creates a principal and agent relationship coming within the scope to the 49 CFR 1056.19 regulations. Common among the agreements of this

type are those agreements between principal carriers to act, frequently gratuitously or without direct compensation, as destination agents for each other.

(6) *Question.* ABC Movers, Inc., a moving and storage company domiciled in City A, operates branch offices in Cities B and C. ABC Movers agrees to enter into an agency contract with an authorized carrier and intends to represent the principal carrier in Cities B and C as well as at City A. Does the law or any regulation require the principal to enter into a separate agency agreement with ABC Movers with respect to each of the three ABC offices or, in the alternative, may one agreement between the parties include all three ABC Movers offices?

Answer. The parties may elect to enter into one agreement to include all three ABC Movers locations or to enter into a separate contract with respect to each ABC Movers location. To be valid and binding, it is essential that any agreement or agreements between the parties be complete and reflect the entire agreement between the parties in each instance. If only one contract is prepared the agreement must specifically set forth the intention of the parties to include all three ABC Movers locations. If separate contracts are used for each of the three locations each contract must contain appropriate wording to make clear that the intention of the parties is for the agreement to relate to only one specifically identified office or branch.

(7) *Question.* 49 CFR 1056.19(a) requires a carrier using agents to reduce those agreements to writing and to file a copy of each agency agreement with the Commission. 49 CFR 1056.19(b) requires that with reference to each agent used by a carrier the carrier must file a statement with the Commission setting forth certain pertinent data relating to the agent, including information relating to the agent's financial position and its facilities and equipment. International Moving Corp., enters into one contract with ABC Movers, Inc., to provide for ABC Movers to act as an agent for international and it is specifically set forth in the contract that ABC Movers will represent International at its principal office in City A and its branch offices in Cities B and C. To satisfactorily comply with the provisions of 49 CFR 1056.19(a) and 1056.19(b), what must International file with the Commission relating to ABC Movers?

Answer. To comply with 49 CFR 1056.19(a), the carrier must file with the Commission one copy of the agreement. To comply with 49 CFR 1056.19(b), International must file, at the same time it files the copy of the agency agreement, a statement appropriately prepared to fully present the required data with reference to each office of ABC Movers.

(8) *Question.* XYZ Moving Co., Inc., is an agent for a nationwide carrier and is domiciled in Detroit, Mich. XYZ Moving Co., Inc., owns 100 percent of the capital stock of XYZ Moving Co. of Florida, Inc., domiciled in Orlando, Fla., and XYZ Moving Co. of Virginia, Inc., located in Richmond, Va. The agency agreement filed with the Commission by the carrier relates only to its relationship with XYZ Moving Co., Inc. and the accompanying statement presents data relating only to that corporation. It comes to the attention of the Commission that XYZ Moving Co. of Florida, Inc., and XYZ Moving Co. of Virginia, Inc. are representing the carrier as prime agents in the cities where they are located. Upon being notified by an employee of the Commission that agency agreements and related statements must be filed with reference to the XYZ corporations in Florida and Virginia, the carrier's attorney responds by letter advising of his opinion that no filings are required with respect to the Florida and Virginia corporations since both corporations are subsidiaries of and under control of XYZ Moving Co., Inc., and the carrier considers its agreement with that agent to include all three XYZ corporations. Is the carrier correct in taking this position?

Answer. No. To be valid and binding a contract must contain the full and complete agreement between the parties. An agency contract between the carrier and XYZ Moving Co., Inc. could not be said to also relate to agreements between the carrier and the other XYZ corporations unless it is clearly set forth in the instrument that it is intended to create agency relationships between the carrier and all three corporations. Further, to comply with 49 CFR 1056.19(a), a copy of the agency contract, if it was intended and appropriately worded to include all three XYZ corporations, would have to be filed with the Commission with reference to each of the corporations, and with reference to each of the XYZ corporations, a separate statement providing the required pertinent data would have to be filed to comply with 49 CFR 1956.19(b).

(9) *Question.* 49 CFR 1056.20(a) provides "Each principal carrier shall use due diligence and reasonable care in selecting and maintaining agents who are sufficiently fit, willing and able to provide adequate moving services and to fulfill the obligations imposed upon them by the Commission and by their principal." What action by a carrier is required to assure satisfactory compliance with this regulation?

Answer. In the report and order of the Commission in Ex Parte No. MC–19 (Sub-No. 9) Practices of Motor Common Carriers of Household Goods (Agency Relationships), 115 M.C.C. 628, the discussion of pages 651 and 652 under the subheading, Standards of Selecting and Retaining Agents, clearly demonstrates the intent to require carriers to thoroughly investigate the qualifications of prospective agents prior to the signing of any agreement delegating the agent to act on behalf of the carrier. This investigation must include a determination of the prospective agent's reputation for integrity and fair dealing in the trade and in the community. The prospective agent's financial resources must be established as a matter of fact and evaluated as to adequacy.

The equipment and facilities of the prospective agent must be examined and a determination made that the vehicles, offices, warehouses, and other facilities of the prospective agent are adequate. The qualifications and adequacy of the personnel employed by the prospective agent must be considered along with the ability and willingness of the agent's management and personnel to comply with the applicable state and federal regulations.

Finally, a determination must be made as to the nature and present status of any agency agreements involving the prospective agent and other carriers. Any such agreements which have been terminated during the previous three years must be examined to establish the facts relating to the termination with particular consideration being given to any terminations brought about by any question as to the agent's fitness. Any such agreements presently in effect must be examined and a determination made as to the specific nature of such agreements and whether they preclude agent from entering into a valid and binding contract with the carrier.

(10) *Question.* Is the Commission required to accept all agency agreements as filed by the carriers regardless of the level of compliance with 49 CFR 1056.19 (a) and 1056.19(b) by the filing carrier?

Answer. No. The Commission, by Minute dated May 15, 1974, authorized the rejection of seriously deficient agency filings, with notice to the carrier involved that it will not be considered to be in violation of the regulations if acceptable filings are submitted within a stated reasonable time.

(11) *Question.* What would cause an agency agreement to be considered as "seriously deficient?"

Answer. Any agency agreement filing which does not conform in all respects with the requirements of 49 CFR 1056.19 can be considered as seriously deficient. Examples of deficiencies which can cause an agency agreement filing to be rejected are:

(a) Agency contracts which are incomplete, undated, unsigned, or which have omissions likely to cause contracts to be invalid or not binding.

(b) Agency contracts which improperly or incompletely identify the parties involved.

(c) Agency contracts which if executed will cause any of the parties involved to violate the Interstate Commerce Act or regulation of the Commission.

(d) 49 CFR 1056.19(b) statements containing information which is inconsistent with the agency contract.

(e) 49 CFR 1056.19(b) statements containing false, misleading or incomplete information.

(f) 49 CFR 1056.19(b) statements not containing current information, when timeliness is of consequence in determining the validity or accuracy of the information.

(g) 49 CFR 1056.19(b) statements containing information relating to the financial condition of the agent not sufficiently current to reflect the agent's financial resources and conditions during the year immediately prior to the year during which the contract was signed.

(12) *Question.* Are agency agreement filings received by the Commission available for public inspection?

Answer. Yes. The report and order in Ex Parte No. MC-19 (Sub-No. 9) specifically states that the filings are to be available for public inspection. Carriers investigating the qualifications of prospective agents are particularly urged to avail themselves of these records. The Commission's policy in requiring that all filings be complete and correct and all notices of termination be timely and accurate is in furtherance of the intention to make these records available in support of the overall objective to make the household goods industry agency system more responsive to the public interest.

(13) *Question.* Subsequent to entering into an agency agreement with a new agent is the principal carrier required to file the agency agreement and related information with the Commission within a specific period of time?

Answer. The regulations do not provide for a specific filing period. In its consideration of the regulations the Commission concluded that a reasonable time should be afforded for making the filings. Considering that a carrier is required to fully determine the qualifications of a prospective agent prior to entering into an agreement with the agent and should have available all of the information required to be filed in the 49 CFR 1056.19(b) statement at the time the agency contract is signed, it is considered that any agency agreement filing received by the Commission within the 10 calendar days immediately subsequent to the date of signing of the agency contract has been filed within a reasonable time.

(14) *Question.* Once a carrier makes an acceptable filing with the Commission with respect to its agreement with a particular agent, is the carrier required to make any additional filings or reports relating to the agreement?

Answer. No. As long as the agency contract as originally filed remains in effect and remains valid and binding as to the original parties involved, there is no requirement that additional information or documents be filed with the Commission.

(15) *Question.* If an agency agreement which has been filed with the Commission is terminated by either party to the agency contract, is the carrier required to notify the Commission of the termination and the reasons therefor?

Answer. Yes. 49 CFR 1056.19(c) states "It shall be the responsibility of all principal carriers promptly to notify the Commission of any agency agreement termination, together with the reasons therefor, within 10 days after such termination."

(16) *Question.* If an agency agreement which has been filed with the Commission is terminated at the request of the agent, does this relieve the carrier from its obligation to notify the Commission of the termination and the reasons therefor?

Answer. No. Regardless of which party terminates the agreement, the carrier is required to comply in all respects with 49 CFR 1056.19(c). In the adoption of the regulations under Ex Parte No. MC-19 (Sub-No. 9), the Commission made clear that the ultimate objective was to make the household goods industry agency system more responsive to the needs and interests of the public. In furtherance of this objective, it is essential that absolute candor be exhibited by the carriers in all communications to the Commission having to do with any agency agreement.

(17) *Question.* If an agency agreement is terminated at the option of an agent, is the agent required to notify the Commission of the termination and the reasons therefor?

Answer. No regulation of the Commission requires of the agent that it notify the Commission of an agency contract termination. In the event any agent does notify the Commission that it has terminated an agency contract and provides the reason for such action, the correspondence will be retained as part of the file relating to the agency agreement filing. Such correspondence will be available for public inspection and it is anticipated that any such correspondence originating with agents will exhibit the same level of candor required of the carriers in their communications to the Commission of this nature.

(18) *Question.* In the event of any dispute between a carrier and an agent arising out of an agency agreement, will the Commission arbitrate or in any manner participate in the resolution of the dispute?

Answer. No. All agency agreements are contracts which must be referred to the courts for interpretation and enforcement in the event of a dispute between the parties involved which cannot be voluntarily resolved to the satisfaction of the concerned parties. The Commission does, however, encourage all principal carriers and agents to make provision in their agency contracts for the arbitration of disputes, even though the Commission is not in a position to itself act as an arbitrator.

(19) *Question.* May a prospective agent considering entering into an agency contract with a particular carrier examine the agency agreement filings made with the Commission by that carrier?

Answer. Yes. All agency agreement filings and related termination notices are available for public inspection at the Commission's offices in Washington, D.C., during normal business hours.

(20) *Question.* A principal carrier enters into an agency agreement with Zee Moving and Storage Company, an individual proprietorship owned by John A. Zee. How should the agent be identified in the agency contract and the 49 CFR 1056.19(b) statement filed with the Commission?

Answer. In all documents relating to the agency contract, including the contract itself, and the 49 CFR 1056.19(b) statement, the agent should consistently be identified as "John A. Zee, doing business as, Zee Moving and Storage Company." In the event that Zee Moving and Storage Company is the trade name used by a partnership consisting of John A. Zee and Sam L. Wye, the agent must consistently be identified in all pertinent documents as "John A. Zee and Sam L. Wye, a partnership, doing business as Zee Moving and Storage Company." Any agency agreement filing which does not completely and accurately identify the parties involved will be rejected as being seriously deficient.

(21) *Question.* A principal carrier enters into an agency contract with John A. Zee, doing business as, Zee Moving and Storage Company. An appropriate agency agreement filing is made with the Commission. The following year John A. Zee decides to retire and sell his business to Sam L. Wye. Because of the good reputation of Zee Moving and Storage Company in the community, the new owner continues to conduct business under that name and continues to represent the principal carrier. What action is required of the principal carrier to remain in compliance with the agency agreement filing requirements?

Answer. The initial contract and filing with the Commission was in reference to an agreement between the carrier and a particular individual, John A. Zee. At the time John A. Zee sold his business to Sam L. Wye, the contract between the carrier and Zee was terminated. To comply with the regulations of the Commission, the carrier must give timely notice of the termination and if the carrier desires to be represented by Sam L. Wye, doing business as, Zee Moving and Storage Company, it is necessary for the carrier to enter into an agency contract specifically with Sam L. Wye and to make an entirely new agency agreement filing with the Commission with reference to the new agent.

The same situation exists with respect to an agency contract between a principal carrier and a partnership. Anytime there is a change in the membership of the partnership, the contract is terminated and a new contract must be signed by the parties involved and a new agency agreement filing made with the Commission.

(22) *Question.* A principal carrier enters into an agency contract with Zee Moving and Storage Co., Inc., and makes an appropriate agency agreement filing with the Commission. The following year John A. Zee, the owner of all the outstanding stock in Zee Moving and Storage Co., Inc., sells the stock to Sam L. Wye who continues to operate the business as Zee Moving and Storage Co., Inc. Is the contract between the carrier and Zee Moving and Storage Co., Inc., affected by this change of ownership of the capital stock and, if so, what action is required of the carrier to remain in

compliance with the agency agreement filing requirements?

Answer. The initial contract filed with the Commission was between the carrier and Zee Moving and Storage Co., Inc., a legal person. The change in the ownership of the capital stock of the agent corporation would have no effect on the validity of the contract previously filed with the Commission and no action would be required of the carrier as regards terminating, replacing or amending the agency agreement as initially filed.

(23) *Question.* Other than by the specific termination of an agency agreement by either party to the agreement, what other actions or events may cause the agreement to be terminated?

Answer. An agency contract will ordinarily be automatically terminated by the death of an individual proprietor, by the dissolution of a partnership, or by the cancellation or revocation of the charter of a corporation. Principal carriers are obligated to keep themselves currently informed with respect to the continuing status of every agency agreement to which they are a party and to promptly inform the Commission of any termination.

(24) *Question.* 49 CFR 1056.19(b)(1) requires of the carrier that a description of the full scope of the agency or proposed agency be provided as part of the agency agreement filing. What specific information is required to provide this description?

Answer. The description must clearly set forth the intention of the parties as to the geographical area in which, or the point or points at which, the agent will represent the carrier. Information must be provided as to what type of agency agreement is intended, such as "prime," "destination," "military," etc., and in the event that it is intended that the agent will represent the carrier only with respect to certain types of shippers or with respect to certain types of household goods traffic this information must be set forth. If it is intended that the agent will represent the carrier at more than one location all such locations must be identified. In the event that it is intended that the agreement will only remain in effect for a stated period of time this information must be included.

(25) *Question.* 49 CFR 1056.19(b)(2) requires that a principal carrier provide evidence of the financial condition of the agent. What specific financial information is necessary to fulfill this requirement?

Answer. In its consideration of the agency relationships regulations, the Commission stated, "As to a prospective agent's financial resources, 'due diligence' would require a carrier, among other things, to demand a financial statement from the agent, to obtain a credit report of the agent, and to determine that the agent has sufficient financial reserves (either through its own capital or through insurance coverage) to satisfy any claims for which it may be responsible."

To comply with 49 CFR 1056.19(b)(2), the carrier must include as part of its filing a complete current balance sheet and operating statement relating to the agent in addition to any other information of this nature which is available and which will serve to establish that the agent is reasonably able to satisfy any financial obligations arising out of the agency agreement.

(26) *Question.* 49 CFR 1056.19(b)(3) requires of the principal carrier that it provide a list of an agent's previous associations with other carriers for 3 years prior to the filing with explanations for the discontinuances of the relationships. What specifically is required of the carrier to comply with this requirement?

Answer. In its consideration of the agency relationships, the Commission recognized that agents may at one time, under certain circumstances, represent more than one principal carrier. In addition, it recognized that a prospective agent may have been party to agreements which have been terminated. To comply with 49 CFR 1056.19(b)(3), a carrier must provide information with respect to all agency agreements in effect between the prospective agent and other carriers at the time the agreement with the filing carrier is signed in addition to listing those carriers with which the agent has had agreements which have been terminated. Each agency agreement listed should identify the principal carrier involved and set forth the type (prime, military, etc.) of agreement. With respect to any agreements which have been terminated within the previous 3 years, the same information should be listed, accompanied by an explanation as to why each agreement was terminated.

(27) *Question.* 49 CFR 1056.19(b)(4) requires that a principal carrier provide a description of an agent's facilities and equipment as part of the agency agreement filing. What information is necessary to satisfy this requirement?

Answer. The Commission's report in Ex Parte No. MC–19 (Sub-No. 9) clearly provides that a carrier must determine if a prospective agent is fit, willing and able to meet the requirements of the principal carrier and any performance standards established by the Commission. To accomplish this requirement, the carrier must determine that the agent has, or is financially able to obtain, the offices and warehouses, trucks and other such equipment, and properly trained personnel necessary to perform under the contract, and is in compliance with all applicable laws and regulations. In the agency agreement filing relating to a particular agent, the carrier must list the number of packing trucks, truck vans, tractors and semitrailers or full trailers owned or operated under long term lease by the agent; the total number of square feet of warehouse space the agent owns or has under long term lease and the total number of employees used by the agent. In the event the agency agreement relates to operations by the agent at more than one location, this information must be furnished with reference to each location.

(28) *Question.* 49 CFR 1056.19(b)(5) requires of a principal carrier that it include, as part of the filing with the Commission with respect to a particular agent, a description of any interstate motor carrier authority held by the agent. What information is specifically required to satisfy this requirement?

Answer. If the agent holds any interstate operating authority the carrier must furnish the I.C.C. docket number assigned to the agent and specifically describe the authority. In the event the authority held by the agent is voluminous, copies of the agent's certificate may be furnished as part of the filing in lieu of describing the authority in the filing.

(29) *Question.* 49 CFR 1056.19(b)(6) requires a principal carrier when making an agency filing to include a statement whether the agent has been denied authority by the Commission within the 3 years prior to the date of the carrier's agreement with the agent and, if so, the basis for the denial. What information is specifically required to satisfy this requirement?

Answer. If a prospective agent has applied for and been denied authority by the Commission within 3 years prior to the date of the agreement being filed, the filing must list the ICC docket number assigned to the denied application, the date of denial and a brief statement as to why the application was denied. This information will be found in the final order of the Commission denying the application.

(30) *Question.* 49 CFR 1056.19(b)(7) requires of a principal carrier that it include, as part of an agency filing, a definite plan of action designed to fully police the acts, policies, procedures and practices of agents. What action is necessary on the part of a principal carrier to comply with this requirement?

Answer. The Commission throughout the report in Ex Parte No. MC–19 (Sub-No. 9) stresses the importance of principal carriers assuming absolute and full responsibility for the acts and omissions of their agents. In furtherance of this obligation, it is anticipated that every carrier using agents will develop and observe a specific program intended to assure that each agent consistently performs in the same manner as is required of the carrier. To comply with 49 CFR 1056.19(b)(7), the carrier must reduce this planned program to writing to be included as part of each agency filing. In the event that a carrier has a large number of agents, the carrier may file one copy of its policing program with the Commission and thereafter make reference to the previous filing when filing additional agreements with the Commission. Any carrier electing to file only one copy of its policing statement must assume responsibility for the continuing accuracy of the statement and in the event the agent policing program is in any manner changed, the carrier must promptly notify the Commission within 10 days of such changes and furnish a revised or updated statement.

(31) *Question.* If an agency agreement is terminated for any reason and the parties later decide to reinstate their agreement, is a new filing necessary?

Answer. Yes. A new agreement must be signed by the carrier and agent and a new complete filing must be made. If, on the other hand, a notice is received to disregard a notice of termination prior to the effective date of such termination, a new agreement will not be necessary.

In those instances where a principal carrier suspends an agent but does not terminate the agreement no notice to the Commission is required.

The issuance of this ruling is meant to emphasize the intent and purpose of full disclosure of relevant facts, as expressed in recent proceedings. It was deemed necessary because of recurrent problems in this area and the determined action being taken by the Commission with respect to those problems.

[SEAL] R. D. PFAHLER, *Director.*

[FR Doc.74-21246 Filed 9-12-74;8:45 am]

[Notice 156]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 13, 1974.

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 October 3, 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-75325. By order of September 6, 1974, the Motor Carrier Board approved the transfer to Lear Siegler Transport Corporation, Santa Monica, Calif., of the operating rights in Permits No. MC-128988 (Sub-No. 9), MC-128988 (Sub-No. 16) and MC-128988 (Sub-No. 21) issued June 9, 1971, August 9, 1973 and August 8, 1973 respectively to Jo/Kel, Inc., City of Industry, Calif., authorizing the transportation of various commodities from and to specified points and areas located in the continental United States except points in Montana and Wyoming. Patrick E. Quinn, 605 South 14th St., Lincoln, Nebr., 82028, attorney for applicants.

No. MC-FC-75341. By order entered 9.4.74, the Motor Carrier Board approved the transfer to Julian Martin, Inc., Batesville, Ark., of the operating rights set forth in Certificate No. MC-124141, issued September 10, 1971, to Julian Martin, Batesville, Ark., authorizing the tranportation of lumber, from Harrisburg, Ark., to Memphis, Tenn. Julian Martin, 1490 S. 14th St., Batesville, Ark. 72501, for applicants.

No. MC-FC-75354. By order of September 5, 1974, the Motor Carrier Board approved the transfer to King Motor Company, Inc., Washington, D.C., of the operating rights in Certificates No. MC-123962 and MC-123962 (Sub-No. 2) issued October 4, 1962 and January 9, 1964 respectively to Howard Hugh King, doing business as King Motor Company, Washington, D.C., authorizing the transportation of wrecked and disabled motor vehicles between Washington, D.C. and Richmond, Va., on the one hand, and, on the other, points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, and New York. Joel M. Savits, 416 Hungerford Drive, Rockville, Md. 20850, attorney for applicants.

No. MC-FC-75357. By order entered 9.4.74, the Motor Carrier Board approved the transfer to Richard Schrimpf, Maiden Rock, Wis., of the operating rights set forth in Certificate No. MC-88286, issued June 25, 1973, to Gerald M. Bjurquist, Stockholm, Wis., authorizing the transportation of livestock, between specified points in Wisconsin, on the one hand, and, on the other, specified points in Minnesota; and general commodities, with the usual exceptions, from specified points in Minnesota, to specified points in Wisconsin. F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104, practitioner for applicants.

No. MC-FC-75361. By order of September 5, 1974, the Motor Carrier Board approved the transfer to Newtyme, Inc., Anoka, Minn., of the operating rights in Certificate No. MC-123497 (Sub-No. 4) issued September 21, 1972 to Woodland Transport, Inc., Siren, Wis., authorizing the transportation of used snowmobiles between points in Wisconsin and Minnesota, on the one hand, and, on the other, points in Montana and Wyoming. F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21245 Filed 9-12-74;8:45 am]

[Ex Parte No. MC-65 (Sub-No. 5)]

REGULAR COMMON CARRIER CONFERENCE OF AMERICAN TRUCKING ASSOCIATIONS, INC.

Filing of Petition

SEPTEMBER 13, 1974.

Petition for enlargement of the amount of operational circuity reduction permitted under certain provisions of the property motor carrier superhighway and deviation rules.

Petitioner: Regular Common Carrier Conference of American Trucking Associations, Inc., (Washington, D.C.).

Petitioner's representatives: R. Edwin Brady, Keith G. O'Brien, 1616 P Street NW., Washington, D.C. 20036. Roland Rice, Richard R. Sigmon, 618 Perpetual Building, Washington, D.C. 20004.

Section 1042.3(a) (sometimes called the superhighway rule of construction) of the Commission's *Superhighway Rules—Motor Common Carriers of Property*, 49 CFR 1042.3, provides as follows:

Section 1042.3 *Superhighway rules—motor common carriers of property.*—(a) *Regular-route, general-commodity certificates—construction.* All certificates of public convenience and necessity authorizing the transportation of general commodities, with or without exceptions, over a regular service route or routes, issued by the Commission pursuant to the provisions of part II of the Interstate Commerce Act, shall be construed as authorizing operations over superhighways as defined below (including highways connecting such superhighways with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes; *Provided*, That either (1) the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes (i) extends in the same general direction as the authorized regular service route or routes, and (ii) is wholly within 25 airline miles of the carrier's authorized regular service route or routes, or (2) the distance over the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes is not less than 85 percent of the distance between such points over the carrier's authorized regular service route or routes.

Sections 1042.4(c)(9)(i) (sometimes called the regular-route dangerous articles deviation provision) and § 1042.4(c)(11) (sometimes called the alternate route deviation provision) of the Commission's *Deviation Rules—Motor Carriers of Property*, 49 CFR 1042.4, provides as follows:

Section 1042.4(c)(9) *Deviations by Motor Carriers of explosives and other dangerous articles.* Subject to the general conditions and requirements set forth in subparagraph (4) of this paragraph:

(i) A regular-route motor carrier authorized to transport explosives or other inherently dangerous articles may, in order to avoid streetcar tracks, tunnels, viaducts, dangerous crossings, or places where persons are assembled, use any practicable route lying wholly within the United States: *Provided*, That the distance over the route used between the point of deviation and the point of return is not less than 85 percent of the distance over the authorized route between the same points, or, if it is less than 85 percent: *Provided*, The deviation route used is at all points within 25 airline miles of the authorized place which is bypassed.

Section 1042.4(c)(11) *Deviations—alternate routes without certificate-common carriers.*

(i) Where a regular-route motor common carrier is authorized to operate over a regular route and there is wholly within the United States another highway which affords a reasonably direct and practicable

route between any two points on such regular route, it may, subject to the general conditions and requirements set forth in subparagraph (12) of this paragraph, use such other highway as an alternate route for operating convenience only and with no service at the termini except as otherwise authorized, in the manner and to the extent, as follows:

Where such carrier is authorized to operate over a regular route and there is a highway or highways which may be used as an alternate route between two points on the carrier's regular route regardless of the ratio of the distance over such alternate route between the point of deviation and the point of return to the distance over the carrier's regular service route between the same points, and regardless of whether or not such alternate route crosses or intersects or passes over or under, any other specifically authorized service or alternate route of the carrier at any place intermediate to the points of deviation and return: *Provided*, That use of the alternate route will not materially change the competitive situation between such carrier and any other.

(ii) Proof that the mileage over the proposed alternate route between the point of deviation from and the point of return to the carrier's authorized service route or routes is not less than 85 percent of the distance between such points over the carrier's authorized regular service route or routes shall constitute prima facie evidence that a material change in the competitive position will not result from the carrier's use of the proposed alternate route.

(iii) If a protest has not been filed within 30 days from the date of publication of the notice of the proposed operation in the FEDERAL REGISTER, the operation may be commenced immediately thereafter subject to the provisions of paragraph (d)(5) of this section. In all cases in which protests are filed to a proposed new operation, the applicant may not commence operation over the route or routes applied for until an appropriate order is issued by the Commission.

(It is noted that § 1042.4(c)(9)(i) of the property carrier deviation rules actually applies only to the operations of motor common carriers authorized to transport explosives or other inherently dangerous articles over regular routes pursuant to or in connection with, certificates of public convenience and necessity authorizing the transportation of general commodities, with or without exceptions; and that the applicability of § 1042.4(c)(11) of the property carrier deviation rules is actually limited to the operations of regular-route motor common carriers of general commodities, with or without exceptions. See § 1042.4(a) of the *Deviation Rules—Motor Carriers of Property*, 49 CFR 1042.4).

By petition filed August 7, 1974, Regular Common Carrier Conference of American Trucking Associations, Inc. seeks the institution of a rulemaking proceeding, proposing that where the words "85 percent" appear in each of the three sections of the Property Motor Carrier Superhighway and Deviation Rules set forth above such words be deleted and the words "80 percent" be substituted in lieu thereof.

In this context petitioner points out that in Ex Parte No. 55 (Sub-No. 8), *Gateway Elimination*, 119 M.C.C. 530 (decided February 15, 1974), the Commission has recently adopted procedures (codified at 49 CFR Part 1065) pursuant to which a motor common carrier authorized to provide service from one point to another point by tacking or combining at a common point of service (a "gateway") separate irregular-route authorities (which authorities were issued to the carrier pursuant to an application proceeding, or proceedings, pending before the Commission on or before November 23, 1973), may (subject to certain other specified conditions), file for and obtain direct-service operating authority from the one point to the other point, thereby eliminating the necessity of operating through the "gateway": *Provided*, That the most direct highway distance between the points to be served is not less than 80 percent of the highway distance between such points over the carrier's authorized routing through the gateway. Petitioner contends that the three above-described "85 percent" provisions (each of which provisions assertedly enables a 15 percent reduction in operational circuity) applicable to regular-route property carriers are discriminatory to these carriers when considered in the light of the above-noted "80 percent" provision pursuant to which irregular-route property carriers are enabled to obtain reductions in operational circuity of up to 20 percent; and that there is no operational or competitive justification for the asserted disparity in the amount of circuitry reduction permitted to irregular-route carriers as opposed to regular-route carriers in this respect. Petitioner argues that regular-route and irregular-route motor carriers of property are competitive to a certain extent; that the alleged disparity tends to afford a competitive advantage to the irregular-route carriers which are assertedly allowed a greater percentage of circuitry reduction; and that in order to redress the said imbalance and reduce the said competitive advantage, the percentage of operational circuity reduction should be equalized in the manner which it here proposes.

The Regular Common Carrier Conference avers that the conservation of energy is presently a vital national concern, and in this context it submits that the regulatory changes it here proposes will result in a substantial saving of fuel. Petitioner further contends that adoption of the modifications it requests will result in the additional benefits of improving service to the public and encouraging and slightly expanding utilization of the National System of Interstate and Defense Highways, with the concomitant improvement in the economy and efficiency of operation and in the increase in safety of operation which use of that system assertedly permits.

Moreover, in the environmental analysis which it has submitted in conjunction with its petition, the Regular Common Carrier Conference submits that the Commission's granting of the relief it seeks will have a beneficial impact upon the environment. Thus, in this context petitioner asserts the attendant substantial reduction in the highway miles traveled by the many regular-route motor common carriers which would be effected by the action it proposes should result in a significant reduction in fuel consumption, a decrease in the emission of air pollutants and noise, a reduction in traffic congestion, an improvement in highway safety, and the enabling of carriers to operate with greater efficiency and achieve better utilization of equipment. The only potentially adverse environmental impact which petitioner foresees is the somewhat strengthened competition which it states may occur; however, petitioner avers that this effect should be minimal and is outweighed by the asserted substantial beneficial impact. Petitioner also submits that while carriers in certain circumstances may be enabled to travel through a more congested area or over a more heavily traveled highway, this factor should be balanced by other carriers which will be enabled to avoid congested areas or heavily traveled highways.

In its environmental impact statement petitioner further states there are three possible alternatives to its proposed action, viz: The Commission could (1) take no action, (2) permit reduction in operation circuity greater than that contemplated under petitioner's so-called "20 percent" circuity reduction proposal, or (3) establish the proposed amendments for a limited period of time. Petitioner rejects each of these alternatives as inappropriate. Thus, it submits (1) that in view of the beneficial environmental impact can be anticipated, failure to act would not be consistent with the Commission's responsibilities, (2) that amendment of the considered provisions of the superhighway and Deviation Rules to permit significantly greater circuity reduction than petitioner proposes would have a substantial adverse effect on the existing competitive relationships among carriers, and (3) that establishing the proposed rule changes for a specified period of time would deter carriers from making the necessary operational changes to fully utilize these new rules. Petitioner further contends that its proposed action, in enabling regular-route motor carriers to operate more efficiently and in giving rise to the previously discussed resultant environmental benefits, should also improve long-term productivity by the increased efficiency and economy and by the husbanding of a vital energy resource which is in limited supply. In concluding its environmental statement, petitioner submits that it foresees no irreversible and irretrievable commitments of resources as a result of its proposed action; and that, on the contrary, such action should result in the better and more efficient ultilization of resources.

No oral hearing is contemplated at this time, but any person (including petitioner) interested in making representations in favor of, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. Likewise, any person desiring to comment upon the environmental issues raised by the petition is hereby invited to do so by the submission of

written data, views, or arguments. An original and fifteen (15) copies of such data, views, or arguments shall be filed with the Commission on or before October 29, 1974. A copy of each representation should be served upon petitioner's representatives. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21248 Filed 9-12-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 10, 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 1965(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 September 23, 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 29 (Sub-No. E1) (correction), filed May 12, 1974, published in the FEDERAL REGISTER August 16, 1974. Applicant: CONTINENTAL VAN LINES, INC., P.O. Box 1748, Monterey, Calif. 93940. Applicant's representative: Sheldon Silverman, Suite 550, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, (1) between Cochise County, Ariz., on the one hand, and, on the other, points in California north and west of a line beginning at the Arizona-California State line, and extending along Interstate Highway 10 to Beaumont, thence along California Highway 79 to Hemet, thence along California Highway 74 to U.S. Highway 395, thence along U.S. Highway 395 to the San Diego County line, thence along the San Diego County line to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of points in Nevada in proposal numbers 1, 2, 3, 16, 17, 18, 19, 20, 21, 22, above; points in Utah in proposal numbers 4, 5, 7, points in Utah and Nevada in proposals numbers 8 and 9, points in Utah, Nevada, and points within 10 miles of Corvallis, Oreg., in proposal number 6, points in Nevada, and points within 10 miles of Corvallis, Oreg., in proposal numbers 10, 11, 12, 13, 14, 15, and points within 10 miles of Corvallis, Oreg., in proposal number 12. The purpose of this partial correction is to correct the territorial descriptions in (1) above and to correct the gateways for the entire letter-notice. The remainder of the letter-notice remains as previously published.

No. MC 7573 (Sub-No. E1), filed May 31, 1974. Applicant: LEHMAN CARTAGE, INC., P.O. Box P, Elyria, Ohio 44035. Applicant's representative: John P. McMahon, 100 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special lading or special equipment), (1) between points in Ohio on and north and east of a line beginning at the Ohio-West Virginia State line and extending north and westward along U.S. Highway 250 to junction Interstate Highway 77 and U.S. Highway 21, thence northward along Interstate Highway 77 or U.S. Highway 21 to Canton, thence west along U.S. Highway 30 to junction U.S. Highway 21, thence north along U.S. Highway 21 to junction U.S. Highway 224 and Interstate Highway 76, thence west along U.S. Highway 244 and Interstate Highway 76 to junction Ohio Highway 58, thence north along Ohio Highway 58 to Lake Erie, on the one hand, and, on the other, points in Indiana on, east, and north of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 224 at or near Huntington, thence along U.S. Highway 224 to the Indiana-Ohio State line; (2) between points in Ohio on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 76 (formerly known as Interstate Highway 80S) to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 58, thence along Ohio Highway 58 to Lake Erie, on the one hand, and, on the other, points in Indiana on, east, and north of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 31 to Indianapolis.

Thence along U.S. Highway 40 to the Indiana-Ohio State line; (3) between points in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending westward along U.S. Highway 40 to junction Interstate Highway 77 and U.S. Highway 21, thence along Interstate Highway 77 or U.S. Highway 21 to Canton, thence along U.S. Highway 30 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Ohio Highway 58, thence along Ohio Highway 58 to Lake Erie, on the one hand, and, on the other, points in Michigan on, east, and south of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to Flint, thence along Michigan Highway 21 to Port Huron; (4) between points in West Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Interstate Highway 77 to junction U.S. Highway 60, thence along U.S. Highway 60 to Gauley Bridge, thence along West Virginia Highway 39 to Summersville, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line near Maidsville, on the one hand, and, on the other, points in Ohio bounded by a line beginning at Cleveland, and extending along Interstate Highway 71 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line at Toledo; and (5) between Huntington, W. Va., on the one hand, and, on the other, points in Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 76 (formerly known as Interstate Highway 80S), thence along Interstate Highway 76 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line. The purpose of this filing is to eliminate the gateway of Elyria, Ohio.

No. MC 8535 (Sub-No. E33), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 28, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Corrugated paper boxes, building materials, and glass;* (1) from points in Pennsylvania in and east of Erie, Venango, Clarion, Armstrong, Indiana, Cambria, and Bedford Counties, Pa., to points in North Carolina and South Carolina; (2) from points in Crawford, Mercer, Butler, Lawrence, Beaver, Allegheny, Westmoreland, and Somerset Counties, Pa., to points in Caswell, Guilford, Alamance,

Randolph, Montgomery, Stanly, Cabarrus, Mecklenburg, Union, Anson, and Richmond Counties, N.C.; (3) from points in Pennsylvania in Crawford, Mercer, Butler, Lawrence, Beaver, Allegheny, Westmoreland, and Somerset Counties, Pa., to points in Edgefield, Saluda, Lexington, Richland, Newberry, Fairfield, Kershaw, Chesterfield, Lancaster, Chester, Union, and York Counties, S.C.; (4) from points in Crawford, Mercer, Butler, Lawrence, Beaver, Allegheny, Washington, Westmoreland, Greene, Fayette, and Somerset Counties, Pa., to points in North Carolina in and east of Person, Orange, Chatham, Moore, Hoke, and Scotland Counties; and (5) from points in Crawford, Mercer, Butler, Lawrence, Beaver, Allegheny, Washington, Westmoreland, Greene, Fayette, and Somerset Counties, Pa., to points in South Carolina in and east of Aiken, Orangeburg, Calhoun, Sumter, Lee, Darlington, and Marlboro Counties, S.C. The purpose of this filing is to eliminate the gateway of Richmond, Va. The purpose of this correction is to correct certain destination States.

No. MC 10788 (Sub-No. E1), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal St., Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, and machinery, materials, supplies, and equipment*, incidental to or used in the operation and maintenance of steel mills, between points in Jefferson County, Ohio, on the one hand, and on the other, points in Ohio, West Virginia, Pennsylvania, and Michigan. The purpose of this filing is to eliminate the gateway of Hancock County, W. Va.

No. MC 10788 (Sub-No. E2), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of Pennsylvania south of U.S. Highway 22 and north of U.S. Highway 70, to points in that part of Ohio on, north, and west of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 70 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Ohio-Kentucky State line, and points on and south of a line the other, points in Ohio, West Virginia, State line, thence along Ohio Highway 45 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Ohio Highway 91, thence along Ohio Highway 91 to Lake Erie. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 10788 (Sub-No. E3), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal St., Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, and machinery, materials, supplies, and equipment*, incidental to or used in the operation and maintenance of steel mills, between Steubenville, Ohio, on the one hand, and, on the other, points in Ohio on and west of a line beginning at the Ohio-West Virginia State, thence along Ohio Highway 150 to junction Ohio Highway 152, thence along Ohio Highway 152 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Hancock or Brooke Counties, Ohio.

No. MC 10788 (Sub-No. E4), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal St., Youngstown, Ohio, 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of Pennsylvania on, south, and west of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 22 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Pennsylvania-Maryland State line, to points in that part of New York on and west of New York Highway 14 and on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 19 to junction New York Highway 243, thence along New York Highway 243 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 240, thence along New York Highway 240 to Lake Erie. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 10788 (Sub-No. E5), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal St., Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of West Virginia on and east of U.S. Highway 77, to points in that part of Ohio on and east of a line beginning at the Ohio-West Virginia State line, thence along Ohio Highway 43 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 237, thence along Ohio Highway 237 to Lake Erie. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 10788 (Sub-No. E6), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal St., Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S, to the junction of Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 13, thence along Ohio Highway 13, to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-Pennsylvania State line, and on and south of a U.S. Highway 22, to points in that part of Pennsylvania on, east, and south of U.S. Highway 62, and on, north, and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 10788 (Sub-No. E7), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of Pennsylvania on and north of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 22 to junction Pennsylvania Highway 283, thence along Pennsylvania Highway 283 to junction U.S. Highway 30 thence along U.S. Highway 30 to the Pennsylvania-New Jersey State line, to points in Ohio on and south of U.S. Highway 70. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC–29886 (Sub-No. E13), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heavy machinery*, the transportation of which, by reason of size or weight, requires the use of special equipment or special handling, between points in Illinois, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Toledo, Ohio. (2) *Machinery*, which, by reason of size or weight, requires special equipment or handling, between points in West Virginia (except points in Pendleton, Hardy, Brant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties, W. Va.), on the one hand, and, on the other,

points in Clinton, Essex, Warren, Saratoga, Washington, Rensselaer, and Columbia Counties, N.Y. The purpose of this filing is to eliminate the gateways of points in Centre County, Pa., and points in Massachusetts. (3) *Machinery,* which, by reason of size or weight, requires special equipment or handling, between points in West Virginia (except Jefferson, Berkeley, Morgan, Hampshire, Mineral, Grant, Hardy, and Pendleton Counties, W. Va.), and points in that part of Ohio on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Connecticut (except Fairfield County, Conn.). The purpose of this filing is to eliminate the gateways of points in Centre County, Pa., and points in Massachusetts.

(4) *Machinery,* which, by reason of size or weight, requires special equipment or handling, between points in West Virginia (except Pendleton, Grant, Hardy, Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties, W. Va.), and points in that part of Ohio on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of points in Centre County Pa., and points in Massachusetts. (5) *Machinery,* which, by reason of size or weight, requires special equipment of handling, between points in that part of Ohio on and south of a line beginnng at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Clinton, Essex, Warren, Saratoga, Washington, Rensselaer, and Columbia Counties, N.Y., and that portion of Dutchess County, N.Y., on and north of U.S. Highway 55. The purpose of this filing is to eliminate the gateways of points in Centre County, Pa., and points in Massachusetts. (6) *Heavy machinery,* the transportation of which, by reason of size or weight, requires the use of special equipment or special handling, between points in Williams, Defiance, Fulton, Henry, and Lucas Counties, Ohio, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 35890 (Sub-No. E10), filed June 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 39801 36th St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *New furniture,* cartoned or uncrated, from Munster, Ind., to points in Connecticut, Massachusetts, and Rhode Island; (2) *New furniture,* cartoned or uncrated, from Munster, Ind., to points in Maryland, New Jersey, New York, the District of Columbia, and points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 62 to Warren, thence along U.S. Highway 6 to Kane, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to Ridgway, thence along U.S. Highway 219 to junction U.S. Highway 119, thence along U.S. Highway 119 to Homer City, thence along Pennsylvania Highway 56 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 63417 (Sub-No. E51), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 2005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture* from Chocowinity and Greensboro, N.C., to points in Florida. The purpose of this filing is to eliminate the gateways of Stanleytown, Va., Bassett, Va., and Sumter, S.C.

No. MC 73688 (Sub-No. E3), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron and steel wire, nails, and pipe, and culvert and fabricated metal pipe, contractors' equipment, and roofing materials,* which are iron, steel, or steel products, between points in Mississippi east of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 78 to Holly Springs, thence along Mississippi Highway 7 to Oxford, thence along Mississippi Highway 9W to Bruce, thence along Mississippi Highway 9 to Louisville, thence along Mississippi Highway 15 to Laurel, thence along Interstate Highway 59 to the Mississippi River, on the one hand, and, on the other, points in Arkansas on and north of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 70 to Little Rock, thence along Arkansas Highway 10 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E4), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron and steel wire, nails, and pipe, and culvert and fabricated metal pipe, contractors' equipment, and roofing materials,* which are iron, steel, or steel products, between points in Arkansas on, north, and east of a line beginning at the Missouri-Arkansas State line and extending along Arkansas Highway 14 to Newport, thence along U.S. Highway 67 to Bald Knob, thence along U.S. Highway 64 to Memphis, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E5), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Structural steel, steel pilings, iron and steel wire, nails, and pipe, and fibre pipe, fibre pipe fittings, culvert and fabricated metal pipe, contractors' equipment, and roofing materials,* which are iron, steel, or steel products; (1) from Anniston, Birmingham, Montgomery, and Holt, Ala., to points in Tennessee on and west of U.S. Highway 51; (2) from Gadsden, and Decatur, Ala., to points in Tennessee on and west of U.S. Highway 51, and on and south of Tennessee Highway 59; (3) from Montgomery and Anniston, Ala., to points in De Soto, Tunica, and Coahoma Counties, Miss.; (4) from Birmingham and Holt, Ala., to De Soto and Tunica Counties, Miss.; and (5) from Gadsden and Decatur, Ala., to points in De Soto, Tunica, Coahoma, Bolivar, and Washington Counties, Miss., restricted against the transportation of commodities used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products. The purpose of this filing is to eliminate the gateways of points in Arkansas within the Memphis, Tenn., commercial zone, and Memphis, Tenn.

No. MC 73688 (Sub-No. E6), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing materials* (except steel roofing materials), (1) from points in Arkansas on and south of a line beginning at the Tennessee-Arkansas State line and extending along Arkansas Highway 14 to junction U.S. Highway 167, thence over U.S. Highway 167 to the Arkansas-Missouri State line, to points

in Kentucky; (2) from points in Mississippi on, south, and west of a line beginning at the Mississippi-Tennessee State line and extending over U.S. Highway 51 to Vaiden, thence over Mississippi Highway 35 to Taylorsville, thence over Mississippi Highway 28 to Laurel, thence over U.S. Highway 84 to the Mississippi-Alabama State line, to points in Kentucky on and east of U.S. Highway 231; and (3) from points in Mississippi on and south of U.S. Highway 78 to points in Kentucky on and east of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E7), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, contractors' equipment, concrete pipe, wire, nails, roofing materials, lumber, and iron, steel, culvert, and fabricated metal pipe*, which are building materials, between Lockland, Ohio, on the one hand, and, on the other, points in Arkansas and points in Mississippi on and south of U.S. Highway 78. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 75340 (Sub-No. E23) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 12, 1974. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, Ala. Applicant's representative: Guy H. Postell, 3384 Peachtree Rd. NE., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading and livestock; (1) from points in that part of Ohio west of a line beginning at Timberlake, thence along Ohio Highway 91 to junction Interstate Highway 76, thence west on Interstate Highway 76 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line and that part of West Virginia west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Virginia-West Virginia State line, to Birmingham, Ala., and points on and south of U.S. Highway 11 within 65 miles thereof. The purpose of this filing is to eliminate the gateway of points in North Carolina. The purpose of this partial publication is to correct the U.S. Highway in Alabama.

No. MC 108449 (Sub-No. E102), filed June 1, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from points in Wisconsin (except points in La Crosse, Vernon, Crawford and Grant Counties, Wis.) to Sioux Falls, S. Dakota. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 108449 (Sub-No. E103), filed June 1, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from points in Wisconsin (except points in Douglas, Bayfield, Ashland, and Iron Counties, Wis.), to Fargo, N. Dak. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 108449 (Sub-No. E104), filed June 1, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Barron, Cameron, Clear Lake, and New Richmond, Wis., to points in Iowa. The purpose of this filing is to eliminate the gateway of points in the Twin Cities area, namely, Minneapolis, St. Paul, Columbia Heights, Robbinsdale, South St. Paul, North St. Paul, Inver Grove Heights, West St. Paul, Newport, St. Louis Park, Hopkins, Edina, Richfield, Fridley, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, Minn.

No. MC 108449 (Sub-No. E105), filed June 1, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Ladysmith, Bruce, and Weyerhauser, Wis., to points in Iowa on and west of U.S. Highway 63 and on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of points in the Twin Cities area, namely Minneapolis, St. Paul, Columbia Heights, Robbinsdale, South St. Paul, North St. Paul, Inver Grove Heights, West St. Paul, Newport, St. Louis Park, Hopkins, Edina, Richfield, Fridley, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, Minn.

No. MC 108449 (Sub-No. E112), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal of the Williams Brothers Pipe Line Company at or near Rochester, Minn., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Eau Claire, Wis., and points within 20 miles thereof.

No. MC 108449 (Sub-No. E113), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from the terminal of the Williams Brothers Pipe Line Company at or near Rochester, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateway of the storage facilities utilized by American Oil Co. in Dubuque, Iowa.

No. MC 108449 (Sub-No. E114), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and Petroleum products*, from the terminal of Williams Brothers Pipe Line Company at or near Rochester, Minn., to points in Nebraska. The purpose of this filing is to eliminate the gateway of the Williams Brothers Pipe Line Company Terminal located at or near Spencer, Iowa.

No. MC 108449 (Sub-No. E115), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and Petroleum products*, as described in Appendix XIII to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal of the Williams Brothers Pipe Line Company at or near Rochester, Minn., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Marshall, Minn.

No. MC 110525 (Sub-No. E864), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Ironton, Ohio, to points in New York. The purpose of this filing is to eliminate the gateway of Johnstown, Pa.

No. MC 110525 (Sub-No. E865), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 South Point, Ohio, to points in New York. The purpose of this filing is to eliminate the gateway of Johnstown, Pa.

No. MC 110525 (Sub-No. E866), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (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 Painesville, Ohio, to points in Massachusetts, New Hampshire, Maine, and Vermont, restricted against the transportation of liquid oxygen, liquid hydrogen, and liquid nitrogen, to points in Vermont. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 110525 (Sub-No. E869), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of coal tar), in bulk, in tank vehicles, from South Point, Ohio, to points in Illinois, Indiana, Missouri, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateway of Ashland, Ky.

No. MC 110525 (Sub-No. E870), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals and derivatives of coal tar), in bulk, in tank vehicles, from Ironton, Ohio, to points in Illinois, Indiana, Michigan, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Ashland, Ky.

No. MC 110525 (Sub-No. E871), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ethylene gas,* in bulk, in manifold cylinder trailers, from Orange, Tex., (1) to points in that part of New Jersey on and north of U.S. Highway 322 (Henry Clay, Del., and Lima and Philadelphia, Pa.)*, and (2) to points in Massachusetts, Connecticut, and Rhode Island (Henry Clay, Del., Lima and Philadelphia, Pa., and Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E872), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston,* 63 M.C.C. 677, in bulk, in tank vehicles, in foreign commerce only, from those ports of entry at the International Boundary line between the United States and Canada located on the Niagara River, (1) to points in Kentucky (points in Erie County, N.Y., and Allegheny County, Pa.)*, (2) to points in Alabama, restricted against the transportation of liquid sulphate of alumina to Coosa Pines, Ala.) (points in Erie County, N.Y., Bridgeville, Pa., and Chattanooga, Tenn.)*; (3) to points in Arizona, California, Colorado, and Idaho (points in Erie County, N.Y., and Addyston, Ohio)*; (4) to points in Arkansas and Florida (points in Erie County, N.Y., and Kanauha County, W. Va.)*; (5) to points in Georgia, restricted against the transportation of bituminous products and materials (points in Erie County, N.Y., and West Virginia)*; (6) to points in Iowa (points in Erie County, N.Y., and Natrium, W. Va.)*; (7) to points in Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, and Oregon (points in Erie County, N.Y., and Addyston, Ohio)*; (8) to points in Pennsylvania, Ohio, Michigan, Illinois, Indiana, Delaware, Maryland, Virginia, North Carolina, New Jersey, and West Virginia (points in Erie County, N.Y.)*; (9) to points in Maine, Massachusetts, Rhode Island, and New Hampshire (Syracuse, N.Y.)*; (10) to points in Vermont, restricted against the transportation of liquid oxygen, liquid hydrogen, and liquid nitrogen (Syracuse, N.Y.)*; (11) to points in Connecticut (points in Erie County, N.Y., and Fort Lee, N.J.)*.

(12) to points in Louisiana and Mississippi (points in Erie County, N.Y., and Kanauha County, W. Va.)*; (13) to points in Minnesota (points in Erie County, N.Y., and Bridgeville, Pa.)*; (14) to points in Missouri (points in Erie County, N.Y., and South Fayette Township, Pa.)*; (15) to points in South Dakota, Utah, Washington, and Wyoming (points in Erie County, N.Y., and Addyston, Ohio)*; (16) to points in South Carolina (points in Erie County, N.Y., and West Virginia)*; (17) to points in Tennessee (points in Erie County, N.Y., and Bridgeville, Pa.)*; (18) to points in Texas (points in Erie County, N.Y., and Ohio)*; (19) points in Wisconsin ((a) points in Erie County, N.Y., and (b) points in Allegheny or Fayette Counties, Pa.)*; and (20) the District of Columbia (points in Erie County, N.Y., and Baltimore, Md.)*, restricted in each instance to the transportation of traffic originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E873), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer compounds, and dry feed,* in bulk, from South Point, Ohio, (1) to points in New Hampshire, Vermont, and Maine (except points in Aroostook County) (Morrisville, Pa., Newark, N.J., and Springfield, Mass.)*; and (2) to points in Wisconsin (Fort Wayne, Ind.)*, restricted in (2) above to the transportation of traffic in tank vehicles. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E874), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer compounds, and dry feed,* in bulk, from South Point, Ohio, (1) to points in New Jersey (Philadelphia, Pa.)*; and (2) to points in Massachusetts, Connecticut, and Rhode Island (Philadelphia, Pa., and Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E876), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Maleic anhydride,* in bulk, in tank vehicles, from St. Louis, Mo., (1) to the District of Columbia and points in Pennsylvania, New Jersey, Delaware, Maryland, and New York (South Fayette Township, Allegheny County, Pa.)*; (2) to points in Maine, New Hampshire, and Vermont (South Fayette Township, Pa., and Syracuse, N.Y.)*; and (3) to points in Massachusetts, Connecticut, and Rhode Island (South Fayette Township, Pa., and Ft. Lee, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E877), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's

representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Mogadore, Ohio, to points in Georgia and North Carolina. The purpose of this filing is to eliminate the gateway of points in Virginia.

No. MC 110525 (Sub-No. E878), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Illiopolis, Ill., (1) to points in Massachusetts, Connecticut, and Rhode Island (Bloomsburg, Pa., and Jersey City, N.J.) *; (2) to points in North Carolina, South Carolina, and Georgia (Dalton, Ga.) *; and (3) to points in Florida (Dalton, Ga., and Atlanta, Ga.) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E879), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic latex*, in bulk, in tank vehicles, from Akron, Ohio, to points in Connecticut, Rhode Island, and Massachusetts. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 110525 (Sub-No. E880), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box, 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, varnishes, lacquers, and resins*, in bulk, in tank vehicles, from Schenectady and Rotterdam Junction, N.Y., to the District of Columbia and points in Delaware and Maryland. The purpose of this filing is to eliminate the gateway of Lima, Pa.

No. MC 110525 (Sub-No. E881), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, varnishes, and lacquers*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 110525 (Sub-No. E882), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid phenol and liquid resins*, in bulk, in tank vehicles, from Riverview, Washington County, Ohio, to points in California. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

No. MC 110525 (Sub-No. E887), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium Sulphate*, in bulk, from Front Royal, Va., (1) to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties, N.J. (Baltimore, Md., and Morrisville, Pa.) *, (2) to points in Massachusetts, Connecticut, and Rhode Island (Baltimore, Md., Morrisville, Pa. and Newark N.J.) *, and (3) to points in New Hampshire, Vermont, and Maine except points in Aroostook County (Baltimore, Md., Morrisville, Pa., Newark, N.J., and Springfield, Mass.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E888), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric Acid*, in bulk, in tank vehicles, from Wurtland, Ky., to points in Arizona, California, Colorado, Idaho, Kansas, Dakota, Oregon, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Oklahoma, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E889), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tetrohydrofuran* in bulk, in tank vehicles, from Fredericksburg, Va., to points in Connecticut, Massachusetts, Rhode Island, and that part of New York on and south of New York Highway 7. The purpose of this filing is to eliminate the gateways of E. Rutherford and Ft. Lee, N.J.

No. MC 110525 (Sub-No. E891), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water, gas, tar*, in bulk, in tank vehicles, from Lancaster, Pa., to points in Connecticut, Massachusetts, and Rhode Island, E. Kearny, N.J. The purpose of this filing is to eliminate the gateway of Kearny, N.J.

No. MC 110525 (Sub-No. E892), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* (Except classes A and B explosives), in bulk, in tank vehicles, from Allentown, Pa., (1) to points in that part of New York on and South of Interstate Highway 84 (Phillipsburg, N.J.) *, and (2) to points in Connecticut, Massachusetts, and Rhode Island (Phillipsburg, N.J., and New York, N.Y.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E895), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335, Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum Products*, (except liquid wax and those Commodities requiring attached heater equipment), in bulk, in tank vehicles, from Cessna, Pa., (1) to points in New Jersey (Cumberland, Md., points in Aston Township, Pa., and Philadelphia, Pa.) *, (2) to points in Connecticut, Massachusetts, and Rhode Island (Cumberland, Md., points in Aston Township, Pa., Philadelphia, Pa., and Ft. Lee, N.J.) *, and (3) to Brattleboro, Ruthland, Bennington, and White River Junction, Vt. (Cumberland, Md., Points in Aston Township, Pa., Philadelphia, Pa., and Albany, N.Y.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E897), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335, Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum Products* (Except Liquid wax and those Commodities requiring attached heater equipment), in bulk, in tank vehicles, from Exton, Pa., (1) to points in Connecticut, Massachusetts, and Rhode Island (points in Cecil County, Md., and Aston Township, Pa., Philadelphia, Pa., and Ft. Lee, N.J.) *, and (2) to Brattleboro, Ruthland, Bennington, and White River Junction, Vt. (points in Cecil County, Md., and Aston Township, Pa., Philadelphia, Pa., and Albany, N.Y.) *. The purpose of this filing is to eliminate gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E898), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien

(Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Petrochemicals*, in bulk, in tank vehicles, from Harrisburg, Pa., and points within 15 miles thereof, to points in West Virginia, Virginia, North Carolina, and that part of Tennessee on and east of U.S. Highway 27, restricted against the transportation of Bituminous Products and materials. The purpose of this filing is to eliminate the gateway of points in Berkeley County, W. Va.

No. MC 110525 (Sub-No. E899), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum Products* (except liquid wax and those commodities requiring attached heater equipment), in bulk, in tank vehicles, from Neville Island, Pa., (1) to points in New Jersey (Cumberland, Md., points in Aston Township, Pa., and Philadelphia, Pa.)*, (2) to points in Connecticut, Rhode Island, and Massachusetts (Cumberland, Md., points in Aston Township, Pa., Philadelphia, Pa., and Ft. Lee, N.J.)*, and (3) to Brattleboro, Rutland, Bennington, and White River Junction, Vt. (Cumberland, Md., points in Aston Township, Pa., Philadelphia, Pa., and Albany, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E900), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Paulsboro, N.J., and points in New Jersey within 5 miles thereof, (1) to points in Connecticut, Massachusetts, and Rhode Island (New York, N.Y.)*, and (2) to Brattleboro, Rutland, Bennington, and White River Junction, Vt. (Albany, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E901), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry petrochemicals*, in bulk, in tank vehicles, from Paulsboro, N.J., and points in New Jersey within 5 miles thereof, to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of New York, N.Y., and Springfield, Mass.

No. MC 110525 (Sub-No. E904), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Titusville, Pa., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 110525 (Sub-No. E908), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from the site of the Getty Oil Company (Eastern Operations), Inc., at or near Delaware City, Del., to points in North Carolina, South Carolina, and Georgia. The purpose of this filing is to eliminate the gateway of points in Arlington County, Va.

No. MC 100525 (Sub-No. E909), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in York County, Va., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing to to eliminate the gateways of Delaware City, Del., and Newark, N.J.

No. MC 110525 (Sub-No. E915), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Marcus Hook, Pa., to points in Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of those points in Arlington County, Va., located in the District of Columbia commercial zone.

No. MC 110525 (Sub-No. E921), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum distillate fuel oil*, in bulk, in tank vehicles, from South Charleston, W. Va., to points in Erie and Niagara Counties, N.Y. The purpose of this filing is to eliminate the gateway of Neville Island, Pa.

No. MC 110525 (Sub-No. E922), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plantsite of the Allentown, Portland Cement Company, at or near Evansville, Pa., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Alsen, N.Y.

No. MC 110525 (Sub-No. E923), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plantsite of Hercules Cement Company at Stockertown, Pa., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Alsen, N.Y.

No. MC 110525 (Sub-No. E925), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from Niagara Falls, N.Y., to points in Iowa, Kansas, Nebraska, Minnesota and Wisconsin restricted to the transportation of such dry plastics as are dry chemicals. The purpose of this filing is to eliminate the gateways of Akron, Ohio, and Ottawa, Ill.

No. MC 110525 (Sub-No. E926), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from the plantsite of Copley Cement Manufacturing Company at Nazareth, Pa., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Alsen, N.Y.

No. MC 110525 (Sub-No. E927), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plantsite of the Hercules Cement Company at Stockertown, Pa., to points in Virginia, West Virginia, and that part of North Carolina on and west of a line beginning at the Virginia-North Carolina State line thence along U.S. Highway 13 to junction U.S. Highway 17, thence along U.S. Highway 17 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Security, Md.

No. MC 110525 (Sub-No. E928), filed May 20, 1974. Applicant: CHEMICAL

LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from the plantsite of the Allentown Portland Cement Company, at or near Evansville, Pa., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110525 (Sub-No. E929), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from the plantsite of the Allentown Portland Cement Company, at or near the Borough of West Conshocken, Pa., to points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110525 (Sub-No. E930), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINE, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plantsite of Coplay Cement Manufacturing Company at Nazareth, Pa., (1) to the District of Columbia (Evansville, Pa.)*, (2) to points in Maine, New Hampshire, and Vermont (Howes Cave, N.Y.)*, and (3) to points in North Carolina, Virginia, and West Virginia (Hagerstown, Md.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E931), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plantsite of Marquette Cement Manufacturing Company at Security, Md., (1) to points in Connecticut, Massachusetts, and Rhode Island, (Stockertown, Pa.)*, and (2) to points in Maine, New Hampshire, and Vermont (Stockertown, Pa., and Howes Cave, Md.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 112801 (Sub-No. E1), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Chicago, Ill., to points in Wyoming. The purpose of this filing is to eliminate the gateway of the Port Neal Industrial Complex in Woodbury County, Iowa.

No. MC 112801 (Sub-No. E2), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Chicago, Ill., to points in South Dakota. The purpose of this filing is to eliminate the gateway of the Port Neal Industrial Complex in Woodbury County, Iowa.

No. MC 112801 (Sub-No. E3), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone, ethyl acetate, alcohol, and proprietary anti-freeze preparations*, in bulk, from Chicago, Ill., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Terre Haute, Ind.

No. MC 112801 (Sub-No. E4), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Waukegan, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC 112801 (Sub-No. E5), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Chicago, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of the Port Neal Industrial Complex located in Woodbury County, Iowa.

No. MC 112801 (Sub-No. E6), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Chicago, Ill., to points in Colorado. The purpose of this filing is to eliminate the gateway of the Port Neal Industrial Complex located in Woodbury County, Iowa.

No. MC 112801 (Sub-No. E8), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Chicago, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateway of the Port Neal Industrial Complex located in Woodbury County, Iowa.

No. MC 112801 (Sub-No. E11), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plantsite and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E12), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plantsite and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Ohio. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E13), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plantsite and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in New York. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E14), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E15), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Michigan. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E16), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Edible vegetable oils,* in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E17), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Edible vegetable oil,* in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E18), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Edible vegetable oils,* in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Illinois. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E19), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Edible vegetable oils,* in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Indiana. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E20), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vegetable oil,* in bulk, from Chicago, Ill., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E21), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vegetable oil,* in bulk, from Chicago, Ill., to points in Idaho. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E22), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vegetable oil,* in bulk, from Chicago, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E23), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Edible vegetable oils,* in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E24), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Edible vegetable oils,* in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E25), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Edible and inedible oils* (except petroleum or oils with a petroleum base) from St. Louis, Mo., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC 112801 (Sub-No. E26), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Edible and inedible oils* (except petroleum or oils with a petroleum base) from St. Louis, Mo., to points in Kentucky east of U.S. Highway 31W and within 10 miles of the Ohio River. The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC 112801 (Sub-No. E27), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Edible and inedible oils,* (except petroleum or oils with a petroleum base), from St. Louis, Mo., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC–112801 (Sub-No. E28), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Edible and inedible oils* (except petroleum or oils with a petroleum base), from St. Louis, Mo., to points in Indiana on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC 112801 (Sub-No. E29), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Edible and inedible oils* (except petroleum or oils with a petroleum base), from St. Louis, Mo., to points in Ohio. The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC 112801 (Sub-No. E30), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Edible and inedible oils* (except petroleum or oils with a petroleum base), from St. Louis, Mo., to points in Pennsylvania (except Pittsburgh). The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC 112801 (Sub-No. E31), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vegetable oils,* in bulk, from Chicago, Ill., to points in California. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E32), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vegetable oil,* in bulk, from Chicago, Ill., to points in Oregon. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E33), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vegetable oil,* in bulk, from Chicago, Ill., to points in Colorado. The purpose of this filing is

to eleminate the gateway of Des Moines, Iowa.

No. MC 113459 (Sub-No. E2) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER of July 17, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Oklahoma 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; and (2) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, between points in Michigan, on the one hand, and, on the other, points in Alaska, Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. Restriction: The operations authorized herein are restricted to commodities which are transported on trailers and restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateway of Sterling, Ill. The purpose of this correction is to include the commodity description in (2) above which was inadvertently omitted from the publication of July 17, 1974, and to correct the gateway to be eliminated which was inadvertently published as Sterling, Ohio.

No. MC 113843 (Sub-No. E266), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Easton, Maine, to points in that part of Maryland on and west of Interstate Highway 83, points in West Virginia and the District of Columbia, Fredericksburg, Va., and points in that part of Virginia on, south, and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction Interstate Highway 64, thence along Interstate Highway 64 to Richmond, thence along U.S. Highway 60 to the Chesapeake Bay, points in that part of New York west of New York Highway 14, and Harrisburg, Lancaster, Moosic, Scranton, and Wilkes-Barre, Pa. The purpose of this filing is to eliminate the gateways of Athens, Pa., and Elmira, N.Y.

No. MC 113843 (Sub-No. E405), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and edible meat by-products*, as defined by the Commission, from Sandusky, Ohio, to points in Bradford, Wayne, Pike, Lackawanna, Susquehanna, and Wyoming Counties, Pa. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E448), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Richmond, Va., to Grand Forks, N. Dak., and Sioux Falls, S. Dak. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 115669 (Sub-No. E3), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, from points in Eddy County, N. Mex., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 115669 (Sub-No. E16), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* from Perry, Iowa, to points in Kansas. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 115669 (Sub.-No. E20), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* from Jefferson, Iowa, to points in Kansas. The purpose of this filing is to eliminate the gateway of Omaha, Nebraska.

No. MC 115669 (Sub-No. E21), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* from Waterloo, Iowa, to points in Kansas on and west of a line from the Missouri-Kansas State line along U.S. Highway 59 to Atchison, thence along U.S. Highway 59 to the junction of U.S. Highway 169, thence along U.S. Highway 169 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 115669 (Sub-No. E40), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* from Lawrence, Kans., to points in Colorado on and north of a line from the Nebraska-Colorado State line along U.S. Highway 34 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Colorado State line. The purpose of this filing is to eliminate the gateway of Grand Island, Nebr.

No. MC 115669 (Sub-No. E42), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients* from Kansas City, Mo., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC 115669 (Sub-No. E97), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, urea, and soybean meal), from points in Kansas (except Hutchinson, Kansas City, McPherson, and Muncie), to points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 116063 (Sub-No. E10), filed May 31, 1974. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends* thereof, in bulk, in tank vehicles, from points in Louisiana on and south of U.S. Highway 190 to points in Colorado. The purpose of this filing is to eliminate the gateway of Castro and Deaf Smith Counties, Tex.

No. MC 116063 (Sub-No. E11), filed May 31, 1974. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends* thereof, in bulk, in tank vehicles, from points in Louisiana on and south of U.S. Highway 190 to points in New Mexico, those in Oklahoma on and west of U.S. Highway 69, and Muskogee, Okla. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 119774 Sub-No. E18), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Plastic conduit* from Oklahoma City, Okla., to points in Wisconsin, Illinois, Indiana, Kentucky,

Tennessee, Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Michigan, Ohio, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, and the District of Columbia, points in Minnesota on and east of a line from the Minnesota-Iowa State line along U.S. Highway 71 to the junction of U.S. Highway 10, thence along U.S. Highway 10 to the junction of U.S. Highway 59, thence along U.S. Highway 59 to the junction of Minnesota Highway 11, thence along Minnesota Highway 11 to the junction U.S. Highway 75, thence along U.S. Highway 75 to the United States-Canada Boundary line, points in Missouri on and east of a line from the Missouri-Arkansas State line along U.S. Highway 65 to the junction of U.S. Highway 54, thence along U.S. Highway 54 to the junction of U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line, and points in Iowa on and east of a line from the Iowa-Missouri State line along Interstate Highway 35 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the junction of U.S. Highway 169, thence along U.S. Highway 169 to the junction of U.S. Highway 18, thence along U.S. Highway 18 to the junction of Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line (the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.)*; (b) *Plastic Pipe, valves, connections, and couplings,* (except that used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products) from Oklahoma City, Okla., to points in Florida and Louisiana (Lone Star, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119774 (Sub-No. E33), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies,* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution, of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies,* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *Earth drilling machinery, and equipment,* and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Utah on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E34), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies,* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies,* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *Earth drilling machinery, and equipment,* and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Utah on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E240), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Pipe* as described in *Mercer Extension—Oilfield Commodities 74MCC459,* and (2) *Earth drilling machinery and equipment,* and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Wyoming to points in South Carolina. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Moffett, Okla.

No. MC 119774 (Sub-No. E241), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Pipe* as described in *Mercer Extension—Oilfield Commodities 74MCC459,* and (2) *Earth drilling machinery and equipment,* and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal or commodities into or from holes or wells, from points in Wyoming to points in Virginia. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Moffett, Okla.

No. MC 119774 (Sub-No. E242), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Pipe* as described in *Mercer Extension—Oilfield Commodities 74MCC459,* and (2) *Earth drilling machinery and equipment,* and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Wyoming to points in North Carolina. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Moffett, Okla.

No. MC 123407 (Sub-No. E21), filed June 4, 1974. Applicant: SAWYER TRANSPORT, South Haven Square, Valparaiso, Ind. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Composition board* from L'Anse, Mich., to points in that part of Florida on and west of U.S. Highway 27; Seminole, Decatur, and Grady Counties, Ga., and Newton, Jasper, Tyler, Hardin, Liberty, Harris, Wallen, Washington, Fayette, Caldwell, Guadalupe, Bexar, Medina, Kenny, and Uvalde Counties, Tex. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and the plantsites of Georgia Pacific Corporation at Taylorville, Miss.

No. MC 123407 (Sub-No. E23), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes,

transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size and weight require use of special equipment or special handling), from Warren, Ill., to points in North Carolina, Virginia, West Virginia, that part of Kentucky in and east of Hardin, Hart, Darren, Warren, and Simpson Counties, and that part of Tennessee in and east of Summer, Davidson, Williamson, Maury, and Giles Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E26), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, pulpboard*, and *hardboard* from Superior, Wis., to Missouri, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, Tennessee, and that part of Kansas on and south of a line beginning at the Colorado-Kansas State line, thence along Kansas Highway 96 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 56/77, thence along U.S. Highway 56/77 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35, thence along Interstate Highway 35 to Topeka, thence along Kansas Highway 4 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of East Dubuque, Ill.

No. MC 123407 (Sub-No. E27), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork from Jeannette, Pa., to points in Minnesota, South Dakota, Nebraska, Gogebic, Ontonagon, Houghton, and Keweenaw Counties, Mich., and that part of Kansas in and west of Nemaka, Marshall, Washington, Clay, Ottawa, Lincoln, Ellsworth, Barton, Pawnee, Edwards, Kiowa, and Clark Counties, restricted against the transportation of commodities which, because of size or weight, requires the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E27), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork from Jeannette, Pa., to points in Minnesota, South Dakota, Nebraska, Gogebic, Ontonagon, Houghton, and Keweenaw Counties, Mich., and that part of Kansas in and west of Nemaka, Marshall, Washington, Clay, Ottawa, Lincoln, Ellsworth, Barton, Pawnee, Edwards, Kiowa, and Clark Counties, restricted against the transportation of commodities which, because of size or weight, requires the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E28), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* and *materials* used in the installation thereof (except iron and steel and commodities in bulk), from Port Clinton, Ohio, to points in Mississippi and Arkansas (except Arkadelphia and Hot Springs and points in that part of Arkansas on and within a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 67 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-Teed Products Corp., at East St. Louis, Ill.

No. MC 123407 (Sub-No. E29), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork from Okmulgee, Okla., to points in Michigan; Lake, Porter, La Porte, Mishawaka, Elkhart, Lagrange, and Steuben Counties, Ind.; that part of Ohio in and north of Williams, Henry, Wood, Seneca, Huron, Lorain, Medina, Summit, Portage, and Mahoning Counties; and that part of Pennsylvania in and north of Lawrence, Mercer, Venango, Clarion, Jefferson, Clearfield, Centre, Snyder, Dauphin, and Lancaster Counties, restricted against the transportation of commodities which, because of size or weight require the use of special equipment or special handling and further restricted against the transportation of lumber, iron and steel and iron and steel articles. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E30), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass* from Mt. Zion, Ill., to points in Dade and Monroe Counties, Fla., restricted to traffic originating at the sites of the plants and warehouses of PPG Industries, Inc., at the above-named origin. The purpose of this filing is to eliminate the gateway of Laurinburg, N.C.

No. MC 123407 (Sub-No. E31), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from Warren, Ill., to points in Minnesota, South Dakota, Nebraska, and Kansas. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E32), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Decorating or preservative materials, paint, painting materials, supplies, and equipment*, used as a building material (except commodities in bulk) from the plantsite of Montgomery Ward Paint Factory at Chicago Heights, Ill., to points in North Dakota (except points in Sioux, Emmons, Kidder, Logan, McIntosh, Stutsman, La Moure, Dickey, Barnes, Ransom, Sargent, Steele, Traill, Cass, and Richland Counties). The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 133689 (Sub-No. E4), filed May 27, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Daniel C. Sullivan, 327 S. La Salle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses* (except foodstuffs), and in connection therewith, *materials and supplies* used in the conduct of such business (except dairy products, beverages, and commodities in bulk), from points in Ohio on and east of a line beginning at Lake Erie and extending south along Ohio Highway 46 to junction U.S. Highway 20, thence west along U.S. Highway 20 to junction Ohio Highway 44, thence south along Ohio Highway 44 to junction Ohio Highway 183, thence southwest along Ohio Highway 183 to junction with Ohio Highway 800, thence south along Ohio Highway 800 to junction Interstate Highway 77, thence south along Interstate Highway 77 to junction U.S. Highway 40, thence southwest along U.S. Highway 40 to Zanesville, thence south along Ohio Highway 60 to junction Ohio Highway

555, thence south along Ohio Highway 555 to junction Ohio Highway 78, thence southwest along Ohio Highway 78 to junction Ohio Highway 13, thence south along Ohio Highway 13 to Athens, thence southwest along Ohio Highway 346 to Jackson, thence west along Ohio Highway 124 to junction U.S. Highway 23, thence south along U.S. Highway 23 to the Ohio-Kentucky State line; points in Kentucky on and east of a line beginning at the Ohio-Kentucky State line, at Ashland and extending south on U.S. Highway 60 to junction Kentucky Highway 7, thence south along Kentucky Highway 7 to junction Kentucky Highway 32, thence southeast along Kentucky Highway 469, thence south along Kentucky Highway 469 to junction Kentucky Highway 172, thence south along Kentucky Highway 172 to junction U.S. Highway 460, thence south along U.S. Highway 460 to junction Kentucky Highway 80, thence southwest along Kentucky Highway 80 to junction U.S. Highway 421, thence south along U.S. Highway 421 to junction U.S. Highway 119, thence southwest along U.S. Highway 119 to junction U.S. Highway 25E.

Thence south along U.S. Highway 25E to the Kentucky-Tennessee State line; points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending southeast along U.S. Highway 25E to junction U.S. Highway 11E, thence southwest along U.S. Highway 11E to Knoxville, thence south along U.S. Highway 129 to the Tennessee-North Carolina State line; points in North Carolina on and east of U.S. Highway 129; and points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey (except points in Essex, Hudson, Hunterdon, Mercer, Middlesex, Passaic, and Union Counties, N.J.); New York (except points east of New York Highway 12); Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, to Norfolk, Nebr. The purpose of this filing is to eliminate the gateway of the facilities of World-Wide, Inc., and Erickson Petroleum Co., at Minneapolis-St. Paul, Minn.

ROBERT L. OSWALD,
Secretary.

[FR Doc.74–21247 Filed 9–12–74;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

O-T-C TOPICAL ANTIMICROBIAL PRODUCTS AND DRUG AND COSMETIC PRODUCTS

Establishment of Monograph and Use of Certain Halogenated Salicylanilides as Active or Inactive Ingredients

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 310, 700]

CERTAIN HALOGENATED SALICYLANILIDES AS ACTIVE OR INACTIVE INGREDIENTS IN DRUG AND COSMETIC PRODUCTS

Notice of Proposed Rulemaking

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner of Food and Drugs is issuing a notice of proposed rulemaking setting forth the results of the OTC Antimicrobial I Drug Review Panel's evaluation of over-the-counter (OTC) drug products containing antimicrobial ingredients for topical human use and a proposed monograph establishing conditions under which such products are generally recognized as safe and effective and not misbranded. The discussion in that notice of proposed rulemaking and material supporting it are incorporated by reference in this notice of proposed rulemaking.

Submissions of data and information reviewed by the Panel included those regarding the use of tribromsalan. Tribromsalan (TBS, 3,4'5-tribromosalicylanilide) is a brominated salicylanilide which is used as an active ingredient for antimicrobial purposes and as an inactive ingredient for preservative purposes in OTC drug and cosmetic products. In its report the Panel states that tribromsalan, even when free of related chemicals, can cause photosenstitive eruptions in man and disabling skin disorders. In some instances the photosensitization may persist for prolonged periods as severe reactions without further exposure to the chemical. The Panel also reported that there is evidence to indicate that tribromsalan produces cross-sensitization with other halogenated salicylanilides. In addition to the problem of photosensitization, the Panel expresses concern about the potential toxicity of this compound if used in an antimicrobial soap, intended for daily, total body use, possibly for a lifetime. Animal and human toxicological data made available to the Panel failed to provide a basis for establishment of a safe level for use. The Panel noted that, with regard to effectiveness, there was no clear evidence that tribromsalan does anything other than control body odor, for which other safer agents are available. The Panel recommended to the Commissioner that tribromsalan be considered not safe for general use as an OTC antimicrobial agent in drug and cosmetic products and that the Food and Drug Administration take prompt action to remove tribromsalan from all such products.

Although the Panel did not receive any submissions of data for review regarding the use of halogenated salicylanilides other than tribromsalan, the Panel's report and supporting scientific literature clearly indicate that other halogenated salicylanilides such as dibromsalan (DBS) and tetrachlorosalicylanilide (TCSA) have been shown to be more potent photosensitizers and cross-photosensitizers than tribromsalan. Thus, the Commissioner has determined that any action regarding the use of tribromsalan shall also include these other halogenated salicylanilides.

On the basis of the Panel's report, the Commissioner concludes that these halogenated salicylanilides, including tribromsalan, dibromsalans, and tetrachlorosalicylanilide, cannot be considered as safe for any use in drug and cosmetic products. Therefore, the Commissioner proposes to determine that any drug product containing these halogenated salicylanilides as an active or inactive ingredient is a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act for which an approved new drug application pursuant to section 505 of the act and 21 CFR Part 314 is required. The Commissioner also proposes to determine that these halogenated salicylanilides are deleterious substances which may render any cosmetic product that contains such a halogenated salicylanilide as an ingredient at any level, for any purpose, injurious to users. Accordingly, any such cosmetic product would be deemed to be adulterated under section 601(a) of the act.

The Food and Drug Administration has reviewed its files and has determined that there are no currently approved new drug applications for any prescription or OTC drug products containing a halogenated salicylanilide as an active or inactive ingredient. All previously approved new drug applications for drug products containing a halogenated salicylanilide as an ingredient have either been withdrawn or subsequently amended to delete the halogenated salicylanilides from the product formulation. Where such amendments have been submitted and have been approved or permitted by the Food and Drug Administration, the previous approval of the product formulation containing the halogenated salicylanilide has been revoked and only the product formulation contained in the supplemental new drug application is approved or permitted for marketing under section 505 of the act.

In its report, the Panel indicates that the benefit from using drug and cosmetic products containing these halogenated salicylanilides is insignificant when compared to the risk and, where there is so little benefit, that it is unjustified to subject even a few individuals to such a risk. The Panel recommends that action to remove these chemicals from such products should be implemented expeditiously and should not await the full procedural review that has been established for OTC drug products in 21 CFR 330.10. Accordingly, on the basis of the Panel's concerns, the documented evidence of photosensitization and cross-photosensitization caused by these halogenated salicylanilides, the lack of toxicological data adequate to the establishment if a safe level for use, the availability of other safer agents, the adverse benefit-to-risk ratio, and the recommendation for prompt action to remove these chemicals from all drug and cosmetic products, the Commissioner has determined that the action he proposes regarding the use of these halogenated salicylanilides in such products shall be taken through this notice of proposed rule making. The Commissioner had concluded that any delay in action regarding the use of these halogenated salicylanilides in drug and cosmetic product is unjustified in view of the Panel's report and the evidence now at hand that such use is not safe and is contrary to the public interest.

After publication, the final order regarding the use of these halogenated salicylanilides will apply to all drug and cosmetic products until such time as new evidence on the safety or effectiveness of these chemicals result in amendment of the proposed monograph for OTC antimicrobial products to allow for the use of these chemicals as active or inactive ingredients of such products.

The Commissioner, at this time, does not anticipate that a recall of previously marketed drug and cosmetic products containing these halogenated salicylanilides as an ingredient is necessary to protect the public health. Available information indicates that the largest use of these chemicals in drug and cosmetic products was in antibacterial soaps and that soap formulations have already been changed to delete these chemicals as ingredients.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 601(a), 701(a); 52 Stat. 1052–1055, as amended; 21 U.S.C. 355, 361(a), 371(a)) and under authority delegated to the Commisioner (21 CFR 2.120), it is proposed that Parts 310 and 700 be amended as follows:

1. By adding a new § 310.508 to Subpart E to read as follows:

§ 310.508 Use of certain halogenated salicylanilides as an inactive ingredient in drug products.

(a) Halogenated salicylanilides (tribromsalan (TBS, 3,4',5-tribromsalicylanilide), dibromsalans (DBS, 4',5-dibromosalicylanilide, and 3,5-dibromosalicylanilide), and 3,3',4,5'-tetrachlorosalicylanide (TCSA)) have been used as active or inactive ingredients in a number of over-the-counter (OTC) drug products, largely antibacterial soaps, for antimicrobial, preservative, and other purposes. These halogenated salicylanilides are potent photosensitizers and can cause disabling skin disorders. In some instances the photosensitization may persist for prolonged periods as a severe reaction without further exposure to these chemicals. Safer alternative antimicrobial agents are available.

(b) These halogenated salicylanilides are not generally recognized as safe and effective for use as active or inactive ingredients in any drug products. Therefore, any drug products containing such a halogenated salicylanilide as an ingredient at any level for any purpose is a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act for which an approved new drug application pursuant

to section 505 of the act and Part 314 of this chapter is required for marketing.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571), as set forth in § 312.1 of this chapter, is required to cover clinical investigations designed to obtain evidence that such preparations are safe and effective for the purpose intended.

(d) Any such drug product introduced into interstate commerce that is not in compliance with this section within 30 days after the date of publication of the final order is subject to regulatory action.

2. By adding a new § 700.15 to Subpart B to read as follows:

§ 700.15 Use of certain halogenated salicylanilides as ingredients in cosmetic products.

(a) Halogenated salicylanilides (tribromsalan (TBS, 3,4',5-tribromosalicylanilide), dibromsalans (DBS, 4',5-dibromosalicylanilide, and 3,5-dibromosalicylanilide, and 3,3',4,5'-tetrachlorosayicylanilide (TCSA)) have been used as antimicrobial agents for a variety of purposes in cosmetic products. These halogenated salicylanilides are potent photosensitizers and cross-sensitizers and can cause disabling skin disorders. In some instances the photosensitization may persist for prolonged periods as a severe reaction without further exposure to these chemicals. Safer alternative antimicrobial agents are available.

(b) These halogenated salicylanilides are deleterious substances which render any cosmetic that contains them injurious to users. Therefore, any cosmetic product that contains such a halogenated salicylanilide as an ingredient at any level for any purpose is deemed to be adulterated under section 601(a) of the Federal Food, Drug, and Cosmetic Act.

(c) Any cosmetic product containing these halogenated salicylanilides as an ingredient that is introduced into interstate commerce 30 days after the date of publication of the final order is subject to regulatory action.

Because of the evidence set forth in the preamble which indicates that these halogenated salicylanilides are not safe for use as active or inactive ingredients in drug and cosmetic products, the Commissioner has determined that it is in the public interest to limit the time for public comment to 30 days.

Interested persons are invited to submit their comments (preferably in quintuplicate) regarding this proposal, on or before October 15, 1974, to the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20852. 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: August 30, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–21054 Filed 9–12–74;8:45 am]

[21 CFR Part 333]

OVER-THE-COUNTER DRUGS

Proposal To Establish a Monograph for OTC Topical Antimicrobial Products

Pursuant to Part 330 (21 CFR Part 330), the Commissioner of Food and Drugs received on July 24, 1974, the report of the Advisory Review Panel on over-the-counter (OTC) antimicrobial drug products for repeated daily human use. In accordance with § 330.10(a)(6), the Commissioner is publishing (1) a proposed regulation containing the monograph recommended by the Panel establishing conditions under which OTC topical antimicrobial drugs are generally recognized as safe and effective and not misbranded, (2) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding, (3) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that the available data are insufficient to classify such conditions under either (1) or (2) above, and (4) the conclusions and recommendations of the Panel to the Commissioner. The summary minutes of the Panel meetings are on public display in the Office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD. 20852.

The Commissioner cautions that the conclusions and recommendations of the Panel must be read and evaluated carefully, to differentiate hypotheses from proven facts. In particular, substantial controversy has already emerged in the course of the Panel deliberations with respect to the hypothesis that the use of antimicrobial agents in bar soaps may selectively kill non-pathogenic gram positive microorganisms resulting in an increase in pathogenic gram negative microorganisms. The Panel has stated, and the Commissioner recognizes, that this hypothesis has not yet been proved by reliable evidence.

The purpose of issuing the unaltered conclusions and recommendations of the Panel, including this hypothesis, is to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The Commissioner has not yet evaluated the report, but has concluded that it should first be issued as a formal proposal in order to obtain full public comment before any decision is made on the recommendations of the Panel. The report of this Panel represents their best scientific judgment. It has been prepared independent of the Food and Drug Administration and does not necessarily reflect the Agency's position on any particular matter contained therein. After a careful review of this document and all comments submitted in response to it, the Commissioner will prepare a tentative final regulation to establish a monograph for OTC topical antimicrobial products.

The Commissioner has concluded that, to assure implementation of the Panel's recommendations, both cosmetic as well as drug regulations should be promulgated. The present Federal Food, Drug, and Cosmetic Act provides no legal authority under which the Agency can reclassify cosmetics as drugs, but does permit regulation of cosmetic ingredients. It is the Commissioner's intent to propose regulations under sections 601(a) and 602(a) of the act to apply the same safety and labeling standards to cosmetics containing antimicrobial ingredients subject to this notice as are applied to OTC drug products containing these ingredients.

It is also the Commissioner's intent to promulgate regulations in the Tentative Final Monograph to distinguish between preservative and active levels of antimicrobials. While the Commissioner takes no position at this time on the preservative test recommended in the Panel report, it is his intent to require either a preservative test or specific maximum preservative levels for antimicrobial ingredients in OTC drug products and cosmetics.

In accordance with § 330.10(a)(2), all data and information concerning OTC antimicrobial drug products for repeated daily human use submitted for consideration by the Advisory Review Panel have been handled as confidential by the Panel and the Food and Drug Administration. All such data and information shall be put on public display at the office of the Hearing Clerk, Food and Drug Administration on or before October 15, 1974, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality shall be submitted to the Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (HFD–109), 5600 Fishers Lane, Rockville, MD 20852.

Based upon the conclusions and recommendations of the Panel, the Commissioner proposes, upon publication of the final regulation:

1. That the monograph (Category I) be effective 30 days after the date of publication of the final monograph in the FEDERAL REGISTER.

2. That the conditions excluded from the monograph on the basis of the Panel determination that they would result in the drug not being generally recognized as safe and effective or would result in misbranding (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph in the FEDERAL REGISTER, regardless whether further testing is undertaken to justify their future use.

3. That the conditions excluded from the monograph on the basis of the Panel's determination that the available data are insufficient to classify such conditions either as generally recognized as safe and effective and not misbranded or as not being generally recognized as safe and effective or would result in misbranding (Category III) be permitted to remain in use for 1 year after the date of publication of the final monograph

in the FEDERAL REGISTER, if the manufacturer or distributor of any such drug utilizing such conditions in the interim conducts tests and studies adequate and appropriate to satisfy the questions raised with respect to the particular condition by the Panel.

The conclusions and recommendations contained in the report of the Advisory Review Panel on Over-The-Counter (OTC) antimicrobial drug products for repeated daily use to the Commissioner are as follows:

In the FEDERAL REGISTER of January 5, 1972 (37 FR 85), the Commissioner of Food and Drugs announced a proposed review of the safety, effectiveness and labeling of all OTC drugs by independent advisory review panels. The Commissioner issued in the FEDERAL REGISTER of January 7, 1972 (37 FR 235) a request for data and information on all antimicrobial active ingredients in drug products for repeated daily topical human use. A clarifying call for data and information was published in the FEDERAL REGISTER of April 4, 1972 (37 FR 6775).

On May 8, 1972, the Commissioner signed the final regulations providing for the OTC drug review under § 330.10 (formerly § 130.301) published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), which were made effective immediately.

The Commissioner appointed the following Panel to review the data and information submitted and to prepare a report on the safety, effectiveness, and labeling of OTC products containing antimicrobial ingredients for topical human use, which includes soaps, surgical scrubs, skin washes, skin cleansers and first-aid preparations, pursuant to § 330.10(a)(1).

Harvey Blank, M.D., Chairman; Frank B. Engley, Jr., Ph.D.; William L. Epstein, M.D.; Wallace L. Guess, Ph.D.; Florence K. Kinoshita, Ph.D. (resigned from the Panel in September, 1973); Mary Marples, M.A., M.D., D.T.M. and H. (resigned from the Panel in January, 1974); Paul D. Stolley, M.D.

The Panel was convened first on June 29, 1972, in an organizational meeting. Fifteen working meetings were held on August 16, 17, and 18; September 14, 15, and 16; October 19, 20, and 21; November 18, 19, and 20; December 14, 15, and 16, 1972; February 8, 9, and 10; March 3, 4, and 5; April 25, 26, and 27; June 7, 8, and 9; July 7, 8, and 9; August 30, 31, and September 1; September 27, 28, and 29; November 29 and 30, 1973; February 3, 4, and 5; and June 1 and 2, 1974.

Three non-voting liaison representatives, Ms. Sarah Newman nominated by an ad hoc group of consumer organizations; Joseph M. Pisani, M.D., nominated by the Proprietary Association; and Robert Giovacchini, Ph.D., nominated by the Cosmetic, Toiletry and Fragrance Association, participated in Panel discussions. Food and Drug Administration employees included Ms. Mary Bruch who served as Executive Secretary, Michael Kennedy as Panel Administrator, and Melvin Lessing, M.S., R.Ph. as Drug Information Analyst.

In addition to the Panel members and liaison representatives, the Panel utilized the advice of one consultant, Richard Marples, B.M., M.Sc.

The following individuals were given an opportunity to appear before the Panel to express their views either at their own or at the Panel's request:

Richard Baughman, M.D.; Abe Cantor, Ph.D.; Salvatore De Salva, Ph.D.; Hans P. Drobeck, Ph.D.; Mr. T. E. Furia; Sol Gershon, Ph.D.; Donovan E. Gordon, D.V.M., Ph.D.; Alfred Halpern, Ph.D.; Gavin Hildick-Smith, M.D.; Ira Hill, Ph.D.; John Kooistra, Ph.D.; Frank Lyman, M.D.; Milton Manowitz, Ph.D.; Ben Marr-Lanman, M.D.; Mr. Nicholas Molnar; Joseph Page, Esq.; Gerald Rice, M.D.; Dan Roman, Ph.D.; Louis Scharpf, Ph.D.; Edward Singer, Ph.D.; Richard Sykes, Ph.D.; David Taber, Ph.D.; Mr. David Taplin; Monroe Trout, M.D.; Leonard Vinson, Ph.D.; Mr. Anthony Young.

No other person requested an opportunity to appear before the Panel.

SUBMISSION OF DATA AND INFORMATION

Pursuant to the notices published in the FEDERAL REGISTER of January 7, 1972 (37 FR 235) and April 4, 1972 (37 FR 6775) requesting the submission of data and information on antimicrobial ingredients in OTC drugs, the following firms made submissions relating to marketed products:

Firm	*Marketed Products*
Alexander Manufacturing Co., Texarkana, Ark. 75501.	Alexander's Dand-Ex.
Apple-Crone Drugs Laboratories, Southfield, Mich. 48075.	Apple-Crone Hair and Scalp Conditioner.
Armour-Dial, Inc., Chicago, Ill. 60608	Dial Soap.
Ayerst Laboratories, New York, N.Y. 10017	Dermoplast Aerosol.
Bowman Pharmaceuticals, Inc., Canton, Ohio 44702.	Surgical Soap with 2 percent hexachlorophene.
Calhoun's Laboratory, Savannah, Ga. 31405	Dyper-Rash-Eze and Fung-O Ointment.
Campana Corp., Batavia, Ill. 60510	Cuticura Medicated Soap.
C. R. Canfield & Co., Minneapolis, Minn. 55408.	Sebacide.
Chase Chemical Co., Cleveland, Ohio 44110	Donovo and Glov-Kote.
Chesebrough-Pond's, Inc., Clinton, Conn. 06413.	Vaseline First Aid.
	Carbolated Petrolatum Jelly and Virac Topical Germicide.
Ciba-Geigy Corp., Ardsley, N.Y. 10502	Irgasan® DP-300 (Triclosan), Irgason® CF 3 (Cloflucarban).
Colgate-Palmolive Co., New York, N.Y. 10022	Dermassage Lotion, P-300 Soap Bar, Tackle Gel, Washkins, Wash'n Dri, and Wash'n Dri Washkins for Babies.
Eby Chemical Co., Harrisburg, Pa. 17105	Ecco Medicated Powder.
Factor, Max and Co., Hollywood, Calif. 90028	SEBB Lotion.
The Falk Co., Wayzata, Minn. 55391	Falk's Camfo Creme.
Ferro Corp., Toledo, Ohio 43605	Ottasept.
Fine Organics, Inc., Lodi, N.J. 07644	Temasept IV (Tribromsalan).
Gaby, Inc., Philadelphia, Pa. 19125	Gaby Greaseless Suntan Lotion and G-63.
T. R. Gibbs Medicine Co., Inc., Washington, D.C. 20020.	T. R. Solution.
Givaudan Corp., Clifton, N.J. 07014	G-11 (Hexachlorophene).
Goyescas Corp. of Florida, Miami, Fla. 33142.	Princeladas Goyescas.
Gypsy Remedy Co., Ocala, Fla. 32670	Gypsy's Wonder Ointment.
Harrison's Laboratories, Jackson, Miss. 39201	Harrison's Lotion.
Herald Pharmacal, Inc., Bedford, Va. 24523	H. A. F.
	Ansel Antiseborrheic Lotion and Seborid Shampoo.
High Chemical Co., Philadelphia, Pa. 19122	Klorlyptus Oil and Klorlyptus Ointment.
Huntington Laboratories, Inc., Huntington, Ind. 46750.	G.S.I. Iodine Surgical Detergent and Sana-Prep Pre-Surgical Preparation.
Indiana Botanic Gardens, Hammond, Ind. 46325.	Vanishing Balm.
The Jola Co., Milwaukee, Wis. 53210	"Jola" Xeem Cream.
F. N. Kalert Co., St. Louis, Mo. 63125	Formula 59 Foot Soap.
King Laboratories, Richardson, Tex. 75080	Pedolatum.
Laboratory Robaina, Inc., Hialeah, Fla. 33010	Acetolia Robaina and Jabon Acetolia.
Lam Enterprises, Honolulu, Hawaii 96817	Liquid Taizema, Green Remedy, Taizema Ointment, and Zenji Sui.
Larson Laboratories, Inc., Erie, Pa. 16505	Foot Note.
Legulo Pharmaceutical Mfr., Chicago, Ill. 60634.	Legulo and Legulo, Mild.
Lyne Laboratories, Winchester, Mass. 01890	Hexa-Cet.
Macsil Inc., Philadelphia, Pa. 19125	Balmex Medicated Lotion.
Marika of Albuquerque, Albuquerque, N.M. 87106.	Verdi Lotion.
Mecos, Inc., New Orleans, La. 70113	Wylon Scalp Treatment.
Merck, Sharp and Dohme Research Laboratories, West Point, Pa. 19486.	Approve, F.P.S. Skin Cleaner, and S.T. 37 Antiseptic Solution.
Meri Jo Inc., Tampa, Fla. 33614	Fine Fungicide and Korn Kure.
Miles Laboratories, Inc., Elkhardt, Ind. 46514	Bactine, Bactine Aerosol, and Bactine Towelettes.
Mon-Ray Chemical Co., Forest City, N.C. 28043.	Mon-Ray Formula 222.

Firm	Marketed Products
Monsanto Industrial Chemicals Co., St. Louis, Mo. 63166.	Triclocarban.
Nitine, Inc., Clifton, N.J. 07015	Nitex.
Norwich Pharmacal Co., Norwich, N.Y. 13815	Unguentine Aerosol, Unguentine Original Formula, Unguentine Plus, and Unguentine Spray.
Oxford Chemicals, Atlanta, Ga. 30341	Garvoderma, Oxford Phex, Oxford Pro-Med, Oxford Pro-Med (odorless), Oxford San-O-Sep, and Oxford Sep.
Parke, Davis and Co., Detroit, Mich. 48232	Liquid Germicidal Detergent, Phemerol Solution, Phemerol Tincture, and Phemerol Topical.
Pfister Chemical Inc., Ridgefield, N.J. 07657	TBS-100 (Tribromsalan).
Phenex Antiseptic Laboratories, Inc., Chicago, Ill. 60641.	Phenex Antiseptic, Phenex Ointment 30%, and Phenex Skin Lotion.
Plough, Inc., Memphis, Tenn. 38101	Clean 'N Treat, Mexsana Medicated Powder, Solarcaine Cream, Solarcaine Foam, Solarcaine Lotion, and Solarcaine Spray.
Wm. P. Poythress and Co., Inc., Richmond, Va. 23217.	Bensulfoid Lotion.
The Procter and Gamble Co., Cincinnati, Ohio 45217.	Safeguard Soap.
The Purdue Frederick Co., Yonkers, N.Y. 10701.	Betadine Aerosol Spray, Betadine Ointment, Betadine Skin Cleanser, Betadine Solution, Betadine Surgical Scrub, and Betadine Surgical Scrub/Skin Cleanser.
Red Foot Products Co., Inc., Detroit, Mich. 48228.	Redfoot Corn and Callus Remover, and Redfoot Powder.
Resinol Chemical Co., Baltimore, Md. 21201	Resinol Greaseless Cream and Resinol Ointment.
The Rilox Co., New Orleans, La. 70122	Geneva Ointment and Shave Losh.
Rystan Company, Inc., Little Falls, N.J. 07424.	Prophyllin Ointment and Prophyllin Powder.
Savoy Drug and Chemical Co., Michigan City, Ind. 46360.	Special Ointment and Special Foot Powder.
R. Schattner Co., Washington, D.C. 20016	Oraderm Lip Lotion and Chloraderm.
Sherwin Williams Chemicals, Toledo, Ohio 43608.	Tribromosalicylanilide.
Smith, Kline and French Laboratories, Philadelphia, Pa. 19101.	Acnomel Cake, Acnomel Cream, and Pragmatar.
Sterling Drug Inc., New York, N.Y. 10016	Campho-Phenique Liquid, Campho-Phenique Powder, Fisohex, Hexachlorophene, Medi-Quik, PhisoHex, Phiso-Scrub, Roccal, Sarene, Soapure, Zephiran Aqueous, Zephiran Chloride, Zephiran Chloride Tincture, Zephiran Spray, Zephiran Towelettes, Zobenol Aqueous, and Zobenol Tincture.
United States Borax and Chemical Corp., Los Angeles, Calif. 90010.	Luron Lotion Soap, MD*7 Lotion Soap, and Tomac Lotion Soap.
The Upjohn Co., Kalamazoo, Mich. 49001	Mercresin Tincture.
R. T. Vanderbilt Company, Inc., New York, N.Y. 10017.	Vancide 89RE and Vancide FP.
Vestal Laboratories, St. Louis, Mo. 63110	Septisol.
Wade Chemical Corp., Shreveport, La. 71103	Jim Wade Foot Medicine.
West Chemical Products, Inc., Long Island City, N.Y. 11101.	Ionol, Prepodyne Scrub, Prepodyne Solution, Prepodyne Concentrate, Tamed-Iodine Scrub, and Wescodyne.
Woolley Chemical Co., Ogden, Utah 84401	Treu-Youth Hand Balm and Treu-Youth Lotion Pack.

In addition, the following firms made related submissions:

Firm	Submissions
Armour-Dial, Inc., Chicago, Ill. 60608	Hexachlorophene, Tribromsalan, and Triclocarban.
Lever Brothers Co., Edgewater, N.J. 07020	Tribromsalan.
Millmaster Onyx Corp., Jersey City, N.J. 07302.	Quaternary Ammonium Salts.
The Procter and Gamble Co., Cincinnati, Ohio 45217.	Clofiucarban, Hexachlorophene, Tribromsalan, and Triclocarban.
The Purdue Frederick Co., Yonkers, N.Y. 10701	Iodophors.
Sterling Drug Inc., New York, N.Y. 10016	Benzalkonium Chloride, Methylbenbethonium Chloride, and Tribromosalicylanilide.
West Chemical Products Inc., Long Island City, N.Y. 11101.	Iodophors.

The labeled ingredients contained in these products are as follows:

Acetone
Alkyl amine of lanolic acids
Allantoin
Alrosol
Aluminum hydroxide
Aluminum potassium sulfate
Ammonia solution
Balsam Peru
Bentonite
Benzalkonium chloride
Benzethonium chloride
Benzocaine
Benzoic acid
Benzoin fluidextract
Benzyl alcohol
Bismuth subcarbonate
Bismuth subnitrate
Boric acid
Boric acid glycerite
Butylated hydroxytoluene
Calamine
Camphor
Captan (N-trichloro-methylthio-4-cyclohexene-1, 2-dicarboximide)
Castor oil
Cetyl alcohol
Cetyl alcohol-coal tar distillate
Chlorobutanol
Chlorophyll
Chlorothymol
Citric acid
Clofiucarban
Coal tar, crude
Coconut oil
Collodion
Cornstarch
Dipropylene glycol
Dodecylbenzene sulfonate
Entsufon
Ether
Eucalyptol
Eucalyptus dichloride
Eucalyptus oil
Eugenol
Ferric chloride
Fluorosalan
Glycerin
Goose grease
Hexylresorcinol
Hexachlorophene
8-Hydroxyquinoline benzoate
Iodine complexed with phosphate ester of alkylaryl polyethylene glycol
Juniper tar
Kaolin
Lanolin
Lanolin, anhydrous
Lanolin, cholesterols
Lanolin, modified, ethoxylated
Lanolin, hydrous
Lecithin
Lidocaine hydrochloride
Magnesium stearate
Menthol
Mercuric chloride
Methylbenzethonium chloride
Methylcellulose
Methylparaben
Methyl salicylate
Mineral oil, refined
Nonylphenoxypolyethoxyethanol
Nonylphenoxypoly-(ethyleneoxy) ethanoliodine complex
Oleostearin
Orthochloromercuriphenol
Orthohydroxy phenylmercuric chloride
Oxyquinoline sulfate
Para-chloro-meta-xylenol
Parahydrecin
Petrolatum
Phenol
Phenyl salicylate
Pine oil
Pine tar
Poloxamer-iodine complex
Polyoxyethylene lauryl ether
Polysorbate
Polysorbate 20
Potassium alum
Potassium coconut soap
Potassium salt of cocoyl - polypeptide condensate
Povidone-iodine complex
Propylene glycol
Propionic acid
Propylparaben
Quaternary ammonium compounds
Quince seed mucilage
Resorcinol
Resorcinol monoacetate
Rosin
Salicylic acid
Saponified greases
Secondary - amyltricresols
Sequestrene 50 K3
Silicone
Sodium biphosphate
Sodium borate
Sodium citrate
Sodium phenolate (phenate)
Sodium propionate
Sodium salicylate
Sodium salicylic acid phenolate
Sodium undecylenate
Storax
Sucrose octaacetate
Sulfur

Sulfur, colloidal
Sulfur, flowers of
Sulfur, precipitated
Tannic acid powder
Tetracaine hydrochloride
Thymol
Tragacanth
Tribromsalan
Triclocarban
triclosan
Triethanolamine
Triton X-100
Undecoylium chloride-iodine
Undecylenic acid
White oil of thyme
Zinc acetate
Zinc carbonate
Zinc oxide

Classification of Ingredients

The Panel has classified the following ingredients into groups identified below:

ANTIMICROBIAL INGREDIENTS

Quaternary ammonium compounds:
- Benzalkonium chloride
- Benzethonium chloride
- Methylbenzethonium chloride

Cloflucarban
Fluorosalan
Hexachlorophene
Hexylresorcinol
Iodophors:
- Nonylphenoxypoly (ethyleneoxy) ethanol—iodine complex
- Poloxamer—iodine complex
- Povidone—iodine complex
- Iodine complexed with phosphate ester of alkylaryl polyethylene glycol
- Undecoylium chloride—iodine complex

Para-chloro-meta-xylenol
Phenol(s):
- Secondary-amyltricresols
- Sodium phenolate

Tincture of iodine
Tribromsalan
Triclocarban
Triclosan
Triple dye (see discussion elsewhere in the document).

ANTIMICROBIAL INGREDIENTS COMBINED WITH NON-ANTIMICROBIAL ACTIVE INGREDIENTS

If a product contains an antimicrobial ingredient and meets the definitions adopted by the Panel, it may be combined with other non-antimicrobial active ingredient(s): *Provided,*

(1) The antimicrobial ingredient remains safe and effective;

(2) The non-antimicrobial active ingredient is safe and effective;

(3) The labeling indicates the pharmacologic effects of all active ingredients;

(4) The combination provides rational concurrent therapy for a significant portion of the target population;

(5) The combination meets the requirement of the definitions for the antimicrobial product categories.

The Panel is particularly concerned that the combination not delay wound healing. If a skin antiseptic claim is made it must meet the requirement of the definition of a skin antiseptic described elsewhere in this document.

INGREDIENTS DEFERRED TO ANTIMICROBIAL II PANEL

Antimicrobial ingredients formulated in products labeled for use for specific indications, such as dandruff and seborrhea, acne, athlete's foot, and otitis externa will be included in the second part of the Panel's review, Antimicrobial II.

Captan
Coal tar, crude
Juniper tar
Pine tar
Propionic acid
Resorcinol
Resorcinol monoacetate
Salicylic acid
Salol—phenyl salicylate
Sodium undecylenate
Storax
Sulfur, colloidal
Sulfur, flowers of
Sulfur, precipitated
Tannic acid
Thymol
Undecylenic acid
White oil of thyme

INGREDIENTS DEFERRED TO OTHER PANELS

Data for several ingredients, frequently formulated with antimicrobials, were also submitted.

The following ingredients are all topical analgesics and have been deferred for review to the Topical Analgesic Panel:

Benzocaine
Camphor (refer to statements for phenol)
Lidocaine hydrochloride
Menthol
Methyl salicylate
Tetracaine hydrochloride

The following ingredients are all mercurials and have been deferred for review to the Miscellaneous Topical Panel:

Mercuric chloride
Orthochloromercuriphenol
Orthohydroxyphenylmercuric chloride

Preservative Levels of Active Ingredients

The active antimicrobial ingredients reviewed by the Panel can be formulated in topical products at various concentrations. The minimum concentration required for effectiveness as an active ingredient will be established by in vitro and in vivo efficacy testing as will the range of concentrations which can be safely used. The Panel recognizes that many of these antimicrobial ingredients might also be added to products at much lower levels to prevent the spoilage of products and to protect them from the growth of microorganisms introduced as a result of customer use. Many of the antimicrobials reviewed are primarily active against gram positive microorganisms and would not generally be considered as good candidates for use as preservatives. However, some of these may be considered for use as part of a preservative system.

If an antimicrobial ingredient is to be used as a preservative, evidence should be available to demonstrate that the concentration used is the minimum at which it is effective as a preservative. The procedure for establishing the minimum effective preservative concentration(s) is the United States Pharmacopeia (USP), "Antimicrobial Agents—Effectiveness Test" under Microbiological Tests (currently, USP XVIII, p. 845). The safety should also be established according to the statements on individual ingredients and the Guidelines in this document.

Considerations other than antimicrobial activity are important in the selection of a preservative and usually include: Activity at low concentrations, solubilities and partition coefficients in the various types of formulations in which they are used.

Based on the data presently available, Category II ingredients which are Category II for all product categories (see discussion elsewhere in this document) are not recommended for use as preservatives under any circumstances.

The question of the adequacy of the following ingredients as preservatives will not be discussed at this time but will be considered by the OTC Antimicrobial II Panel.

Benzoic acid
Benzyl alcohol
Boric acid
Chlorobutanol
Chlorothymol
8-Hydroxyquinoline benzoate
Methylparaben
Oxyquinoline sulfate
Propylparaben
Sodium propionate

One manufacturer submitted data claiming oxyquinoline sulfate as an active ingredient in a formulated product (Ref. 1). The Panel has classified this ingredient as a preservative, similar to those submitted in other formulations. As has been stated, the concentration of the antimicrobial and time of exposure, among other parameters, determines the clinical effectiveness of an antimicrobial.

The claim submitted for oxyquinoline sulfate at a 0.03 percent level is based entirely on in vitro data. The agar-well technique to determine zones of inhibition was used. The tests were conducted with 0.03 percent oxyquinoline sulfate plus other preservatives (methylparaben and propylparaben). Zones of inhibition were determined for the formulation but not for individual ingredients.

Methylparaben, propylparaben and oxyquinoline sulfate are listed as active ingredients in the formulation at levels currently used in many lotion formulations as preservatives to maintain the quality of the lotion and prevent microbial contamination with use. No in vivo studies were submitted to support the effectiveness of oxyquinoline sulfate as a clinically active ingredient on the skin. Therefore, the Panel has classified the ingredient as a product preservative.

References

(1) OTV Volume 020054.[1]

Inactive Ingredients

Inactive ingredients are useful in the manufacturing of pharmaceutical preparations to enhance the quality and/or appearance of the product. This list reflects only those inactive ingredients contained in the labeled ingredients submit-

[1] Cited OTC Volumes refer to the submissions made by interested persons pursuant to the call for data notice published in the FEDERAL REGISTER. The volumes are on file in the Office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

ted to the Panel and is not intended to be an exhaustive list.

Acetone
Alkyl amine of lanolic acids
Allantoin
Alrosol
Aluminum hydroxide
Aluminum potassium sulfate
Ammonia solution
Balsam Peru
Bentonite
Benzoin fluid extract
Bismuth subnitrate
Bismuth subcarbonate
Boric acid glycerite
Butylated hydroxytoluene
Calamine
Castor oil
Cetyl alcohol
Chlorophyll
Citric acid
Coconut oil
Collodion
Cornstarch
Dipropylene glycol
Dodecylbenzene sulfonate
Entsufon
Ether
Eucalyptol
Eucalyptus dichloride
Eucalyptus oil
Eugenol
Ferric chloride
Glycerin
Goose grease
Kaolin
Lanolin
Lanolin, anhydrous
Lanolin, chlolesterols
Lanolin, modified ethoxylated
Lanolin, hydrous
Lecithin
Magnesium stearate
Methylcellulose
Mineral oil, refined
Nonylphenoxypolyethoxyethanol
Oleostearin
Parahydrecin
Petrolatum
Pine oil
Polyoxyethylene lauryl ether
Polysorbate
Polysorbate 20
Potassium alum
Potassium coconut soap
Potassium salt of cocoyl—polypeptide condensate
Propylene glycol
Quince seed mucilage
Rosin
Saponified greases
Sequestrene 50 K3
Silicone
Sodium biphosphate
Sodium borate
Sodium citrate
Sodium salicylate
Sodium salicylic acid phenolate
Sucrose octaacetate
Tragacanth
Triethanolamine
Triton X–100
Zinc acetate
Zinc carbonate
Zinc oxide

The OTC Antimicrobial I Panel was charged with the review and evaluation of safety and effectiveness data on antimicrobial ingredients and combinations in topically applied OTC products.

An outline was developed by the Panel to evaluate the data from all the submissions for ingredients (Ref. 1). The outline was made at the beginning of the Panel's deliberations to provide a checklist for the information in the data submissions supplied to the Panel. During its deliberations, other modified guidelines for the evaluation of antimicrobial ingredients were developed and are included in this document.

The report of this Panel deals with antimicrobial ingredients in the following products: Soaps, surgical scrubs, skin washes, skin cleansers, first-aid preparations, and additional products defined by the Panel.

The Panel defined an "antimicrobial ingredient" as an agent which kills or inhibits the growth and reproduction of micro-organisms. Many products formulated with antimicrobials for use as handwashing products, surgical scrubs or so-called "antiseptics" are marketed as concentrates with label directions for dilution prior to use. The dilution recommended for use, as distinguished from the marketed concentrates, is defined in this report as the "use concentration" or the "use dilution." The Panel in its deliberations considered the activity of these ingredients at "use concentrations".

The Panel recognized that many ingredients reduce the number of micro-organisms on the skin. The normal flora of micro-organisms on the skin has been divided traditionally into "transient" and "resident" flora (Ref. 2). The transient flora can be considered the organisms which are picked up from contact with the environment or from other persons and which are not part of the established normal flora. These organisms are easily removed from the upper layer of the skin along with dirt particles and oil. However, a transient organism may become part of the resident established flora. In contrast, the resident flora is usually considered the organisms which constitute the established flora of the skin.

The ingredients reviewed by the Panel are formulated in products designed to reduce microbial flora on the skin. The intended effect ranges from the reduction of acquired pathogens on the skin to the reduction of the normal resident flora to low levels. Some products are used on the skin with more than one intended effect. There has been widespread use of antimicrobials in soap, surgical scrubs and pre-operative preparations based on the view that the reduction of normal flora to as low a level as possible will have a positive effect on the prophylaxis of disease. The interrelationship of the concentration, time of action or contact time, the microbial spectrum, and the possible deleterious effect of drastic changes in the normal skin flora have been largely ignored in the past or only superficially investigated. The Panel concludes the interrelation of findings of this type to the mitigation, treatment or prevention of infection has not been established by the data submitted.

Since topical products without an active ingredient frequently have a substantial effect, there should be some demonstration that the formulated product with the active ingredient is better than the vehicle alone. In the case where a test of effectiveness is performed, the vehicle should be used as a control. Emollient effect is obvious with the vehicle of many topical products. For instance, the contribution of this effect to wound healing, or its relationship to the effectiveness of an antimicrobial product is unknown.

REFERENCES

(1) OTC Antimicrobial I Panel Summary Minutes for the August 16–18, 1972 meeting.

(2) Price, P. B., "The Bacteriology of Normal Skin; A New Quantitative Test Applied to a Study of the Bacterial Flora and the Disinfectant Action of Mechanical Cleansing," *Journal of Infectious Diseases*, 63:301–318, 1938.

1. *Effectiveness of antimicrobial bar soap—Balance of normal skin flora.* It is well recognized that the human skin carries a population of micro-organisms known as the normal flora. The numbers vary among individuals and in different locations on the same individual. The predominant members of the normal flora are gram-positive cocci and diphtheroids. These groups are not only regarded as harmless on the intact skin but are considered to have a protective effect against potential pathogenic micro-organisms. Small numbers of gram negative species, such as the coliforms and related organisms, as well as higher forms, such as yeasts may be residents of the skin of healthy individuals. In certain circumstances, where the composition of the gram positive micro-organisms are altered, dense populations of gram negative micro-organisms may develop.

It has been demonstrated by Ehrenkranz et al. (Ref. 1) that with continued washing of the feet twice a day for 2 weeks, a *Pseudomonas* colonization was established on the foot washed with antibacterial soap (containing triclocarban, tribromsalan and cloflucarban) and not on the (control) soap-washed foot. This work has been confirmed with a larger group of subjects by Amonette and Rosenberg (Ref. 2) by Taplin (Ref. 28) and by Marples (Ref. 3). With other antimicrobials, Taplin (Ref. 4) has reported to the Panel that their use removes some protective advantages of the gram positive flora, especially against colonization with *Pseudomonas*. These studies demonstrate the potential harmful shift in the normal flora of the skin which may occur with the repeated use of gram-positive bacteriostatic products. Marples has shown the enormous increase in the resident microflora occurring when the skin is covered with an impermeable film as well as the influence of gram-positive bacteriostats in this test system which can result in the occurrence of a high gram-negative population on the skin (Ref. 29 and 30). Reports that changes in the normal flora of the hands occurred after the use of products containing gram-positive bacteriostats and resulted in carriage of gram negative organisms have been made by Bruun and Solberg (Ref. 31) and by Brown (Ref. 32). A protective function of resistance to certain infections has been postulated for the normal flora, particularly the diphtheroid population of the skin by Marples (Ref. 3, 4 and 28).

The Panel states their concern to that already widely expressed in the scientific community that the widespread use of anti-gram-positive antibiotics, antimicrobials on the skin, and hard surface disinfectant products which are frequently active only against gram positive organisms has produced a tremendous increase in gram negative infections in hospitals and other closed environments (Ref. 33). The Panel recognizes that the isolation of any one factor as responsible for cause and effect is difficult. However, they believe that there is sufficient evidence to postulate an effect from the use of topical antimicrobials.

Deodorant effect. The reduction of the normal skin flora, particularly the gram positive flora, has a deodorant effect. Dravnieks et al. (Ref. 5), Meyer-Rohn (Ref. 6), Shehadeh and Kligman (Ref. 7) and Shelley et al. (Ref. 8) have established the relationship of the gram positive flora to odor. It was the estimate of a group of experts from industry and academia (who appeared before the Panel to discuss the effectiveness of antimicrobials in the classes of products currently being reviewed by the Panel) that approximately a "70 percent reduction" in the microbial flora (as measured by hand-washing tests) would produce a deodorant effect. The exact percent reduction required to achieve a deodorant effect either on the entire body or in the axillae was not established by the data submitted. The view of the Panel is that perhaps some bar soaps which achieve a 90 percent or more reduction of gram positive organisms may be so active as to be harmful (Refs. 1 through 4).

The concentration of any antimicrobial incorporated into a bar soap should be set at a level which reduces the microbial flora sufficiently to produce a deodorant effect. Currently, neither the amount of the antimicrobial needed nor the degree of reduction of the hand flora (measured in handwashing tests) needed to achieve this can be stated conclusively. The Panel hopes that these uncertainties can be resolved with increasing refinement of effectiveness tests and expansion of effectiveness testing to include areas of the body other than the hands.

Classical ecological studies have shown only too clearly the dangers of altering a stable community of any type, including microorganisms (Marples, Ref. 9; Rosebury, Ref. 10). While a reduction of the cutaneous population of gram positive microorganisms does have a deodorant effect, such a change may be disadvantageous to the host, since not only is there no conclusive evidence that the antimicrobial reduces or prevents infection, but its action may even enhance the growth of a potentially pathogenic microorganism.

Data are accumulating which indicate that shifts and/or alteration in the composition of the normal skin flora are harmful (Refs. 1, 2, 3, 29, 31 and 32). It is the judgment of the Panel that until definitive data are available it is prudent to avoid significant alterations in the normal flora. These shifts or alterations in normal flora may even be more hazardous in an institutional setting (closed population) or with individuals who have altered susceptibilities.

Wound healing. In animal models the use of certain antimicrobials in liquid soap retarded wound healing. Dajani et al. (Ref. 11) and Custer et al. (Ref. 12) showed retardation of healing in artificially contaminated animal wounds treated with polyvinyl pyrrolidone-iodine complex and 3 percent hexachlorophene. Edlich et al. (Ref. 13) indicate that the ratio of ethylene oxide to propylene oxide in the block polymers (pluronic polyols) determines the tissue toxicity of surfactants used alone or complexed with iodine (for further details refer to comment on Iodophors). Data with respect to wound healing with bar soaps were not submitted. In a recent study in humans by Ruby and Nelson (Ref. 14), however, scrubbing the lesions of impetigo with a hexachlorophene soap had no appreciable beneficial or adverse effect on wound healing.

Prevention of skin infections. Attempts have been made to demonstrate clinical effectiveness in the prevention of minor skin infections with the use of soaps containing an antimicrobial.

Three studies, performed at the military service academies, were designed and executed in the attempt to show that prophylaxis of minor skin infections can be achieved with the use of an antimicrobial bar soap. There were variations in the control of the subjects, the extent of laboratory analysis of cultures, and the critical character of the diagnosis of lesions and followup of the subjects. Essentially, the overall design was similar. Certain companies of men were assigned to "test soap" and others to "control soap".

The collective description of cutaneous infection or cutaneous pyodermas is divided into specifically defined clinical entities in the discussion of the results of these studies. The terms used to define specific skin infections are furuncles, furunculosis, or multiple furunculosis, paronychia, pustular folliculitis, impetigo, and secondarily infected abrasions and blisters. These are all commonly used medical terms.

In all cases attempts were made to eliminate the concomitant use of other drug and cosmetic products containing an antimicrobial.

Chronologically, the first was a 2 month study performed by Leonard at West Point in 1966. The test soap bar contained a 2 percent mixture of three antimicrobial ingredients: Tribromsalan, triclocarban, and cloflucarban. The author's summary (Ref. 15) indicates a 44 percent reduction in superficial cutaneous infections.

When a direct comparison of total incidence of cutaneous infections is made, there appears to be a significant difference. The incidence of single furuncles was significantly higher in the control group. However, if only the incidence of multiple furunculosis is examined, the difference is not significant. Also, there were more paronychial infections among the men using the antibacterial soap bar than among those using the control bar.

Dr. Clarence Livingood (Ref. 16), who has closely checked the results of the three studies, has communicated his view that the analysis of the results in all three studies are equivocal and may be explained, in part, as follows:

(1) There was variation in diagnosis resulting from the use of more than one physician for diagnosis.

(2) It seemed probable that a 2 month study was too short to establish the expected results.

(3) The results of the bacteriologic cultures were not included.

(4) The initial infection rate was not uniform in the test groups.

At about the same time as the West Point Study, MacKenzie (Ref. 17) conducted a 6 month study at the Naval Academy at Annapolis with a soap containing 0.75 percent triclocarban and 0.75 percent hexachlorophene. The effect of soap usage on different types of lesions was described in the report of the study. The incidence of both furunculosis and secondarily infected skin lacerations was also the same in the control and treated groups. However, there was a lower incidence of cellulitis secondary to trauma and pustular folliculitis in the test group using antibacterial soap.

The results of another but unpublished study at Annapolis were also commented on by Dr. Livingood. In this case, a soap containing 2 percent mixture of tribromsalan, triclocarban, and cloflucarban, different from that used in the first Annapolis study, was tested. The results showed no reduction in furunculosis or paronychia in the groups using the antimicrobial soap. Again, there was a reduction in infections as complications of minor traumatic injuries.

It is the Panel's view that conclusions cannot be drawn with respect to the prophylaxis of cutaneous skin infections from a comparison of the specific lesions which occurred in both groups.

In 1969 Duncan et al. (Ref. 18) compared inhabitants of two Texas prison farms, one of which used an antimicrobial soap bar (2 percent mixture of tribromsalan, cloflucarban, and triclocarban) while the other did not. This study, monitored by the Armed Forces Epidemiology Board, was performed in an attempt to resolve the persistent questions of effectiveness raised by the two earlier published studies. Again, unequivocal conclusions could not be drawn from data presented comparing the incidence of skin infection in the treated and control groups.

A study was performed in a home for the mentally retarded in Ellisville, Mississippi by Wheatley et al. (Ref. 19). The authors reported that the use of an antimicrobial soap bar significantly reduced the incidence of superficial cutaneous pyogenic infections. A careful review of this unpublished paper by the Panel and by a statistician led to the conclusion that the interpretation of the data by the authors could not be accepted due to problems of study design and analysis.

The most important difficulty encountered was the assumption that the "observations" were independent (an observation was the weekly infection rates). Inappropriate statistical tests of significance were applied. The basic outcome measure (weekly infection rates) was called into question and the raw data were requested so that the study could be re-analyzed. The company sponsoring the study was unable to supply these data and it was felt that no inferences as to effectiveness could be drawn from the data presented in the report that was submitted to the Panel.

Studies among combatants in Vietnam and also among military personnel and children in Colombia, South America performed by Allen and Taplin et al. (Ref. 20 and 21) suggested that the use

of an antimicrobial soap did not prevent infection under stress conditions. And in fact, streptococcal skin infection continued to be the most common cause of disability from superficial infections among the troops. These studies also indicated that hygiene and climate are important determinants in the development of superficial staphylococcal and streptococcal infections.

The Panel reviewed the clinical studies designed to show effectiveness in the prevention of minor skin infections. These studies were found insufficient to support a conclusion of effectiveness.

Acute glomerulonephritis is one of the more serious complications which may follow streptococcal skin infection. Nephritis may also follow streptococcal throat infections. No all strains of *Streptococcus* are nephritogenic. The streptococcal types associated with nephritis following impetigo or pyoderma are not the same ones associated with nephritis following streptococcal pharyngitis (Ref. 22). The risk of nephritis following a streptococcal skin infection with a nephritogenic strain is about 12 percent (Ref. 23). This relationship has also been described by Dillon et al. (Ref. 24), Department of the Army (Ref. 25) and Kelly and Taplin (Ref. 26). Allen and Taplin (Ref. 20), Taplin et al. (Ref. 21) and Dillon (Ref. 27) have shown the high incidence of streptococcal sores in indigent children and in children in tropical climates. In addition, the Panel's concern is also based in part on the great increase in all types of gram negative infections, including *Pseudomonas* infections, in hospitals where anti-gram positive agents are in wide use (Ref. 33).

Because of the information called to the Panel's attention they have been concerned that routine use of antimicrobial soaps may have a long-term harmful effect by reducing the protective effect of the normal skin flora. It is possible that contrary to what might be expected from an antibacterial product that certain bacterial infections due to gram-negative and streptococcal organisms might be increased, rather than decreased. If this is proven to be true, the deodorant benefit would probably be considered outweighed by the potential hazard. In addition, because these chemicals are absorbed into the bloodstream, the Panel is concerned about the prudence of exposing the entire body surface to these chemicals when alternative methods of odor control are available.

The Panel has been particularly concerned that some soap and detergent bars containing antimicrobial ingredients for which only deodorant claims are made are classified legally as cosmetics rather than drugs. These products are formulated with ingredients which have been placed in Category III by the Panel but which will be moved to Category I or II at the end of the period allowed for submission of data to prove safety and effectiveness. These products are now in Category III but might be moved into Category II in the future, if the Food and Drug Administration concludes from the data before it that they are not generally recognized as safe and effective. However, the data might not support a finding that they are adulterated cosmetics, thus there is a risk that these products may continue to be marketed as cosmetics without adequate substantiation of safety.

Regardless of the legal classification of these products, it is important from a public health standpoint that they be subject to the same strict requirements for safety and effectiveness as the drug products which the Panel has reviewed in this Report.

As long as the antimicrobial ingredients of these products are effectively regulated, the Panel is not concerned whether they be classified as cosmetics or as drugs. If, for example, a regulation can be promulgated imposing the kind of testing requirements recommended in this Report upon all cosmetics containing antimicrobial agents at levels higher than those necessary for preservative use, the Panel's concerns will be met. If it is not possible adequately to control products classified as cosmetics in this way, then the Panel would strongly recommend that the Food and Drug Administration institute whatever action is necessary to reclassify cosmetic products containing antimicrobial agents as drugs.

In the view of the Panel, the Food and Drug Administration should take this regulatory action in the near future. If it turns out that the Food and Drug Administration has no legal basis to require that cosmetic products containing antimicrobial ingredients be adequately tested for safety, the Panel would urge Congress to furnish the necessary authority.

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(2) Amonette, R. A. and E. W. Rosenberg, "Infection of Toe Webs by Gram-Negative Bacteria," *Archives of Dermatology*, 107:71–73, 1973.

(3) Personal communication from R. Marples (Dec. 14, 1972) to the OTC Antimicrobial I Panel is reported in the December 14, 1972 minutes and accompanying tables and is included in OTC Volume 020186.

(4) OTC Antimicrobial I Panel Summary Minutes for the September 14–16, 1972 meeting.

(5) Dravnieks, A., B. K. Krotoszynski, W. E. Lieb and E. Jungermann, "Influence of an Antibacterial Soap on Various Effluents From Axillae," *Journal of the Society of Cosmetic Chemists*, 19:611–626, 1968.

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(7) Shehadeh, N. and A. M. Kligman, "The Bacteria Responsible for Axillary Odor. II," *Journal of Investigative Dermatology*, 41:3, 1963.

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2. *Efficacy for erythrasma.* Definite evidence has been presented for the therapeutic effectiveness of antimicrobial-containing soaps against erythrasma.

Erythrasma is a skin disease caused by *Corynebacterium minutissimum*. This skin microorganism has been identified by Sarkany et al. (Ref. 1, 2 and 3) and Gougerot and Duche (Ref. 4).

While definitive evidence was presented for the therapeutic effectiveness of antimicrobial-containing soap against this disease by Kooistra (Ref. 5), Dodge et al. (Ref. 6), Rosenberg and Allen (Ref. 7), Taber et al. (Ref. 8) and Taplin et al. (Ref. 9), the Panel agreed that this observation alone could not support claims of antimicrobial activity against other infections. Erythrasma cannot be diagnosed except by a physician using special techniques and therefore, OTC use and labeling would not be appropriate.

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3. *Effectiveness of surgical hand scrubs containing antimicrobials.* Since Semmelweis' mandate in the period 1841–1846, published in 1861 (Ref. 1), that the physician's examining fingers be washed and disinfected with chlorine to prevent childbed fever, there has been controversy surrounding the desirability of disinfection of the surgeon's hands. The intervening years have produced only a little evidence to clarify the situation. Price's work in 1938 (Ref. 2) initiated attempts to quantify reduction in the microbial flora. The picture has become more confused with the introduction of new antimicrobial agents, particularly those with a substantive effect. A substantive effect is the retention or binding of the chemical in the stratum corneum of the skin after rinsing.

Historically, the effectiveness of a surgical scrub product has been judged by the reduction in microbial count achieved after the use of the scrub. These handwashing tests have usually been performed utilizing one of the several basin tests described by Price (Ref. 2), Cade (Ref. 3) and Quinn (Ref. 4).

In the past, the single criterion for effectiveness of a surgical scrub product has been a comparison of the microbial count on the hands before and after handwashing. The comparison has usually been made from the results of these standard handwashing tests. The Glove Juice Test (see guidelines for testing), included in the suggested protocols, is an improved test which the Panel feels is necessary to evaluate two aspects of microbial reduction in the efficacy testing of surgical hand scrubs: the initial reduction of microbial count (as measured before and after hand scrubbing) and, in addition, any subsequent build-up of microbial count over time. The increase in count is measured by a comparison of the baseline count and/or the reduced count, after scrubbing, with the count determined at a selected time period after donning surgical gloves.

The use of surgical antiseptics dates back to Semmelweis and Lister. The latter disinfected the skin at the operative site, dressings, and instruments in a 1:20 solution of carbolic acid, and degermed the hands. Godlee (Ref. 5) has recorded the historical aspects of the development of Lister's methods. In more recent times, tincture of green soap followed by alcohol rinse was in common usage until the 1950's. Since then, surgical scrubs containing an iodophor or hexachlorophene have been in common usage, as reported in a survey by King and Zimmerman (Ref. 9). Iodine scrubs in the form of iodophor formulations have been widely accepted. Polyvinyl pyrrolidone and various surfactant carriers are used to slow iodine release and thus reduce the irritation of the skin caused by iodine. The activity of any iodophor is dependent on the release of titratable iodine from the complex. The iodine released when the complex is in contact with the skin is not only available to kill micro-organisms, but is only available and is adsorbed by dead skin cells or other organic material on the skin. The action of iodine is broad spectrum, including gram positive and gram negative micro-organisms, fungi and viruses.

Data delineating the balance between the release of iodine from an iodophor and availability to the microorganisms on the skin were not submitted and are required before unequivocal judgment concerning the effectiveness of iodophors on the skin can be made. Iodophors usually do not possess any substantivity.

It is desirable for surgical hand scrubs to contain substantive antimicrobials. Although hexachlorophene is substantive, especially with repeated use, its toxicity is of such concern to the Panel that they recommend that an alternative should be sought. While a one-time scrub with a substantive antimicrobial may not reduce the count initially as low as an iodophor, or indeed, any lower than scrubbing with soap and water, repeated use does reduce the level of the microbial flora on the skin. Three to five days are usually required to demonstrate the substantive activity of these products. The action of a substantive product may also reduce the rapidity with which the count rises after the surgeon's gloves are donned. The assumption should be verified using the Glove Juice Protocol.

Actually, while products formulated with either fast-acting or substantive antimicrobials possess attractive characteristics, neither one alone possesses ideal characteristics for a surgical hand scrub. The obvious solution, where chemical compatabilities permit, is a combination of the use of both products. The consistent use of a substantive antimicrobial-containing product daily at home and in the hospital would yield a reduced level of flora and some substantivity on the skin. Scrubbing with an iodophor would reduce the flora to an even lower level prior to surgery. The substantive characteristic might also be made available in a glove powder, lotion, or foam to be applied to the hands prior to donning the gloves.

The proof that one surgical hand scrub, or for that matter, any surgical hand scrub is effective as a prophylaxis for post surgical infection would be ideal; however, the data are probably impossible to acquire since there are multiple factors involved in post-surgical infection. The concept of reducing the microbial count to as low a level as possible is certainly prudent, since the longer the surgery, the greater the risk to the patient from post-surgical infection.

The punctured surgeon's glove has been hypothesized, and in some cases shown, to be the source of post-surgical wound infection, as reported by Devenish and Miles. (Ref. 6). It is estimated that between one-third and one-half of the surgical gloves are punctured or torn during surgery.

From the results of research on skin flora, it is now apparent that wearing of occlusive surgical gloves or wrapping

the skin with occlusive plastic allows the growth of high populations of microorganisms and has been described by Marples (Ref. 7) and Peterson (Ref. 8). The Panel, therefore, recognizes that donning of the surgical glove may itself produce a rapid increase in microbial count on the hands, even after a surgical scrub product has been used.

Considering these facts, the Panel feels that an effective surgical scrub should reduce the initial count of both the transient and normal flora to as low a level as possible and prevent the build-up of high microbial counts in the glove with time. The exact shape of the curve indicating increase in microbial count with time after the use of a fast-acting scrub or a substantive antimicrobial scrub has not yet been determined.

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4. *Use of health-care personnel handwash.* The overriding reason for the washing and degerming of the hands of nursing and other hospital personnel is the prevention of the transfer of pathogenic organisms from infected patients to the attending personnel and to other patients.

The development and testing of products for this purpose has lagged. The ideal preparation would be a broad-spectrum, fast-acting, substantive antimicrobial which could realistically be used for the numerous repeated daily handwashings required in patient care. The ideal product must reduce the transient flora to the level present before the manipulations required by patient care and must have characteristics which will allow repeated use and conformity to routine use without excessive irritation.

Transient microorganisms can be readily added to the flora of the skin and be retained for varying periods of time depending on the environmental and micro-environmental conditions encountered. The variety of transient organisms acquired depends upon the contacts which the hands have made. Organisms encountered and retained on the skin have been enumerated and described by Marples (Ref. 1), Blank et al. (Ref. 2) and Rosebury (Ref. 3) and include numerous gram negative species (Ref. 6) and a variety of fungi.

The plea was first made by Price in 1950 (Ref. 4) and repeated by King and Zimmerman (Ref. 5) for a comparative study of hand degerming and scrubbing products using standard laboratory techniques so that some rational recommendation for use can be made. This Panel would also recommend controlled comparative studies in an attempt to reduce the conflicting and ambiguous claims by manufacturers and possibly to resolve laboratory data from studies where the design varies virtually with every study performed.

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5. *Use of pre-operative skin preparations.* An antimicrobial product for use in the preparation of the operative site may possess characteristics different from surgical scrubs or handwashing products. Since the product is normally and routinely applied only once to prepare the skin for surgery or manipulative procedures, the antimicrobial should be fast acting and broad spectrum. The product should not cause injury to the site where it is applied. It is desirable to reduce the microbial population (resident and transient) to as low a level as possible prior to the surgical procedures (Ref. 2). Five percent phenol solution was preferred by Lister, while iodine, organic mercury compounds, quaternary ammonium compounds and ethyl alcohol have been used in more recent times as recorded by King and Zimmerman (Ref. 1).

There are some difficulties associated with the testing of pre-operative skin preparations. (See discussion in the guidelines of efficacy testing of a patient pre-operative skin preparation.) Frequently, the skin is not rinsed after application of a pre-operative skin preparation. If in vivo tests of effectiveness are undertaken, the carry-over of the residual antimicrobial ingredient from the skin to the culture medium in the process of sampling of the skin becomes a problem. In order to counteract the antimicrobial activity of any chemical inadvertently carried-over, neutralizers specific for the antimicrobial should be added to the culture medium. Neutralizer development has made reliable testing of antiseptics and disinfectants possible. The lack of rinsing of the skin and the subsequent carry-over of the antimicrobial ingredient during testing has stimulated development of a variety of neutralizing formulations for use in the testing of antimicrobial skin products including a universal one as described by Engley and Dey (Ref. 3). If neutralizers are utilized, the inherent toxicity of the neutralizer for the specific mircroorganisms being tested should be determined, as well as verification that the neutralizer is effective for the antimicrobial chemical being tested. Effectiveness testing of a Patient Pre-Operative Skin Preparation is described in the Guidelines for Testing in this document.

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6. *Use of antimicrobial products in the reduction of staphylococcal colonization in the nursery.* Studies by Rammelkamp et al. (Ref. 1), Love et al. (Ref. 2) and others, have shown a reduction in the incidence of pathogenic organisms in the nursery with antiseptic hand care. Gluck and Wood (Ref. 3) showed, in a controlled study, that routine practice of hexachlorophene bathing of newborn infants in the nursery reduced staphylococcal colonization. Many washing procedures for infants utilizing dilutions of the commonly available 3 percent hexachlorophene products with variations in regimen have been in use since hexachlorophene bathing was introduced.

Questions have been raised over the years concerning the influence of the use of a gram positive bacteriostatic agent on the incidence of gram negative infections in the nursery. One such comment is in the report by Light and Sutherland (Ref. 4). Some nurseries have operated without the use of hexachlorophene bathing at all and still maintain low infection rates. Indications are that the recent cessation of use of hexachlorophene to bathe infants in the nursery has resulted in increased staphylococcal infections in nurseries. These outbreaks have been documented by Gezon (Ref. 5), Dixon et al. (Ref. 6) and Kaslow et al. (Ref. 7).

The Food and Drug Administration, upon the advice of the OTC Antimicrobial I Panel, took action and issued in the FEDERAL REGISTER of September 27, 1972 (37 FR 20160) a final order making hexachlorophene available only by prescrip-

tion, except at concentrations less than 0.1 percent as part of a preservative system, and limiting the indications in the labeling under 21 CFR 3.91. The use of hexachlorophene in nurseries is now limited to handwashing by personnel and its use to bathe the infants is recommended only in the face of an unchecked staphylococcal outbreak. The indications as specified in the final regulation are as follows:

(a) Bacteriostatic skin cleanser for surgical scrubbing or handwashing as part of patient care.

(b) For topical application to control an outbreak of gram positive infection where other infection control procedures have been unsuccessful. Use only as long as necessary for infection control.

Other antimicrobial products may eventually replace hexachlorophene as a means of reducing staphylococcal colonization. Authors generally agree that the umbilical stump is the site initially colonized with *Staphylococcus* in the newborn. This observation has been verified by Hurst (Ref. 8) and Fairchild (Ref. 9).

Studies designed to show reduction in colonization with staphylococci and subsequent prevention of staphylococcal disease will be difficult to perform in the future with new antimicrobial products. The major difficulties are the projected large number of patients necessary for a prospective study and the need to obtain patient consent.

The Panel has reviewed triple dye (a combination of bacteriostatic dyes) which was in use prior to the introduction of hexachlorophene bathing of neonates (Ref. 10). This dye combination has been used to supplant the formerly used hexachlorophene (Ref. 11). Because of the renewed interest in Triple Dye, the Panel has reviewed the existing literature and has included this product in the report.

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7. *Use of skin wound cleanser.* The removal of foreign material from minor, superficial wounds without retardation of healing is regarded by the Panel as the primary use for this category of products.

The Panel is aware that there is a wide array of products which are to be used on the skin for cleansing wounds or with the intent of preventing infections. Historically these products have contained an antimicrobial ingredient based on the theory that use of such an ingredient was beneficial for use in or on a minor cut, scrape, burn or wound. Little, if any, scientific evidence exists to substantiate the assumption of prophylaxis against infection by the topical use of antimicrobial ingredients.

The Panel, after review of the information submitted, has concluded that the primary treatment of the wound should be the thorough cleansing of that wound to remove foreign material, dirt and debris.

STATEMENT ON SAFETY FACTORS FOR TOPICALLY APPLIED ANTIMICROBIAL AGENTS

In the field of toxicology it has been traditional in estimating safety factors for topically applied materials to relate the "effect" and "no-effect" level resulting in pathological alterations from the orally (intravenous, intraperitoneal and inhalation have also been used) and dermally administered dose. Some multiple of the highest no-effect dose, based on body weight (mg/kg), has been used in calculating a safety factor. The Panel in considering this approach to safety factors examined other evidence that suggested that biological effects of the applied chemical are often best extrapolated among species on the basis of relative surface areas (Ref. 2 and 10). The Panel utilized this latter approach initially in its calculations for safety factors for topically applied antimicrobial ingredients. In addition, the Panel is cognizant of the fact that analytical chemical techniques can now be utilized to determine concentrations of chemicals in blood. This then can permit correlation of the topically applied dose to blood levels and any resultant pathological alterations.

Knowledge of the blood levels achieved by application of a chemical in varying formulations at different dose levels and routes of administration can help in the understanding of the biopharmacology of a chemical substance. Even before the topically applied material gets into the blood there are many conditions which influence the rate and amount absorbed through the skin. There are great differences among animal species, among skin areas on the body, among normal, irritated, diseased or previously treated skin areas and often variations from one individual to another. For these reasons systemic toxicological information from topically applied materials can at best be only supplementary to that from administration by another route which bypasses the cutaneous barrier and insures appropriate amounts in the blood. Additionally, the rate of absorption, the rate of excretion, the metabolic fate, and the amount stored in depots also affect the relationship between the applied dose and pathological alteration. Blood levels therefore may be a more reliable correlate of pathologic effects to aid in the determination of safety factors than administered dosages. The Panel believes that it is important to develop, such information whenever possible, and to take it into consideration in the development and setting of safety factors. This blood level data should be required in toxicological studies as it may be a more direct measure of absorbed dose than can be obtained from merely a measure of topically applied dose.

Many methods were presented to the Panel for the determination and/or prediction of the toxicity of an active chemical ingredient in man based on data obtained from laboratory animals.

A variety of calculations of applied dose, absorption, blood levels and appropriate safety factors have been reviewed by the Panel and discussed with various persons. The Panel has decided to detail specific examples of their calculation procedures used in the estimation of possible toxic effects among species, and they are included herein. The Panel recognizes the difficulty in the translation of the results of toxicity testing from one species to another and particularly, to man. Various assumptions have been made in the past concerning the relative sensitivity of man compared to various animal species, but established comparisons do not exist primarily because of variation in effect with different drugs.

Paracelsus (1493–1541) wrote: "All things are poisons, for there is nothing without poisonous qualities. It is only the dose which makes a thing a poison." In addition to the "poisonous qualities" a chemical may possess, at certain concentrations and routes of administration, other characteristics such as subject idiosyncrasy, allergy, and tolerance must be considered to evaluate safety of an effective dose.

The initial toxicological evaluations are conducted in animals to determine the qualitative and quantitative pharmacological aspects of the chemical. Delineators of response which may vary from species to species are routes of adminis-

tration, dose and plasma levels, rate of absorption, rate and route of excretion, distribution throughout the body, and nature and number of metabolites. Because species differences can be considerable, multiple animal species (rodent and nonrodent) should be used. Further, something should be known of the effect of the active chemical agent in all the species tested so that some comparison can be made with man.

Blood levels of the active ingredient in animals are of value in the overall evaluations of "effect" (lowest dose which produces a toxic effect) "no-effect" (highest dose which produces no toxic effect) response dose levels. They are the result of several interrelated mechanisms, among them being (1) absorption rate from the site of application, (2) metabolism by enzymes, (3) distribution and storage in the tissues, and (4) excretion. Absorption is not the same in all animals or from all sites of administration. This may be related to species differences and/or to the physical-chemical properties of the active chemical. The metabolic rate and fate of an ingredient is a direct reflection of the animals' enzyme systems which characterize the individual animal species. Therefore, blood levels of the active chemical and or metabolites are important determinants after a particular mode of dosing in a particular species of animal. As demonstrated by Spinks (Ref. 1) when 100 mg/kg of sulfadimidine was fed orally to 10 different species of animals, doses produced blood levels in the various species which had little relationship to body size or blood volume. As stated earlier, absorption is not the same in all animals, or from all sites of administration. Of course, experienced investigators would shave the site of application for the testing of topically applied products and dose seven days a week.

The active ingredients which are reviewed here are formulated in topically applied products. The importance of vehicle in the delivery of the active ingredient is well recognized. Not only should there be an investigation of toxic effect after topical application, but the character and effect of the vehicles alone should also be examined. The toxicity of a specific ingredient can be dramatically affected by selection of a vehicle.

The Panel recognizes the difficulty in translating the results of animal toxicity to man. Sufficient animal data must be collected to construct a dose/response curve. This should include adequate data on absorption, blood level(s), metabolic rate and fate, and excretion, so that an analysis for threshold effect and safe use level for that particular animal can be determined. Then an extrapolation to man may be made. Any error in translation of effects to man must be on the side of human safety. A safety factor frequently has been applied to the lowest effect level in animals when that particular dose is translated to potential and/or possible toxic effects in man. For example, a 100-fold safety factor has generally been used for the applied dose for food additives. Actually, it varies from 10 to 500 in application to food additives. The safety factor used in any given case depends upon the nature of the adverse effects noted in animals and on the amount of data derived from human studies. The 100-fold margin of safety is a useful general guide. If, however, a different safety factor is used, it should be based on adequate scientific studies that establish safe levels of use. The Panel has used the methods of Paget and Barnes (Ref. 2) to translate toxic oral or topical doses in animals to the dose where an expected toxic effect might appear in man. This was done because safety data of the type recommended by the Panel were not available.

The following methods were used by the Panel in an effort to calculate these safety factors:

The Panel made calculations from data presented for various ingredients. The calculations presented here are hypothetical, show the assumptions made and are intended to explain the method.

1. Expected no-effect dose level in man: Determine the lowest toxic effect and the highest no-effect dose in mg/kg topically applied in an animal species. (If an effect cannot be determined in a topical application, the oral route of administration should be employed). Take the highest no-effect dose in that animal species and calculate the absolute dose using the method described in Paget and Barnes (Ref. 2). From the absolute dose the multiplication can be made with the factor given in this reference for the specific animal used in the test and this, then, is the dose level at which no-effect might also be expected in man.

2. Expected blood level from product use in man: Assume a bar soap with 3 percent active antimicrobial is used for one bath per day. Assume that 7 grams of soap are used in one bath. This would give an exposure of 0.21 grams or 210 mg. per bath of active ingredient. Assume retention of all 210 mg. active ingredient on the skin (there is very little firm data presently available on the amount of antimicrobial retained on the skin after exposure). If 3 percent of the applied active ingredient is absorbed into the blood stream, the dose per bath would be:

0.03×210.0 mg.$=6.30$ mg. active ingredient absorbed.

If the assumption is made that the total dose is immediately absorbed, the dose distributed in the blood of a 70 kg. human would be:

$$\frac{6.30 \text{ mg}}{5{,}000 \text{ ml blood/70 kg human}} = 1.26 \text{ mcg active ingredient per milliliter of blood}$$

The assumption is made here that the amount of chemical presented to the individual in a single bath is all retained on the skin and absorbed and distributed in the blood giving a blood level of 1.26 mcg/ml.

As a further example, assuming retention of 0.5 mcg. of active ingredient per sq. cm. of skin and the product is to be used over the entire skin area, as in a bar soap, the total dose retained would be 9.25 mg. over the entire body. The calculation would be 0.5 mcg. per sq. cm. $\times 18{,}500$ sq. cm. of skin (based on a 70 kg, 5'10" human). Assuming for this case, a 10 percent absorption:

$9.25 \text{ mg.} \times 0.10 = 0.93$ mg. dose per bath

If the assumption is also made that the total dose is immediately absorbed, the dose distributed in the blood of a 70 kg. human would be:

$$\frac{0.93 \text{ mg}}{5{,}000 \text{ ml blood/70 kg human}} = 0.18 \text{ mcg active ingredient per milliliter of blood}$$

Safety factors were calculated using the available evidence. For the specific calculations, see the individual ingredient statements.

These two hypothetical calculations using known facts with stated assumption are examples of the type of safety factor calculations considered by the Panel. In this calculation, the information required is the retention of the chemical by the skin after exposure. The missing information here is the absorption excretion kinetics for that chemical.

A direct comparison can be made and thus a safety factor can be estimated by a comparison of the calculated human blood level with the blood level in animals, if known. A comparison of the dose where there is no effect in animals translated to the dose in which no effect may be expected in humans against the hypothetical dose to which a person is exposed from the use of a product containing the ingredient can be made if blood level data are not available.

It must be stressed again that the best calculations and judgments are made when all of the pertinent data are available and frequent assumptions do not have to be made. The variety of calculations presented to the Panel have been the result of making assumptions because the data were not available.

In the Panel's judgment, submitted studies to determine effect/no-effect level have been inadequate. For example, where two dose levels were run (100 mg/kg; 500 mg/kg) and the lower dose demonstrated no-effect while the higher dose demonstrated an effect, additional studies must be conducted using appropriate intermediate doses to determine the highest no-effect level.

If the safety factor is extrapolated from an animal species to man, considering surface area, the highest no-effect dose should be used for the multiplier. In the absence of complete data, at least a one hundred-fold safety factor should be applied when translating the animal highest no-effect dose to man.

The ideal situation would occur where enough animal data have been collected to construct a dose response curve with concurrent blood levels so that analysis for threshold effect and safe level estimation for the animal can be made Mantel and Bryan (Ref. 3), Mantel (Ref. 4)

and Gross et al. (Ref. 5). Additional references supporting the ideas expressed here are found in Crampton (Ref. 6), Litchfield (Ref. 7 and 8) and World Health Organization Technical Report (Ref. 9).

In summary, the Panel recommends that toxicological studies, where appropriate, contain applicable administered doses, achieved blood levels, and observed pathological alterations in the same study and the same species.

REFERENCES

(1) Spinks, A., "Justification of Clinical Trial of New Drugs," *Evaluation of New Drugs in Man*, Edited by E. Zaimis, Macmillan, New York, pp. 7–19, 1965.

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DEFINITIONS OF PRODUCT CATEGORIES

Not all antimicrobial products are used for the same purpose nor should the requirements for effectiveness be the same. In an attempt to classify topically applied antimicrobial ingredients and products, one of the important concepts considered in the development of definitions is the distinction between the determination of effectiveness in preventing or combatting clinical infection (sepsis) and the reduction of resident or transient microorganisms on the skin.

Label claims for handwashing, surgical scrubs and first-aid products presently include prevention of infection, reduction in spread of infection, and reduction of normal flora. Frequently, claims against specific organisms are made with clinical implications based solely on in vitro data.

The following specific definitions of antimicrobial product categories have been developed by the Panel in an attempt to simplify categorization of ingredients and thereby eliminate labeling confusion.

The most rigid definition with respect to effectiveness requirements is for a "skin antiseptic". The other six definitions relate to the "skin antiseptic" definition and their distinctive effectiveness requirements are described. Each defined product requires specific studies to support effectiveness.

The Panel has adopted definitions for the following categories of topical preparations when applied at acceptable use concentrations:

Skin Antiseptic
Patient Pre-Operative Skin Preparation
Surgical Hand Scrub
Health-Care Personnel Handwash
Skin Wound Cleanser
Skin Wound Protectant
Antimicrobial Soap

1. Skin antiseptic—"A safe, non-irritating, antimicrobial-containing preparation which prevents overt skin infection. Claims stating or implying an effect against microorganisms must be supported by controlled human studies which demonstrate prevention of infection."

There has been misunderstanding, confusion and exaggeration in the definition and use of the term "antiseptic." The literal translation from the Greek means "against putrefaction." In recent times the definition has been interpreted as activity against infection or microbial sepsis. The term "antiseptic" is comparable to accepted definitions for a "disinfectant." Even though they are often confused, there has been a traditional restriction of the term "antiseptic" for antimicrobial formulations applied to living tissues, particularly on the human body, and the term "disinfectant" to inanimate objects. The distinction between antiseptics and disinfectants, for regulatory purposes, has also been made on the basis of these definitions. The Panel's view is that "antisepsis" properly refers to the use of antimicrobial chemicals on the skin or on human tissue and that "disinfection" properly refers to their use on inanimate objects. Disinfectants or antimicrobial chemicals labeled for use on inanimate objects are regulated as economic poisons under the Federal Environmental Pesticide Control Act (7 U.S.C. 136). Antiseptics labeled for use on human or animal tissue are regulated as drugs under the Federal Food, Drug and Cosmetic Act.

The traditionally accepted definition metic Act defines an "antiseptic" as "The representation of a drug in its labeling as an antiseptic shall be considered to be a representation that it is a germicide except in the case of a drug purporting to be or represented as an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder or such other use as involves prolonged contact with the body."

The traditionally accepted definition of an antiseptic by the scientific community has included activity against infection when applied to living human tissues and has been recorded in publications by Reddish (Ref. 1) and Patterson (Ref. 2). A current definition by Sykes (Ref. 3) states that antiseptics are preparations possessing antibacterial or antifungal activities which are suitable for application to living tissues of the human body.

Over the years, the exaggerated labeling claims on a large variety of products containing antimicrobials has led to misuse and abuse of the term "antiseptic."

The Panel has attempted to eliminate the confusion by developing a rigorous definition of a Skin Antiseptic. The remaining definitions can be explained in terms of their own effectiveness requirements and in the manner in which their use and composition differs from a skin antiseptic.

2. Patient pre-operative skin preparation—"A safe, fast-acting, broad-spectrum antimicrobial-containing preparation which significantly reduces the number of microorganisms on intact skin."

Any product labeled as a Patient Pre-Operative Skin Preparation must be effective against all types of organisms comprising the skin microflora so as to obtain as low a number of micro-organisms as possible in a short period of time without injury to the operative site. Controlled studies, conclusively demonstrating that the use of antimicrobial-containing products are superior to soap and water in the prevention of post-surgical wound infections do not exist. The inescapable logic in the use of products designed to reduce the microbial flora in the operative field is apparent and is supported by a long history of use. The use of these products is specialized, under professional supervision, and will generally be for a single application.

3. Surgical hand scrub—"A safe, non-irritating antimicrobial-containing preparation which significantly reduces the number of micro-organisms on the intact skin. A surgical hand scrub should be broad-spectrum, fast-acting and persistent."

The use of this category of products is normally limited to the hands and forearms. The comments concerning postsurgical infection made under Patient Pre-Operative Skin Preparation apply here. A discussion of the effectiveness, difficulties to be considered and rationale for the product is presented in the Panel's comment concerning effectiveness under Surgical Hand Scrub. The term persistent refers to the possibility of extended activity with time of an applied antimicrobial by a mode, including among others, substantivity.

4. Health-care personnel handwash—"A safe, non-irritating preparation designed for frequent use, which reduces the number of transient microorganisms on intact skin to an initial baseline level after adequate washing, rinsing and drying. If the preparation contains an antimicrobial agent, it should be broad-spectrum, fast-acting, and if possible, persistent."

A product fitting this definition should be designed to be used repeatedly, perhaps as many as 100 times a day, to reduce and, if possible, eliminate "transient" microorganisms present on the

skin resulting from contact with contaminated persons or materials. In all likelihood, the specified effect, i.e., removal of transient organisms can be achieved with a well-formulated nonantimicrobial soap or detergent product. In vivo testing would be mandatory to show the effectiveness of such a product (See suggested testing procedures in Guidelines in this document). Any transient organism can become part of the established "resident" flora with time. Obviously, in a health-care situation, the fast, effective removal of transient organisms is a requirement since they may be pathogenic.

Such products containing an antimicrobial ingredient should be broad-spectrum. The term broad-spectrum when used with reference to microbiological spectrum means that the antimicrobial has activity against more than one type of microorganism. For example, many of the active ingredients discussed in this report have significant activity against only gram positive bacteria whereas a broad-spectrum antimicrobial would have to demonstrate activity against gram positive and gram negative bacteria and would very likely also have activity against fungi and viruses. A product containing an antimicrobial with substantive (retention of the chemical in the skin) properties which acts to prevent the growth or establishment of transient microorganisms as part of the normal baseline or resident flora would provide an added benefit.

Essential qualities of all health-care personnel handwash preparations must be low toxicity and little or no irritancy with repeated use. The adherence to washing regimens is an important consideration in the formulation of products in this category and health care personnel reject the repeated use of irritating and/or unpleasant formulations.

5. Skin wound cleanser—"A safe, nonirritating liquid preparation (or product to be used with water) which assists in the removal of foreign material from small superficial wounds and does not delay wound healing."

A product in this category is designed to aid, by its cleansing activity, in the removal of foreign materials from a minor superficial wound. Such a product may or may not contain an antimicrobial ingredient. Included in the term "safe" are the considerations that the skin wound cleanser should be non-irritating and not delay wound healing. It is obvious that a product such as a bar soap with water could serve as a Skin Wound Cleanser. There is no necessity that such a product show effectiveness in the prevention of wound infection.

6. Skin wound protectant—"A safe, non-irritating preparation applied to small cleansed wounds which provides a protective (physical and/or chemical) barrier and neither delays healing nor favors the growth of microorganisms."

A product in this category whether a liquid, semisolid, or solid preparation, when applied to a properly pre-cleansed superficial minor wound, provides a physical and/or chemical barrier to protect the wound from further contamination with foreign material or microorganisms. This type of product may or may not contain an antimicrobial ingredient. These products, by definition, are not designed for extended repeated use or for use on large or deep wounds.

7. Antimicrobial soap—"A soap containing an active ingredient with in vitro and in vivo activity against skin microorganisms."

Soaps without antimicrobial ingredients (as defined in 21 CFR 3.652) are exempt from regulation under the Federal Food, Drug, and Cosmetic Act.

An antimicrobial soap must, by definition, contain an active antimicrobial ingredient. A product in this category is designed to reduce the microbial flora of the skin. Both the resident and transient pathogenic and non-pathogenic flora of the skin may be reduced by the use of an antimicrobial soap. The relationship of this reduction to the prevention of minor skin infection has not been established. (For a more detailed review, see the Panel's comments on the effectiveness of Antimicrobial soaps.) Antimicrobial soaps should be designed and tested for safety, when used repeatedly and for extended periods, potentially for a lifelong duration with total body exposure. In recent years the addition of antimicrobial agents to soaps has greatly increased, and many individuals are involuntarily, unknowing captive consumers of such soaps (Ref. 4). Because a large portion of the population is exposed to this potential hazard, the Panel recommends that any soap or detergent containing an active antimicrobial ingredient state on its label the United States Adopted Names (USAN) or common name of the active ingredient.

REFERENCES

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The OTC Antimicrobial I Panel has thoroughly reviewed the literature, and the various data submissions, has listened to additional testimony from interested parties and has considered all pertinent data and information submitted through June 15, 1973 in arriving at its conclusions and recommendations.

ACTIVE INGREDIENTS

The Panel reviewed all active ingredients which were the subject of submissions made to the Panel pursuant to the standards for safety, effectiveness, and labeling set out in the regulations.

In accordance with the regulations, the Panel's findings with respect to these ingredients are set out in three categories:

I. Conditions under which antimicrobial products are generally recognized as safe and effective and are not misbranded.

II. Conditions under which antimicrobial products are not generally recognized as safe and effective or are misbranded.

III. Conditions for which the available data are insufficient to permit final classification at this time.

A table listing the active ingredients, classified into one of the three categories, for use in preparations defined by the Panel is included for easy reference.

	Active ingredient	Antimicrobial soap	Healthcare personnel hand wash	Patient preop skin preparation	Skin antiseptic	Skin wound cleanser	Skin wound protectant	Surgical hand scrub
1	Benzalkonium chloride	NA[1]	III	III	III	I	III	III
2	Benzethonium chloride	NA[1]	III	III	III	I	III	III
3	Cloflucarban	III	III	II	II	II[2]	II	II
4	Fluorosalan	II	II	II	II	II	II	II
5	Hexachlorophene	II	II	II	II	II	II	II
6	Hexylresorcinol	NA[1]	III	III	III	I	III	III
7	Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.	NA[1]	III	III	III	III	III	III
8	Methylbenzethonium chloride.	NA[1]	III	III	III	I	III	III
9	Nonylphenoxypoly (ethyleneoxy) ethanoliodine.	NA[1]	III	III	III	III	III	III
10	Para-chlorometaxylenol	III	III	III	III	III	III	III
11	Phenol:							
	(a) Greater than 1.5% (aqueous alcoholic)	II	II	II	II	II	II	II
	(b) 1.5% or less (aqueous alcoholic)	III	III	III	III	III	III	III
12	Poloxamer-iodine complex	NA[1]	III	III	III	III	III	III
13	Povidone-iodine complex	NA[1]	III	III	III	III	III	III
14	Tincture of iodine	NA[1]	II	I	II	II	II	II
15	Tribromsalan	II	II	II	II	II	II	II
16	Triclocarban	III	III	II	II	II[2]	II	II
17	Triclosan	III	II	II	III	III	III	II
18	Triple dye	NA[1]	NA[1]	NA[1]	III[3]	NA[1]	NA[1]	NA[1]
19	Undecoylium chloride-iodine complex.	NA[1]	III	III	III	III	III	III

[1] NA (Not applicable)—Due to a physical and/or chemical incompatability in formulation.
[2] Classified in category III when formulated in a bar soap to be used with water.
[3] Restricted for use only in the neonatal nursery.

NOTE.—For other phenols and vehicles, see body of report.

I. *Conditions under which antimicrobial product are generally recognized as safe and effective and are not misbranded.* The Panel recommends that the conditions specified in Category I be made effective 30 days after publication of the final monograph in the FEDERAL REGISTER.

ACTIVE INGREDIENT

A. The active ingredients generally recognized as safe and effective for use in an "antimicrobial soap" and not misbranded are:

1. None listed.

B. The active ingredients generally recognized as safe and effective for use in a "health-care personnel handwash" and not misbranded are:

1. None listed.

C. The active ingredients generally recognized as safe and effective for use in a "patient pre-operative skin preparation" and not misbranded are:

1. Tincture of Iodine.

D. The active ingredients generally recognized as safe and effective for use in a "skin antiseptic" and not misbranded are:

1. None listed.

E. The active ingredients generally recognized as safe and effective for use in a "skin wound cleanser" and not misbranded are:

1. Benzalkonium chloride.
2. Benzethonium chloride.
3. Hexylresorcinol.
4. Methylbenzethonium chloride.

F. The active ingredients recognized as safe and effective for use in a "skin wound protectant" and not misbranded are:

1. None listed.

G. The active ingredients generally recognized as safe and effective for use in a "surgical hand scrub" and not misbranded are:

1. None listed.

TINCTURE OF IODINE AS A PATIENT PRE-OPERATIVE SKIN PREPARATION

There is an approximate 50-year history of the use of elemental iodine on the skin and mucous membranes. Iodine is soluble in alcohol and only slightly soluble in water but the presence of iodides increases its solubility in water. Iodine is a microbiocidal agent for cells on the skin at low concentrations. It must be recognized that the activity of iodine is dramatically influenced by the presence of organic material. A tincture product containing approximately 2 percent iodine has been used for many years. There is some irritation of the skin associated with the use of tincture of iodine. On the basis of risk-benefit considerations, the one-time use of this formulation as a patient pre-operative skin preparation can, in the Panel's view, be justified considering the efficacy of tincture of iodine on the microorganisms on the skin. The use of this formulation is limited to painting of the operative site prior to surgery and must be removed immediately upon drying with 70 percent alcohol after application, or used as directed by a physician.

The acceptable composition for tincture of iodine is not less than 1.8 grams and not more than 2.2 grams of iodine (I), and not less than 2.1 grams and not more than 2.6 grams of sodium iodide (NaI) in each 100 ml. of 44–50 percent ethyl alcohol or an appropriate denatured alcohol.

HEXYLRESORCINOL FOR USE AS A SKIN WOUND CLEANSER

It is obvious to the Panel from their review of the toxicity data in the literature and in the submissions to the Panel that hexylresorcinol is safe for topical use in small superficial wounds. The concentration of hexylresorcinol for use in a skin wound cleanser should be limited to a use concentration not greater than 1/1000. The major reason for the placement of hexylresorcinol in Category III was the paucity of effectiveness data for uses in other topical products. The reader is referred to the discussion of hexylresorcinol under Category III.

QUATERNARY AMMONIUM COMPOUNDS FOR USE AS A SKIN WOUND CLEANSER

Reference is made to the discussion of quaternary ammonium compounds ("quats") under Category III. Because of the reported delay in wound healing with quaternary ammonium compounds in animal model studies reported by Custer et al. (Ref. 1) and Edlich et al. (Ref. 2), only infrequent use in small superficial wounds is recommended by the Panel. Since many "quats" have a detergent action (Ref. 3 and 4) which can aid in the removal of foreign material from a small wound, their use in the formulation of a skin wound cleanser is reasonable, and in the opinion of the Panel, safe. The concentration of the quaternary ammonium compound (as benzalkonium chloride, benzethonium chloride, or methylbenzethonium chloride) should be limited to a use concentration not greater than 1/750. As defined by the Panel, an ingredient formulated in a skin wound cleanser need not possess antimicrobial activity. The dilution recommended for use of "quats" as a skin wound cleanser under Category I is regarded as safe provided that the product is not used repeatedly, covered with occlusive bandaging, or used in deep or extensive wounds.

REFERENCES

(1) Custer, J., R. F. Edlich, M. Prusak, J. Madden, P. Panek and O. H. Wangensteen, "Studies in the Management of the Contaminated Wound. V. An Assessment of the Effectiveness of pHisoHex and Betadine Surgical Scrub Solutions," *American Journal of Surgery*, 121:572–575, 1971.

(2) Edlich, R. F., I. R. Schmolka, M. P. Prusak and M. T. Edgerton, "The Molecular Basis for Toxicity of Disinfectants in Surgical Wounds," 1. EO:PO Block Polymers, Draft of unpublished paper is included in OTC Volume 020186.

(3) Reddish, G. F., *"Antiseptics, Disinfectants and Fungicides and Chemical and Physical Sterilization,"* 2nd. Ed., Lea and Febiger, Philadelphia, 1957.

(4) Hugo, W. B., *"Inhibition and Destruction of the Microbial Cell,"* Academic Press, New York, 1971.

LABELING

OTC products which contain active ingredients listed in Category I may use any phrase that is in the definition for that product category or any of the following additional terms:

A. ANTIMICROBIAL SOAP

1. Antimicrobial soap.
2. Antibacterial soap.
3. Reduces odor.
4. Deodorant soap.

B. HEALTH-CARE PERSONNEL HANDWASH

1. Decreases bacteria on skin.
2. Reduces risk (and/or chance) of cross-infection.
3. Recommended for repeated use.

C. PATIENT PRE-OPERATIVE SKIN PREPARATION

1. Kills microorganisms.
2. Reduces the number of microorganisms on the treated area.
3. Broad spectrum (if applicable).

D. SKIN ANTISEPTIC

1. Prevents overt skin infection.
2. Controls infection.
3. Degerming.
4. Kills germs.
5. Bacteriostatic and/or bactericidal.
6. Reduces the risk of infection and cross-infection.
7. Microbiocidal.
8. First-aid product.

E. SKIN WOUND CLEANSER

1. To clean superficial wounds.
2. Wash superficial (small) wounds.
3. First-aid product.
4. Aids in removal of foreign materials such as dirt and debris.

F. SKIN WOUND PROTECTANT

1. Protects against contamination.
2. Protects wounds.
3. Protectant.
4. First-aid product.

G. SURGICAL HAND SCRUB

1. Only phrases in definition.

The Panel was concerned that the phrases used in the definitions would not always be easily understood by the ordinary individual. For that reason they believe that the above listed terms are necessary so that OTC drugs will have labeling that is truthful and can be understood by consumers.

II. *Conditions under which antimicrobial products are not generally recognized as safe and effective or are misbranded.* The Panel recommends that the conditions specified in Category II, except for hexachlorophene and tribromsalan which have been handled separately (see hexachlorophene and tribromsalan discussions in this section) be made effective six months after publication of the final monograph in the FEDERAL REGISTER.

ACTIVE INGREDIENTS

A. the active ingredients not generally recognized as safe and effective for use in an "antimicrobial soap" and misbranded are:

1. Fluorosalan.
2. Hexachlorophene.

3. Phenol greater than 1.5 percent aqueous/alcoholic.
4. Tribromsalan.

B. The active ingredients not generally recognized as safe and effective for use in a "health-care personnel handwash" and misbranded are:

1. Fluorosalan.
2. Hexachlorophene.
3. Phenol greater than 1.5 percent aqueous/alcoholic.
4. Tincture of iodine.
5. Tribromsalan.
6. Trichlosan.

C. The active ingredients not generally recognized as safe and effective for use in a "patient pre-operative skin preparation" and misbranded are:

1. Cloflucarban.
2. Fluorosalan.
3. Hexachlorophene.
4. Phenol greater than 1.5 percent aqueous/alcoholic.
5. Tribromsalan.
6. Trichlocarban.
7. Triclosan.

D. The active ingredients not generally recognized as safe and effective for use in a "skin antiseptic" and misbranded are:

1. Cloflucarban.
2. Fluorosalan.
3. Hexaclorophene.
4. Phenol greater than 1.5 percent aqueous/alcoholic.
5. Tincture of iodine.
6. Tribromsalan.
7. Triclocarban.

E. The active ingredients not generally recognized as safe and effective for use in a "skin wound cleanser" and misbranded are:

1. Cloflucarban.[4]
2. Fluorosalan.
3. Hexachlorophene.
4. Phenol greater than 1.5 percent aqueous/alcoholic.
5. Tincture of iodine.
6. Tribromsalan.
7. Triclorcarban.[4]

F. The active ingredients not generally recognized as safe and effective for use in a "skin wound protectant" and misbranded are:

1. Cloflucarban.
2. Fluorosalan.
3. Hexachlorophene.
4. Phenol greater than 1.5 percent aqueous/alcoholic.
5. Tincture of iodine.
6. Tribromsalan.
7. Triclocarban.

G. The active ingredients not generally recognized as safe and effective for use in a "surgical hand scrub" and misbranded are:

1. Cloflucarban.
2. Fluorosalan.
3. Hexachlorophene.
4. Phenol greater than 1.5 percent aqueous/alcoholic.
5. Tincture of iodine.
6. Tribromsalan.
7. Triclocarban.
8. Triclosan.

[4] Classified in Category III when formulated in a bar soap to be used with water.

HEXACHLOROPHENE

1. The OTC Antimicrobial I Panel thoroughly reviewed the submissions, literature and reports and listened to additional testimony from interested parties concerning the safety and effectiveness of hexachlorophene (HCP, 2, 2' methylenebis (3, 4, 6 trichlorophenol)). The Panel assumed that a topical antimicrobial OTC preparation should have at least a hundred-fold safety factor (applied to the administered dose) when used as directed. The data indicated that, with the presence of 1500 OTC formulations containing hexachlorophene, there would be potential toxicity from use of multiple products by one individual. Therefore, the Panel recommended to the Commissioner that hexachlorophene be considered not safe for general use as an OTC antimicrobial ingredient in man. Accordingly, a regulation, 21 CFR 3.91, delineates the future use of hexachlorophene only as a prescription drug, except when used as part of a preservative system in a concentration no greater than 0.1 percent.

Much of the information which supported this decision is part of the public record and is summarized below.

A key reference by Lockhart (Ref. 1) presents a review of early toxicological studies with hexachlorophene. She reviews the work of Kimbrough and Gaines (Ref. 2) and others who showed that hexachlorophene fed to rats for a few weeks produced central nervous system toxicity which is pathologically characteristic, if not absolutely diagnostic (Ref. 3).

Lesions occurred in the cerebellum, brain stem, and the cord. The tissues showed marked vacuolization of the grey and white matter. This lesion has been termed "status spongiosis" and has been described by Innes (Ref. 4). Virtually identical lesions have been found in the brains of other hexachlorophene-treated laboratory animals such as rabbits, dogs and monkeys as reported by Kimbrough (Ref. 2), Hart (Ref. 5), Curley (Ref. 24) and OTC Volumes 020044–020046, and 020069–020070 (Ref. 6). These lesions are sufficiently characteristic so that a trained neuropathologist can detect them in an examination of coded histopathologic sections. Furthermore, hexachlorophene-treated animals have been used as positive controls in evaluating potential neurotoxicity of other chemically related antimicrobial agents, providing an illustration of the consistency with which these lesions may be produced. (See OTC Volumes 020139 and 020148 (Ref. 6)).

Equally important was the development of an accurate and reliable method for measuring hexachlorophene blood levels by Browning (Ref. 7) and its application to the toxicological studies. As pointed out in the review by Lockhart (Ref. 1 and 11) results of several studies indicate that a blood level of greater than 1 mcg/ml is generally associated with pathological changes in the animal brains.

Lockhart (Ref. 1) also reviews in some detail a report to the Food and Drug Administration of a ninety-day bathing study of newborn rhesus monkeys with 3 percent hexachlorophene emulsion. Compared to no incidence in the controls, all five of the hexachloropohene-treated monkeys developed status spongiosis brain lesions and had mean blood levels about 1 mcg/ml. Other reports have confirmed the toxicity from repeated bathing of rabbits (OTC Volume 020148, Ref. 6) and in newborn monkey bathing studies (Ref. 14). In this study in newborn monkeys (Ref. 14), only seven days exposure was required to induce the lesions. Nieminen et al. (Ref. 25) have shown that hexachlorophene begins to have a toxic effect on the brains of exposed rats after they are about one week old. They noted vacuolization of the white matter, increased brain weight and water content along with paralysis of the hind legs. The new-born rats succumbed to a much lower oral dose of hexachlorophene than older rats. Martin-Bouyer (Ref. 26) has indicated the presence of lesions with electron microscopy as early as two hours after exposure to hexachlorophene. Lockhart (Ref. 1) reported that these toxic effects appear to be reversible in some circumstances after stopping exposure, provided that the animals survive.

In addition, Lockhart (Ref. 11) reviews hexachlorophene toxicity in man. Oral poisoning occurred in a number of cases usually after accidental ingestion. When hexachlorophene was used therapeutically in large doses for treatment of chlonorchiasis for 3 to 6 days, reversible central nervous system and gastrointestinal symptoms were produced in studies reported by Chung et al. (Ref. 8) and Liu et al. (Ref. 9). Topical use of hexachlorophene in the treatment of burns also has resulted in toxic effects and very high blood levels as reported in 1968 by Larson (Ref. 10).

Mullick (Ref. 13) examined the brain tissue sections of four children poisoned by topical exposure to hexachlorophene and confirmed that the lesions were identical to those seen in the animal studies.

Additional evidence of toxicity was reported from France when, during the summer of 1972, it became apparent that many infants had been poisoned by a topical baby powder inadvertently contaminated with up to 6 percent hexachlorophene (Ref. 12). More than 40 babies died during this episode. These data were supplied by the French Government and are currently confidential to the Food and Drug Administration and thus are not part of the public record of this Panel. Nevertheless, it is clear that the blood and tissue of infants who died contained high levels of hexachlorophene, an dthe central nervous system abnormalities observed histologically were indistinguishable from those produced in experimental animals.

While hexachlorophene is adsorbed onto the outer layers of skin, it is also absorbed systemically in relatively small amounts. Approximately 3 percent of the applied dose (in acetone) was absorbed into the systemic circulation in one study by Maibach (Ref. 15).

Significant blood levels have been detected in a number of studies of new-

borns bathed in hexachlorophene preparations, ranging from .009 mcg/ml to 0.78 mcg/ml reported by Curley et al. (Ref. 16 and 24), Cunningham (Ref. 17 and 29), and Kopelman (Ref. 18). In one study of 10 "problem babies," it was found to range from 0.1 to 1.59 mcg/ml with a mean of 0.52 mcg/ml giving toxic levels in some infants. Recent studies over a period of three to four weeks of total body bathing studies with 3 percent hexachlorophene in adults have shown blood levels as high as 1.42 mcg/ml (Ref. 30). Also surgical scrubs of hands and forearms of adults, five times a day, with 3 percent hexachlorophene preparations have given, in selected individuals, levels after 10 days of 0.5 mcg/ml or higher. These findings are a result of a series of blood level studies using a specific hand and arm scrubbing regimen suggested in a Food and Drug Administration protocol. This protocol was used in studies designed to fulfill the requirement for blood level studies for products containing hexachlorophene for continued marketing as prescription drugs. These levels are considered as potentially toxic levels. The highest level recorded from blood level studies using this specific hand and arm scrubbing regimen has been 0.84 mcg/ml. These data are included in OTC Volume 020186 (Ref. 6).

Ulsamer et al. (Ref. 27) measured the hexachlorophene concentrations in the blood of volunteers who used a variety of hexachlorophene-containing products. Blood concentrations ranged from 0.38 mcg/ml. of blood (in an individual using a 3 percent hexachlorophene liquid product on his whole body) to 0.02 to 0.14 mcgm/ml. in subjects only washing their hands with a 3 percent product. They established that routine use of these products produced detectable blood levels, some nearly as high as 0.4 mcg/ml. The number of subjects (12) was small.

A further review by Lockhart (Ref. 28) emphasizes the impact of the demonstration that hexachlorophene applied topically can result in systemic toxicity and the consequences of this information to the regulatory activities of the Food and Drug Administration. The pertinent details of the toxicity resulting from blood levels in animals and the blood levels resuting from use in humans is summarized.

Shuman, Leech and Alvord (Ref. 19 through 22) did a retrospective pathological study of coded brainstem tissue from infants who died of causes unrelated to hexachlorophene which was conducted at two different hospitals, one of which washed all newborns routinely with 3 percent hexachlorophene, while the other did not. Only one of 189 babies not bathed in 3 percent hexachlorophene showed brain lesions characteristic of hexachlorophene toxicity, whereas 20 of 61 babies receiving from one to as many as six hexachlorophene baths showed these brain changes.

Powell et al. (Ref. 23) have reported spongiform changes in myelinated tracts of the brainstem of seven infants with multiple exposures to hexachlorophene. Infants with low birth weight and/or premature infants with broken skin appeared to be a special risk of developing these lesions after hexachlorophene exposure.

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TRIBROMSALAN

2. The OTC Antimicrobial I Panel finds that tribromsalan (TBS, 3, 4', 5 tribromosalicylanilide) cannot be generally recognized as safe for general use as an OTC antimicrobial agent in man.

It is a brominated salicylanilide which even when free of related chemicals can cause photosensitive eruptions in man and its use can result in disabling skin disorders. In addition to the problem of photosensitization, the Panel is concerned about the potential toxicity of this compound, which is intended for daily, total body use, possibly for a lifetime. Animal and human toxicological data made available to the Panel fail to provide a basis for establishment of a safe level for use. With regard to efficacy, there was no clear evidence that it did anything except to help control body odor, for which other safer agents are available.

a. *Toxicology (Animal)*. Although several submissions reported blood levels obtained after varying doses administered both orally and topically, serious discrepancies in the reported toxicity of the drug were not completely resolved. Thus, in rats a report of brain and testicular damage after 25 mg/kg subchronic feeding, OTC volumes 020133 and 020139 was not substantiated in several other studies at higher concentrations, OTC Volumes 020102, 020136 and 020173 (Ref. 1). Two of these studies in which animals were dosed with 500 ppm showed measurable blood levels, but reported no organ toxicity, OTC Volumes 020102 and 020136 (Ref. 1). However, in yet another study, OTC Volume 020163, brain and eye damage was reported at dose levels of 3,750 ppm and questionable changes were seen at 750 and 1000

ppm although similar changes were seen in the controls (Ref. 1). Percutaneous toxicity studies in rabbits generally produced negative results, OTC Volumes 020048, 020107, 020148 and 020156 (Ref. 1). In OTC Volume 020048, in addition, there was a positive control with hexachlorophene which produced brain damage (Ref. 1). However, in the one study showing positive results, the animals were dosed at 1,000 mg/kg by topical application, OTC Volume 020133. The results of this study were later reputed as being due to oral ingestion of the drug by the animals, nevertheless, brain toxicity was reported (Ref. 1). A study done in dogs, OTC Volumes 020181 to 020183, was reported to the Panel as producing negative results but showed some questionable liver changes. In this study there was a positive control dosed with hexachlorophene showing brain damage (Ref. 1).

The carcinogenic, mutagenic and teratogenic potentials of this agent, which is absorbed through the skin, have not been adequately studied.

b. *Microbiology and clinical efficacy.* From the standpoint of effectiveness, laboratory studies revealed that tribromsalan is not a unique antimicrobial agent. It has antimicrobial activity against gram positive organisms, particularly against *Staphylococcus aureus* and other staphylococcal species, but not against fungi such as *Candida albicans*, gram negative organisms such as *Pseudomonas* species or coliformtype microorganisms. Furthermore, evaluation of several clinical studies utilizing tribromsalan-containing soaps including data by Leonard (Ref. 2), Duncan et al. (Ref. 3) and Wheatly et al. (Ref. 4) revealed no unequivocal or significant prophylactic effect of tribromsalan-containing preparations against superficial skin infections. The reader is referred to the extensive discussion of the efficacy and clinical tests of antimicrobial soaps under the Effectiveness of Antimicrobial Bar Soaps. A therapeutic effect of tribromsalan (as one of three ingredients) against erythrasma, a skin infection, was reported by Kooistra (Ref. 5), Dodge et al. (Ref. 6) and Rosenberg and Allen (Ref. 7). This finding of effectiveness against cutaneous *Corynebacterium minutissimum* infections cannot be taken to support OTC claims for effectiveness against more serious clinical pyogenic infections caused by other organisms. See also discussion under Erythrasma.

The use of a soap containing 1 percent tribromsalan in combination with 1 percent triclosan was reported in a study (Ref. 8) in which leukemic patients were bathed to reduce the total microbial flora on the skin. The authors reported that 60 percent of the 186 strains of organisms initially cultured were eliminated within two weeks after bathing with the test soap. The patients were not only in a highly artificial "life island unit" but they also received a number of both topical and systemic antibiotics at the same time as the soap was tested. The results could hardly be projected to conclude that tribromsalan is efficacious in the prevention of infection or the elimination of potential pathogens from the skin. This study is also discussed in detail in the Panel's statement on triclosan.

The authors of the study (Ref. 8) themselves suggest that their skin sampling techniques were only semi-quantitative and that they estimate only 40–60 percent of the organisms were recovered with their moist swab technique. The cultural techniques were not optimal for the isolation of the variety of organisms present on the skin. The Panel cannot support the conclusions that tribromalan is effective in the prophylaxis of skin infection from the data presented in this study. In fact in a subsequent publication (Ref. 9), these same authors describe another study of this type and conclude that although 76 percent of aerobic bacteria were eliminated by cleansing with a soap containing a combination of triclosan, and tribromsalan, strains of potential pathogens such as *Enterobacter* species, a *Klebsiella* species, *Proteus* species and *P. aeruginosa* persisted. Thirty-three percent of the patients had persistent pathogenic bacteria and 40 percent had persistent fungi. Despite intensive systemic and topical antibiotic therapy and washing with an antimicrobial soap as a protective measure, the organisms persisting were those most likely to cause fatal infections in these serious ill patients.

In the judgment of the Panel, clinical effectiveness in the prophylaxis and treatment of superficial pyogenic infections of the skin has not been established. Deodorant effectiveness for tribromsalan has been demonstrated in the reports reviewed, but safer, alternative agents for the reduction of body odor exist (see discussion of toxicity for triclosan, triclocarban and cloflucarban included elsewhere in this document).

c. *Photosensitivity—1—Historical review.* Shortly after the first use in Europe of halogenated salicylanides (e.g. tetrachlorsalicylanilide) as antibacterial agents in soaps they were shown to cause a severe photodermatitis and had to be removed from the market (Ref. 10 and 11). A related chemical, bithionol, caused the same type of light-induced dermatitis (Ref. 12) and also was removed from products for human use.

In 1965 the related tribromosalicylanilide (tribromsalan, TBS) was incorporated into bar soaps in the United States and product related cases of photodermatitis began to appear (Ref. 13–17). It is important to note that the photosensitization reaction occurs with tribromsalan at the level formulated in bar soaps for consumer use. In 1967 and 1968, patients with tribromsalan photodermatitis were being reported throughout the United States (Wisconsin, Ref. 14; New York, Ref. 17, 18; Florida, Ref. 19, 20; Minnesota, Ref. 21; and California, Ref. 22) as well as France (Ref. 23), Denmark (Ref. 24, 25), Canada (Ref. 26), Australia (Ref. 27), and Japan (Ref. 28). Wherever the tribromsalan soap was used photodermatitis appeared. The voluminous literature was summarized in a book in 1972 (Ref. 29) and is also reviewed in OTC Volume 020056 (Ref. 1).

Because photodermatitis is not an officially reportable disease accurate figures on its incidence are not available. As "soap photodermatitis" became well known to practicing dermatologists and other physicians (1968–1972), there was less need and less likelihood of such patients being referred to special centers studying photodermatitis and recording cases. As a result because they are recognized, fewer cases were likely to be seen and recorded by the photobiologists. In 1972, the second most popular bar soap in the United States removed tribromsalan from its formula and thereafter only several less widely distributed brands continued to include it in their products. Tribromsalan was never included as an active ingredient in the most widely sold antimicrobial bar. The Panel believes that the number of cases reported by dermatologists in photobiology centers has decreased during 1973 as a result of these factors.

The above reasons may account for the impression that tribromsalan photodermatitis is less common than it was. The Panel, however, wanted to know if the disease had disappeared or if it was still occurring. Therefore, in 1972–73, they questioned 8 dermatologists in different parts of the United States who had studied or published on this disease. Although most agreed that the incidence was declining in their practices, 6 of the 8 reported that it was still a problem and that new cases were occurring (Ref. 1 in OTC Volume 020164).

Photosensitization has been reported with hexachlorophene, triclocarban and cloflucarban (Ref. 28). However, these reports in the literature document the existence of only a very few, rare cases. These ingredients have not caused persistent light reactions as far as is known. Only a few case reports exist in spite of the widespread use of these ingredients compared to the many reported cases of tribromsalan photosensitization.

2. *Clinical appearance and nature of the problem.* Photocontact dermatitis appears as an inflammation of the areas of the skin exposed to light. It begins as redness with itching and burning usually on the face and then hands, arms, and neck. The eruptions are frequently limited to the exposed portions of the hands, arms and face and characteristically spare the upper eyelid and submental area. However, a patchy eczematous rash on the trunk and other covered areas is not uncommon. Many cases proceed to get worse so that the red areas develop blisters, scabs and pus. If the process continues, the skin thickens with a furrowed pebbly surface and the patient is chronically incapacitated. In most cases whether acute or chronic, the terrible itching and burning disturb sleep, and the unsightly appearance prevents the patients from working.

In most victims if the photosensitizing chemical such as tribromsalan is discovered and completely avoided, the dermatitis will clear in a few weeks. However, in some patients, the reaction con-

tinues without apparent further exposure to the chemical. A persistent light reactor is an individual, who, though not exposed to any further dose of the sensitizing chemical, continues to have typical and frequently severe symptoms of photocontact dermatitis for months or years when exposed to light. Such a persistent light reactor is severely disabled and frequently unable to earn a livelihood. Ordinary daylight alone is sufficient to cause swelling of the face and exposed skin. In the more chronic cases, some of these patients develop markedly thickened skin and ears which may resemble the clinical appearance of leprosy. Such patients are "dermatological cripples" and are confined to dark rooms and the indoors during all daylight hours and are unable to work. This condition may continue for months or even years. To trigger such a reaction with a product containing tribromsalan is to cause a disaster to an unsuspecting user of an unnecessary product. Persistent light reactions as well as photocontact dermatitis have been reported after using soaps containing tribromsalan from all parts of the United States (Ref. 29).

d. *Animal models.* Attempts to develop an animal assay for photocontact sensitizers have not been altogether successful. On the basis of their animal model studies, Vinson and Borselli (Ref. 30) claimed that tribromsalan "is neither a photosensitizer nor a cross photosensitizer". They reiterated this view in 1969 (Ref. 31). However, Harber et al. (Ref. 18), with tribromsalan, produced contact photosensitivity in 7 animals; combined with contact sensitivity, in 1/21 animals. Using tetrachlorosalicylanilide on 65 guinea pigs they induced contact photosensitivity alone in 20 animals, contact sensitivity alone in four animals and both types of reaction in a further twelve guinea pigs. Thus Harber et al. (Ref. 18) found in animals and in man that tribromsalan is a photosensitizer and a cross-photosensitizer and suggest that the disagreement of their results with those of Vinson and Borselli may be due to a variety of experimental differences.

e. *Discussion.* In addition to the problems of efficacy and safety enumerated above, an overriding consideration for the Panel was the recognized fact that tribromsalan can lead to severe and persistent light reactions in sensitized individuals. The question therefore, was whether its use should be allowed in the face of a benefit limited to deodorant activity.

Osmundsen (Ref. 24), in the summer of 1967, diagnosed 39 cases of photocontact dermatitis caused by a soap containing tribromsalan and 27 additional cases (Ref. 32) later that year. Thus, in one year contact photodermatitis caused by tribromosalicylanilide has been diagnosed in 66 patients (11 females and 55 males) in Copenhagen. Photo-cross-reaction to different halogenated salicylanilides was also found, indicating the 4'-bromosalicylanilide elicited positive simple patch tests in 11 out of 20 patients. It was suggested by Osmundsen that the 4'-position and the halogen substitution was a key point in the sensitization process.

It was also shown by Osmundsen in 1968 (Ref. 24) that "pure" tribromsalan may elicit a positive photopatch test in a concentration as low as 0.0001 percent. It seemed probable to him that tribromsalan, rather than an impurity, is the photosensitizer. Harber et al. in 1966 (Ref. 17) addressed themselves to the possibility that tribromsalan impurities, not tribromsalan itself, were responsible for the photosensitizing reaction. They photopatch tested a tribromsalan photosensitive patient with a more than 99 percent "pure" preparation of tribromsalan (0.1 percent in petrolatum) and elicited a 3+ reaction. This reaction was of the same intensity as the one produced in the same patient with less "pure" tribromsalan preparations obtained from other sources. These authors concluded that it was highly unlikely that the photocontact responses were due to a contaminant. Ison and Tucker (Ref. 19) published similar results.

According to the manufacturer, the offending soap marketed in Copenhagen contained 2 percent tribromsalan.

A recently published book, "Soap Photodermatitis," by Herman and Sams (Ref. 29) deals exclusively with photodermatitis caused by antimicrobial ingredients especially salicylanilides in soap. This book, other articles, and additional conversations between the Panel and Drs. Herman and Sams leave no doubt as to the authors' view that tribromsalan causes photocontact dermatitis and is a primary photosensitizer (Ref. 29 and 33).

One manufacturer has claimed that the contamination of tribromsalan with the known photosensitizer, dibromsalan is the cause of photosensitization, and that with the increasing purity of tribromsalan the incidence of photosensitization has decreased and will disappear. The Panel accepts the fact that the incidence has decreased (see discussion above). However, it definitely has not disappeared for cases are still reported (OTC Volume 020164, Ref. 1). Tribromsalan can also cause a photosensitization reaction in individuals who have been primarily sensitized with other salicylanilides. To the individual sensitized, it makes little difference what the compound causing the original sensitization was. Furthermore hard surface cleansers still (May, 1974) contain dibromsalan as well as tribromsalan so that sources of photosensitizing chemicals exist today in other than bar soap products.

The Panel's serious concern about tribromsalan comes from reports that patients are still appearing in the United States who have disabling photodermatitis which has been caused by soaps containing the current purified tribromsalan material. Photopatch testing of these patients has confirmed the clinical diagnosis and identification of tribromsalan as the cause of their dermatitis. Potentially confusing photosensitizers, such as TCSA, are no longer used in photopatch testing and the Panel believes that the current photopatch tests accurately incriminate tribromsalan as the cause of the dermatitis.

f. *Conclusion and summary.* The Panel believes that the benefit from using tribromsalan containing soaps is insignificant when faced with the risk. Thus, even if the number of persistent light reactors is small in relation to the amount of tribromsalan used, when there is so little benefit, it is unjustified to subject even a few individuals to such a risk. In addition, the Panel was unable to resolve the inconsistencies in the reported toxicity data. For this reason, but especially because of the photodermatitis, it was the Panel's judgment that it would be safer for society not to have this drug sold over the counter.

From their review of the data concerning photosensitization, the Panel believes that the evidence is clear that both dibromsalans (3, 5 dibromosalicylanilide and 4', 5 dibromosalicylanilide) and tetrachlorosalicylanilide (TCSA, 3, 3', 4', 5 tetrachlorosalicylanilide) are more potent photosensitizers than tribromsalan. Therefore, regardless of the fact that these ingredients were not submitted to the Panel for review, the Panel concludes that the Food and Drug Administration should move to also ban completely the use of dibromsalan and tetrachlorosalicylanilide in drugs and cosmetics.

Therefore, after a thorough review of all of the available data, the Panel recommends to the Commissioner that tribromsalan be considered not safe for general use as an OTC antimicrobial ingredient in man and that the Food and Drug Administration take action to ban tribromsalan, dibromsalan, and tetrachlorosalicylanilide from OTC antimicrobial products. The Panel concludes that these salicylanilides should not be implemented in a manner similar to other Category II ingredients but should be handled more expeditiously by publication of a separate FEDERAL REGISTER notice in a manner similar to that used for hexachlorophene.

Furthermore, they also recommend that the Food and Drug Administration inform the appropriate regulatory agencies of the Panel's recommendations that dibromsalans (4', 5 dibromosalicylanilide and 3, 5 dibromosalicyanilide) and 3, 3', 4', 5-tetrachlorosalicylanilide be removed from drugs and cosmetics and also inform them of the risk associated with the marketing of these ingredients in hard surface cleansers and disinfectants.

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FLUOROSALAN

3. The OTC Antimicrobial I Panel has reviewed the submission (Ref. 1) concerning the safety and effectiveness of fluorosalan (fluorophene, 3, 5-dibromo-3'-trifluoromethyl salicylanilide) and is of the opinion that fluorosalan cannot be generally regarded as safe for use as an OTC antimicrobial agent in man. The data submitted for this ingredient were minimal. The similarity of this molecule to tribromsalan requires that sufficient data be submitted to properly assess the risk-benefit ratio from the use of this chemical as an antimicrobial. Included in the reasons for this opinion are the following.

The chemical, even in pure form, may, as a dibromo-substituted salicylanilide, possess potential for photosensitization in man, and its use could result in a serious dermatological condition known as persistent light reaction (see discussion of tribromsalan). Evidence demonstrating that phototoxicity and/or photosensitivity would not result from the use of fluorosalan has not been submitted.

The absorption, tissue distribution, route(s) of metabolism and excretion, and blood levels attained after topical application are not available.

Information about the relationship between blood levels and toxicity is not available.

Studies on the carcinogenicity, mutagenicity, teratogenicity and reproductive effects are not available.

In addition, controlled studies demonstrating clinical effectiveness are not available.

The Panel agreed that any use of this ingredient should be under a Notice of Claimed Investigational Exemption for a New Drug and a New Drug Application until further data are collected.

REFERENCE

(1) OTC Volume 020050.

PHENOL GREATER THAN 1.5 PERCENT AQUEOUS/ALCOHOLIC SOLUTION

4. The Panel reviewed a number of products containing phenol in a variety of vehicles. There was a paucity of data submitted delineating the influence of vehicle on the effectiveness or toxicity of phenol. A search of the literature was productive in preparing this statement relating the concentration of phenol in aqueous or alcoholic vehicles to toxicity.

It is the recommendation of the Panel that Phenol concentrations greater than 1.5 percent in aqueous or alcoholic vehicles be placed into Category II.

The data supporting this decision may be found in standard reference texts such as Goodman and Gilman's The Pharmacological Basis of Therapeutics (Ref. 1), AMA Drug Evaluations (Ref. 2), Patty's Industrial Hygiene and Toxicology (Ref. 3) and in Deichmann's review of phenol (Ref. 4).

Basically, these references document the toxicity of phenol when applied topically. For example, the authors have noted that a 2 percent ointment resulted in blood levels of 0.8 mg. of free phenol or 2.3 mg. of conjugated phenol per 100 ml. of blood. It should be noted that 30 mg. of free and 1 mg. of conjugate are fatal concentrations. One to 5 percent phenol applied as a dressing or compress has caused gangrene.

It has also been recorded that 2 percent and higher concentrations of phenol in aqueous vehicles have caused serious hazards, including gangrene, anesthesia, mummification and even, coma. Phenol is more soluble in alcohol than in water and would penetrate to deeper layers of the skin producing severe burns and might be systemically absorbed in higher concentrations. Therefore, for these reasons phenol in concentrations greater than 1.5 percent is placed in Category II.

The acute systemic toxic effects of phenol in man and animals is observed primarily as an effect on the central nervous system. Sudden physical collapse has been observed in man after systemic exposure associated with other effects such as myocardial depression and marked blood pressure fall. There may also be marked dyspnea and a decrease in body temperature (Ref. 3). These systemic effects are related to the amount of free phenol in the blood. A blood level of 30 mg. of free phenol per 100 ml. of blood can be fatal and death is usually the result of respiratory failure (Ref. 3).

Chronic poisoning in man results in digestive disturbances, such as vomiting, difficulty in swallowing, diarrhea, and anorexia. Nervous disorders, such as headache, fainting, vertigo, and mental disturbances also occur. In severe cases, sometimes fatal, there may be extensive damage to the kidneys and liver. Most of the reported cases of chronic poisoning have resulted from ingestion or inhalation (Ref. 3). However, it is possible that repeated topical application over large surfaces of the body could lead to the systemic effects described above.

After absorption, phenol is excreted in the free form in the urine or is conjugated in the liver to the glucuronide or sulfate, prior to excretion in the urine. Some is expired in the air. In the rabbit, after a single oral dose, 23 percent was oxidized in the body to carbon dioxide and water plus pyrocatechol and hydro-

quinone. Of the 72 percent excreted in the urine, 48 percent was excreted as the free phenol and 52 percent as the conjugates. Only 1 percent of the total administered dose was excreted in the feces (Ref. 3). In addition, Boutwell and Bosch (Ref. 5) have reported that phenol is a cocarcinogen in animals.

With local dermal application of high concentrations, a pellicle of denatured protein is formed which may turn red and slough, leaving a brown stain. Prolonged contact of phenol with the skin, resulting in deep penetration of the skin, can produce gangrene and necrosis (Ref. 1 and 3). Ochronosis (darkening of the tissue) can also result from prolonged dermal contact (Ref. 3). If applied to mucous membranes or swallowed, phenol can cause swelling, corrosion, necrosis and hemorrhages of the mucous membranes of the throat or gastrointestinal tract.

In the past, preparations of 1 to 5 percent phenol in aqueous solutions have been used with dressing and compresses. This has resulted in gangrene, primarily when applied to fingers and toes (Ref. 3). Preparations containing 1 to 2 percent phenol have been formulated frequently in salves or ointments and with vegetable oil or calamine lotion for antipruritic effects. The use of 2 percent phenol ointment has resulted as reported above in blood levels of 0.8 mg. of free phenol and 2.3 mg. of conjugated phenol per 100 ml. blood (Ref. 3). Blood levels of phenol attained after application of phenol in liquid preparation have not been presented.

The use of low concentrations of phenol (1 to 2 percent) in ointments, lotions, salves or solutions can cause toxicity leading to severe incidence of gangrene with prolonged contact and/or occlusion of the treated area (Ref. 3). Rat studies have shown that a 1.78 percent phenol-liquid petrolatum solution will cause gangrene and necrosis after 8 hours of exposure in 2 to 3 days. A 4.15 percent aqueous phenol solution caused gangrene in the same period of time (Ref. 6). The use of oil in the formulation may enhance the toxicity.

Camphor also has been used in formulations containing phenol. Camphor may in fact retard the absorption and availability of phenol from the solution. However, the local toxicity of phenol in a camphor-containing preparation depends upon the aqueous/phenol phase resulting from the presence of tissue fluids or perspiration (Ref. 3). Camphor, if present with phenol, will "hold" the phenol, as is evidenced by the study which demonstrated that, while 60 percent of the phenol in a saturated solution of liquid petrolatum is in the aqueous phase, only 22 percent of the phenol in a 4.6 percent phenol 10 percent camphor combination in liquid petrolatum is in the aqueous phase. When the camphor concentration was raised to 21 percent, only 10 percent of the phenol was in an aqueous phase (Ref. 6). The presence of camphor also retards the absorption of phenol afer topical application. A 1-hour exposure of the rat tail to a 4.8 percent aqueous phenol solution resulted in the absorption of 71 mg. of phenol; whereas, the presence of 10.9 percent camphor combined with 4.5 percent phenol resulted in the absorption of only 16 mg. phenol (Ref. 7).

No data have been submitted with regard to absorption of phenol from mucous membranes, although this is a route of application described in the labeling submitted for some products.

Information citing the local toxicity and absorption of phenol, has been reported by Bass and Werch (Ref. 8), Conning and Hayes (Ref. 9), Deichmann (Ref. 4), Freeman et al. (Ref. 10), Mannheimer and Adriani (Ref. 11), Ruedemann (Ref. 12), and Woolley (Ref. 13).

The Panel concludes that phenol in concentrations greater than 1.5 percent in aqueous or alcoholic vehicles is not safe for general use as an OTC antimicrobial agent in man.

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TINCTURE OF IODINE

5. The Panel considers the use of elemental iodine in aqueous or hydro-alcoholic solution unsafe for general use on the skin other than as a Patient Pre-Operative Skin Preparation. It has been well documented (Ref. 1, 2 and 3) that iodine is irritating to broken skin and delays wound healing, especially when occlusive dressings are applied.

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CLOFLUCARBAN

6. The Panel has determined that it is appropriate to include cloflucarban in Category II for the following product uses: Patient Pre-operative Skin Preparation, Skin Antiseptic, Skin Wound Cleanser, Skin Wound Protectant and Surgical Hand Scrub. Cloflucarban is classified in Category III as a Skin Wound Cleanser when formulated in a bar soap to be used with water.

The Panel included cloflucarban in Category II for these uses since no data were presented to support its use for the product categories identified. This statement is not to be construed to mean that the ingredient may not be shown to be safe and effective for the product categories listed.

The Panel's concern is that consumer use of the ingredient may occur before adequate research is conducted.

TRICLOCARBAN

7. The Panel has determined that it is appropriate to include triclocarban in Category II for the following product uses: Patient Pre-operative Skin Preparation, Skin Antiseptic, Skin Wound Cleanser, Skin Wound Protectant and Surgical Hand Scrub. Triclocarban is classified in Category III as a Skin Wound Cleanser when formulated in a bar soap to be used with water.

The panel included triclocarban in Category II for these uses since no data were presented to support its use for the product categories identified. This statement is not to be construed to mean that the ingredient may not be shown to be safe and effective for the product categories listed.

The Panel's concern is that consumer use of the ingredient may occur before adequate research is conducted.

TRICLOSAN

8. The Panel recognizes that a Health-Care Personnel Handwash, Patient Pre-Operative Skin Preparation, or a Surgical Hand Scrub are designed primarily for extensive use in the hospital or other closed environment. The Panel has therefore included these uses in Category II for triclosan.

The Panel has concluded (see discussion in Category III for Triclosan) that formulations containing this ingredient should not be used in these environments because of possible increased one-way environmental pressures toward gram negative (especially *Pseudomonas*) infections. In the event that data are submitted to show that the Panel's conclusion is not justified, consideration should be given for inclusion of the ingredient in these product categories.

COMBINATION ANTIMICROBIAL PRODUCTS

The Panel, in its deliberations, received two submissions on antimicrobial

bar soaps containing a combination of active ingredients, and one of these containing triclocarban and cloflucarban was classified in Category III. The other soap combination contained tribromsalan and triclosan and has been placed in Category II. Information on the safety and effectiveness of other combinations of ingredients were not received. Therefore, for lack of data they are not generally recognized as safe and/or effective. Conditions possibly exist where the benefit to risk ratio is such that their use may be of value, if not necessity. However, such combination antimicrobial agents should not be available for over the counter use until sufficient safety and efficacy data are submitted.

The level of each antimicrobial ingredient in the combination must make a contribution to the claimed effect for the product. The total amount of individual antimicrobial ingredients, in combination, should result in an effect that is at least equal to that achieved when any one of the individual ingredients is used alone at the same total concentration without significantly reducing safety. In some instances the Panel has established maximum dose levels of an antimicrobial when used alone. If such antimicrobials are placed in combinations no individual antimicrobial in the combination may exceed the dose level approved by the Panel. The Panel feels that a rational combination of antimicrobials should have one of the following purposes: Expansion of the microbial spectrum, reduction of the toxicity of one or both of the ingredients, or result in a synergistic effect.

Furthermore, when two or more ingredients are combined, toxicity data must be available to show that neither the metabolism, excretion or target organ toxicity are enhanced, or are synergistically affected by the combination, for example, through the metabolism or excretion of one of the ingredients.

The Panel feels that the safety of combinations is sufficiently important to recommend that when such ingredients are used in combinations in antimicrobial soaps, an approved New Drug Application should be obtained prior to marketing. At a later date, when sufficient safety and effectiveness data warrant it, combinations of these ingredients may be placed in Category I.

LABELING

The Panel concludes that there are insufficient data to support certain labeling terms or claims. Because no data are available these terms and claims are misleading to the consumer and result in misbranding of the product. The claims that shall not be allowed are:

A. Speeds, promotes or aids healing (or any similar statement).
B. Sanitizes the skin or wound.
C. Sterilizes the skin or wound.
D. Ensures bacterially clean skin.
E. Disinfects the skin or wound.
F. Heals (wounds).
G. Controls infection.

III. *Conditions for which the available data are insufficient to permit final classification at this time.* The Panel recommends that the conditions specified in Category III be made effective 1 year after publication of the final monograph in the FEDERAL REGISTER.

ACTIVE INGREDIENTS

A. The active ingredients for which the available data are insufficient to permit final classification for use in "antimicrobial soaps" are:

1. Cloflucarban.
2. Para-chloro-meta-xylenol.
3. 1.5 percent Phenol or less—aqueous/alcoholic.
4. Triclocarban.
5. Triclosan.

B. The active ingredients for which the available data are insufficient to permit final classification for use in a "health-care personnel handwash" are:

1. Benzalkonium chloride.
2. Benzethonium chloride.
3. Cloflucarban.
4. Hexylresorcinol.
5. Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.
6. Methyl-benzethonium chloride.
7. Nonylphenoxypoly (ethyleneoxy) ethanol-iodine.
8. Para-chloro-meta-xylenol.
9. 1.5 percent Phenol or less aqueous/alcoholic.
10. Poloxamer-iodine complex.
11. Povidone-iodine complex.
12. Triclorcarban.
13. Undecoylium chloride-iodine complex.

C. The active ingredients for which the available data are insufficient to permit final classification for use in a Patient "pre-operative skin preparation" are:

1. Benzalkonium chloride.
2. Benzethonium chloride.
3. Hexylresorcinol.
4. Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.
5. Methylbenzethonium chloride.
6. Nonyl phenoxypoly (ethyleneoxy) ethanol-iodine.
7. Para-chloro-meta-xylenol.
8. 1.5 percent Phenol or less—aqueous/alcoholic.
9. Poloxamer-iodine complex.
10. Providone-iodine complex.
11. Undecoylium-chloride complex.

D. The active ingredients for which the available data are insufficient to permit final classification for use in a "skin antiseptic" are:

1. Benzalkonium chlorida.
2. Benzethonium chloride.
3. Hexylresorcinol.
4. Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.
5. Methyl-benzethonium chloride.
6. Nonyl phenoxypoly (ethyleneoxy) ethanol-iodine.
7. Para-chloro-meta-xylenol.
8. 1.5 percent Phenol or less aqueous/alcoholic.
9. Poloxamer-iodine complex.
10. Povidone-iodine complex.
11. Triclosan.
12. Triple Dye.
13. Undecoylium chloride-iodine complex.

E. The active ingredients for which the available data are insufficient to permit final classification for use in a "skin wound cleanser" are:

1. Iodine complexed with phosphate ester of alkylaryloxy polyethlene glycol.
2. Nonyl phenoxypoly (ethyleneoxy) ethanol-iodine complex.
3. Para-chloro-meta-xylenol.
4. 1.5 percent Phenol or less—aqueous/alcoholic.
5. Poloxamer—Iodine complex.
6. Povidone—Iodine complex.
7. Triclosan.
8. Undecoylium chloride—Iodine complex.

F. The active ingredients for which the available data are insufficient to permit final classification for use in a "skin wound protectant" are:

1. Benzalkonium chloride.
2. Benzethonium chloride.
3. Hexylresorcinol.
4. Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.
5. Methyl-benzethonium chloride.
6. Nonyl phenoxypoly (ethyleneoxy) ethanol iodine.
7. Para-chloro-meta-xylenol.
8. 1.5 percent Phenol or less—aqueous/alcoholic.
9. Poloxamer-iodine complex.
10. Povidone-iodine complex.
11. Triclosan.
12. Undecoylium chloride-iodine complex.

G. The active ingredients for which the available data are insufficient to permit final classification for use in a "surgical hand scrub" are:

1. Benzalkonium chloride.
2. Benzethonium chloride.
3. Hexylresorcinol.
4. Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.
5. Methyl-benzethonium chloride.
6. Nonyl-phenoxypoly (ethyleneoxy) ethanol-iodine.
7. Para-chloro-meta-xylenol.
8. 1.5 percent Phenol or less—aqueous/alcoholic.
9. Poloxamer-iodine complex.
10. Povidone-iodine complex.
11. Undecoylium-chloride iodine complex.

GENERAL COMMENT APPLICABLE TO ALL INGREDIENTS IN CATEGORY III

The Panel has concluded that adequate and controlled studies are not available at this time to permit the final classification of the active ingredients listed above.

The recent hexachlorophene experience has made apparent to the scientific community that toxic levels of antimicrobial chemicals applied to the skin can be absorbed into the body. The greatest lack of substantial data is in the following areas: Retention and/or substantivity, absorption, blood level, organ distribution, possible tissue depoting, metabolism, and excretion. In many cases analytic procedures for the determination of active ingredients and/or metabolites in tissues and secretions have been developed only recently.

A major emphasis in the past has been on the collection of data to support the effectiveness of antimicrobial products applied to the skin. These data have often been reported as "percent reduction" of the microbial flora on the hands. Such data reflect the reduction of the normal skin microbial flora or of that acquired by contact with the environment. More sophisticated procedures for the analysis of microbial reduction data which involve techniques for dealing with initial high variation in microorganism counts, and the correlation of reduction in microbial flora with prophylaxis of infection, are required. In addition to numerical reduction, data must be accu-

mulated on the effect of antimicrobials on the balance of the normal microbial flora, including the diptheroids. These aspects of effectiveness data are essential before risk-benefit judgments can be reasonably made.

The Panel has determined that Category III ingredients may be permitted to remain in use until 1 year after publication of the final monograph in the FEDERAL REGISTER, if the manufacturer or distributor of any such product conducts tests and studies to satisfy the questions raised by the Panel.

The Panel recognizes the complexity of this report and the difficulties that may be encountered in interpreting the required studies necessary for an ingredient included in Category III. The following sections of this report should be collectively considered before undertaking any proposed studies: (1) The historical discussion of the product category in the Panel's comments concerning effectiveness in the use of antimicrobial products, (2) the guidelines for testing, (3) the product category definition and subsequent discussion and (4) the specific statement for the ingredient to be tested.

TRICLOCARBAN

1. The OTC Antimicrobial I Panel has determined that the only permitted use of triclocarban (TCC, 3, 4, 4'-trichlorocarbanilide) at the present time should be as an antimicrobial ingredient in bar soap. The manufacturer gave assurances to the Panel that this was the only use for which the chemical is being sold at this time. However, the Panel also recognizes that the manufacturer's patent on triclocarban expires within two years, and expressed their concern about the possible future proliferation of its use in various OTC products, thereby increasing the possible total body burden.

The Panel reviewed the available effectiveness and safety data on triclocarban and concludes that adequate data are not yet available to permit final classification of triclocarban for use in bar soap. Other applications were not considered. The available evidence does not indicate that the use of triclocarban in bar soaps presents any known hazard to the general public. For example, the LD_{50} of triclocarban intraperitoneally in rats is reported to be in excess of 2,000 mg/kg compared to 6.25 mg/kg for hexachlorophene. See OTC Volume 020139 (Ref. 1). Based on blood level data, which is not complete at this time, triclocarban does not appear to be as toxic as hexachlorophene. Therefore, the Panel recommends to the Commissioner that triclocarban use in bar soaps be permitted at a concentration not to exceed 1.5 percent for a period of 1 year following publication of the final monograph in order to allow interested parties time to conduct the necessary research to correct the deficiencies indicated below.

A primary area of concern is the data defining the target organ for toxicity. At high blood levels of triclocarban, (in excess of 200 ppm TCC/TCC metabolite), the apparent target organ in rats is the testicles. In the opinion of the Panel, the data relating the blood level of triclocarban to testicular damage are still not definitive. For example, one set of data in OTC Volume 020189 (Ref. 1) estimated that blood concentrations of 50 to 70 ppm TCC/TCC metabolite caused pathological changes in the testicles of test animals. More recent data from a feeding study at 400 mg/Kg/day in OTC Volume 020165 (Ref. 1) suggests that 200 ppm TCC/TCC metabolite in the blood was an "effect level" and that a dose of 200 mg/Kg/day giving a blood concentration of 100 ppm TCC/TCC metabolite was a "no effect" level. Still other data in the OTC Volume 020139 (Ref. 1) suggested testicular lesions at oral doses lower than those which resulted in the "no effect" blood levels mentioned above (100 ppm). In view of these conflicting data regarding blood levels and ensuing testicular damage, the Panel regards this as an area of significant deficiency in the data. Adequate data relating blood level to target organ toxicity and "no-effect" levels will be required.

Maibach (Ref. 2) has shown that triclocarban may be absorbed through human skin after topical application. In this one study, 14 percent of the dose applied in acetone solution was absorbed. Elimination of triclocarban after topical application was slower than after ingestion, suggesting possible accumulation in the body. However, the adequacy of analytical methods for the detection of triclocarban and all its metabolites is still questionable, and is made more difficult by the very low levels which must be detected in blood or tissue. Based on some theoretical and some actual data, calculations of potential blood levels in man were made. It is the conclusion of the Panel that, until definitive data are accumulated to show blood levels in man from actual use, the concentration of triclocarban in bar soaps should be limited to 1.5 percent. The calculation which led to this conclusion follows, but it should be emphasized that the cause of testicular lesions has not yet been determined to be triclocarban (parent compound), TCC-metabolite or the combination, (TCC/TCC metabolite). Additionally, inadequate data on rate of elimination were a factor in setting this 1.5 percent limit. The following calculations make certain assumptions which may prove to be inaccurate once adequate data are obtained:

1. Assume that a bar soap contains 2 percent triclocarban and that an average bath uses 7.0 gm of soap. The total available triclocarban, if instantaneous absorption occurred would be 140 mg triclocarban.

2. Assume 2 percent of this 140 mg triclocarban remains on the skin as a substantive agent. This retention presents to the body a total of 2.8 mg of triclocarban for absorption.

3. Assume that 14 percent of the available 2.8 mg were absorbed, as shown by Maibach (Ref. 2). This would allow 0.392 mg of triclocarban to be absorbed from a single bath.

4. Assume that an average size human has 5,000 ml of blood, and that 0.392 mg of triclocarban were instantaneously absorbed. The concentration of triclocarban in the blood would be approximately 0.1 ppm. Considering that some part of the population takes two baths per day, and assuming that the total triclocarban to which the individual was exposed accumulated during that day, the blood level would be 0.2 ppm. Data from the manufacturer indicate that triclocarban as the parent compound disappears from the blood within minutes. The exact mechanism(s) of absorption and elimination is not yet clear.

5. If we take the most recent data submission to the Panel indicating that 100 ppm total TCC (TCC/TCC metabolite) in the blood is the "no-effect" level, then a safety factor could be calculated as follows:

$$\frac{100\text{ ppm}}{0.1\text{ ppm}} = 1{,}000\text{-fold safety factor (single bath)}$$

or

$$\frac{100\text{ ppm}}{0.2\text{ ppm}} = 500\text{-fold safety factor (2 baths per day)}$$

Since these safety factors have been calculated from blood levels, they would certainly be reasonable safety factors for allowing the continued use of triclocarban in bar soaps. However, it should be stressed that several assumptions have been made in deriving these calculations and the Panel urges that definitive data to clarify these assumptions be generated. For example, assumptions were made as to substantivity that 14 percent of applied TCC is absorbed, that instantaneous absorption results in certain blood levels, that accumulation does not occur, that skin condition did not influence blood levels, and that metabolism was an uncalculated factor.

The Panel strongly recommends that adequate research include studies to determine the substantivity of triclocarban over a period of time and in various areas of the body, the amount of triclocarban deposited on the skin from a single bath, and the blood levels attained in individuals in various age groups and with various skin conditions following use of soap containing triclocarban.

Unconfirmed data suggesting additional toxic effects were submitted to the Panel and it is felt that clarification of these data is necessary. For example, brain and splenic changes were noted by two pathologists in one study reported in OTC Volume 020139 (Ref. 1), while other data indicated that no such tissue changes occurred. The Panel believes that these conflicting data need further clarification even though the initially reported toxic effects could not be confirmed in further, similar experiments. The suggestion of brain and splenic changes is of such importance that it cannot be ignored. It is conceded that the animal strain used in the initial experiment was unusual (Cox strain of rats). Definitive research in at least two animal species at exaggerated dose levels is recommended in order to specifically answer the questions about potential brain or splenic changes. Where changes

are seen, concomitant blood levels of triclocarban should be investigated.

It is the opinion of the Panel that adequate studies have been submitted (Ref. 1) to indicate that triclocarban has no real potential for the induction of carcinogenesis, mutagenesis, or teratogenesis. However, the data submission in OTC Volume 020165 (Ref. 1) suggested that with triclocarban orally administered in rats, there was a decrease in implantation sites and a decrease in the number of offspring at high dose levels of triclocarban (1,000 ppm) in the diet. In fact, the results of these studies in OTC Volumes 020165 and 020189 (Ref. 1) originally directed attention to testicular effect. The Panel recommends that adequate research be conducted to define more clearly the implications of the data.

A major route of elimination of triclocarban from the body is reported to be via conjugation to the glucuronide in the liver. This mechanism is deficient in young animals and human infants. The Panel felt that inadequate data concerning elimination and toxicity in young animals were submitted, and recommends that adequate research in young animals with blocked formation or unavailable glucuronide systems be conducted in order to define the toxicity potential for human infants who may be bathed in a soap containing triclocarban.

Since the liver is considered the major organ for conjugation, the effect of inadequate or impaired liver function on elimination and toxicity should also be determined.

Therefore, the Panel recommends that unless such studies as described above are conducted within 1 year following publication of the final monograph in the FEDERAL REGISTER, this ingredient should be restricted from use in infants. The label for the preparation containing the ingredient would state: "Not to be used on infants under 6 months of age." The literature sources documenting the impairment of glucuronide capacity in infants are listed separately under, "Glucuronide Capacity in Infants" (Refs. 1 through 7).

The Panel recognizes the triclocarban will decompose at elevated temperatures in aqueous solution to yield chloroanilines. There are reported incidences of methemoglobinemia resulting from high temperature decomposition by triclocarban by Johnson et al. (Ref. 3). Therefore, soaps or soap products containing triclocarban should not be heated and subsequently used in or on the human body. Additionally, since chloroanilines do have a potential for inducing methemoglobinemia at higher blood levels, the chloroaniline content in bar soaps containing triclocarban should be monitored to limit it to less than 100 ppm. (See the data in OTC Volume 020127, page 15, line 22 (Ref. 1). The Panel felt that adequate data were presented to indicate that 100 ppm chloroaniline, or less, in bar soaps would present no hazard to humans even after multiple baths with such soaps.

In addition to the data submissions already referenced, additional references were reviewed to obtain specific background data. Most of these references deal with effectiveness (Refs. 4 through 11), but a few refer to specific problems such as photodermatitis and contact dermatitis (Refs. 8, 9, 10 and 12, 13, 14). The Panel concluded from these references and data submissions that photosensitization and contact dermatitis from triclocarban were of such rarity that they present no major problem to the general user of a soap containing triclocarban.

The question of the percent of active ingredient required to produce a microbial reduction on the skin which can be correlated with significant odor reduction unfortunately cannot be answered with certainty. Independent studies to show effectiveness, as measured by standard handwashing studies, OTC Volumes 020031, 020044 to 020046 (Ref. 1 and 5), have produced a variety of reduction values depending on active ingredient(s), their concentration, number of subjects, initial variation in the hand count of the subjects, and the method of analysis. Marketed soaps containing 1.5 percent triclocarban have been tested for effectiveness as measured by handwashing tests and have produced values ranging from 80 to 90 percent reduction (Ref. 15). The deficiencies inherent in the consideration of reduction in such simplistic terms should be recognized. Data compiled from several studies, unfortunately frequently conducted with an inadequate number of subjects, suggested a reduction of approximately 80 percent with a 1 percent soap. No significant difference was shown with a 1.5 percent soap.

Claims have been made for greater odor reduction with the 1.5 percent soap formulation based on odor evaluation tests. However, such tests are highly subjective and reliable only when rigidly controlled and analyzed with an appropriate statistical model. Tests to evaluate odor should be correlated with tests of microbial reduction in the same study with an adequate number of subjects.

Handwashing studies must be performed with an increased number of subjects (see suggestions for Cade and Quinn Handwashing Studies in the Specific Protocols) selected from individuals with a specified high initial count on the hands. The studies must have appropriate analysis with statistical procedures designed to account for high initial variation, such as analyses of variance and covariance and hypothesis testing including power calculations of the reduction found with use of the test product against an expected or established reduction.

On the basis of risk/benefit considerations the Panel concludes that the only permitted use of triclocarban should be as an antimicrobial ingredient in bar soap at a concentration not to exceed 1.5 percent and only for a period of 1 year following publication of the final monograph in the FEDERAL REGISTER. During this period, testing where applicable, as outlined in the "Guidelines for Safety and Efficacy Testing of OTC Topical Antimicrobials" should be performed. Data to be developed must include absorption and blood level studies in humans; identification of target organ(s) in chronic studies to resolve questions of potential testicular, brain or splenic changes with concomitant blood levels where changes occur; reproduction studies; studies to determine the effect of glucuronide deficiency in infants; and demonstration of substantivity over time in various body areas including the amount of triclocarban deposited on the skin from a single bath.

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TRICLOCARBAN

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CLOFLUCARBAN

2. The OTC Antimicrobial I Panel has reviewed the safety and toxicity data submitted and has concluded that adequate safety and effectiveness data are not yet available to permit final classification of cloflucarban (TFC, CF_3, 3-trifluoromethyl, 4, 4' dichlorocarbanilide) for use in bar soaps. Other applications were not considered.

The Panel concluded that enough data were submitted to convince them that there is no known hazard to the public from the continued use of cloflucarban in bar soaps at the maximum concentration and for the interim period specified below. The basis for this was the oral LD_{50} of cloflucarban in rats as compared with hexachlorophene. The oral LD_{50} for cloflucarban is reported to be in excess of 5 gm/kg body weight while the LD_{50} for hexachlorophene is only 0.12 gm/kg as reported in OTC Volume 020133 (Ref. 1). Also, based on blood level data for cloflucarban (which is not complete at this time), the Panel does not consider cloflucarban as toxic as hexachlorophene. Therefore, the Panel recommends that cloflucarban (or a combination of cloflucarban with triclocarban) when used in bar soaps, not exceed a total concentration of 1.5 percent and that this recommendation be permitted to extend for a period of 1 year following publication of the final monograph in the FEDERAL REGISTER in order to allow interested parties time to conduct the necessary research to correct the deficiencies listed below.

At the beginning of the work of the Panel there was a paucity of information submitted on the safety and effectiveness of cloflucarban. Since that time, additional data have been submitted to the Panel for consideration. However, the Panel still finds several areas of deficiencies in the data base. One of these is the lack of blood level data following topical application. In fact, no data were submitted showing the following:

a. Substantivity of cloflucarban to the skin following one and several baths using a cloflucarban-containing bar soap.

b. Degree of absorption of cloflucarban following deposition on the various types of skin (young, mature, aged, diseased).

c. Peak blood levels following multiple baths.

d. Metabolic rate and fate of cloflucarban in the body.

e. Tissue storage of cloflucarban.

It is the Panel's opinion that final classification of cloflucarban for use in bar soaps cannot be made until such data are provided.

From a purely toxicological viewpoint, the Panel believes that inadequate data were submitted showing a dose/effect relationship. Conflicting data were submitted that were at such variance that inter-laboratory differences could not possibly account for the discrepancies. For example, data in OTC Volume 020133 (Ref. 1) showed that cloflucarban caused testicular effects in rats after 4, 8, 11 and 13 weeks of study at the lowest oral feeding level, 25 mg/kg, and liver changes at 1,000 mg/kg. This study showed that a "no-effect" oral feeding level was somewhere below 25 mg/kg (OTC Volume 020133, Tab 16). In contrast to this study, another study in Volume 020166, Tab 1 (Ref. 1) indicated that the "no-effect" oral level was 100 mg/kg with no testicular or other pathologic finding.

The Panel therefore was presented two controlled studies with widely varying results. It is the recommendation of the Panel that these discrepancies be resolved through adequately controlled research which will show the "effect" and "no-effect" level in the same study. Just as important is a determination of the "effect" and "no-effect" blood level of cloflucarban. As a word of caution, it should be pointed out that the Panel was presented suggestions in OTC Volume 020133 (Ref. 1) that an adequate analytical procedure for cloflucarban in biologic fluids was not available.

In view of these conflicting data and in the absence of definitive data on absorption through human skin, the Panel recommends to the Commissioner that a limit of 1.5 percent cloflucarban, or a combination of cloflucarban and triclocarban) be set until such time as adequate data relating blood levels and toxic effects are made available.

Data submissions, in OTC Volume 020133, Tab 11, 12, 13 (Ref. 1), to the Panel are adequate at this time to assure the Panel that cloflucarban has no significant potential for the induction of carcinogenesis, teratogenesis or mutagenesis. The Panel therefore does not consider these to be problem areas.

The Panel was concerned about the potential for cloflucarban to cause contact sensitization and, to a lesser degree, photosensitization. More to the point, perhaps, was the lack of adequate research addressing this potential. The papers drawing attention to contact sensitization and to photosensitization are those by Epstein et al. (Ref. 2), Solomon and Bluefarb (Ref. 3) and Masuda et al. (Ref. 4). These authors indicated that the potential for contact or photosensitization from cloflucarban was greater than that from triclocarban, but far less than that from certain other antimicrobial agents.

In the absence of adequate data, it can only be assumed that cloflucarban may have the same route and mode of elimination from the body as triclocarban since they are similar molecules.

A major route of elimination of triclocarban from the body is reported to be via conjugation to the glucuronide in the liver. This mechanism may be deficient in young animals and human infants. The Panel felt that inadequate data concerning elimination and toxicity in young animals were submitted. The Panel recommends that adequate research in young animals with blocked formation or unavailable glucuronide systems can be conducted in order to define the toxicity potential for human infants.

Since the liver is considered the major organ for conjugation, the effect of inadequate or impaired liver function on elimination and toxicity should also be determined.

Therefore, the Panel recommends that unless such studies as described above are conducted within 1 year following the publication of the final monograph in the FEDERAL REGISTER this ingredient should be restricted from use in infants. The label for the preparation containing the ingredient would state: "Not to be used on infants under 6 months of age." The literature sources documenting the impairment of glucuronide capacity in infants is listed separately under the section on triclocarban.

The deficiencies for cloflucarban related to effectiveness are similar to those for triclocarban and have been discussed in other sections under the Comment concerning Efficacy of Antimicrobial Soap and in the statement of the Panel on triclocarban.

In summary, the Panel has concluded that cloflucarban or a combination of cloflucarban with triclocarban can be used in bar soap at a total concentration not to exceed 1.5 percent and only for a period of 1 year following publication of the final monograph in the FEDERAL REGISTER. The deficiencies discussed for triclocarban, and data required to allow placement of that ingredient in Category I, are similar for cloflucarban. If used in combination with triclocarban toxicity studies will be required to demonstrate that there is no increased toxicity with the combination. The toxicity studies outlined in the Guidelines will be required and should include determination of the oral toxicity including target organ determination with blood levels and "effect" and "no effect" dose in the same study.

The studies for cloflucarban alone are enumerated in the statement on the combination of triclocarban and cloflucarban.

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THE COMBINATION OF TRICLOCARBAN AND CLOFLUCARBAN IN BAR SOAP

The Panel is placing the combination of triclocarban and cloflucarban in Category III. These two chemicals are quite similar in their use, mode and spectrum of antimicrobial action, and, in all likelihood, toxicity. However, it is the view of the Panel that additional data are needed on the individual ingredients. No data were submitted on the toxicity of the combination of ingredients, although it is the understanding of the Panel that such studies are currently being conducted. The studies outlined under the discussion of triclocarban and cloflucarban required to characterize the toxicity of the individual chemicals also apply to the combination and should include determination of substantivity, absorption, distribution, blood levels, excretion and effect/no effect dose with the establishment of toxic effects, especially on the target organ determined in the same study.

Since the excretion of both chemicals from the body is thought to be by the glucuronide pathway, the recommendations for studies and labeling on this aspect should apply also to the combination.

Until adequate studies are submitted to make a final determination, the Panel recommends a limitation of the total combination of triclocarban and cloflucarban to 1.5 percent for a period not to exceed 1 year after publication of the final monograph in the FEDERAL REGISTER.

TRICLOSAN

3. After reviewing the extensive safety and effectiveness data, the Panel has concluded that adequate data are not yet available to permit the final classification of triclosan for use in topically applied antimicrobial products. From the data submitted, the Panel concluded that there was no known hazard to the general public from the use of triclosan in concentrations not greater than 1 percent in marketed products. Based on blood level data (discussed below) triclosan appears to the Panel to be safe for use in such formulations. The Panel therefore recommends that triclosan be permitted for use in topically applied antimicrobial products sold to the general public for a period of 1 year following publication of the final monograph in the FEDERAL REGISTER in order to allow interested parties time to conduct the necessary research to supply data in the areas indicated as deficient in the following summary:

It has been shown in animal experiments (OTC Vol. 020037, Ref. 11) that triclosan can be absorbed through intact skin. This has been verified by Maibach (Ref. 1) and also reported in OTC Volume 020154 (Ref. 11) which details human blood levels following the use of a triclosan-containing soap on intact skin.

The primary target organ for toxicity from triclosan is the liver. There is still a question as to whether the damage to the liver is due to the intact molecule, a metabolite, or a combination of the two (triclosan and/or triclosan metabolite).

A subchronic (90 day) oral study in dogs revealed liver damage at blood levels of 67.4 ppm total triclosan (free triclosan plus metabolite) resulting from an oral dose of 25 mg/kg/day. A no-effect oral dose of 12.5 mg/kg/day, in the same study, resulted in a total blood level of 36.1 ppm (OTC Vol. 020167, Ref. 11). Similar studies, using the same oral dosing regimen, in which blood levels were not determined, showed liver toxicity in dogs (OTC Volumes 020154 and 020034, Ref. 11). The dose-related histopathological damage in the dogs was described as periportal to midzonal hepatocytic degeneration which led to focal necrotic hepatitis. This change appears to be reversible when exposure to triclosan is terminated (OTC Vol. 020167, Ref. 11). In other studies, when triclosan was administered in the diet to dogs or rats for 90 days, at doses equivalent to those used in previously discussed studies, no liver damage resulted (OTC Volumes 020166 and 020167, Ref. 11).

Insufficient data was submitted concerning the toxicity from longer term exposure to triclosan by any route of administration.

Taking into consideration animal toxicity and human absorption and blood levels, safety factors were calculated. It was found in subchronic 90-day dog studies that the highest no-effect dose administered was 12.5 mg/kg. The absolute dose given the dog was 75 mg (12.5 mg/kg×6 kg dog). Extrapolated to man by surface area, using the technique of Paget and Barnes (Ref. 12), the no-effect level might be expected to be 232.5 mg in the human. The value was calculated by multiplying the absolute dose in dogs showing no effect by the conversion factor for surface area (75 mg×3.1).

If we assume that a bar soap contains 1 percent triclosan as the active ingredient and that an average bath consumes 7.0 grams of soap, then the total available triclosan would be 70 mg. If we assume that 1 percent of the 70 mg of the available triclosan remains on the skin as a substantive agent, then a total of 0.7 mg of triclosan would be available for absorption. If we assume that 8.9 percent of the 0.7 mg of triclosan is absorbed (Ref. 1), then 0.062 mg would be in the blood. Thus, the following safety factor, using surface area can be calculated:

$$\frac{232.5 \text{ mg (expected no-effect dose level in man)}}{0.062 \text{ mg (expected exposure dose in man from 1 bath)}} = 3{,}554\text{-fold safety factor}$$

Another way to calculate a safety factor is to assume that an average size human has 5,000 ml of blood, and if we assume that the 0.062 mg of triclosan is instantaneously absorbed from the skin, the concentration of triclosan (free) in the blood would be approximately 12 parts per billion (ppb). If it is assumed that some segment of the population takes two baths per day, and that the total triclosan is absorbed and accumulates, the blood level would be 24 ppb. Data from the OTC submissions suggest that rapid conversion of free triclosan to the glucuronide occurs, and that within a few minutes, most of the absorbed triclosan exists only as the metabolite. (OTC Volume 020154).

If we take the lowest "no-effect" blood level data (36,100 ppb triclosan/triclosan metabolite) in dogs (OTC Volumes 020182–020185 and 020186, Ref. 11) and recognizing that the data was reported from a 90 day study (Ref. 15), the following safety factor could be calculated:

$$\frac{36{,}100 \text{ ppb}}{12 \text{ ppb (blood level of triclosan from a single bath)}} = 3{,}000\text{-fold safety factor}$$

or

$$\frac{36{,}100 \text{ ppb}}{24 \text{ ppb (blood level of triclosan from 2 baths)}} = 1{,}500\text{-fold safety factor}$$

Based on the highest "effect" blood level (67,400 ppb triclosan/triclosan metabolite), the following calculation could be made.

$$\frac{67{,}400 \text{ ppb}}{12 \text{ ppb (single bath)}} = 5{,}600\text{-fold safety factor}$$

or

$$\frac{67{,}400 \text{ ppb}}{24 \text{ ppb (2 baths)}} = 2{,}800\text{-fold safety factor}$$

The above calculations are, as mentioned, based on theoretical assumptions. Preliminary data from humans (Ref. 15) revealing a blood level of 44 ppb of triclosan/triclosan metabolite allow the following calculations to be made:

$$\frac{67{,}400 \text{ ppb (blood level at effect dose in dogs)}}{44 \text{ ppb}} = 1{,}531\text{-fold safety factor}$$

$$\frac{36{,}100 \text{ ppb (blood level at no effect dose in dogs)}}{44 \text{ ppb}} = 821\text{-fold safety factor}$$

These calculations would indicate a substantial safety factor, but it should be pointed out that studies to date, relating blood levels to toxic effects, are short-term studies. Humans may be exposed to bar soap daily over their entire life span. Also, several assumptions were made because of unresolved data; namely, the degree of substantivity, and rate and amount of absorption. These assumptions must be tested to provide clarification. This research should include humans in various age groups and with varying skin conditions.

No evidence of potential mutagenesis, carcinogenesis, teratology or reproductive

effects were found in studies with various rodent species (OTC Volumes 020033, 020034, 020035, and 020154, Ref. 11).

Data indicate that the chemical cannot be considered a primary sensitizing or photosensitizing agent in animals (Volume 020104, Ref. 11) or in humans (OTC Volume 020033, Ref. 11), An incident of hyperpigmentation and irritation from the use of triclosan-containing soap has been reported (OTC Volume 020086, Ref. 11). Studies have not eliminated possible cross-reactivity following previous sensitization with hexachlorophene, salicylanilides or carbanilides and further cross-sensitization studies should be performed.

A major route of elimination of triclosan from the body is reported to be via conjugation to the glucuronide in the liver. This mechanism may be deficient in young animals and human infants. The Panel felt that inadequate data concerning elimination and toxicity in young animals were submitted. The Panel recommends that adequate research in young animals with blocks formation or unavailable glucuronide systems be conducted in order to define the toxicity potential for human infants. Since the liver is considered the major organ for conjugation, the effect of inadequate or impaired liver function on elimination and toxicity should also be determined.

Therefore, the Panel recommends that unless such studies as described above are conducted within 1 year following the publication of the final monograph in the FEDERAL REGISTER this ingredient should be restricted from use in infants. The label for the preparation containing the ingredient would state: "Not to be used on infants under 6 months of age." The literature sources documenting the impairment of glucuronide capacity in infants is listed separately under the section on triclocarban.

Data submissions (OTC Volumes 020033–020040, 020077, 020079, 020142, 020153, 020166, 020170, 020183, 020185, Ref. 11) and a series of reports with regard to the purported antimicrobial activity of triclosan have been studied, examined, and reviewed. These reports suggest that numerous gram positive bacteria are susceptible to its action at levels comparable to other substituted phenols, such as hexachlorophene. However, some gram positive skin residents appeared somewhat less susceptible than others. The lack of susceptibility of the gram positive streptococci is a potential hazard (see discussion of glomerular nephritis in comments for antimicrobial bar soaps). In attempts to define the spectrum of triclosan, some of the gram negative bacterial strains listed in the reports were revealed to be susceptible to triclosan. Those gram negative bacteria showing in vitro susceptibility to triclosan included strains of the various coliforms, *Proteus* and *Salmonella*. One type of gram negative organism of increasing importance in the hospital environment which was found to be quite resistant was *Pseudomonas aeruginosa*. Other microorganisms showing low levels of susceptibility included various fungi and viruses, such as the polio virus. Influenza, adeno- and vaccinia viruses are inhibited at a lower concentration. The reports suggest that reduction of the number of microorganisms in the skin microflora with the use of triclosan in soaps is similar to that with other bisphenols.

Some reports suggest the *Pseudomonas* can be selectively established at high levels on the skin with the topical use of bisphenols (Ref. 2, 3 and 4). In addition, triclosan can be utilized for the selective isolation of *Pseudomonas* from materials containing both gram positive and gram negative organisms. These materials include foods and microflora samples from the skin (Ref. 3 and 5). This isolation is facilitated with the use of a patented *Pseudomonas* isolation agar containing triclosan (Ref. 13).

Triclosan differs form other bacteriostats active primarily against gram positive bacteria, in that it does have in vitro and probable in vivo (Ref. 6) activity against some gram negative bacteria, but unfortunately not against *Pseudomonas*. With the widespread use of antibiotics and disinfectants selectively active, primarily against gram positive bacteria in the hospital environment, gram negative, nosocomial infections are increasingly life-threatening (Ref. 7) especially *Pseudomonas*. With the environmental pressures being pushed in one direction (one-way selective pressure) toward the selection of gram negative organisms, i.e., *Pseudomonas*, in the hospital environment, unexpected reservoirs and mechanisms of transmission are being reported (Ref. 8 and 9). It is essential to eliminate sources of gram negatives in particular areas of the hospital, for instance, burn units, intensive care units in which immunosuppressive drugs are administered and in neonatal nurseries. One study by Bodey and Rosenbaum (Ref. 10) describes the use of a triclosan-containing soap in hospitalized and immunosuppressed patients. This study reports the results of the bathing of leukemic patients in a protected environment (Life Island) with a bar soap containing 1 percent tribromsalan and 1 percent triclosan. The authors report reduction in total counts on various body sites, especially staphylococcal species. It is the Panel's view that the results of this in vivo study cannot be projected as applicable in a normal environment. The environmental problem with triclosan proposed by the Panel is foreseen as a problem in personnel transmission with *Pseudomonas* carriage on the hands as a result of selective pressures and with the widespread continuous use of triclosan-containing products in the hospital environment. Furthermore, the patients in this study, which had no controls, were all immunosuppressed and receiving concomitant antibiotic therapy, both oral and topical.

In addition the skin sampling and culture techniques were not optimal for the isolation of *Pseudomonas* from the skin. The serious possibility of carryover of inhibitory antibiotic residue from the topical therapy would invalidate the cultural results. This is a well-conceived study with application for these particular patients. However, there is certainly a risk involved with the knowledge that the soap being applied has no activity against *Pseudomonas* and undemonstrated claimed in vivo activity against other potential pathogens. In a subsequent publication (Ref. 9), these same authors describe another sutdy of this type and conclude that although 76 percent of aerobic bacteria were eliminated by cleansing with a soap containing a combination of triclosan, and tribromsalan, strains of potential pathogens such as *Enterobacter* species, a *Klebsiella* species, *Proteus* species and *P. aeruginosa* persisted. Thirty-three percent of the patients had persistent pathogenic bacteria and 40 percent had persistent fungi. Despite intensive systemic and topical antibiotic therapy and washing with an antimicrobial soap as a protective measure, the organisms persisting are those most likely to cause fatal infections in these seriously ill patients.

In the judgment of the Panel, clinical effectiveness in the prophylaxis and treatment of superficial pyogenic infections of the skin has not been established. Deodorant effectiveness has been demonstrated in the reports reviewed, but safer, alternative agents for the reduction of body odor exist.

The Panel has reviewed the use of isolation medium containing triclosan for the selective isolation of *Pseudomonas* from the skin. This fact per se would not indicate a problem with the environment nor is this the basis of the Panel's conclusions about triclosan in the hospital environment. Current thought among scientists investigating skin microflora raises the possibility that this chemical applied to the skin, considering the skin as a possible culture medium superior in many instances to those devised by microbiologists, would also act selectively to promote the shift of the skin flora especially in environments where *Pseudomonas* is ubiquitous and life-threatening to many patients.

The further widespread use of a product containing an antimicrobial agent with some gram negative activity, but with little activity against *Pseudomonas*, might easily shift the microbial flora of the skin, especially on the hands after repeated daily use, to allow carriage of high numbers of potential pathogens on the hands of hopsital personnel (Ref. 9 and 14).

Because of this potential for influencing the gram negative population and/or the addition of another potential selective agent for *Pseudomonas*, the Panel recommends that triclosan-containing products not be used in the hospital or other closed environments such as nursing homes, where individuals are present who may be highly susceptible to infection with microorganisms from the environment not normally pathogenic (opportunistic pathogens).

This restriction on the use of triclosan also applies to any combination products containing triclosan. Triclosan should be used only in products where there is no exposure to persons with debilitating dis-

eases, physical debilitation, persons who are immunologically compromised or where the closed environment in the hospital or other institution would possibly allow the shift of environmental pressures toward *Pseudomonas*.

Many animal toxicity studies for this ingredient have been submitted and discussed above. Further work is necessary to determine whether the triclosan molecule, the metabolite or a combination produce the toxic effect. More data on human blood levels following topical application are needed. A variety of skin areas, types and conditions should be studied. Possible mounting of blood levels with the use of multiple products should also be investigated.

It was the view of the Panel that in vitro data indicate activity against some gram negative microorganisms but that further verification of the spectrum is required as well as in vivo demonstration of activity against *Proteus, Salmonella,* and *Pseudomonas aeruginosa*.

Studies relating the use of triclosan in the hospital or closed environment to the incidence of gram negative, and particularly *Pseudomonas*, infections may be difficult to perform since the infection rate depends on many factors. Necessarily, some approach to a solution must be made since the theoretical reasoning of an effect follows general ecological principles. Further in vitro and in vivo susceptibility work will establish the actual spectrum of this chemical on the skin since the Panel was presented with conflicting reports.

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IODOPHORS

4. The OTC Antimicrobial I Panel recognizes the existence of at least three categories of iodophors: (1) Solubilized inorganic elemental iodine, such as tincture of iodine, USP, or the aqueous iodine-iodide solubilized product; (2) iodine complexed or combined with various surfactant compounds such as poloxamer-iodine complex; and (3) iodine complexed with various non-surfactant compounds such as PVP-iodine complex (polyvinyl pyrrolidone-iodine). The antimicrobial activity of all of these agents is dependent upon the release of elemental iodine. Iodine is recognized to be a broad spectrum antimicrobial with activity against fungi, viruses, and both gram positive and gram negative bacteria.

a. *Solubilized inorganic elemental iodine.* Iodine has a long history of use as a broad spectrum antimicrobial agent. There is an extensive literature documenting the effectiveness of aqueous and alcoholic solutions of elemental iodine as an antimicrobial. In fact, the United States Pharmacopeia has listed iodine preparations since 1840. In the judgment of the panel, elemental iodine hydroalcoholic solution is safe and effective when properly used on unbroken skin as a patient pre-operative skin preparation but its irritating properties and delay in wound healing make it unsafe for other uses. (See discussions in Categories I and II of tincture of iodine.) The data supporting these positions may be found in reference books such as those by Lawrence and Block (Ref. 1) or Hugo (Ref. 2) and Sykes (Ref. 3) as well as the numerous articles contained in OTC Volume 020181 which is an extensive bibliography of references about iodine (Ref. 4).

A variety of values has been proposed for the minimum concentration at which iodine is lethal to cells. It has been stated by Sykes (Ref. 3) that all microorganisms are killed by the same concentration. However, the organic load (in a wound, with serum, or on the skin) and pH (acidity) may dramatically change the concentration required to achieve the desired killing effect on the skin. It is difficult to set a level of free iodine which is effective against all types of microbial flora: Viruses, fungi, spores, and vegetative bacteria. The variables present in any situation where iodines are used as bactericidal agents on the skin must be tested in in vivo human studies because it is necessary that they be controlled in experiments testing effectiveness against high microbial populations. The results of these studies should be used to determine use dilution and label directions. It is probable that no single value in ppm of iodine can be established as universally effective. Elemental iodine is discussed in this statement since the effectiveness of all iodophors is dependent on the release of free iodine as the active agent and the complexing molecule acts only as a carrier.

b. *Iodine complexed with various surfactant compounds.* The Panel recognizes that elemental iodine complexed with a surfactant type "carrier" molecule reduces the amount of immediate "free" iodine, since most of the formulated iodine is bound in the complex. The Panel was not presented adequate data to determine if the complex is really a micellular solubilization of iodine at the molecular level or whether loose chemical bonding exists producing what could be termed a "sociable moiety". Indeed, the complexation of iodine with the carrier molecule is responsible for the changes in characteristics observed in staining, burning or irritation of the skin. The amount of "free" elemental iodine in solution is a function of the equilibrium constant of each complexing formulation. If all of the "free" elemental iodine is removed from solution (as in the case of application to a wound where potentially all iodine present is bound by total organic load), then a finite period of time would be required before a new equilibrium would be established. Once the iodine is released from the complex, it acts as elemental iodine, a broad spectrum antimicrobial agent. After release of iodine, the carrier molecule remains at the site as any other similar surfactant molecule.

The Panel has concluded from the data submissions that iodine complexed with a surfactant is a way of presenting iodine as an antimicrobial agent to a wound site or the skin. The purpose of presenting iodine in such a form is to reduce the staining and toxic (locally) properties inherent in the iodine molecule. Since most of the formulated iodine is tied up in the complex, the amount of "free" iodine available at any given instant is relatively small. Therefore, theoretically, the degree of irritation should be lessened. Indeed, the data submitted does substantiate a reduced degree of iodine burn from the complex. In many cases, the area covered by the iodophor may be covered with adhesive tape or bandaged because the amount of "free" elemental iodine is not enough to cause tissue burns. This is a significant advantage for these iodine preparations over older iodine formulations, such as tincture of iodine. The concern of the Panel has been that this advantage of complexed iodine may also be its most serious disadvantage. The advantage of the iodophor is that the area can be treated and bandaged without irritation, while the serious disadvantage may be that actually there is less free iodine as an active antimicrobial. The Panel was presented no significant data about the "release" or disassociation of iodine from the com-

plex. Additionally, the Panel was concerned about the lack of stability data on iodophor formulations.

The Panel is aware of the proposed mechanism which has been described in U.S. Pat. 3,028,299 (Ref. 11) and by Schmidt and Winicov (Ref. 5) theorizing the establishment of an equilibrium between free iodine and complexed iodine. The labeling for a given product states the amount of available or titratable iodine in the formulation. However, only a fraction is in the "free" elemental iodine form at the time of use. The concern of the Panel was the lack of data in the cases of actual use of the product which identifies the fraction that is "free". For example, once the "free" elemental iodine is bound to an organic load (in a wound, with serum, or on the skin), how rapidly is new elemental plex take place at the same rate in the plex? Does pH influence rate of release? (See OTC Volume 020077, Tab 118, Ref. 4). Only preliminary data were presented in the form of rapidity of titration with thiosulfate or rapidity of partitioning between two immiscible solvents. The Panel considers this form of data inadequate since it does not reflect actual conditions of use. For example, will the dissociation of iodine from the complex take place at the same time in the presence of iodine bound to an organic load? No such data were submitted to the Panel and before final classification of these iodophors for most applications can be made, such data are necessary.

Another area of concern for the Panel was the lack of stability data submitted for the several iodophor preparations. It is recognized that elemental iodine is a rather powerful oxidizing agent, as are all the halogens. It was suggested that some iodophors are not stable over a two year shelf life period (Ref. 12). The Panel recommends that the Food and Drug Administration ascertain the stability of iodophor products.

The Panel has concluded that inadequate safety data were presented for all applications to permit final classification of these surfactant iodophors at this time. Some data submitted to the Panel in OTC Volume 020119 (Ref. 4) suggest that with certain of the surfactant idophors the volatile characteristics of iodine are not changed. In an occluded environment such formulations may corrode the tissue resulting in tissue burns. It was also suggested in this same volume, that all surface active agents cause hemolysis and tissue irritation and for this reason all surfactant-containing iodophors should be removed from soft tissue or surgical wounds prior to their closure. The Panel noted only a very small number of clinical studies with the surfactant iodophors which could shed light on these problems. The Panel recommends that surfactant iodophors be studied to define retardation of wound healing and irritation before they are labeled as Skin Wound Cleansers. For all other uses the following controlled studies using both research laboratories and clinics should be conducted: Blood levels of iodine (and iodide) and/or the carrier or complexing molecule following various types of usage of the product; systemic toxicity after absorption of the carrier molecule (animals only); the target organ for toxicity from the carrier molecule as well as metabolic fate of the carrier molecule (animals only).

One of the primary concerns of the Panel was the influence of surfactant iodophors on rate of wound healing. Conflicting data were presented to the Panel in the area of effect on wound healing. For example, several citations were submitted indicating little or no effect from the iodophor on rate of wound healing (See OTC Volume 020071, Tab 49, Tab 90). In contrast to these, data were presented suggesting that certain nonsurfactant iodophors (PVP-iodine type) delay the rate of wound healing see Custer et al. (Ref. 6) and Edlich et al. (Ref. 7). In attempting to resolve this question, the Panel noted a paucity of controlled research that would define whether any delay in wound healing is due to iodine, carrier molecule or the combination. It is therefore, recommended that definitive research be conducted on each surfactant iodophor used in or on wounds and the results of such research be reported to the Food and Drug Administration for final evaluation.

Another primary area of concern of the Panel was the paucity of clinical evaluation data dealing with the claimed effectiveness of most of the surfactant iodophors. There were many in vitro tests reported and the Panel is satisfied that, under the specific conditions of test for the in vitro evaluation, the specified iodophor had the stated antimicrobial effects. The Panel does feel, however, that clinical claims made from extension of the in vitro data were largely unwarranted in the absence of clinical research. The Panel again recommends that controlled clinical studies be conducted on each surfactant iodophor for which a specific claim is made.

In specifying some shortcomings in the data submitted, the Panel does not infer that a known hazard exists with these products. On the contrary, the Panel did receive enough toxicity data to convince them that there is no known hazard to the public from the use of these iodophors.

c. *Iodine complexed with non-surfactant compounds.* The only example of this non-surfactant type iodophor was polyvinyl pyrrolidone-iodine complex (PVP-iodine). Some testimony was presented to the Panel suggesting that PVP-iodine is a distinct chemical entity, while other testimony suggested that PVP-iodine is only a complex of polyvinyl pyrrolidone and iodine. In the absence of definitive data, the Panel is referring to PVP-iodine as a complex. Some evidence was presented that indicates iodine is released more slowly from PVP-iodine complex than from the surfactant-iodine complex. The Panel would require the same rate-of-release data in the presence of an organic load for the PVP-iodine complex.

The Panel has concluded that all defined uses for PVP-iodine will be placed into Category III for a period of 1 year following publication of the final monograph in the FEDERAL REGISTER in order to allow adequate time to obtain the data specified below. Enough data were presented to the Panel to satisfy them that no known hazard to the public would result from the use of PVP-iodine. The specific areas of concern that caused the placement of this iodophor into Category III follow.

Data were presented to the Panel that indicate that PVP-iodine preparations were used in volume on large burn areas, on vaginal mucosa, in large open wounds and in abdominal surgery. Following such indiscriminate use, it was shown that some individuals showed altered protein bound iodine (PBI) levels and thyroid function. Therefore, the Panel recommends that more controlled research be conducted to show the conditions of use under which thyroid function would or would not be altered, and the amount of PVP-iodine required to induce alteration. The Panel would be more interested in data with current analytical procedures, such as T3 and T4 levels, than in PBI levels (Ref. 4).

The Panel was presented conflicting data concerning the role of PVP-iodine use on the rate of wound healing. Some data suggested that PVP-iodine had no effect on rate of wound healing while other data suggested a delay in wound healing after the iodophor use in animal model studies by Custer et al. (Ref. 6) and Edlich et al. (Ref. 7). In the opinion of the Panel, inadequately controlled studies were reported and are of only limited value in making a final judgment as to effect on wound healing. The Panel recommends controlled studies be conducted to answer the question as to the cause for delay in wound healing, if it occurs. The iodine, PVP alone, formulation aids, and final product should be evaluated in a controlled study.

While reviewing the data submission, the Panel was concerned about stated label claims made without adequate supporting clinical data. Statements implying "long-acting germicidal" activity or prolonged viricidal or sporicidal activity with iodine suggested clinical effectiveness over relatively long periods of time. Two questions arose from such implication: (1) What is the rate of release of "free" iodine from the complex in a clinical application and (2) what is the evidence of "germicidal" activity over a period of time in a clinical application? The Panel recommends that definitive research be conducted to answer these questions as well as to define the parameters or limiting conditions for the germicidal activity of iodine, whether free or bound in an iodophor.

Reports have appeared in the literature which have indicated possible lymph node changes by circulating polyvinyl pyrrolidone. See Ashwood-Smith (Ref. 8), Towers (Ref. 9) and Dupont and Lachapelle (Ref. 10). The Panel recognizes that certain molecular weights of polyvinyl pyrrolidone have been used as plasma expanders which have caused the node changes. PVP-iodine prepara-

tions have been used in large open wounds and in the abdominal cavity, but the Panel feels that inadequate data were made available to prove positively that such lymph node changes do not take place following such uses of PVP-iodine. The primary recommendation for additional work in this area is to show the extent of scavenging of residual PVP-molecules by the reticuloendothelial system and possible lymph node involvement following use in abdominal cavities or in large wounds. The Panel was convinced by testimony which is summarized in OTC Volume 020149 (Ref. 4) from Dr. G. Rice of the National Cancer Institute and submitted data that there was little, if any, danger of carcinogenesis from residual PVP molecules.

The general deficiencies noted with the iodophors involve both safety and effectiveness. The whole question of iodine release from the complexed molecule including rate of release and binding to other materials, as well as the influence of the release rate on effectiveness must be resolved. The stability of complexed iodine over time and with varying environmental conditions must be known and and controlled so a stable product is marketed and effectiveness can be assured. The systemic absorption of topically applied iodine must be measured using the currently accepted assay procedures. In many cases, the toxicity of the carrier molecule has been only superficially characterized. Further detailed studies are necessary before toxicity can be determined (see discussion of animal toxicity in guidelines).

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QUATERNARY AMMONIUM COMPOUNDS

5. Since the first introduction in 1935 of quaternary ammonium salts ("quats") with surface active characteristics used as antimicrobial agents, there has been wide use and acceptance of these compounds as antiseptics and disinfectants. There has also been much controversy concerning the microbial spectrum, inactivation with incompatible materials, and potential hazard as a result of gram negative contamination, particularly with *Pseudomonas*.

Quaternary ammonium compounds are cationic surface active agents. They can be differentiated from nonionic and anionic surface active agents in that they are basically organically substituted ammonium compounds which can be characterized by the following general representation: $[R_1R_2NR_3R_4]^{(+)}X^{(-)}$. "R" represents a lipophilic group such as long chain hydrogen alkyl or aryl-alkyl radicals or other groups; "X" represents a negative ion such as a halide, sulfate or other radical and "N" represents nitrogen.

The inherent nature of this type of molecular structure allows the synthesis of a large number of variants. The challenge has been met by the production of extremely large numbers of these compounds. The Panel has reviewed only three of these, restricting their comments to those for which data were submitted: Benzalkonium chloride, benzethonium chloride, and methyl-benzethonium chloride. It should be understood, however, that these compounds do contain characteristics which are common to the whole class of quaternary ammonium compounds. The microbial spectrum does not vary significantly from compound to compound.

There is an interference action between cationic and anionic surface active agents with the result that these ionic types of compounds cannot be formulated together without inactivation of the germicidal activity of both compounds. Further discussion of the subject can be found in texts by Lawrence and Block (Ref. 1) and Sykes (Ref. 2). In contrast, the nonionic compounds are often formulated with cationic "quats" in products known as germicidal detergents.

"Quats" and all surface antibacterials have been shown to affect membrane permeability. Indeed, this group of compounds have been called membrane-active. Many authors have recorded the loss or leakage of cell contents after exposure to "quats." Specific transport mechanisms may also be affected. "Quats" probably produce a generalized breakdown in the semipermeable characteristics of the membrane as discussed by Hugo (Ref. 3), Lawrence and Block (Ref. 1) and Sykes (Ref. 2).

Gram positive microorganisms are generally more susceptible to the effect of the "quats" than gram negatives.

The "quats" are non-specifically adsorbed to the cell membrane. In any case, the unprotected cell membrane is sensitive to the action of the "quats". Difference in sensitivity is conferred by access to the cell membrane.

This difference is probably due to the differences in the cell wall of gram positive and gram negative microorganisms. The adsorptive character of the cell wall probably determines the ability of the quaternary to reach and affect the cell membrane beneath the cell wall.

Early reports of the bactericidal activity of "quats" in low concentrations could not be supported when adequate neutralizing chemicals were added to the culture medium for testing antibacterial activity. In early tests, enough "quat" molecules adsorbed to the cells were carried over into the subculture medium to prevent the cells from growing when transferred to culture media. The meaning of the results of such tests was misjudged and misinterpreted during the early effectiveness testing of the "quats".

The gram negative *Pseudomonas* species are frequently resistant to destruction by "quats." The lack of lethal activity of "quats" against *Mycobacterium tuberculosis* has been well established and is reported by Sykes (Ref. 2). The fungicidal activity of "quats" is questionable and "quats" also lack significant antiviral activity. Tables listing the spectrum of "quats" against a variety of microorganisms are numerous and examples can be found in Lawrence and Block (Ref. 1) and Sykes (Ref. 2).

The presence of organic materials substantially reduces the antimicrobial effectiveness of "quats". Their surface active nature permits easy adsorption on surfaces of even glass and plastic and consequently, residues of "quats" may remain. In fact, the adsorption of "quats" onto the bacterial cell surface and subsequent carry-over to the sub-culture medium in testing accounts for early exaggerated claims of effectiveness for "quats."

The cationic "quats" are inactivated by anionic compounds, soaps, Tween 80, and sodium lauryl sulfate as well as by certain metallic ions. Hard water and acidity also reduce the activity of the "quats". These incompatabilities are discussed by Lawrence and Block (Ref. 1) and Sykes (Ref. 2).

Because of their reported low toxicity and ease of use, especially with detergents, these compounds have been widely used for dipping solutions and "cold" instrument sterilization in hospitals. Organic material is commonly added to the solutions and as a result of failure to clean materials or replace old solutions, added micro-organisms are not inactivated and can grow and reproduce. Several serious outbreaks of gram negative infection, as well as infections caused by other organisms, have been reported as a result of contaminated quaternary ammonium solutions (Ref. 7, 9, 10 and 14 through 21).

Preservative ingredients can be added to quaternary ammonium salts to prevent the growth of gram negative microorganisms, particularly *Pseudomonas*. Such a preservative system must be adequately challenged by effectiveness testing. The minimum acceptable standard for challenge testing of the preservative system would be the USP XVIII Preservative Test (pages 845–846) and chemically, the Antimicrobial Agents-Content Test (pages 902–204).

It is the finding of the OTC Antimicrobial I Panel that adequate safety and effectiveness data concerning these specific cationic surface active agents (benzalkonium chloride, benzethonium chloride, methyl benzethonium chloride) are not available to permit final classification except as a Skin Wound Cleanser.

Human systemic absorption and toxicity after topical application cannot be established based on a review of the scientific literature or submitted data. The systemic toxicity of "quats" in animals is low. The LD_{50} and chronic oaral study values in OTC Volume 020179 (Ref. 4) in several animal species are reported. The toxicity reported is indicative of and reflects the surfactant nature of the molecule. The "use dilution" for the "quats" is usually about 1/750 for topical application.

Specific absorption and systemic levels in humans have not been reported for the three "quats" reviewed. Considering the concentrations applied, and extrapolating from animal studies, toxic effects at use levels would be unlikely.

The irritating nature of quaternary compounds on the skin, mucous membranes and in the eye have been reported extensively in the submissions and are found in OTC Volumes 020017, 020018, 020128 and 020143 (Ref. 4). The degree of irritation is dependent on concentration and/or occlusion. There is little irritation potential with the use concentrations.

Various reports of toxicity related to the detergent nature of these compounds have been published. Landsdown and Grasso (Ref. 5) reported that repeated application of 1 percent benzethonium chloride to the skin caused damage with cellular degeneration. "Quats" have been shown by Bettley (Ref. 6) to alter the permeability of the human skin to sodium and potassium ions and to cause enhanced percutaneous absorption. Also, occasional reports of non-allergic and allergic contact dermatitis have been made by Plotkin and Austrian (Ref. 7), Malizia et al., (Ref. 8), Lee and Fialkow (Ref. 9) and Saunders (Ref. 30).

Necrotic ulceration has occurred where detergent creams containing "quats" have been applied to moist areas of the skin of the genitals and buttocks under occlusion as reported by Coles and Wilkinson (Ref. 10) and Tilsley (Ref. 22).

A number of published articles deal with the toxicity of the specific "quats" reviewed by the Panel (Ref. 23, 24, 25). References to sensitivity and contact dermatitis produced with "quats" have been reported (Ref. 26 through 29).

One aspect of the result of the use of "quats" deals with both effectiveness and safety. Over the years since their introduction, the variety and frequency of their use has increased. Several reports by Plotkin and Austrian (Ref. 7), Malizia et al., (Ref. 8), Lee and Fialkow (Ref. 9) indicate systemic infections by *Pseudomonas aeruginosa* and other gram negative bacteria resulting from contamination of detergent fluids in which surgical instruments had been stored. Refer also to other pertinent work concerning nosocomial infections (Ref. 7, 9, 10, and 14 through 21).

The Panel concludes that the effectiveness of the "quats" appears to be limited and their effects in vivo on either resident cutaneous flora or on potentially pathogenic transients on the skin have not been clearly demonstrated. This conclusion is based on the relevant factors which follow.

While the growth of *Staphylococcus aureus* and certain other gram positive bacteria is inhibited by low concentrations of the "quats" in vitro, their reaction to these substances within the cutaneous ecosystem has not received sufficient attention. Since it has been shown by Ogden et al. (Ref. 11) and Sykes (Ref. 2) that "quats" are rapidly adsorbed to proteins and to cotton fibres and their germicidal activity is reduced in the presence of serum and of soap, their efficacy on the skin or in superficial wounds is much less than would appear from results obtained with in vitro procedures.

Many gram negative bacteria are resistant to the germicidal action of "quats", and some strains of *Pseudomonas* can survive and multiply in aqueous solutions to these substances. Such strains may be resistant to related preparations as has been described by Adair et al. (Ref. 12). Strains of the same species can also vary in their sensitivity to the "quats" and this attribute can change as a result of artificial culture as shown by Carson et al. (Ref. 13). In vitro testing of a series of strains recently isolated from human infections and other appropriate habitats must be understaken before the germicidal effects of the "quats" on gram negative species can be satisfactorily assessed.

Mycobacterium tuberculosis, some species of *Clostridia*, most dermatophytes and many viruses are not inactivated by the "quats". There are few reports on the in vitro or in vivo susceptibility of pathogenic fungi or protozoa to "quats".

Various reports show that the application of "quats" to the skin reduces both the bacterial count on hands and in the axilla with subsequent reduction of body odor. There do not appear to have been any studies on the composition of the residual bacterial populations. A reduction of the density of normal skin microorganisms may be followed by a selective increase in the populations of potentially pathogenic microorganisms. Studies of the qualitative effects of "quats" on the skin should be undertaken to insure that inhibition of the normal microbial flora does not produce results which are hazardous to the human host.

The three quaternary compounds reviewed by the Panel have been widely used for many years. Further toxicity data characterized by the absorption and systemic toxicity in a rodent and nonrodent species should be generated prior to the placement of these "quats" into Category I for uses other than as a skin wound cleanser. Also, the in vivo effectiveness of these ingredients for the product categories other than Skin Wound Cleanser needs to be evaluated with modern techniques, including the use of specific neutralizers.

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PHENOL 1.5 PERCENT OR LESS IN AQUEOUS/ALCOHOLIC SOLUTION

6. Lister first demonstrated the usefulness of carbolic acid (phenol) as a germicide in the surgical theater in 1867. Although it has been used since then, the topical use in particular has declined in recent years with the availability of new antimicrobials. Its germicidal mode of action is as a protein denaturant. An easily dissociated complex of the plenol molecule and protein is formed. This complex formation permits the penetration of phenol through intact or abraded skin, mucous membranes or subcutaneous tissues with which it comes in contact. Phenol also may gain access to the pulmonary circulation through inhalation of its vapors (Ref. 1). Many of the toxic effects discussed occur when phenol is absorbed at levels of 1.5 percent or less. However, toxic effects are more serious at concentrations greater than 1.5 percent. (See discussion of phenol greater than 1.5 percent.)

Although phenol is no longer a significantly used antimicrobial, it is still formulated in topical products and there is a large body of literature concerning its effectiveness (Ref. 2, 3, and 4). Phenol was widely used and accepted as an antiseptic when little else was available and its use is certainly historically important. However, it is now obvious that the level of phenol required in a formulation to be effective is frequently so high that it cannot be used safely on the skin (Ref. 5).

Phenol can be bacteristatic or bactericidal depending on the concentration. Phenol is not sporicidal.

The mechanism of action on the microbial cell is very likely the disruption of the cell wall and precipitation of the cellular proteins (Ref. 3 and 4).

Because phenols have a high oil/water partition coefficient (tendency for phenol to remain in the oil phase), the antimicrobial activity may be decreased in the presence of excess oil or fats. Since many phenol products are formulated as ointments or creams, in vivo studies must be conducted to show the antimicrobial effectiveness of phenol in these formulations. In addition, many of the reported effectiveness tests for phenol published in the literature and/or submitted to the OTC Panel were carried out before the development and use of neutralizers in antiseptic testing.

Phenol is a classic example of a chemical which is metabolized and eliminated from the body by glucuronide conjugation in the liver. This mechanism may be deficient in young animals and human infants. The Panel felt that inadequate data concerning elimination and toxicity in young animals were submitted. The Panel recommends that adequate research in young animals with blocked formation or unavailable glucuronide systems be conducted in order to define the toxicity potential for human infants. Since the liver is considered the major organ for conjugation, the effect of inadequate or impaired liver function on elimination and toxicity should also be determined.

Therefore, the Panel recommends that unless such studies as described above are conducted within 1 year following publication of the final monograph in the FEDERAL REGISTER this ingredient should be restricted from use in infants. The label for the preparation containing the ingredient would need to state: "Not to be used on infants under 6 months of age." The literature sources documenting the impairment of glucuronide capacity in infants are listed separately under the section on triclocarbon.

There is a report that phenol is a cocarcinogen in animal tissue (Ref. 6). The Panel is of the opinion that carcinogenic studies should be done to determine whether in fact, phenol itself may have carcinogenic potential. No information on the teratogenic or mutagenic potential of phenol has been submitted and this data should be developed.

Because of the reports of local and systemic toxicity (Ref. 7) after the use of phenol-containing products covered with bandages over large areas of the body, it is recommended that the use of phenol be restricted to small areas of the skin and that occlusive dressings, bandages or diapers in any form should not be used. Phenol-containing preparations should not be used for the treatment of diaper rash. The label should state, "Warning: Do not use for diaper rash or over large areas of the body or cover the treated area with a bandage or dressings."

It is recommended that the total concentration of phenol in powders and in aqueous, alcoholic or oil formulations be restricted to less than 1.5 percent. When camphor is used with phenol in an oil formulation, the concentration of phenol should be no more than 5 percent. Chemicals with phenol activity, such as sodium phenolate and secondary-amyltricresols should be considered as phenol in the calculation of the total phenol in any formulation. The amount of phenol available as a germicide will, of course, depend upon the particular formulation and the amount of phenol in a free state. The Panel has determined that phenol may be used in formulations, but at a minimal concentration, for its aromatic characteristics.

It seems apparent that even with its long and illustrious history, the time has come to recognize that the levels at which phenol in aqueous and alcoholic formulations is effective topically are also the levels at which topical and systemic toxicity may occur. The fact that these two elements converge has made it necessary for the Panel to limit the concentration which may be marketed while testing for safety is concomitantly performed. The Panel has described rather severe toxicity with the dosing or application of phenol in animals or man and has limited the concentrations greater than 1.5 percent to Category II. (See discussion of phenol greater than 1.5 percent aqueous/alcoholic.)

Even though the effects of phenol toxicity at lower concentrations are similar, the severity is dependent on the concentration. It is the Panel's view that the demonstration of effectiveness at 1.5 percent or less may be exceedingly difficult but that the use of this concentration does not present a known hazard to the consumer. The toxicity of phenol has been extensively described. The major lack of data is in in vivo efficacy studies with concentration at 1.5 percent or less. In vivo studies performed with modern testing and skin sampling procedures, including the use of neutralizers, are required.

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PARA-CHLORO-META-XYLENOL

7. Very little information was submitted to the Panel with regard to para-chloro-meta-xylenol (Ref. 1). Only a a few acute oral and inhalation studies were submitted. These studies do not indicate a high degree of acute toxicity with an oral LD_{50} of greater than 3 gm/kg in rats.

However, because the information that could be obtained from subchronic dosing by various routes of application, determination of target organ, dermal and mucosal absorption, and metabolic studies are not available, an evaluation of the safety of this chemical in a topical preparation could not be made. In addition, information is not available regarding the effects of para-chloro-meta-xylenol on wound healing. The carcinogenic, mutagenic and teratogenic potential of the chemical which might be used topically for prolonged periods of time has, to the best of the Panel's knowledge, not been evaluated. There were two reports of contact dermatitis associated with para-chloro-meta-xylenol (Ref. 3 and 4).

It has been reported by Zondek and Shapiro (Ref. 2) that para-chloro-meta-xylenol is metabolized by glucuronide and sulfate conjugation. Due to the reported deficiency of metabolic conjugating mechanisms in infants, it is the opinion of the Panel that toxicological safety evaluation of para-chloro-meta-xylenol should include the studies to demonstrate safety in animals deficient in these detoxification mechanisms. Since the liver is considered a major organ for conjugation, the effect of impaired liver function on elimination and toxicity would be important.

Therefore, the Panel recommends that unless such studies as described above are conducted within 1 year following publication of the final monograph in the FEDERAL REGISTER, this ingredient should be restricted from use in infants. The label for a preparation containing the ingredient would need to state: "Not to be used on infants under six months of age". The literature sources documenting the impairment of glucuronide capacity in infants are listed separately under the Statement of the Panel on triclocarban.

A manufacturer of para-chloro-meta-xylenol has indicated to the Panel (Vol. 020067, p. 31, Ref. 1) that further toxicological studies were planned; however, no additional information has been made available to the Panel.

Para-chloro-meta-xylenol is a halogen substituted phenol compound. Many of the comments made for the effectiveness testing of phenol apply here. Halogen substitution increases the antimicrobial activity of phenol derivatives. The halogen in the para-position to the hydroxyl group is considered the most effective substitution. Thus, the indications are that this compound would show good in vitro activity. Very little information about the in vivo activity on the skin is published or was submitted to the Panel. At least one report, by Colebrook and Maxted in 1934 (Ref. 5), using a serial washing technique indicated only a slight effect on resident bacterial flora of the skin. Another study reported approximately a 70 percent reduction in microbial count of the flora of the hands after 10 days of use.

Para-chloro-meta-xylenol is primarily active against gram positive organisms with activity against gram negative microrganisms in vitro. Fungicidal activity in vitro is also reported (Ref. 2). The phenol coefficient is reported to be around 40, but the results vary (Ref. 2).

Claims for broad spectrum activity have been made for this compound. It has been tested as a preservative for cosmetic products (Ref. 2). Unfortunately the data submitted are not adequate to support these claims.

Very little effectiveness data which could be evaluated were submitted. Many studies were old and not performed with modern antiseptic testing procedures.

Effectiveness testing both in vitro and in vivo should be done in accordance with the Guidelines developed by the Panel. There are so little data available that it is the view of the Panel, that this ingredient should be tested as if it were a new chemical entity for use in antimicrobial formulation(s).

Only the most superficial toxicity data in animals have been reported to the Panel. It is the Panel's view that toxicity in rodent and non-rodent species, substantivity, blood levels, distribution and metabolism as well as any subsequent systemic absorption studies must be characterized before this ingredient can be considered for placement in Category I. The carcinogenic, mutagenic and teratogenic potential of this ingredient must be determined before it can be listed under Category I for topically applied products. In vitro and in vivo efficacy studies with up to date sampling techniques, including the use of neutralizers, are required.

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HEXYLRESORCINOL

8. The Panel has reviewed the submission regarding the safety and effectiveness of hexylresorcinol. The few animal toxicity studies submitted as summaries indicate a low order of toxicity (Ref. 1). However, no information has been submitted regarding dermal or opthalmic toxicity or absorption and blood levels attained after application to the intact or abraded skin or mucous membranes.

Hexylresorcinol has a history of use as an oral anthelminthic in humans. In these cases the dose used in children has been 600–800 mg. and in adults 1000 mg. Ref. 2 and 4) without systemic toxicity. However, irritation and ulceration of the oral and gastrointestinal mucosa have been reported from these high doses (Ref. 2 and 4).

During its long history of use, there have been a few reports of dermatitis and allergic reactions following the topical application of hexylresorcinol to skin (Ref. 3, 4, 5) and of irritation of the oral mucosa from the use of cough drops and toothpaste containing hexylresorcinol (Ref. 3 and 4). However, the Panel is of the opinion that hexylresorcinol does not present a known hazard to the general public from use as a topical preparation.

Data have been submitted demonstrating in vitro effectiveness using techniques available some years ago. Neutralizers for antiseptic testing were not in general use at the time these studies were performed and their use was often ignored. Newer testing techniques are currently available and should be used in further studies to determine the in vitro activity of this ingredient. Adequate data to demonstrate clinical or in vivo effectiveness or to substantiate label claims have not been submitted.

The Panel has reviewed rather extensive reports of the oral administration of hexylresorcinol to humans with other accompanying animal toxicity data (Ref. 1) and has concluded that topical application, even where absorption might occur at high levels, is safe. The area in which data are lacking concerns the in vitro and in vivo effectiveness of the ingredient and of formulations containing it. Before hexylresorcinol can be moved to Category I for other product categories, these effectiveness data must be generated using modern testing procedures and skin sampling techniques, including the use of neutralizers.

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TRIPLE DYE

9. The OTC Antimicrobial Panel has thoroughly reviewed the published literature and has listened to additional testimony from interested parties concerning the safety and effectiveness of the combination of dyes (crystal violet, 2.29 g; brilliant green, 2.29g and proflavine hemisulfate, 1.14 g and sufficient water to make 1000 ml) known as Triple Dye.

The Panel has reviewed the use of Triple Dye for the treatment of the umbilicus prior to the introduction of hexachlorophene, and has reviewed its recent use in the prevention of staphylococcal colonization of neonates as a possible replacement for hexachlorophene. It is the opinion of the Panel that the evidence indicates that a single application of triple dye to the umbilicus is effective in the reduction of staphylococcal colonization in infants in the hospital nursery (Ref. 1, 2, 3 and 4). Confirmatory studies would be desirable.

It is also the opinion of the Panel that additional safety data including the degree of percutaneous absorption and concomitant toxicity of the combination is required.

Additional effectiveness data are needed to determine the duration of protection following a single application of dye. The difficulty in the establishment of effectiveness by skin sampling for staphylococcal colonization is increased by the presence of small quantities of transferred dye in the culture medium used to isolate staphylococci and must be considered in further tests of effectiveness.

It is the opinion of the Panel that the data reviewed were not sufficient to permit final classification of triple dye.

The substantiation for this view is found in OTC Volume 020144 (Ref. 1) and in articles by Pildes et al. (Ref. 2), Jellard (Ref. 3), Hardyment et al. (Ref. 4) and Huntingford et al. (Ref. 5).

In summary the Panel reviewed this combination of antibacterial dyes primarily as a result of their concern with the toxicity of hexachlorophene. The application of triple dye to the umbilicus is a potential replacement for hexachlorophene bathing of infants in the nursery to reduce staphylococcal colonization. They have reviewed the literature and available information concerning the toxicity. Further data on the absorption, possible carcinogenicity of the dye ingredients and corroborative efficacy data should be generated before triple dye can be placed in Category I for this limited indication.

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LABELING

The Panel has determined that labeling claims not identified in Category I or Category II of this document continue to be used until 1 year after publication of the final monograph in the FEDERAL REGISTER providing the manufacturer or distributor of the product promptly undertakes adequate testing to support such statements.

GUIDELINES FOR TESTING

After exhaustive review of the data submitted for antimicrobial ingredients in soaps, surgical scrubs, skin washes, skin cleansers, and first-aid products, the Panel has developed guidelines for safety and effectiveness studies. These guidelines should be followed to develop data for specific ingredients where the information does not currently exist.

The Panel recognizes that antimicrobial use ranges from total body exposure to application on small areas of the body. This may extend from daily, repeated to intermittent, occasional application. The Panel also recognizes that the list of products may include solids, liquids, creams, powders, and aerosols, formulated with various chemical excipients.

The guidelines which follow were developed primarily for antimicrobial agents applied to the entire body surface.

Appropriate tests from the guidelines should be chosen to reflect adequately the intended use of the product containing the antimicrobial agent. Aerosols, for example, should include inhalation tests.

The Panel recognizes that there may be honest disagreement among scientists as to the most appropriate design of a protocol for many of the tests required to provide the data on which a final determination of category can reasonably be made. In this event, conferences with expert consultants and with representatives of the Food and Drug Administration are recommended. The Panel also recognizes that they have recommended studies in areas and with specified details for which precedents are not common.

GUIDELINE FOR SAFETY AND EFFICACY TESTING OF OTC TOPICAL ANTIMICROBIALS

Preparations applied to the skin for the purpose of reducing microbial counts or to effect control of infection may be applied to limited areas or to entire body surfaces. The following points are suggested as guidelines for the safety and effectiveness evaluation of topically applied chemicals. Since some products containing an antimicrobial agent(s) may be employed only over a limited surface area and/or for a limited time, all of the specific tests in the guidelines list (as well as others) may not be required.

Since topical products frequently have a considerable placebo effect, there must be some demonstration that the formulated product is better than the vehicle alone. Testing of the complete formulation for effectiveness and safety will be required to judge the importance of the vehicle in the release of the active ingredient as well as the influence of formulation on aspects of effectiveness and safety.

A. *Safety.* (Tests below to be performed on suitable animals and then on humans when applicable, appropriate and ethically feasible.)

1. *Topical (skin).* Determine:

a. Primary irritation potential following acute and subacute exposure. Special attention devoted to eyes, mucous membranes, and genitalia.

b. Allergic contact dermatitis potential following acute and subacute exposure.

c. Photosensitivity potential (phototoxic and photoallergenic). Tests to be conducted in appropriate age bracket in men and women and in sufficient numbers to determine safety.

d. Effect on wound healing.

e. Effect on skin pigmentation.

f. Effect on total skin flora to insure no detrimental over-growth of a particular bacterial or fungal species.

g. Substantivity or accumulation in or on the skin.

NOTE: The above tests should be performed using the chemical in pure form and in the final complete formulation to judge the effect of vehicle in the release of active ingredient(s).

2. *Systemic.* Determine:

a. The adequacy of or development of chemical analysis and/or bioassay techniques for the detection of the chemical and metabolites in biological tissues and secretions is essential.

b. Degree of absorption (blood level) through intact and abraded (damaged, diseased) skin and mucous membrane after acute and subchronic exposure and where appropriate, chronic exposure. If the product is an aerosol, adequate inhalation studies should be conducted.

c. The target organ(s) for toxicity effects via oral, topical and/or parenteral routes. Relate toxicity to blood levels of chemical agent. Determine the "no-effect" and "effect" level in the same species and same study.

d. The LD_{50}, highest dose killing no animals and lowest dose killing all the test animals by oral and topical routes, if possible.

e. Tissue distribution, metabolic rates, metabolic fate, and rate and routes of excretion.

f. Teratogenic, mutagenic, carcinogenic, and reproductive effects.

NOTE: The above tests should be performed using the chemical in pure form and in the final complete formulation to judge the effect of vehicle in the release of the active ingredient(s).

B. *Effectiveness.* The Panel has established by its definition of a skin antiseptic that only this product category requires controlled clinical studies to establish efficacy. The Panel accepts that in the definition and/or historical use of other product categories, the reduction of the normal flora, both transient and resident, has been sufficiently supported as an added benefit in all other products where antimicrobials are included in the formulation.

In the context of all of the definitions the concept that the products must be safe and non-irritating is expressed.

Testing of the irritation of topically applied products can be performed by accepted procedures.

Since product categories which did not exist previously have been defined by the Panel, there will be a need to develop adequate testing procedures in some of these new areas. There is particularly need to develop in vivo procedures for the newly defined products. The guidelines which follow are designed as an outline of suggested procedures which the Panel feels will characterize an antimicrobial product or ingredient. Certainly, the Panel recognizes that changes and additions will need to be made as newer techniques become accepted.

1. *In vitro.* a. Develop techniques for adequate neutralization of the chemical agent, before testing its antimicrobial[2] spectrum. Insure that the neutralizer is not toxic to the test organisms.

b. Determine the antimicrobial spectrum of the chemical(s) alone and in its final formulation. Use both standard cultures and recently isolated strains of each species. Cultures representing normal skin flora and skin pathogens should be selected.

The following outline has been prepared to serve as a basic guide for the in vitro characterization of the activity of an antimicrobial ingredient:

c. Determine the minimal inhibitory concentration (MIC) under standard conditions against standard organisms with known phenol coefficients and susceptibilities to other antimicrobial chemicals.

A series of recently isolated mesophilic strains including members of the normal flora and cutaneous pathogens (100 isolates) should be selected. Representatives of the following groups should be included.

NOTE: Special media and/or environmental conditions may be required:

1. Staphylococci-5 groups.
2. Micrococci.
3. Pyogenic Streptococci (Groups A, C, D should be included.)
4. Diphtheroids-Lipophilic, Non-Lipophilic, Anaerobic (*Propionibacterium*).
5. Gram negative enteric bacilli:

i. *Escherichia, Enterobacter, Klebsiella, Proteus,* and *Serratia* should be included.

ii. *Pseudomonas aeruginosa* and *Pseudomonas* species.

6. *Neisseria* species.
7. Aerobic Spore-Formers.
8. Atypical mycobacteria—fast growing strains.
9. Fungi—Yeast-like species. *Pityrosporum ovale, Pityrosporum orbiculare, Candida albicans, Candida parapsilosis,* and *Torulopsis glabrata.*
10. Selected Filamentous Dermatophytic species.
11. Viruses—hydrophilic, lipophilic.

d. Determine possible development of resistance to the chemical. Sublethal levels of the active ingredient(s) can be incorporated into the culture medium for an extended series of exposures. Use standard methods to determine the emergence of resistance.

e. Phenol coefficient

[2] "Antimicrobial" is defined as antibacterial, antiviral, antifungal and antiprotozoal.

Use standard procedure with and without a specific neutralizer. If none is available, use 10 percent serum. Second subcultures, to determine the viability of the strain, should be made.

f. Other tests for antimicrobial effectiveness—data substantiating antimicrobial action by standard procedures, such as the Sykes-Kelsey procedure, and others where applicable, should be used. It would be advisable to include in the in vitro test a chemical(s) with recognized antimicrobial activity, for purposes of comparison.

2. In vivo.

a. Appropriate tests approximating use conditions for the clinical evaluation of each label claim of the formulated product should be carried out. Some of these tests have been described.

1. Quantitative and qualitative estimation of the skin flora, both transient and resident.
2. Glove juice procedure.
3. Cade handwashing test.
4. Quinn handwashing test.
5. Skin-stripping or cup-scrubbing techniques should be used.

b. Feasible methods of sampling microbial communities in several different areas of the body, such as axilla, groin, feet and hands, are necessary so that the ecological effects of use of the product can be determined. This should include records, not only of alteration in total numbers, but of qualitative changes (such as dominance of a different type or change in antimicrobial resistance) in the residual cutaneous populations.

c. Determine the minimal concentration of the chemical necessary to produce the results named in the label claim(s).

Details of some of the specific tests referred to in the Guidelines can be found in Ref. 1 through 4.

REFERENCES

(1) Hugo, W. B., *"Inhibition and Destruction of the Microbial Cell,"* Academic Press, New York, 1971.

(2) Kelsey, J. C. and G. Sykes, "A New Test for the Assessment of Disinfectants with Particular Reference to Their Use in Hospitals," *Pharmaceutical Journal,* 202:607-609, 1969.

(3) Lawrence, C. A. and S. S. Block, *Disinfection, Sterilization, and Preservation,* Lea and Febiger, Philadelphia, 1968.

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PRINCIPLES OF CLINICAL EFFECTIVENESS STUDIES

In general, the Panel recommends that the principles specified in 21 CFR 130.12 (a)(5)(ii) be included as essential for adequate and well controlled clinical investigations. The reader is also referred to additional clinical testing guidelines (Ref. 1). The following specific recommendations are made to emphasize their importance in conducting clinical trials for products in this class.

A precise statement of the research goals and objectives; definitions of the disease state to be studied. Examples: To determine if "X" product reduces the incidence of superficial skin infections (specify type) if applied (specify how), to reduce morbidity or cure "Y" disease.

Since the Panel is aware of the difficulty in conducting this research, it might be preferable to conduct such studies in a controlled laboratory setting rather than awaiting the spontaneous occurrence of disease.

The allocation of the subjects to treated and control groups so that bias in assignment is avoided (randomization or other suitable method). Demonstration of comparability of control group (analysis by age, sex, previous medical history, etc.).

Because of the considerable "placebo effect" of topical medication, several principles should be incorporated, whenever possible, in clinical trials of topically applied formulations.

a. Control groups should receive treatment of either inert vehicles of "next-best" therapy, identical in appearance, odor and consistency as the test medication;

b. A double-blind procedure should be employed to minimize bias in reporting of results.

Precise criteria for inclusion or exclusion from study (clinical judgment; other diseases; social class, etc.). Verification of diagnosis of disease to be treated.

Definition of outcome response variables (improvement: How measured? cure: How determined?). Are these objective or subjective measures?

Study design: Is it blinded? Large enough sample to detect a difference? Cross-over, etc.? The rationale for the design.

Completeness of the study (how are missing data, dropouts, etc., treated).

Data summarization and statistical analyses. Are the appropriate tests of significance used? Are tables clear and properly labeled? Are conclusions justified by the data?

Basic principles applicable to clinical studies in general and references used in the development of these guidelines can be found in Ref. 2 through 4.

REFERENCES

(1) "Guidelines for Clinical Testing of Topical Anti-infective Drugs" developed by the Food and Drug Administration and the Pharmaceutical Manufacturers Association is included in OTC Volume 020186. Copies are available from the Freedom of Information Officer, Food and Drug Administration, Bureau of Drugs, 5600 Fishers Lane, Rockville, Maryland 20852.

(2) Burdette, W. J. and E. A. Gehan, *"Planning and Analysis of Clinical Studies,"* Charles C. Thomas, Springfield, 1970.

(3) Hill, A. B., *"Statistical Methods in Clinical and Preventive Medicine,"* E. and S. Livingstone, London, 1962.

(4) Witts, L. J., *"Medical Surveys and Clinical Trials,"* 2nd Ed., Oxford University Press, New York, 1964.

SPECIFIC PROTOCOLS RECOMMENDED BY THE PANEL

In the course of its deliberations, the Panel has made certain suggestions and recommended the development of specific protocols. Some of these comments and protocols follow.

1. *Determination of skin flora (Other than on the hands).* The development of sampling techniques in recent years now

permits a more accurate determination of the microbial flora of various parts of the body surface.

Of the techniques which have been developed, Updegraff (Ref. 1) has described a reliable procedure for the determination of qualitative changes in the microbial skin flora. This technique consists of skin stripping of microorganisms using cellophane tape. The skin can be stripped in consecutive layers followed by culturing and identification of organisms removed by consecutive strippings.

Williamson (Ref. 2) and Pachtman, et al. (Ref. 3) have described cup procedures utilizing a scrubbing solution placed in the cup which is attached to the skin. Some means of agitation of the liquid for more efficient removal is used.

The use of one or more of these techniques allows the determination of the number of microorganisms per square cm. It will also allow the determination of the type of organisms residing on various areas of the skin as well as the assessment of the effect of the long-term use of antimicrobials on the normal flora.

A potential benefit from the presence of the normal diphtheroid population of the skin has been a point of speculation. There are indications (Ref. 4) that these organisms may discourage the development of cutaneous infection by pathogens. If changes and shifts in population occur after the repeated use of antimicrobial-containing products, then it must at least be known that the changes are occurring.

In actual practice, the volar aspect of the forearm and the small of the back have been selected as areas for study of the flora because of ease of sampling and greater uniformity in type of flora. It is suggested that individuals with a high microbial skin count be selected as subjects for studies in which there is to be a determination of change in the number of microorganisms in any given area of the body surface. Such individuals will reasonably show changes in various elements of the flora more easily than those with low carriage or in those who lack certain types of organisms.

In studies where quantitative changes are determined, the investigator should consider the fact that the count data should be evaluated with appropriate statistical procedures and models to deal with high variability.

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(1) Updegraff, D. M., "A Cultural Method of Quantitatively Studying the Microorganisms in the Skin," *Journal of Investigative Dermatology*, 43:129–137, 1964.

(2) Williamson, P., "Quantitative Estimation of Cutaneous Bacteria," *"Skin Bacteria and Their Role in Infection,"* Edited by Maibach, H. I. and G. Hildick-Smith, McGraw-Hill, New York, 1965.

(3) Pachtman, E. A., E. E. Vicher and M. J. Brunner, "The Bacteriologic Flora in Seborrheic Dermatitis," *The Journal of Investigative Dermatology*, 22:389–396, 1954.

(4) OTC Antimicrobial I Panel Summary Minutes for the September 14, 1972 meeting.

2. *Isolation of gram negative and other organisms from the skin.* Gram-negative bacteria do not occur as residents of the skin of all individuals, and when present may be found only as small localized populations. They occur most frequently in moist areas such as the axilla, the peri-anal region and the toe-webs. It has however been shown by Taplin (Ref. 1), and Amonette and Rosenberg (Ref. 2) that the repeated use of preparations containing antimicrobial substances may lead to a change in the composition of the cutaneous community so that gram negative species, or even yeasts may become dominant. This may have very serious consequences as cutaneous or even systemic infections may develop. It is therefore insufficient to study only the effects of long-term repeated use of an antimicrobial product on the total numbers of microorganisms on the skin. It is essential to know to what extent reduction of numbers is selective, and to study the composition of the residual skin population. Special attention should be given to determining whether repeated use of the product leads to a relative increase of gram negative bacteria or yeasts in the total population.

The Panel suggests the use of the following procedures as a means of facilitating such studies.

A. A preliminary investigation of groups of individuals should be made so that carriers of gram negative organisms can be identified. To find these carriers, samples should be taken from the forehead, axilla, groin and toe-webs as well as from hands and back. The groups of subjects selected for the testing of the preparation should include the gram negative carriers previously identified.

B. Sampling techniques which can provide reasonably reproducible results should be employed. These have been listed in the general guidelines. The sample taken from the skin should be sufficiently large to permit the quantitative inoculation of several different solid media.

C. The following types of media should be inoculated with a measured volume of the sample:

1. A nonselective medium such as blood-agar or TSA (Trypticase Soy Agar).

2. Selective media appropriate for the isolation of microorganisms of special importance as skin inhabitants:

a. EMB (Eosin-Methylene Blue) or MacConkey Agar for coliform organisms.

b. Irgasan (Triclosan)—containing agar for *Pseudomonas* species.

c. *Staphylococcus* isolation agar, e.g., Staph 110.

d. Crystal Violet-Blood Agar for beta-haemolytic streptococci.

e. DTM (Dermatophyte Test Medium) for *Candida* and dermatophytes described by Taplin et al. (Ref. 3) and Rebell and Taplin (Ref. 4).

D. While quantitative estimates of the different types of organisms composing the cutaneous populations may be obtained from these primary cultures, it may be necessary to study individual isolates in much further detail before they can be identified and the implication of their presence assessed.

The Panel is fully aware of the difficulties involved in the examination and identification of microorganisms living on the human skin. It would welcome the development of new sampling techniques and media especially selective for cutaneous microbial strains. Elaboration and improvement of the methods currently used in investigation of cutaneous ecology is urgently required.

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(2) Amonette, R. A. and W. E. Rosenberg, "Infection of Toe Webs by Gram-Negative Bacteria," *Archives of Dermatology*, 107: 71–73, 1973.

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(4) Rebell, G. and D. Taplin, *"Dermatophytes, Their Recognition and Identification,"* University of Miami Press, Coral Gables, 1970.

3. *Effectiveness testing of a surgical hand scrub (glove juice test).* Panel members working with Food and Drug Administration personnel and other microbiologists (Ref. 6 and 9) recommended the following which is required by the Food and Drug Administration. The test described must be performed to support the efficacy of a product labeled as a surgical hand scrub.

Introduction. The determination of the microbial counts found in the accumulated fluid in the surgeon's gloves has been suggested in the literature as a method for the determination of the efficacy of surgical scrub products. The use of routine hand-washing procedures derived from the Price Test described in 1938 (Ref. 1) have their place but the results of these tests are easily manipulated by changes in the routine, timing, and recovery procedures. The development of improved sampling (sampling solution) procedures and recovery techniques (neutralizers) by Williamson (Ref. 2), Ulrich (Ref. 3) and Engley and Dey (Ref. 4) has greatly improved the reliability of skin sampling data. An effectiveness test which more closely simulates the actual procedures carried out by the surgeon is desirable and necessary.

This protocol is meant to be a guideline for performing tests to support claims of effectiveness as a surgical hand scrub. It will undoubtedly be modified with experience.

Criteria for subject selection. 1. Mixed male and female. Race should be recorded.

2. Adults.

3. Subjects will vary greatly in the number of microorganisms carried on the skin. Subjects with a high hand count as measured by sampling with the glove juice procedure should be used for the test. Counts should be in the range from 1.5×10^6 to 4×10^6 per hand.

4. Medication. Subject receiving antibiotics or taking oral contraceptives should be excluded from the test.

5. Thirty (30) subjects per test.

Pre-test period. 2 weeks.

The subjects for this test should not use any products containing antimicrobials for at least 2 weeks prior to the test. This restriction includes antimicrobial antiperspirants and deodorants, shampoos, creams, lotions, soaps, or powders. Subjects receiving antibiotic therapy or taking oral contraceptives should be disqualified.

Subjects should be issued rubber gloves to be worn during their daily routine when they come in contact with detergents, acids, bases or solvents.

Gloves for test. Gloves should be washed with sterile distilled water before use and applied wet. Gloves which are pre-powdered should be carefully washed free of powder as many of these powders contain antimicrobials.

Baseline period and sampling. The baseline period should be one week following the two weeks of the pre-test period. The baseline counts should begin on day one of the baseline period. This initial count is a screen to determine eligibility.

The day one count is also one count to be included for the mean baseline count. The counting procedure should be performed on day seven and also on either day three or five for a total of three estimations of the baseline count.

The baseline counts should be performed using exactly the same sampling and recovery techniques used for the test products under the testing procedure. This information will also be used to provide evidence to assess the assumption that the right and left hand gave comparable results.

Both hands should be sampled for the baseline count. Subjects should not wash prior to the counting procedure on the day of the test.

Baseline procedure is as follows: Hands including ⅔ of the forearm are washed for 30 seconds with Camay soap and sterile distilled water at 35–40° C. The excess water is shaken from the hands and the gloves are donned with the hands wet. Sampling solution (see Appendix) is added to the gloves (volume of sampling solution should remain constant for all tests). The glove is held closed at the wrist by the subject while an attendant massages the hand for one minute. A measured volume is withdrawn for the count.

Testing Procedure

Scrubbing procedure. The scrubbing procedure should be exactly as directed on the label of the product being tested, including the use of nail cleaner and/or a brush if indicated. The hand and ⅔ of the forearm should be scrubbed.

Sampling technique and times. After the scrub is performed, loose-fitting surgeon's or examining gloves are donned. Leave the hands wet by shaking off excess water when the gloves are donned. Immediately, the designated control hand is sampled for the one minute count as follows: Sampling solution containing buffer and surfactant is added to the glove, the hand is massaged for one minute, and a measured sample removed for plating. The volume of the sampling solution added to the glove should be kept constant for all tests. The fluid should be shaken vigorously prior to dilution or culturing. If diluent is used, neutralizer should be added to dilution blanks.

The glove is to remain on the other hand for the duration of the time of the test. It is suggested that at least 1, 2, 3, 4, 5, and 6 hours post scrub should be tested.

The times for which a glove remains on one of the hands after scrub should be allocated by random selection among the subjects in groups of five. This procedure is performed on day one and day two of the test period. The procedure should be repeated on day five after scrubbing with the product according to directions two additional times on day two and three times per day on day three and four at one-hour intervals. One scrub should be performed on day five and the gloves allowed to remain on the left hand for 1, 2, 3, 4, 5, or 6 hours.

The number of subjects used for the test should be 30 with randomization into six groups (n=five per group) corresponding to one hour, two hours, three hours, four hours, five hours and six hours. The allocation of subjects to groups remains constant after initial randomization.

Recovery media. A medium containing a neutralizer specific for the antimicrobial being tested must be used. Media which have been used in the past include: Letheen and Trypticase Soy Agar with Tween 80 and serum added.

The neutralizing system used for antimicrobial agents must be tested, and the data from the tests submitted, to show that the system is adequate. The neutralizer should not be toxic to cells and must be effective in neutralizing the specific chemical. This data must be submitted.

The cultures should be incubated at 30±2° C. for 48–72 hours. If culturing for specific organisms, such as fungi or anaerobes, is undertaken, appropriate culturing procedures should be instituted.

Duplicate plates have been routinely used for plating in the past. Because of the inherent variability in counts and the presence of clumps of cells from skin sampling, it is suggested that at least triplicate plating be used. A larger number may be required, depending on the variability. The counts should be reported as count per hand.

There are variations of this procedure in use. For instance, instead of sampling directly from the glove, the glove is removed, turned inside out into stripping fluid, and the hand rinsed with sampling solution as well. If variations of this test are to be used, the protocol should be checked with Food and Drug Administration personnel first.

Data handling—design—statistical aspects. It is assumed that there are no right versus left hand differences in microbial count. It is known that microbial handedness (a difference in count between hands) exists; however, there is apparently no relationship to whether the subject is left or right handed. The possible difference in count should be compensated for with the initial random allocation of subjects.

This will be tested using the baseline count to validate assumptions about the influence of handedness. It is necessary, therefore, to keep data for the left and right hand distinct.

The assignment of hands is as follows:

1. Right hand at 1 minute as observation of reduction from baseline (right hand baseline) on all subjects (30 subjects).

The objective of the design will be to test as follows:

a. Test the $\log_{10}$ reduction from baseline 1 minute after scrubbing with fast-acting broad spectrum antimicrobials.

b. Test the initial $\log_{10}$ reduction from baseline one minute after scrubbing with a substantative antimicrobial.

c. Test the $\log_{10}$ reduction from baseline 1 minute after scrubbing following 3 days with three consecutive scrubs per day performed at one-hour intervals.

Statistical Aspects

a. A test of the assumption that the agent produces a given $\log_{10}$ reduction, such as 1-$\log_{10}$, 2-$\log_{10}$, or 3-$\log_{10}$, reduction will be made using the data from the one minute result from the right hand compared to the average baseline (right hand baseline). A method like a paired t-test could be used.

b. Left hand at a time designated by random assignment to one of six time periods (five subjects in each of six groups) will be compared to left hand baseline.

The objective here will be to characterize the trend (in microbial growth) with time up to six hours. It is desirable that the count, over six hours, with fast-acting, broad-spectrum antimicrobials not exceed the baseline. It is expected that the count will not exceed baseline in six hours in the testing of substantive antimicrobials.

Analysis

The analyses will be performed first on each replication. There is replication of the entire test on day two and on day five after three consecutive washes at hourly intervals on day three, four, and five. Use the original group assignments of subjects observed for the same time periods as determined by random allocation.

Tests of trends may be done using either an orthogonal procedure or some suitable regression method. A combined analysis using the results of the three replications is possible using an appropriate analysis of variance technique. For example; an analysis of variance on the total set of experimental results using the model described on page 519 ("Statistical Principles in Experimental Design," B. J. Winer, McGraw-Hill Book Company, 1961) where hours correspond to factor A and replications correspond to

factor B. Baseline could be introduced as a covariant. Tests of trends using the orthogonal procedures will be employed.

APPENDIX

1. *Sampling solution.* (Williamson, Ref. 2).
Triton X-100—0.1 percent in 0.075 M phosphate buffer.
pH—7.9.

2. *Sampling fluid.* (Peterson, Ref. 6 and 9).
Potassium phosphate (monobasic)—0.4 g.
Sodium phosphate (dibasic)—10.1 g.
Triton X-100—1.8 g.
Distilled water—1 liter.
Final pH=7.8.

The Glove Juice Test is required to show the effectiveness of a product to be labeled for use as a surgical hand scrub. Other handwashing procedures should also be performed if there are indications for personnel handwashing. The two preferred procedures are the Cade and the Quinn handwashing procedures. The details of these tests are published in the literature. Following are some comments about these procedures are offered.

4. *Effectiveness testing of handwashing products*—a. *Comments applicable to all handwashing testing procedures.* The numbers of micro-organisms present before and after scrubbing with various formulations have been enumerated and reported in the literature over the years. One thing which has not been reported is the identity of the micro-organisms removed and those which remain. The spectrum of micro-organisms against which any one of the antimicrobial agents acts is variable.

The effect of the prolonged use of such products on the normal human skin flora is essential information for all antimicrobials designed for repeated use.

There are indications that replacement populations may indeed occur if certain micro-organisms are removed or suppressed (Ref. 7 and 8). In addition it is becoming evident that the normal flora of the skin may protect against skin infections.

The comments concerning the use of multiple plates in the culturing procedures as well as the evaluation of specific neutralizers for use in the testing of antimicrobial agents apply to all in vivo testing.

b. *Cade handwashing procedure.* This test has been described by Cade (Ref. 5) and is an adaptation of the Price (1938) handwashing test.

This procedure has been widely used to estimate effectiveness. It has also been widely adapted.

It has been the practice to use 6–10 subjects for basin tests. The count data are utilized to compare the mean baseline count with the count after use of the test product. The comparison is most often made as "percent reduction". This has been the criteria of effectiveness, frequently without further analysis.

If one considers the inherent variation, the number of subjects is not at all adequate. Other, more sophisticated analysis, such as analysis of covariance and hypothesis testing of whether the reduction meets an established criterion, is required, rather than simple and possibly misleading percent reduction. Subjects must refrain from the use of all products containing antimicrobials for two weeks prior to the test. The period for establishment of the baseline count for subjects in the test should be at least two weeks. Sampling for baseline counts should be toward the end of the baseline control period and should be done at least three times. Subjects taking antibiotics or oral contraceptives should be disqualified.

A non-antimicrobial soap should be used for washing when microbial counts are to be done.

c. *Quinn split-use test.* This test has been described as a modification of the Cade Test (Quinn, 1954). The primary difference is that one hand is used as the control for the test hand instead of using an established baseline count as the control.

The comments made previously concerning the number of subjects in the test apply here.

The comments concerning subjects also apply. There is normally no baseline count established. Subjects should refrain from the use of products containing antimicrobials for at least two weeks prior to the test (pre-test period) since many ingredients are substantive. The Panel recommends the establishment of a baseline count during the week following the pre-test period as a good addition to this testing procedure.

d. *Testing health-care personnel handwashing product.* Since the result expected from the use of this type of product is the reduction of the transient flora acquired as a result of patient care or as a part of hospital routine, the testing must involve the artificial contamination of the hands and forearms. This procedure can be executed by dipping the hands into a liquid culture with at least 10^8 organisms per ml. and allowing one minute before proceeding. The artificial contamination of the hands may also be produced by handling heavily contaminated materials to simulate actual practice.

The product under test should be used according to the directions on the label. Since these products are designed to be used with multiple replication, the effectiveness testing procedure of hand contamination and washing followed by evaluation of the count of the contaminating organisms should be done at least 25 times in succession. Some period of time should be allowed between repeats. Evaluation of the count on the hands can be done approximately every 5 washes.

In order to reliably carry out this test, a marker strain of a microorganism should be selected for use which is not part of the normal flora and which may be easily identified on culture plates. Two organisms frequently selected for this purpose are *Serratia marcescens* (pigmented strain) and *Bacillus subtilis* var. *niger* (strain globigii), Detrich isolate—ATCC 9372.

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5. *Effectiveness testing of a patient pre-operative skin preparation.* The historical use and basic effectiveness requirements are presented under the general discussion of efficacy of pre-operative skin preparations. The reader is referred to the definition and discussion of the product.

There are no established protocols for the testing of this category of products. From the defined use of the product, the antimicrobial as well as the formulated product, should be tested for basic in vitro data to establish its broad-spectrum activity. (See Guidelines).

The in vivo efficacy testing procedures should utilize the skin sampling procedures in the Guidelines and in the discussion of efficacy. Since any given area of skin surface can be tested, the control area can be the same location on the other half of the same subject (bilateral paired comparison).

Since the definition states that rapid activity is required, the time for testing activity should be 30 minutes maximum.

The baseline count on the control area matching the test area should be established using cup-scrubbing, tape stripping techniques or other appropriate sampling techniques. The same procedure should be used for skin area treated with the active product. The test must be done using an adequate population and with sampling from skin areas on various parts of the body and certainly, including the genital areas.

It is essential that the sample from the skin be properly neutralized to inactivate active chemical carried over from the

skin. The neutralizer used must be tested for toxicity to cells and for efficacy as a neutralizer. The sample as well as the culture conditions must be adequate to determine the range of organisms which can be isolated from the skin. (See Guidelines for suggested media). A minimum of three-log reduction will be required to establish efficacy for a product labeled as a pre-operative skin preparation.

6. *Testing of a skin wound cleanser.* This product category has been established and defined by this Panel. The reader is referred to the definition and discussion of product category. Inherent in the definition is the concept of cleansing and removal of foreign material.

Absence of delay in wound healing must be established for a product in this category.

The Panel recognizes that the testing of delay in wound healing, particularly in human subjects, is difficult.

Animal models have been used with artificially contaminated wounds by some investigators (Ref. 1, 2 and 3). See Efficacy Discussion and Iodophor Statement.

There is a need for the development of procedures to determine whether topical products applied to minor skin wounds would delay healing in human subjects. Until adequate human testing procedures are available, data from animal models will be required to support safety of a product to be labeled as a skin wound cleanser.

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3. Custer, J., R. F. Edlich, M. Prusak, J. Madden, P. Panek and O. H. Wangensteen, "Studies in the Management of the Contaminated Wound. V. An Assessment of the Effectiveness of pHisoHex and Betadine Surgical Scrub Solutions," *The American Journal of Surgery*, 121:572–575, 1971.

7. *Effectiveness testing of a skin wound protectant.* The reader is referred to the definition and discussion of a skin wound protectant. From the definition, a skin wound protectant must act as a physical barrier. The testing of barrier materials can be done with a model system and fluorescent particle challenge to the system with subsequent detection of the challenge particles on the other side of the barrier. A model for this challenge will have to be developed.

The second aspect of this definition to be tested is the lack of promotion of the growth of microorganisms. This characteristic can be tested first in an animal model system in which a wound is artificially produced in the animal skin. The extent of the microbial growth in such a system may be tested with various levels of microbial contamination added to the wounds. The growth or reduction of growth could be followed by appropriate skin sampling techniques performed in a time series after application of the test product. The growth may also be assessed by using an inoculum lower than the minimum infective dose of a pathogen for the animal followed by determination of infections in the treated animals.

Animal tests should be followed with human testing. At the current level of development of techniques, artificial contamination in humans cannot be recommended. However, a standard wound, such as that produced by a skin punch biopsy, may be used to test whether the product to be labeled as a skin wound protectant promotes microbial growth in a minor wound. Another approach in the production of an artificial injury for human testing which might be used is the repetitive skin stripping technique of Marples (Ref. 1). This procedure uses the repeated removal of skin layers with cellophane tape until the glistening layer is exposed. This minjor injury can reasonably be used for these testing purposes but would simulate only very minor wounds. Skin graft donor sites might also be used.

With any model selected for testing, particular attention should be given to testing the growth of anaerobic microorganisms where an occlusive system is used. It is expected that up-to-date techniques for the isolation and growth of anaerobes would be employed.

REFERENCES

(1) Marples, R. R. and A. M. Kligman, "Bacterial Infection of Superficial Wounds: A Human Model for *Staphylococcus aureus*," *Epidermal Wound Healing*, Edited by Maibach, H. I. and D. T. Rovee, Yearbook Medical Publishers, Inc., Chicago, 1972.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–42 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371) and the Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 554, 702, 703, 704) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Subchapter D be amended, pursuant to the recommendations of the Advisory Review Panel on Over-the-Counter Topical Antimicrobial Drugs, by adding a new Part 333, effective 6 months after publication of the final monograph in the FEDERAL REGISTER, to read as follows:

PART 333—TOPICAL ANTIMICROBIAL PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.
333.1 Scope.
333.3 Definitions.

Subpart B—Active Ingredients

333.30 Patient pre-operative skin preparation.
333.40 Skin wound cleanser.

Subpart C—Testing Procedures

333.60 Preservative testing.

Subpart D—Labeling

Sec.
333.70 Antimicrobial soap.
333.75 Health-care personnel handwash.
333.80 Patient pre-operative skin preparation.
333.85 Skin antiseptic.
333.90 Skin wound cleanser.
333.95 Skin wound protectant.
333.99 Surgical hand scrub.

AUTHORITY: Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–42 as amended, 1055–56 as amended by 72 Stat. 919 and 72 Stat. 948; (21 U.S.C. 321, 352, 355, 371), and Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243, as amended; 5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—General Provisions

§ 333.1 Scope.

An over-the-counter antimicrobial product in a form suitable for topical use is generally recognized as safe and effective and is not misbranded if it meets each of the following conditions and each of the general conditions established in § 330.1 of this chapter.

§ 333.3 Definitions.

For topical preparations when applied at acceptable use concentrations (the dilution recommended for use as distinguished from marketed concentrates) as used in this part:

(a) *Antimicrobial soap.* A soap containing an active ingredient with in vitro and in vivo activity against skin microorganisms.

(b) *Health-care personnel handwash.* A safe, nonirritating preparation designed for frequent use which reduces the number of transient microorganisms on intact skin to an initial baseline level after adequate washing, rinsing, and drying. If the preparation contains an antimicrobial agent, it should be broad-spectrum, fast-acting, and if possible, persistent.

(c) *Patient pre-operative skin preparation.* A safe, fast-acting, broad-spectrum antimicrobial-containing preparation which significantly reduces the number of micro-organisms on intact skin.

(d) *Skin antiseptic.* A safe, non-irritating, antimicrobial - containing preparation which prevents overt skin infection. Claims stating or implying an effect against micro-organisms must be supported by controlled human studies which demonstrate prevention of infection.

(e) *Skin wound cleanser.* A safe, non-irritating, liquid preparation (or product to be used with water) which assists in the removal of foreign material from small superficial wounds and does not delay wound healing.

(f) *Skin wound protectant.* A safe, non-irritating preparation applied to small cleansed wounds which provides a protective (physical and/or chemical) barrier and neither delays healing nor favors the growth of micro-organisms.

(g) *Surgical hand scrub.* A safe, non-irritating antimicrobial-containing preparation which significantly reduces the number of micro-organisms on the intact skin. A surgical hand scrub should

be broad-spectrum, fast-acting, and persistent.

Subpart B—Active Ingredients

§ 333.30 Patient pre-operative skin preparation.

(a) *Active ingredient.* The active ingredient of the product consists of the following within the maximum dosage limit established:

(1) *Tincture of iodine.* Iodine tincture contains not less than 1.8 grams and not more than 2.2 grams of iodine (I), and not less than 2.1 grams and not more than 2.6 grams of sodium iodide (NaI) in each 100 ml. of 44–50 percent ethyl alcohol or an appropriate denatured alcohol.

§ 333.40 Skin wound cleanser.

(a) *Active ingredients.* The active ingredients of the product consists of one or more of the following within any maximum dosage limit established:

(1) *Quaternary ammonium containing active ingredients.* Quaternary ammonium compounds (as Benzalkonium chloride, Benzethonium chloride and Methylbenzethonium chloride) limited to a use concentration not greater than 1/750. All preservative systems included in any such formulation must be tested according to the procedure described in The United States Pharmacopeia XVIII (page 846).

(2) *Hexylresorcinol.* Hexylresorcinol limited to a use concentration not greater than 1/1000.

Subpart C—Testing Procedures

§ 333.60 Preservative testing.

All antimicrobial ingredients used singly or as part of a preservative system for a topical product identified in § 333.3 shall be tested to establish the minimum effective preservative concentration for each product formulation. Determine the minimum effective preservative concentration according to the procedures described in the United States Pharmacopeia XVIII (page 845). The resulting data shall be submitted to the Food and Drug Administration for approval prior to use.

Subpart D—Labeling

§ 333.70 Antimicrobial soap.

The labeling of the product may contain any phrase in the definition of an antimicrobial soap established in § 333.3 (a). Labeling may also include the phrase(s): "Antimicrobial soap", "antibacterial soap", "reduces odor", "deodorant soap".

§ 333.75 Health-care personnel handwash.

The labeling of the product may contain any phrase in the definition of a health-care personnel handwash established in § 333.3(b). Labeling may also include the phrase(s): "Decreases bacteria on the skin", "reduces risk and/or chance of cross-infection", "recommended for repeated use".

§ 333.80 Patient pre-operative skin preparation.

(a) *Indications.* The labeling of the product may contain any phrase in the definition of a patient pre-operative skin preparation established in § 333.3(c). Labeling may also include the phrase(s): "kills microorganisms", "reduces the number of microorganisms in the treated area", "broadspectrum" (if such applies).

(b) *Warnings.* The labeling of the product contains the following warnings:

(1) "May delay healing or irritate broken skin".

(2) "Do not bandage".

(c) *Directions for use.* The labeling of the product contains the statement, "Apply to (paint) the operative site prior to surgery and remove immediately upon drying after application with 70 percent alcohol, or use as directed by a physician".

§ 333.85 Skin antiseptic.

(a) *Indications.* The labeling of the product may contain any phrase in the definition of a skin antiseptic established in § 333.3(d). Labeling may also include the phrase(s): "Prevents skin infection", "controls infection", "degerming", "kills germs", "bacteriostatic", "bactericidal", "reduces the risk of infection and cross-infection", "mircobiocidal", "first-aid product".

(b) *Directions for use.* The labeling of the product shall contain the statement, "Apply to affected area", and contain the recommended dosage for use, time interval (if any) and method by which the product shall be used to prevent overt skin infection for those particular organisms for which the product is generally recognized as safe and effective.

§ 333.90 Skin wound cleanser.

(a) *Indications.* The labeling of the product may contain any phrase in the definition of a skin wound cleanser established in § 333.3(e). Labeling may also include the phrase(s): "To clean superficial wounds", "wash superficial (small) wounds", "aid in removal of foreign materials such as dirt and debris", "first-aid product".

(b) *Warnings.* The labeling for Quaternary ammonium containing products contains the following warnings:

(1) For products marketed as concentrates: (i) "Caution: May cause eye irritation or eye damage unless diluted." (ii) Dilute before each use to avoid spoilage.

(2) "Use of solution with occlusive dressing is not advisable".

(c) *Directions for use.* The labeling of the product shall contain the statement, "Apply to affected area", and the recommended dosage for use and method by which the product shall be used to cleanse a small wound without further damage to the injured area.

§ 333.95 Skin wound protectant.

(a) *Indications.* The labeling of the product may contain any phrase in the definition of a skin wound protectant established in § 333.3(f) of this chapter. Labeling may also include the phrase(s): "Protects against contamination", "protectant", "protects wounds", "first-aid product".

(b) *Warnings.* The labeling of the product shall contain the following warnings:

(1) "Should not be used for large or deep wounds."

(2) "Should not be used for more than (time certain) days except upon advice and supervision of a physician."

(c) *Directions for use.* The labeling of the product shall contain the statement, "cleanse wound thoroughly before applying", and contain the recommended dosage and the method by which the product should be used.

§ 333.99 Surgical hand scrub.

The labeling of the product may contain any phrase in the definition of a surgical hand scrub established in § 333.3(g).

Interested persons are invited to submit their comments in writing (preferably in quintuplicate) regarding this proposal on or before November 12, 1974. Such comments should be addressed to the Office of the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Additional comments replying to any comments so filed may also be submitted on or before December 12, 1974. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 6, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–21055 Filed 9–12–74;8:45 am]

federal register

FRIDAY, SEPTEMBER 13, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 179

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to General Wage Determination 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 purusant 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 DETERMINATION DECISIONS

Alabama	AR–4033

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.

Alabama:	
AQ–4125	June 14, 1974
AR–4015	Aug. 9, 1974
AR–4020	Aug. 23, 1974
Arizona:	
AR–1008; AR–1009; AR–1010.	Aug. 9, 1974
Illinois:	
AR–3055	Aug. 2, 1974
AR–3067	Aug. 9, 1974
Indiana:	
AR–3084; AR–3085; AR–AR–3088; AR–3089; AR–3093; AR–3124; AR–3125; AR–3126; AR–3127	Aug. 23, 1974
Michigan:	
AR–3105; AR–3106; AR–3108; AR–3113; AR–3122	Aug. 16, 1974
AR–3054	July 12, 1974
Oregon:	
AR–1019	Aug. 23, 1974
Washington:	
AO–1111	June 14, 1974

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:	
AP–181 (AR–4033)	May 5, 1973
Kentucky:	
AQ–4013 (AR–4034)	Sept. 28, 1973
Mississippi:	
AQ–4110 (AR–4032)	May 3, 1974
New Jersey:	
AQ–2095 (AR–2042)	Apr. 12, 1974
AQ–2113 (AR–2041); AQ–2115 (AR–2040).	May 3, 1974
New York:	
AP–800 (AR–2051)	May 31, 1974
Tennessee:	
AQ–4118 (AR–4035)	Do.
AQ–4010 (AR–4036)	July 12, 1974

Signed at Washington, D.C., this 6th day of September 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Alabama
DECISION NO.: AR-4033
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

COUNTIES: *See Below
DATE: Date of Publication

52-AL-1-L 1 of 2

*Lawrence, Limestone, & Morgan	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$7.71	.30	.30		.05
Bricklayers:					
Bricklayers, Marble Masons, Stonemasons, Pointers, Cleaners & Caulkers	7.90				
Cement Masons	7.15				
Plasterers & Troweling Machine Op.	7.40				
Terrazzo Workers & Tile Setters	7.65				
Carpenters:					
Carpenters & Soft Floor Layers	6.40	.15	.20		.03
Millwrights	6.93	.15	.20		.03
Piledrivermen	6.77	.15	.20		.03
Electricians:					
Electricians; Linemen	7.65	.25	1%		.5%
Cable Splicers	7.90	.25	1%		.5%
Groundmen	6.60	.25	1%		.5%
Elevator Constructors	7.49	.395	.26	2½% +a&b	.02
Elevator Constructors' Helpers	70%JR	.395	.26	2½% + a&b	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Ironworkers:					
Structural, Ornamental & Reinforcing	7.255	.40	.15		.03
Laborers:					
Common, Construction & Concrete laborers, Fire Watchers, Spotters Trucks, etc., Carpenter, Mason & Plasterer Tenders, Cement Finisher Helper, Terrazzo Tender, Track Laborer, Metal Pan Handler, Window Washer, Cleaning Fixtures & Furniture	4.19	.15	.20		
Brick Cleaning, Terra Cotta & Concrete Pipelayers, Mortar Mixer & Groutmen, Jackhammer, Air Tool Op., Form Stripper, Vibrator Op., Barco Gas Tamp, Flagmen, Concrete Rubber, Concrete Saw Op., Deck Hand, Grade Checker, Batter Board Men	4.44	.15	.20		
Wagon Drill Op., Powder Man Helpers, Track Drillers	4.54	.15	.20		
Burner & Torchmen, Joy Drill 500	4.59	.15	.20		
Powdermen	4.94	.15	.20		
Pneumatic Concrete Nozzlemen	5.34	.15	.20		

52-AL-1-L 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers, Pipefitters, Steamfitters:					
Lawrence Co. (Eastern portion of Co., north from intersection of State Rt. 33 & Rt. 20 to Wheeler Lake including Moulton & Wren, excluding Bankhead National Park), Limestone Co. & Morgan Co.	7.45	.30	.35		.10
Plumbers, Steamfitters:					
Lawrence Co. (Remaining portion)	7.40	.35	.35	.45	.08
Roofers	5.75		.20		.05
Sheet Metal Workers	8.00	.40	.35		.02
Truck Drivers:					
½ up to but not including 3 tons	3.70				
3 to 5 tons but including 5 tons	3.97				
5 tons and over including special equipment such as Euclids, Dempster, Dumpsters, Winch Trucks, Trailers, etc.	4.37				
Mechanic	4.37				
Warehouse & Yard, Material Handler	3.92				
Scale man and/or weigher	4.07				

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:
a. 6 Paid Holidays: A through F.
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in the business less than 5 years.

AR-4033 P. 3 17-39-Alabama-PEO-1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.98	.25	.25		
GROUP B	6.78	.25	.25		
GROUP C	6.13	.25	.25		

GROUP A - Backhoe, bulldozer, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge, drill, elevating grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, piledriver, post hole digger, scraper (pull type & self prop.) shovel, sweeper, tractor (spec. equip.), trenching machine, well point & winch truck operators

GROUP B - Bituminous dist., central air comp., concrete mixer (port.) fireman floating equip., front end loader, rubber tire, ½ cu. yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 ton crane & over outboard motor boat (when used for towing), paving machine, portable hoist "Buck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

GROUP C - Air compressor (port.) conveyor, fireman stationary equip., mechanic helper, oiler, outboard motor boat & pump operators

Oiler driver - additional $.10 per hour

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators - additional $1.25 per hour

DECISION #AQ-4125 - Mod. #1 (39 FR 20911 - June 14, 1974) Tuscaloosa County, Alabama	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers	$7.71	.30	.30		.05
Carpenters	6.05				.015
DECISION #AR-4015 - Mod. #1 (39 FR 28772 - August 9, 1974) Colbert and Lauderdale Counties, Alabama					
Change:					
Electricians:					
Electricians	$7.65	.30	1%		.5%
Cable splicers	7.90	.30	1%		.5%
DECISION #AR-4020 - Mod. #1 (39 FR 30671 - August 23, 1974) Mobile County, Alabama					
Change:					
Bricklayers; stonemasons; cleaners; caulkers; pointers	$8.42		.80		
Carpenters:					
Carpenters	7.75	.30	.30		
Carpenters on creosote material; power saw operator	8.00	.30	.30		
Millwright	8.25	.30	.30		
Piledriver	8.00	.30	.30		
Cement masons	7.55	.30	.30		
Plasterers	8.21	.30	.30		
Omit:					
Carpenters:					
Piledriver on creosote material	7.26	.30	.30		

DECISION #AR-1008 - Mod. #1 (39 FR 28773 - August 9, 1974) Statewide, Arizona	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians (Flagstaff Area):					
Zone A					
Electricians	$10.00	.60	1%+.60		1/2%
Cable Splicers	10.20	.60	1%+.60		1/2%
Zone B					
Electricians	11.75	.60	1%+.60		1/2%
Cable Splicers	11.95	.60	1%+.60		1/2%
Electricians (Gallup Area - Northern Apache County)					
Electricians	9.54	.25	1%		1/2%
Cable Splicers	10.34	.25	1%		1/2%
Electricians (Phoenix - Kingman - Prescott Area)					
Zone A					
Electricians	10.55	.60	1%+.60		3/4%
Cable Splicers	11.08	.60	1%+.60		3/4%
Zone B					
Electricians	12.40	.60	1%+.60		3/4%
Cable Splicers	13.02	.60	1%+.60		3/4%
Zone C					
Electricians	13.35	.60	1%+.60		3/4%
Cable Splicers	14.02	.60	1%+.60		3/4%
Electricians (Tucson Area)					
Zone A					
Electricians	9.78	.45	7%		1/2%
Cable Splicers	10.03	.45	7%		1/2%
Zone B					
Electricians	10.48	.45	7%		1/2%
Cable Splicers	10.73	.45	7%		1/2%
Zone C					
Electricians	11.08	.45	7%		1/2%
Cable Splicers	11.33	.45	7%		1/2%
Zone D					
Electricians	11.78	.45	7%		1/2%
Cable Splicers	12.03	.45	7%		1/2%
Line Construction:					
Zone I (Phoenix and Tucson 30 miles radius from center of town):					
Groundmen	7.60	.42	7%		1/2%
Equipment Operators; Powdermen; Mechanics	8.78	.42	7%		1/2%

DECISION #AR-1008 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen; Technicians; Crane Operators; Linemen Welder	$9.61	.42	7%		1/2%
Cable Splicers	10.28	.42	7%		1/2%
Zone I-A (Douglas, Flagstaff, Globe, Kingman, Prescott and Yuma 10 mile radius from center of town):					
Groundmen	8.25	.42	7%		1/2%
Equipment Operators; Powdermen; Mechanics	9.38	.42	7%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	10.23	.42	7%		1/2%
Cable Splicers	10.95	.42	7%		1/2%
Zone II (Other Areas):					
Groundmen	8.87	.42	7%		1/2%
Equipment Operators; Powdermen; Mechanics	10.00	.42	7%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	10.85	.42	7%		1/2%
Cable Splicers	11.61	.42	7%		1/2%

DECISION #AR-1009 - Mod. #2
(39 FR 28781 - August 9, 1974)
Maricopa County, Arizona

Change:

Electricians:					
Zone A					
Electricians	10.55	.60	1%+.60		3/4%
Cable Splicers	11.08	.60	1%+.60		3/4%
Zone B					
Electricians	12.40	.60	1%+.60		3/4%
Cable Splicers	13.02	.60	1%+.60		3/4%
Zone C					
Electricians	13.35	.60	1%+.60		3/4%
Cable Splicers	14.02	.60	1%+.60		3/4%

DECISION #AR-1010 - Mod. #1
(39 FR 28787 - August 9, 1974)
Pima County, Arizona

Change:

Electricians:					
Zone A	$7.60	.45	1%		1/2%
Zone B	8.10	.45	1%		1/2%
Zone C	8.60	.45	1%		1/2%
Zone D	9.10	.45	1%		1/2%

DECISION #AR-3055 - Mod. #1
(39 FR 28014 - August 2, 1974)
Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will Counties, Illinois

CHANGE:
Laborers Schedule Issued

ILLINOIS-25-LABORERS-1-2-3

LABORERS: (LAKE CO.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 7.10	.47	.85		
CLASS II	7.425	.47	.85		
CLASS III	7.55	.47	.85		
CLASS IV	7.45	.47	.85		
CLASS V	7.20	.47	.85		
CLASS VI	7.40	.47	.85		
CLASS VII	7.10	.47	.85		
CLASS VIII	7.325	.47	.85		
CLASS IX	7.25	.47	.85		
STREET PAVING, GRADE SEPARATION, SEWER & WATER MAIN EXTENSIONS					
CLASS X	7.10	.47	.85		
CLASS XI	7.45	.47	.85		
CLASS XII	7.325	.47	.85		
CLASS XIII	7.175	.47	.85		
CLASS XIV	7.375	.47	.85		

CLASSIFICATIONS

LABORERS

CLASS I: Building Laborers, General Laborers, Wrecking and Demolition, Fireproofing & Fire Shop Laborers
CLASS II: Firebrick & boiler Setter Laborers
CLASS III: Boiler Setter Plastic Laborers, Stone Derrickmen & Handlers
CLASS IV: Caisson Diggers, Well Point System, Chimney Laborers on Firebrick
CLASS V: Chimney Laborers (over 40') Scaffold Laborers, Wall Men or Wreckers
CLASS VI: Windlass and Operator
CLASS VII: Plasters Laborers
CLASS VIII: Jackhammer Men, Power Driven Concrete Saws
CLASS IX: Cement Gun Nozzle Laborers (Gunnite)
CLASS X: General Laborers, Asphalt Plant Laborers, Flagmen, Asphalt Laborers, Top Laborers
CLASS XI: Form Setters, Well Point System, Jackhammermen & Bottom Men, Pipelayers on drains Catch Basin Diggers, Pipelayer Men, All Tunnel Work, Power Driven Concrete Saws
CLASS XII: Second Bottom Men
CLASS XIII: Tampers, Smoothers & Cement Gun Laborers
CLASS XIV: Rackers, Lutemen, Machine Screwmen & Mitre Box Spreaders

DECISION #AR-3067 - Mod. #1
(39 FR 28807 - August 9, 1974)
Lake County, Illinois

CHANGE:
Laborers Schedule Issued

ILLINOIS-25-LABORERS-1-2-3

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 7.10	.47	.85		
CLASS II	7.425	.47	.85		
CLASS III	7.55	.47	.85		
CLASS IV	7.45	.47	.85		
CLASS V	7.20	.47	.85		
CLASS VI	7.40	.47	.85		
CLASS VII	7.10	.47	.85		
CLASS VIII	7.325	.47	.85		
CLASS IX	7.25	.47	.85		
STREET PAVING, GRADE SEPARATION, SEWER & WATER MAIN EXTENSIONS					
CLASS X	7.10	.47	.85		
CLASS XI	7.45	.47	.85		
CLASS XII	7.325	.47	.85		
CLASS XIII	7.175	.47	.85		
CLASS XIV	7.375	.47	.85		

CLASSIFICATIONS

LABORERS

CLASS I: Building Laborers, General Laborers, Wrecking and Demolition, Fireproofing & Fire Shop Laborers
CLASS II: Firebrick & boiler Setter Laborers
CLASS III: Boiler Setter Plastic Laborers, Stone Derrickmen & Handlers
CLASS IV: Caisson Diggers, Well Point System, Chimney Laborers on Firebrick
CLASS V: Chimney Laborers (over 40') Scaffold Laborers, Wall Men or Wreckers
CLASS VI: Windlass and Operator
CLASS VII: Plasters Laborers
CLASS VIII: Jackhammer Men, Power Driven Concrete Saws
CLASS IX: Cement Gun Nozzle Laborers (Gunnite)
CLASS X: General Laborers, Asphalt Plant Laborers, Flagmen, Asphalt Laborers, Top Laborers
CLASS XI: Form Setters, Well Point System, Jackhammermen & Bottom Men, Pipelayers on drains Catch Basin Diggers, Pipelayer Men, All Tunnel Work, Power Driven Concrete Saws
CLASS XII: Second Bottom Men
CLASS XIII: Tampers, Smoothers & Cement Gun Laborers
CLASS XIV: Rackers, Lutemen, Machine Screwmen & Mitre Box Spreaders

DECISION #AR-3081 - Mod. #1
(39 FR 30701 - August 23, 1974)
Bartholomew County, Indiana

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Line Construction:						
Linemen	$8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	

DECISION #AR-3082 - Mod. #1
(39 FR 30703 - August 23, 1974)
Benton & Tippecanoe Counties, Indiana

CHANGE:

Line Construction: Tippecanoe County and Bolivar Township in Benton County						
Linemen	8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3083 - Mod. #1 (39 FR 30706 - August 23, 1974) Dearborn County, Indiana						
CHANGE:						
Line Construction:						
Linemen	$8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	
DECISION #AR-3084 - Mod. #1 (39 30708 - August 23, 1974) Delaware County, Indiana						
CHANGE:						
Line Construction:						
Linemen	8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3085 - Mod. #1 (39 FR 30711 - August 23, 1974) Grant County, Indiana						
CHANGE:						
Line Construction:						
Linemen	$8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	
DECISION #AR-3088 - Mod. #1 (39 FR 30721 - August 23, 1974) Marion County, Indiana						
CHANGE:						
Line Construction:						
Linemen	8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3089 - Mod. #1						
(39 FR 30723 - August 23, 1974)						
Monroe County, Indiana						
CHANGE:						
Line Construction:						
Linemen	$8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	
DECISION #AR-3093 - Mod. #1						
(39 FR 30736 - August 23, 1974)						
Vigo County, Indiana						
CHANGE:						
Line Construction:						
Linemen	8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3124 - Mod. #1						
(39 FR 30744 - August 23, 1974)						
Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash & White Counties, Indiana						
CHANGE:						
Linemen:						
Tippecanoe, Carroll, Cass, Clinton, Howard, Miami, Tipton, Wabash Counties (Henry, Liberty, Richland & Rochester Twps) in Fulton County & (Bolivar Twp.) Benton County	$8.18	.35	1%		.25%	
Jasper, Pulaski, White, Newton & the Remainder of Fulton & Benton Counties:						
North Indiana Exclusive of Calumet Area:	7.38	.35	1%		.25%	
Calumet Area:	7.68	.35	1%		.25%	
DECISION #AR-3125 - Mod. #1						
(39 FR 30748 - August 23, 1974)						
Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union & Wayne Counties, Indiana						
CHANGE:						
Linemen (Remainder of Counties)	8.18	.35	1%		.25%	

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3126 - Mod. #1 (39 FR 30752 - August 23, 1974) Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Montgomery, Morgan, Owen, Parke, Putnam, Vigo, Sullivan, Vermillion & Warren Counties, Indiana						
CHANGE:						
Linemen:						
Remainder of Counties	$8.18	.35	1%		.25%	
DECISION #AR-3127 - Mod. #1 (39 FR 30755 - August 23, 1974) Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Ohio, Lawerenve, Martin, Monroe, Orange, Ripley, Scott, Switerland & Washington Counties, Indiana						
CHANGE:						
Linemen:	8.18	.35	1%		.25%	

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3102 - Mod. #1 (39 FR 29784 - August 16, 1974) Allegan County, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Electricians:						
Laketon, Fillmore, Overisel, Salem, Door, Leighton Townships	8.52	.40	1%+.15		.01	
Glaziers: North ½ of County	7.00	.29	.20			
Ironworkers	8.60	.50	.50		.03	
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op.-Tractor Op.:						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op.-Groundman:						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver, Operator Groundman:						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver-Groundman	4.40	.35	1%	a	.25%	
Plumbers and Steamfitters:						
Southern part of County	9.73	.44	.61			
Sprinkler fitters	9.50	.50	.70		.08	
ADD:						
Millwrights	9.30	.50	.40		.01	

DECISION #AR-3103 - Mod. #1
(39 FR 29787 - August 16, 1974)
Alpena County, Michigan

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.98	.66	.95		.02	
Bricklayers	7.70	.40				
Stonemasons	7.70	.40				
Cement masons	7.35	.40				
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.:						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman:						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver, Operator Groundman:						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Marble setters	7.70	.40				
Plasterers	7.70	.40				
Sprinkler fitters	9.50	.50	.70		.08	
Terrazzo workers	7.70	.40				
Tile setters	7.70	.40				
Truck Drivers:						
Under 8 cu. yds.	5.97	c18.00	c18.00	.20		
Over 8 cu. yds.	6.07	c18.00	c18.00	.20		
Euclids	6.17	c18.00	c18.00	.20		

DECISION #AR-3104 - Mod. #1
(39 FR 29790 - August 16, 1974)
Baraga, Houghton, Keweenaw and Ontonagon Counties, Michigan

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters, (Building)	$7.54	.50	.40		.01	
Laborers:						
Building and Heavy Construction						
Class A	6.05	.40	.30			
Class B	6.15	.40	.30			
Class C	6.45	.40	.30			
Class D	6.60	.40	.30			
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.:						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman:						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Millwrights	8.04	.50	.40		.01	
Painters:						
Brush (comm., indus.)	6.75					
Steel 0 to 20'	6.75					
Steel 20' to 100'	7.25					
Steel over 100'	8.50					
Spray	7.30					
Piledrivermen	7.74	.50	.40		.01	
Soft floor layers	7.54	.50	.40		.01	
Sprinkler fitters	9.25	.50	.70		.08	

DECISION #AR-3105 - Mod. #1
(39 FR 29793 - August 16, 1974)
Berrien County, Michigan

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Bricklayers	$8.85	.40	.35			
Stonemasons	8.85	.40	.35			
Cement masons	8.05	.40	.35			
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op.-Tractor Op.:						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman:						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver, Operator Groundman:						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Marble setters' helpers	4.60					
Plasterers	8.25	.40	.35			
Sprinkler fitters	9.50	.50	.70		.08	

DECISION #AR-3106 - Mod. #1
(39 FR 29797 - August 16, 1974)
Calhoun County, Michigan

CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Diver - Groundman	4.40	.35	1%	a	.25%	
Millwrights	9.30	.50	.40		.01	
ADD:						
Sprinkler fitters	9.50	.50	.70		.08	

DECISION #AR-3113 - Mod. #1
(39 FR 29820 - August 16, 1974)
Ingham County, Michigan

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Electricians:						
Townships of Onondaga, Leslie, Bunker Hill and Stockbridge	9.34	.40	1%	8%		
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Marble setters	9.18		.40			
Sprinkler fitters	9.50	.50	.70		.08	
Terrazzo workers	9.18		.40			
Tile setters & mosaic workers	9.18		.40			
OMIT:						
Footnote e.						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3122 - Mod. #1						
(39 FR 29850 - August 16, 1974)						
Charlevoix County, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver						
Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Sprinkler fitters	9.50	.50	.70		.08	
DECISION #AR-3108 - Mod. #1						
(39 FR 29803 - August 16, 1974)						
Emmet County, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Line Construction						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver						
Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Sprinkler fitters	9.50	.50	.70		.08	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3054 - Mod. #1					
(39 FR 25858 - July 12, 1974					
Kent County, Michigan					
Change:					
Electricians	$8.52	.40	1%+.15		.01
DECISION #AR-1019 - Mod. #1					
(39 FR 30802 - August 23, 1974)					
Statewide, Oregon					
Change:					
Truck Drivers:					
Group 1	$7.23	.45	.65	.30	.03
Group 2	7.28	.45	.65	.30	.03
Group 3	7.33	.45	.65	.30	.03
Group 4	7.38	.45	.65	.30	.03
Group 5	7.43	.45	.65	.30	.03
Group 6	7.53	.45	.65	.30	.03
Group 7	7.63	.45	.65	.30	.03
Group 8	7.73	.45	.65	.30	.03
Group 9	7.83	.45	.65	.30	.03
Group 10	8.00	.45	.65	.30	.03
Group 11	8.10	.45	.65	.30	.03
Group 12	8.20	.45	.65	.30	.03
Group 13	8.30	.45	.65	.30	.03
Group 14	8.40	.45	.65	.30	.03

DECISION #AQ-1111 - Mod. #2
(39 FR 20932 - June 14, 1974)
Statewide, Washington

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (Area 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	$6.40	.60	.80	.25	.07
Group 2	6.55	.60	.80	.25	.07
Group 3	6.70	.60	.80	.25	.07
Group 4	6.85	.60	.80	.25	.07
Power Equipment Operators (Area 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	7.30	.55	.85	.35	.05
Group 2	7.44	.55	.85	.35	.05
Group 3	7.54	.55	.85	.35	.05
Group 4	7.70	.55	.85	.35	.05
Group 5	7.72	.55	.85	.35	.05
Group 6	7.80	.55	.85	.35	.05
Group 7	7.86	.55	.85	.35	.05
Group 8	7.96	.55	.85	.35	.05
Group 9	8.02	.55	.85	.35	.05
Group 10	8.08	.55	.85	.35	.05
Group 11	8.10	.55	.85	.35	.05
Group 12	8.16	.55	.85	.35	.05
Group 13	8.24	.55	.85	.35	.05
Group 14	8.40	.55	.85	.35	.05
Group 15	8.56	.55	.85	.35	.05
Group 16	8.74	.55	.85	.35	.05
Group 17	8.88	.55	.85	.35	.05
Group 18	9.06	.55	.85	.35	.05
Group 19	9.20	.55	.85	.35	.05

DECISION #AQ-1111 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers (Area 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties)					
Group 1	$7.23	.45	.65	.30	.03
Group 2	7.28	.45	.65	.30	.03
Group 3	7.33	.45	.65	.30	.03
Group 4	7.38	.45	.65	.30	.03
Group 5	7.43	.45	.65	.30	.03
Group 6	7.53	.45	.65	.30	.03
Group 7	7.63	.45	.65	.30	.03
Group 8	7.73	.45	.65	.30	.03
Group 9	7.83	.45	.65	.30	.03
Group 10	8.00	.45	.65	.30	.03
Group 11	8.10	.45	.65	.30	.03
Group 12	8.20	.45	.65	.30	.03
Group 13	8.30	.45	.65	.30	.03
Group 14	8.40	.45	.65	.30	.03

SUPERSEDEAS DECISION

STATE: FLORIDA
COUNTY: See Below*
DECISION NUMBER AR-4033
DATE: Date of Publication
Supersedes Decision No. AP-181 dated May 5, 1973, in 38 FR 11261.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties:

Florida 59-B (1-1)

Lake, Orange, Osceola, and Seminole.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Conditioning Mechanics	$3.15				
Bricklayers	4.95				
Carpenters	4.40				
Cement Masons	4.80				
Concrete Laborers	2.50				
Electricians	5.65	.30	1%		½ of 1%
Laborers	2.45				
Mason Tenders	2.85				
Painters	3.50				
Plasterers	5.25				
Plumbers	4.80				
Roofers	3.75				
Kettlemen	3.15				
Sheet Metal Workers	3.50				
Tile Setters	4.50				
Power Equipment Operators:					
Backhoe	5.51				
Bulldozer and Loader	3.00				
Grader	2.95				
Pan Operator	2.75				
Roller	2.00				
Tractor	2.80				
Truck Drivers	2.00				

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: See Below*
DECISION NUMBER: AR-4034 DATE: Date of Publication
Supersedes Decision No. AQ-4013 dated September 28, 1973 in 38 FR 27175.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

*Counties: Boone, Campbell, Kenton & Pendleton

59-KY-1-G (1-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.21	.30	.85		.02
Boilermakers	8.10	.30	.70	.55	.01
Boilermakers' Helpers	7.85	.30	.70	.55	.01
Bricklayers	9.395	.45	.35		
Carpenters:					
Carpenters	9.80	.40	.55		.025
Millwrights	9.84	.40	.65		.10
Piledrivermen	9.05	.40	.55		.025
Cement Masons	9.795	.35	.50		.12
Electricians	9.25	.60	1% + .30		½ of 1%
Elevator Constructors	8.94	.395	.26	2½%+ a&b	.02
Elevator Constructors' Helpers	70%JR	.395	.26	2½%+ a&b	.02
Elevator Constructors' Helper (Prob.)	50%JR				
Glaziers	8.70		.35		.005
Ironworkers, Structural & Ornamental	9.995	.55	.55		.03
Ironworkers, Reinforcing	8.895	.55	.85		.015
Laborers: (Demolition)					
Wrecking Laborers	8.17	.50	.30		
Jackhammer Operators	8.32	.50	.30		
Wallmen	8.32	.50	.30		
Burners	8.32	.50	.30		
Lathers	9.845				.015
Lead Burners	8.25	.30		c	.01
Linemen	9.25	.60	1% + .30		.5%
Marble Setters	9.885	.45	.35		
Marble Setters' Helpers	9.235				
Painters, Brush:					
Commercial	8.80	.35	.15		
Industrial	8.95	.35	.15		
Painters, spray:					
Commercial	9.05	.35	.15		
Industrial	9.20	.35	.15		.04
Pipe Fitters	9.20	.60	.775		.02
Plasterers	10.195		.45		.05
Plumbers & Gas Fitters	9.055	.38	.65		.05
Resilient Floor Layers	8.00	.40	.55		.05
Roofers	9.945		.85		
Sheet Metal Workers	8.995	.40	.70		.02
Sprinkler Fitters	9.25	.30	.50		.05
Stone Masons	9.885	.45	.35		
Terrazzo Workers:					
Terrazzo Workers	9.085	.45	.35		

59-KY-1-G (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Terrazzo Workers Cont'd:					
Terrazzo Workers' Helpers & Grinders	$9.185				
Terrazzo Base Grinder	9.605				
Tile Setters	9.085	.45	.35		
Tile Setters' Helpers	9.135				
Tile Setters' Helpers (Prob.)	75%JR				

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day: B-Memorial Day: C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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.

c. Nine paid holidays: A through F plus Washington's Birthday, Good Firday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

KY-59-LAB-1-b

LABORERS: (excluding demolition)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP a	8.45	.50	.30		
GROUP B	8.55	.50	.30		
GROUP C	8.60	.50	.30		
GROUP D	8.65	.50	.30		
GROUP E	8.80	.50	.30		
GROUP F	8.95	.50	.30		
GROUP G	9.20	.50	.30		

Group A - Common laborers, cement masons helpers, hand operator mechanical mule, mechanical sweeper, signal man

Group B - Bottom man, pipe layers

Group C - Burning torch operator, jack hammer, mechanical and air tamper operator, mechanical concrete buggies, power operated mechanical mule, concrete pump hose man, vibrator man

Group D - Plasterer's tender, mason tender, stone mason tender, bottom jackhammer man

Group E - Plaster mixer pump operator

Group F - Tunnel laborer

Group G - Gunnite nozzle operator

KY-59-PEO-1-a

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$9.61	.46	.80		.11
GROUP B	9.45	.46	.80		.11
GROUP C	9.09	.46	.80		.11
GROUP D	8.31	.46	.80		.11
GROUP E	7.98	.46	.80		.11
GROUP F	7.23	.46	.80		.11

CLASSIFICATION DEFINITIONS

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, penelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishin machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

KY-5y-TD-1-a

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Tractor trailer combinations and drags	$6.27	a16.50	a17.00	b&c	
Drivers	6.08	a16.50	a17.00	b&c	
Helpers	6.03	a16.50	a17.00	b&c	

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Per week per employee on payroll 30 days or more.
b. Paid vacation: 1 year of employment - 1 week; 2 years - 2 weeks; 10 years- 3 weeks; 15 years - 4 weeks.
c. Six paid holidays; A through F.

STATE: Mississippi COUNTY: Harrison & Pearl River
DECISION NUMBER: AR-4032 DATE: Date of Publication
Supersedes Decision No. AQ-4110 in 39 FR 15644 dated May 3, 1974
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including four stories), heavy, sewer, water, and highway construction.

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers (Harrison County)	$7.70	.395	.75	c	.02
Asbestos Workers (Pearl River Co.)	7.25	.40	.90		
Boilermakers	7.13	.40	.70		.01
Bricklayers:					
Bricklayers	7.20		.15		
Stonemasons	7.20		.15		
Marble Masons	7.20		.15		
Terrazzo Workers	7.10		.15		
Tile Setters	7.10		.15		
Plasterers	7.10		.15		
Blockmasons	7.20		.15		
Caulkers & Pointers	7.20		.15		
Cement Masons	6.58		.15		
Carpenters:					
Carpenters	7.00				
Millwrights	7.32				
Electricians:					
Electricians	7.80	.25	1%+.20		1/8%
Cable Splicers	8.05	.25	1%+.20		1/8%
Elevator Constructors:					
Elevator Constructors	6.39	.345	.23	2%+a+b	.015
Helpers	4.47	.345	.23	2%+a+b	.015
Helpers (probationary)	50%JR				
Glaziers	5.00				
Ironworkers:					
Structural, Ornamental, Reinforcing	8.13	.30	.30		
Laborers:					
Laborers	4.35	.10	.10		
Vibrator-Jackhammer, Mortar Mixer, Pipelayers (Sewer, Power Saw Op.)	4.50	.10	.10		
Lathers	6.00		.10		.01
Line Construction:					
Linemen	7.80	.25	1%+.20		1/8%
Cable Splicers	8.05	.25	1%+.20		1/8%
Groundmen:					
1st 6 months	3.40	.25	1%+.20		1/8%
Thereafter	4.08	.25	1%+.20		1/8%
Painters - Commercial:					
Brush and Roller	5.30				.03
Spray	6.55				.03
Structural Steel under 30'					
Brush and Roller	5.55				.03
Spray	6.55				.03

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Piledrivermen	$7.02	.30	.30		
Piledrivermen on Creosote Material	7.26	.30	.30		
Plumbers & Steamfitters	7.70	.26	.20		.01
Roofers:					
Roofers	6.20				
Helpers	4.40				
Kettlemen	5.00				
Sheet Metal Workers	7.315	.25	.40	.25	.10
Soft Floor Layers	6.65				
Sprinkler Fitters	8.60	.50	.70		.08

PAID HOLIDAYS:

A-New Year's Day B-Memorial Day C-Independence Day
D-Labor Day E-Thanksgiving Day F-Christmas Day

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 4% 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.

c. Holidays: Labor Day, Mardi Gras Day, provided the employee works at least one day out of the 3 workdays prior to the paid holiday, and the first workday after the paid holiday.

BUILDING AND HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.75	.25	.25		
GROUP 2	6.80	.25	.25		
GROUP 3	6.55	.25	.25		
GROUP 4	6.00	.25	.25		
GROUP 5	5.45	.25	.25		
GROUP 6	5.45	.25	.25		

GROUP 1:
Engineer - operating under air pressure

GROUP 2:
Mechanic

GROUP 3:
Air tugger (2 drum), asphalt plant, backhoe , blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick boat, derrick car, dragline, dredge, elevating grader, excavator (power belt), fork lift, hoist (2 drum), locomotive engineer, marine engineer (chief), master pilot, mixermobile, motor patrol & similar type equipment, paver (21 C.F. or larger), piledriver, recharger, roaming greaser (1st), scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), tournapull, DW-10 & similar pulltype scrapers, traxcavator and similar endloaders, welder, welding machines or S/W pumps (2 to 6), well driller, well point pumps

GROUP 4:
Air tugger, asphalt spreader (bituminous distributor) aspahlt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, heating plant, hoist, marine engineer (assistant), mixer, payloader, and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machine (18" or smaller bucket line width), tugboat, well driller (1st helper), winch truck

GROUP 5:
Air compressor, form grader, locomotive hostler, mechanic helper, oiler (truck crane), pump, roughneck, tractor (without attachments), welding machine

GROUP 6:
Batch scale, deckhand, motorboat (in or outboard), oiler, scowman

BUILDING AND HEAVY CONSTRUCTION

TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$5.04	.28	.25		
GROUP 2	5.51	.28	.25		
GROUP 3	6.55	.28	.25		
GROUP 4	7.12	.28	.25		
GROUP 5	5.04	.28	.25		
GROUP 6	4.41	.28	.25		

GROUP 1:
Up to and including 1½ tons such as station wagons, jeeps, autos, pick-up trucks, motorcycles, bicycles, truck spotters, teamsters, team drivers

GROUP 2:
1½ tons up to but not including 5 tons such as dump trucks, flat beds, stake bodies, bus drivers, winch and "A" frame trucks

GROUP 3:
5 tons or 6 yards and over including heavy equipment such as pole trucks, miss or corning wagons, dumpsters, semi-drivers, agitators, ross carriers, dempsey dumps, euclid trucks, forklift truck in warehouses and similar equipment such as tractors, 10 wheelers, jeeps, or dump trucks or pick-up trucks pulling 2 or 4 wheel trailers hauling equipment

GROUP 4:
Truck and auto mechanics

GROUP 5:
Truck drivers' helpers, unloaders, unloading and handling creosote or coppertox material

GROUP 6:
Truck drivers' helpers

SEWER, WATER, & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Operator	$2.00				
Asphalt Raker	2.50				
Bricklayer	4.25				
Carpenter	3.50				
Cement Mason (Finisher)	3.25				
Concrete Saw Operator	3.50				
Electrician	5.40				
Form Setter	2.80				
Grade Checker	2.25				
Ironworker, Reinforcing	3.50				
Ironworker Helper, Reinforcing	2.25				
Ironworker, Structural	3.15				
Laborer, Unskilled	2.00				
Mason Tender (Cement Mason Helper)	2.50				
Painter (Structural Steel)	3.75				
Piledriverman	3.00				
Truck Driver	2.00				
Tugboat Operator	2.50				
Welder	3.50				
Power Equipment Operators:					
"A" Frame Truck (winch)	2.40				
Aggregate Spreader	2.71				
Air Compressor	2.60				
Asphalt Distributor Spreader	2.80				
Asphalt Plant	2.90				
Backhoe or Shovel Operator	3.25				
Bulldozer Operator	3.00				
Concrete Batch Plant	3.25				
Concrete Finishing Machine	3.00				
Concrete Paving Machine	3.30				
Concrete Spreader Machine	2.85				
Crane, Dragline	3.50				
Crusher Feeder	2.75				
Curing Machine	2.90				
Earth Auger	3.00				
Fireman	3.00				
Guard Rail Post Driver	2.50				
Joint Filler	2.90				
Loader (all types)	3.00				
Mechanic	3.40				
Mixer (all types)	3.00				
Motor Patrol	3.25				
Mulcher	2.00				
Oiler-Greaser	2.40				
Piledriver	3.50				
Roller (self propelled)	2.50				

SEWER, WATER, & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd)					
Pipelayers	$2.35				
Scales (all types)	2.35				
Scraper	3.00				
Striping Machine	3.25				
Sub Grade Machine	3.25				
Tractor (track type)	2.25				
Tractor (wheel type)	2.00				
Trenching Machine	2.50				

SUPERSEDEAS DECISION

STATE: New Jersey COUNTY: Middlesex
DECISION NO.: AR-2040 DATE: Date of Publication
Supersedes Decision No. AQ-2115 dated May 3, 1974 in 39 FR 15661
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

12-N.J.-1-2-3-Y 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers:					
Twps., of Cranbury, E. Brunswick, Halmetta, Jamesburg, Milltown, Monroe, N. Brunswick, Plainsboro,					
S. Brunswick & Spotswood	$ 9.30	.50	.50		.025
Remainder of County	9.202	.5803	.4974		.02
Boilermakers	8.75	8%	18%	10%	.01
Boilermakers' helpers	8.22	8%	18%	10%	.01
Bricklayers, cement masons, plasterers, and stone masons:					
Dunellen, Middlesex, New Market,					
Oak Tree, and S. Plainfield	9.25	.75	.70		.02
Remainder of County	9.70	.45	.45		
Plainsboro	9.50	.50	.70		.03
Carpenters and insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
Electricians and Linemen:					
Electricians	11.16	4%	1%+.50		.02
Linemen, cable splicer, equipment operators, welder, hole digging equipment truck with winch or pole and steel handling, truck					
without winch	11.16	4%	1%+.50		.02
Groundman and winch operator	10.31	4%	1%+.50		.02
Elevator constructors	9.10	.395	.26+a	b+c	.015
Elevator constructors' helpers	6.83	.395	.26+a	b+c	.015
Elevator constructors' (prob.) helpers	4.55				
Elevator constructors modernization	8.33	.395	.26+a	b+c	.015
Elevator constructors modernization helpers	6.25	.395	.26+a	b+c	.015
Elevator constructors repair	7.48	.395	.26+a	b+c	.015
Elevator constructors repair helper	5.61	.395	.26+a	b+c	.5
Glazier	9.05	.61	.65		.02
Ironworkers: Structural, ornamental & reinforcing					
Plainsboro	8.92	.47	1.06	10%	.05
Remainder of County	9.62	.67	2.21	.95	.09
Laborers: Building					
Perth Amboy, Carteret, Woodbridge and Metuchen Townships:					
Laborers	6.65	.25	.50		
Air compressed tampers, paving breakers, jackhammers, barco type hammers or air drills	6.90	.25	.50		
Dunellen & S. Plainfield Twps.	6.95	.60	.50		

DECISION NO. AR-2040 12-N.J.-1-2-3-Y 2 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers: Building (cont'd)					
S. River, S. Amboy, Sayreville, Keyport, Spotwood, Helmetta, Jamesburg, Granbury, and Monroe Townships, Madison & E. Brunswick Twps.					
Laborers	$ 6.40	.25	.25		
Tenders, scaffolding, excavation and foundation, concrete, trenches man-holes, sidewalks, curbing, compressed air, excavation and grading,	6.40	.25	.25		
Pipe layers	6.40	.25	.25		
Remainder of County:					
Laborers	7.00	.35	.35		
Air tool operator (jackhammer, vibrator)	7.25	.35	.35		
Mason tenders, mortar mixers	7.00	.35	.35		
Demolition & scaffold builders	7.00	.35	.35		
Plasterers' tenders	7.00	.35	.35		
Lathers:					
Dunellen, Edison, Middlesex, New Market, Oak Tree, Piscataway, and					
S. Plainfield	6.65	.25	.25		.01
Remainder of County	5.75	.25	.20		.01
Lead burners	9.25	.35		d	.01
Marble setters	7.80	.78	.94		
Marble setters' helpers	7.33	.74	.88		
Painters:					
Perth Amboy, Carteret, Woodbridge Twps., Edison Twp., north of Metuchen, Sayreville, S. Amboy, Metuchen, Old Bridge and Madison township:					
Brush	7.90	.55	.40		
Structural steel, tanks, bridges & towers	8.95	.55	.40		
Spray	8.95	.55	.40		
Sandblasting	8.95	.55	.40		
Edison Twp., south of Metuchen, Highland Park, New Brunswick, E. Brunwick and S. Brunswick, S. Brunswick Twp., & Monroe Twp., N. Brunswick					
Commercial and Industrial	7.15	.65	.50		
Steel, tanks, towers, steeples, stacks and bridges	8.25	.65	.50		

DECISION NO. AR-2040

12-N.J.-1-2-3- Y 3 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS (Cont'd)					
Spraying & sandblasting	8.25	.65	.50		
Plainsboro:					
Brush	8.40	.50	.50	.10	
Steel	8.55	.50	.50	.10	
Spray	9.00	.50	.50	.10	
Dunellen, South Plainfield, Middlesex & New Market:					
Commercial & Industrial	8.40	.50	.50	.10	
Steel under 30', Exterior work over 30'	8.55	.50	.50	.10	
Bridges, Towers, Steel over 30'	9.00	.50	.50	.10	
Spray	9.00	.50	.50	.10	
Piledrivermen and dockbuilders	9.36	.90	1.53	.56	.02
Plumbers and steamfitters:					
Piscataway to Old Bridge to County line and north thereof	11.25		.50		.03
Remainder of County	9.41	6%	8%	10%	
Roofers, composition, damp & waterproofing	9.45	.50	.325		
Roofers, slate & tile	9.67	.50	.325		
Roofers, slate & tile helpers	8.50	.50	.325		
Sheet metal workers	8.71	.52	.44	.67	.02
Soft floor layers	8.63	6%	5%	4%	
Sprinkler fitters:					
New Brunswick, Milltown, Old Bridge, Browntown, and North thereof	10.12	.40	.60		.07
Remainder of County	9.85	.50	.70		.08
Terrazzo workers	8.70	1.23	1.26		
Terrazzo workers' helpers	7.43	.925	.475		
Terrazzo machine operator	7.68	.925	.475		
Tile setters	8.10	.60	1.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

12-N.J.-1-2-3-Y 4 of 4

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day; Armistice Day.

c. Employer contributes 4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F; Washington's Birthday; and Good Friday, providing employee has worked at least 45 full days during the 120 calendar days prior to the Holiday and the regular scheduled work days immediately preceding and following the holiday.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salsmander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	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; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

Northern half of Middlesex County

N.J.-5-LAB-5-K

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS, ASPHALT						
Streets:						
Head rakers	$6.50	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	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, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

Southern half of Middlesex County

N.J. 4-LAB-5-N

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$7.05	.41	.64	a	.05
Rakers and screed board man	6.90	.41	.64	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.41	.64	a	.05
Plant:					
Scale mixers and burner men	6.90	.41	.64	a	.05
Feeders and dust men	6.65	.41	.64	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors umder D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

NJ-1-PEO-1-2- B 3 of 3

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%=5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

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 plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

NJ-2-PEO-3-B
1 of 2

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:
compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

NJ-4-PEO-2- X

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric), converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

New Jersey 1-TD-1-2-3-F 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Winch Trailers	$6.28	a		b		
Euclid, International Haversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	6.18	a		b		
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	6.18	a		b		
Straight three-axle materials: Trucks and floats	6.08	a		b		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch truck, side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort, scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader, nipper, fuel trucks (driver on fuel truck including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-entire unit), concrete mobile trucks (entire unit), beltcrete trucks, pumpcrete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal tar epoxy, littleford bituminous distributor, slurry seal truck or vehicle, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	6.03	a		b		

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS (Cont'd):						
Teamster mechanic	$6.03	a		b		
Mechanic helper	5.80	a		b		

FOOTNOTES:

a. Employer contributes $.89 per hour to a combined Health, Welfare and Pension fund.

b. Employees worked or received pay: 80 days within a year receive one week's vacation, 125 days within a year receive two weeks' vacation, 145 days within a year receive 15 days' vacation, 15 years seniority and 145 days within a year receive four weeks' vacation.

SUPERSEDEAS DECISION

STATE: NEW JERSEY
DECISION NO.: AR-2041
COUNTY: MORRIS
DATE: Date of Publication
Supersedes Decision No. AQ-2113 dated May 3, 1974 in 39 FR 15654
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

14-N.J.-1-2-3-D 1 of 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.202	.5803	.4994		.02
Boilermakers	8.75	8%	18%	10%	.01
Boilermakers' helpers	8.22	8%	18%	10%	.01
Bricklayers, Cement masons, Plasterers, and Stonemasons:					
Morristown, Madison, Chatham, Morris Plains, Mt. Tabor, Parsippany, Troy Hills, Pine Brook, Mendham Ralston, Whippany, E. Hanover, Morris Twp., & Millington, Hanover	9.10	.40	.40		.02
Stephensburg, Pleasant Grove, Middle Valley, and Parker	9.99	.30	.30		.02
Pompton Plains, Pequannock, Lincoln Park, Kinnelon, Butler and Riverdale	9.40	.65	.74		.02
Remainder of County	10.00	.35	.35		.02
Carpenters and Insulators:					
Naughright, Mt. Freedom, Middle Valley, Parker, Ralston, Ironia, Mendham, Chester and Brookside					
Carpenters & Insulator	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
Remainder of County:					
Carpenters	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
Electricians	10.81	4%	1%+.50		f
Elevator Constructors:					
Elevator Constructors	9.10	.395	.26+a	b+c	.015
Helpers	6.83	.395	.26+a	b+c	.015
Probationary helpers	4.55				
Modernization	8.33	.395	.26+a	b+c	.015
Modernization helpers	6.25	.395	.26+a	b+c	.015
Repair	7.48	.395	.26+a	b+c	.015
Repair helpers	5.61	.395	.26+a	b+c	.015
Glaziers	8.70	.70	.65	d	.02

14-N.J.-1-2-3-D 2 of 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Ironworkers, structural, ornamental and reinforcing - nearest town as listed below:					
Easton, Pennsylvania	$10.00	.64	1.06		
Perth Amboy	9.62	.67	2.21	.95	.10
Laborers, Building:					
Boonton, Boonton Twp., Montville, Lincoln Park Borough, Butler, Kinnelon Borough, Pine Brook, Towaco, Denville, Mountain Lake, Pequannock, Pompton Plains and Riverdale Borough:					
Laborers, building, wrecking demolition, concrete mixers without hoppers drill runners, jackhammerman, mason tenders, mortar mixers, excavation and foundations, scaffold builders, carpenters' tenders, and grading for concrete	7.25	.45	.35		
Jefferson, Rockaway, Mt. Arlington, Rockaway Borough, Wharton, Mill Hill, Dover, Netcong, Roxbury, Mt. Olive & Randolph Twps.:					
Laborers, air tool op., jackhammer, vibrator, mason tenders & pipe layers, wreckers, excavation	6.70	.50	.50		
Morristown, Morris Twp., Morris Plains, Mendham, Ralston, Chester, Brookside, Flanders, Ironia, Mt. Freedom, Mt. Tabor, Parisippany-Troy Hills, Pine Brook, Cedar Knolls, Whippany, Hanover Twp., and Long Valley:					
Laborers, tenders scaffolds, excavation, concrete, bituminous concrete, aggregates, pipelayers, underpinning, lagging, bracing, wrecking	6.95	.60	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, Building: (Cont'd)					
Remainder of County:					
Laborers, tenders, scaffolds, excavating and site preparation and clearance, concrete, bituminous concrete and aggregates, trenches, manholes, handling and distribution of pipe, underpinning, lagging, bracing, propping, and shoring, excavating & grading, wrecking	$ 6.95	.60	.50		.02
Lathers:					
Sterling, Gilette and Millington	6.65	.25	.25		.01
Morristown Area	6.15	.25	.25		.02
Leadburners	9.25	.35		e	.01
Linemen & Pipe Type Cable					
Linemen, cable splicer, hole digging equipment, truck with winch or pole & steel handling truck w/o winch	10.81	4%	1%+.50		f
Groundmen, line truck operator & equipment operator	9.26	4%	1%+.50		f
Marble setters	7.80	.78	.94		
Marble setters' helpers	7.33	.74	.88		
Painters:					
Commercial	8.40	.50	.50	.10	
Structural Steel under 30' & exterior work over 30'	8.55	.50	.50	.10	
Bridges, towers, structural steel and tanks over 30'	9.00	.50	.50	.10	
Spray	9.00	.50	.50	.10	
Piledrivermen & Dock builders	9.36	.90	1.53	.56	.02
Plumbers & Steamfitters					
From Dover to Rockaway, Mountain Lakes, Denville, Succasunna, Budd Lake, Hackettstown, Columbia, Flat-brookville, Montague, Port Jervis (N.Y.), Glenwood, Stockholm Charlottesburg, and returning to Dover	8.07	.35	.75	.90	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers & Steamfitter (Cont'd)					
Lincoln Park, Pompton Plains, Pequanock Twp., Riverdale, Butler, Kinnelon Boro:	$ 8.95	.475	1.16	1.00	.04
Remainder of County	10.32	.40	.90		.15
Roofers:					
Composition, damp and waterproofers	10.27	.70	.50		
Slate, tile and asbestos	9.05	.30	.20		
Slate, tile and asbestos helpers	7.95	.30	.20		
Soft floor layers	8.63	6%	5%	4%	
Sprinkler fitters	10.12	.40	.60		.07
Sheet metal workers	9.30	5%	4%		.05
Terrazzo workers	8.70	.78+.45	1.26		
Terrazzo workers' helpers	7.43	.475+.45	.475		
Terrazzo machine operator	7.68	.475+.45	.475		
Tile setters	8.10	.60	1.00+.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes $8.00 per day to Annuity Fund.
b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Armistice Day.
c. Employer contributes 6.4% basic hourly rate for 5 years or more of service of 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
d. One week vacation after one year's work; 2 weeks vacation after 4 years works; 3 weeks vacation after 15 years work.
e. Holidays: A through F; Washington's Birthday, Good Friday providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.
f. Employer contributes $100.00 per year.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salsmander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	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; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

N.J.-5-LAB-5-K

LABORERS, ASPHALT	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Streets:						
Head rakers	$6.50	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	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, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary(except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors umder D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

NJ-1-PEO-1-2-B 3 of 3

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

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 plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

NJ-2-PEO-3-B
1 of 2

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.: compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

NJ-4-PEO-2- X

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

NEW JERSEY-2-TD-1-2-3-P

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Winch Trailer	$7.25	1.31½		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (not self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-Beam, low beds, transit-mix, road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	7.15	1.31½		a+b		
Straight three-axle materials: trucks and floats	7.05	1.31½		a+b		
Straight dumps, flats, floats, pick-ups, container hauler, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	7.00	1.31½		a+b		
Mechanics helpers	6.77	1.31½		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; Good Friday; providing has worked or shaped one day of the calendar week in which the holiday occurs.

b. Employees who have worked or have received pay for 80 days shall receive 48 hours vacation pay; 125 days - 96 hours vacation pay; 145 days - 120 hours vacation pay; an employee with 145 days credit and at least 15 years seniority shall receive 160 hours vacation pay.

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: Passaic
DECISION NO.: AR-2042 DATE: Date of Publication
Supersedes Decision No. AQ-2095 dated April 12, 1974 in 39 FR 13472
DESCRIPTION OF WORK: Building (including residential), heavy and highway construction.

16-N.J.-1-2-3-Y 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.202	.5803	.4974		.02
Boilermakers	8.75	8%	18%	10%	.01
Boilermakers' helpers	8.22	8%	18%	10%	.01
Bricklayers, cement masons, plasterers and stone masons	9.40	.65	.74		.02
Carpenters and Insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
Electricians	9.60	.38	1%+.48	.96	
Elevator constructors	9.10	.395	.26+a	b+c	.015
Elevator constructors' helpers	6.83	.395	.26+a	b+c	.015
Elevator constructors' helpers (prob.)	4.55				
Elevator constructors' modernization	8.33	.395	.26+a	b+c	.015
Elevator constructor' modernization helpers	6.25	.395	.26+a	b+c	.015
Elevator constructors repair	7.48	.395	.26+a	b+c	.015
Elevator constructors repair helpers	5.61	.395	.26+a	b+c	.015
Glaziers	8.27	.45	.70		.01
Ironworkers:					
Structural, ornamental and reinforcing	9.62	.67	2.21	.95	.10
Laborers, Building:					
Laborers	6.85	.50	.70		
Air tool op. (jackhammer, vibrator)	6.85	.50	.70		
Mason tenders	6.85	.50	.70		
Mortar mixers	6.85	.50	.70		
Plasterers' tender	6.85	.50	.70		
Pipelayers (concrete and clay)	6.85	.50	.70		
Lathers	6.65	.25	.25		.01
Lead burners	9.25	.35		d	.01

16-N.J.-1-2-3-Y 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Line Construction:					
Linemen	$ 9.70	4%	6%	.97	
Groundmen	6.79	4%	6%	.97	
Equipment operators	9.70	4%	6%	.97	
Cable splicers	10.50	4%	6%	.97	
Marble setters	7.80	.78	.94	1.00	
Marble setters' helpers	7.33	.74	.88		
Painters:					
Commercial & Industrial	7.70	.84	.85+.53	.38	
Steel	8.20	.84	.85+.53	.38	
Spray	9.77	.84	.85+.53	.38	
Piledrivermen and Dock builders	9.36	.90	1.53	.56	.02
Plumbers	8.95	.475	1.16	1.00	.04
Roofers:					
Composition	9.75	.65	1.00		
Slate and tile	8.90	.35	.75		
Slate and tile helpers	6.65	.35	.60		
Sheet metal workers	9.14	4%+.055	4%+.055	8%	.01
Soft floor layers	8.63	6%	5%	4%	
Sprinkler fitters	10.12	.40	.60		.07
Steamfitters	8.95	.475	1.16	1.00	
Terrazzo workers	8.70	1.23	1.26		
Terrazzo workers' helpers	7.43	.925	.475		
Terrazzo workers' machine operators	7.68	.845	.475		
Tile setters	8.10	.60	1.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F, Washington's Birthday, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salsmander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	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; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

N.J.-5-LAB-5-K

LABORERS, ASPHALT	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Streets:						
Head rakers	$6.50	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	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, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary (except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors umder D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

NJ-1-PEO-1-2- B 3 of 3

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

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 plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

NJ-2-PEO-3-B
1 of 2

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:
compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

NJ-4-PEO-2- X

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

NEW JERSEY-2-TD-1-2-3-P

BUILDING, HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Winch Trailer	$7.25	1.31½		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (not self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-Beam, low beds, transit-mix, road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	7.15	1.31½		a+b		
Straight three-axle materials: trucks and floats	7.05	1.31½		a+b		
Straight dumps, flats, floats, pick-ups, container hauler, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	7.00	1.31½		a+b		
Mechanics helpers	6.77	1.31½		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; Good Friday; providing has worked or shaped one day of the calendar week in which the holiday occurs.

b. Employees who have worked or have received pay for 80 days shall receive 48 hours vacation pay; 125 days - 96 hours vacation pay; 145 days - 120 hours vacation pay; an employee with 145 days credit and at least 15 years seniority shall receive 160 hours vacation pay.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ERIE

DECISION NO. AR-2051 DATE: Date of Publication

Supersedes Decision No. AP-800, dated March 30, 1973 in 38 FR 8804.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

15-New York-1-2-3-W 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.21	.67	.55		.04
Boilermakers	9.45	.50	.85		.02
Bricklayers:					
Tonawanda and Grand Island Twps:					
Bricklayers and stone masons	9.79	.55	1.00		
Terrazzo workers & Tile setters	9.41	.55	1.00		
Marble masons	9.505	.55	1.00		
Remainder of County:					
Bricklayers and stone masons	9.79	.55	1.00		
Marble setters	9.505	.55	1.00		
Terrazzo workers & Tile setters	9.41	.55	1.00		
Carpenters, Building:					
Grand Island north of White Haven Road					
Carpenters	8.95	1.10	.70		.02
Millwrights	9.05	1.10	.70		.02
Carpenters & piledrivermen-Heavy and highway	6.87	1.25	1.10		.025
Remainder of County:					
Carpenters & millwrights	8.98	1.25	1.10		.02
Carpenters & piledrivermen-Heavy and highway	7.42	1.10	.70		.025
Cement masons:					
Building	10.18		.75		
Electricians	10.79	.45	1%+.70		.05
Elevator Constructors	9.63	.395	.26	.86+a&b	.02
Elevator Constructors' helpers	6.74	.395	.26	.86+a&b	.02
Elevator Constructors' helpers (prob.)	4.815				
Glaziers	8.64	.50	.45+g		.05
Ironworkers, structural, ornamental & reinforcing:					
Grand Island to White Haven Road	9.16	.51	.40		.01
Remainder of County	9.61	.75	.78		.04
Lathers	11.06		.10		01
Lead burners	9.25	.35		c	.01

AR-2051 P.2

15-New York-1-2-3-W 2 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Line Construction					
Linemen	$ 9.33	.45	1%+.25	d	3/8%
Cable splicer	10.08	.45	1%+.25	d	3/8%
Groundman digging machine operator	8.80	.45	1%+.25	d	3/8%
Groundman mobile equipment	8.30	.45	1%+.25	d	3/8%
Groundmen truck driver and mechanic	7.90	.45	1%+.25	d	3/8%
Groundmen dynamite man	8.30	.45	1%+.25	d	3/8%
Marble, Tile & Terrazzo workers' helper	7.76	.50	.40+i		
Painters:					
Grand Island North of White Haven Road:					
Painters brush	6.945	.425+.45	.60		.01
Spray, Steel steeple jacks, swing scaffold	7.345	.425+.45	.60		.01
Bridge-crossing the Niagara R River	9.86	.425+.45	.60		.01
Sandblasting and waterblasting	7.445	.425+.45	.60		.01
Remainder of County:					
Painters, brush	8.655	.525	.30+j		.10
Steel tanks, towers, stacks, flag poles, radio TV towers	9.155	.525	.30+j		.10
Sandblasting, swing stage, spray bosum chair	8.905	.525	.30+j		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525	.30+j		.10
Piledrivermen, etc:					
Piledrivermen, dock carpenters & drivers's tenders	8.50	1.05	1.00		
Divers	15.84	1.05	1.00		
Plasterers	11.06				
Plumbers	10.51	.50	.45		.04
Roofers:					
Composition, damp waterproofers, sprayers, asphalt mastic, wood block floor workers, steep roofers and siders	8.12	1.09	1.10		.02
Slate, tile precast tile roofers and asbestos	8.27	1.09	1.10		.02
Sheet metal workers	9.98	.40	.95		.08

BUILDING, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Soft floor layers	$ 8.40	1.25	1.10		
Sprinkler fitters	10.34	.50	.70		.06
Steam fitters	9.70	.62	.73		.06
Truck drivers:					
Truck drivers	4.675	.275	e		
Euclids	5.08	.225	e		
Ready mix	4.725	.225	e		
Dump	4.83	.275	f		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve; providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work day immediately preceding and following the holiday.

d. Holidays; A through F; Washington's Birthday; Election Day for President of the United States and election of Governor of New York State, provided employee works the day before

e. $9.00 per week

f. $10.00 per week

g. Employer contributes $.40 per hour to Supplemental Unemployment Benefits fund.

FOOTNOTES: (cont'd)

h. Employer contributes $1.05 per hour to a combined Health, Welfare and Supplemental Unemployment Benefit fund.

i. Employer contributes $1.00 per hour to a supplemental unemployment benefit fund.

j. Employer contributes $.45 per hour to a Supplemental Unemployment benefit fund.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTI
BUILDING						
BLASTER; Plumbing Laborer, Wagon Drill Operator; Swing Scaffold	6.635	.65+.70	1.10			
PNEUMATIC-GAS-ELECTRIC TOOL OP (over 8 feet deep)	6.585	.65+.70	1.10			
MORTAR MIXER	6.535	.65+.70	1.10			
FOUNDATION LABORER (over 8 feet deep); Hod Carriers; Plaster Tender; Plaster Scaffold Builder; Pneumatic Gas-Electric Tool Operator	6.485	.65+.70	1.10			
LABORER	6.385					
WRECKING						
WAGON DRILL OPERATOR	6.635	.65+.70	1.10			
PNEUMATIC-GAS-ELECTRIC TOOL OPERATORS Steel Burners	6.485	.65+.70	1.10			
WRECKERS	6.385	.65+.70	1.10			
OPEN CUT SEWER						
BLASTER: Wagon Drill Op	6.635	.65+.70	1.10			
BOTTOM MEN: Pneumatic-Gas-Electric Tool Op.	6.485	.65+.70	1.10			
LABORER: Top Men	6.385	.65+.70	1.10			
CAISSON-SHAFT-COFFERDAMS (OPEN CUT)						
BLASTER: Bottom Men; Wagon Drill Op.	6.635	.65+.70	1.10			
PNEUMATIC-GAS-ELECTRIC TOOL OP.	6.485	.65+.70	1.10			
TOP MEN	6.385	.65+.70	1.10			
STREET-ROAD-WORK						
PAVEMENT FORM SETTER; Wagon Drill Op.	6.635	.65+.70	1.10			
CONCRETE WORKER (Bootmen); Pneumatic-Gas-Electric Tool Op.	6.485	.65+.70	1.10			
LABORER	6.385	.65+.70	1.10			
SOFT GROUND TUNNEL OR JACKING						
RODMEN(reinforce); Welder	6.985	.65+.70	1.10			
LEAD MINER	6.785	.65+.70	1.10			
CONCRETE FORM MOVER: Monkey Hole Man: Side Miner	6.735	.65+.70	1.10			
BOTTOM SHAFT MEN	6.585	.65+.70	1.10			
TUNNEL-SHAFT MUCKER: Shaft Miner	6.635	.65+.70	1.10			
CAR PUSHER: Concrete Placing Crew; & Bull Gangs	6.535	.65+.70	1.10			
TOP MAN	6.385	.65+.70	1.10			
ROCK TUNNEL						
RODMAN (reinforce); Welder	6.985	.65+.70	1.10			
LEAD HEADING ROCK DRILLERS	6.785	.65+.70	1.10			
CONCRETE FORM MOVER; Side Heading Rock Drillers	6.735	.65+.70	1.10			
PLUG HOLE AND ROOF BOLT DRILLERS: Mucking Machine Tender; Tunnel & Shaft Mucker; Shaft Sinking Drillers	6.635	.65+.70	1.10			
BOTTOM SHAFT MAN	6.335	.65+.70	1.10			

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTI
CAR PUSHERS; Bull & Tract Gangs; Concrete Placing Crew	6.535	.65+.70	1.10			
TOP MAN	6.385	.65+.70	1.10			

BUILDING AND HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Crane with a main boom over 100 feet

GROUP II: all boom type equipment, all pan and carry-all operators, Archer hoist, back and pull hoe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Peine crane, pile driving machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine

GROUP III: Back filling machine operator, Kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor system, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power)

GROUP V: Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op., pump op., (4" or over), pump op., (2 or 3 in a battery)

GROUP VI: Air compressor operator, (under 160 cu. ft.), air compressor op., (over 160 cu. ft.), generator grount machine operator, heating boiler operator, (used for temporary heat), lubrication unit or truck, mechanical heaters, (when 3 are in a battery), mechanic or repairman, pneumatic mixer op., power plant (in excess of 10KW), welding machine operator, (to and including 3 machines) Bulldozer & tractor, (50 h.p., Monorail

GROUP VII: Bulldozer & tractor, (50 h.p., drawbar or under), jeep trench, mulchers, power brooms and rakes, seeders

GROUP VIII: Firemen

GROUP IX: Truck crane driver

GROUP X: Aggregate bin op., apprentice engineer or oiler, cement bin op., concrete mixer op., (under ½ c.y.), mechanical heaters, (when one or two are used), pump operators (one inch), pump op., (two inches), pump operators, (three inches), tractor machines

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$10.235	.40	.90		.10
GROUP II	9.735	.40	.90		.10
GROUP III	9.58	.40	.90		.10
GROUP IV	9.54	.40	.90		.10
GROUP V	9.455	.40	.90		.10
GROUP VI	9.30	.40	.90		.10
GROUP VII	9.54	.40	.90		.10
GROUP VIII	9.145	.40	.90		.10
GROUP IX	8.985	.40	.90		.10
GROUP X	8.83	.40	.90		.10
GROUP XI	8.685	.40	.90		.10

HIGHWAY CONSTRUCTION

N.Y. -9-PEO-3- C

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Or
Master Mechanic	$10.66	.40	.40+a		.10	
Cranes:						
Boom over 100 ft	10.07	.40	.40+a		.10	
Boom over 200 ft	10.57	.40	.40+a		.10	
Boom over 300 ft	11.07	.40	.40+a		.10	
All boom type equipment, all pan and carry-all operators, archer hoist asphalt roller (finish course), asphalt spreader or paver, automatic fine grade machine (C.M.I and similar type), back filling machine operators, back and pull hoe operator, belt placer (C M I. and similar type), black top plants, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, boring machine operator, bulldozers (all sizes), cableway operator, caisson auger, central mix plant (and all concrete batching plants), cherry picker, concrete paver machine, concrete pump, crane operator, derrick operator, dragline operator dredge, Elevating grader (self-propelled), excavator (all purpose hydraulically operated), fork-lift, front end loader, gradall, grader, head tower operator, hydraulic booms, hydro crane, Lubrication Unit on Truck, maintenance engineer. mucking machine operator, multiple drum hoist (more than 1 drum in use), overhead crane peine crane or similar type, pile driving machine operator, pump crete, push or snatch cats, quarry master or equivalent, ready mix concrete plant, road windener, rock bit sharpener (all types), scoop-mobile, shovel, side boom, skimmer operator, slip form paver (C.M I and similar type), test core drill machine, tire truck and repair, tractor drawn belt type graders trenching machine, tractor shovel operator, truck crane, tunnel shovel machine, well drilling machine winch, winch truck with A Frame	9.57	.40	.40+a		.10	

HIGHWAY CONSTRUCTION
(CONT'D)

N.Y. -9-PEO-3-C

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air Hoist operator, automatic fine grade machine (C.M.I. and similar type), belt placer (C.M.I. and type), bending machine (pipe), boring machine operator, bituminous spreader and mixer, cage hoist operator, concrete finishing machine, concrete mixer operator - ½ cu yd or more, concrete saw - self-propelled, concrete spreader, conveyor operator, conveyor systems (belt crete or similar), hoisting engine operator, house elevator (when use for hoisting), hydraulic pipe jack machine or similar type machines, hydro hammer or similar types, industrial tractor, kolman loader or similar type machines, locomotive operator mixer for stabilized base self-propelled, monorail, plant engineer. push button hoist operator, roller machine operator, slip form paver (C.M.I. and similar type), snorkel stone crushers, strato-tower, towed or self-propelled rollers, tractors (when using winch power), tractors (with towed accessories), tube finisher (C.M.I. and similar type).	9.43	.40	.40+a		.10	
Air compressors (under 160 cu.ft.) air compressors (over 160 cu.ft.) asphalt curb & gutter machines, blower for burning brush, chipping machine and chip spreader, concrete curb and gutter machines, concrete curing machines, generator, grout or gunite machines, heating boiler operator (used for temporary heat) hydraulic rock expander or similar type machines, hydraulic system pumps, mechanical heaters (when 3 are in a battery), motorized hydraulic Pin Puller, pneumatic mixer operator, post hole digger and post driver, power plant in excess of 10 K.W. pump oerator (4" of over), pump Operator (2 or 3 in a battery), welding machine-						

HIGHWAY CONSTRUCTION
(CONT'D)

N.Y.-9-PEO-3-C 3 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
operator (1 machine over 300 amps. or 2 or 3 machines regardless of amps), well point systems (electric, diesel or gas driven	9.14	.40	.40+a		.10	
Fireman, jeep trencher, motorized hydraulic seeders, mulching machines power broom and rakes, truck crane driver,	8.99	.40	.40+a		.10	
Aggregate bin operator apprentice engineer or oiler, C M.I and similar type concrete spreads, cement bin operator, concrete mixer operator (under ½ cu yd), mechanical heaters (when one or two are used), pump operator (one inch), pump operator (two inch), pump oerator (three inch), revinius widener, steam cleaner, tractor machines	8.54	.40	.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 Employer contributes $ .50 per hour to a Supplemental Unemployment Benefit fund.

STATE: Tennessee
DECISION NO.: AR-4035
COUNTY: Hamilton
DATE: Date of Publication
Supersedes Decision No. AQ-4118 dated May 31, 1974 in 39 FR 19424.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy Construction.

33-Tenn.-1-2-0 1 of 2

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.94	.30	.20		.01	
Boilermakers	7.50	.40	.90		.02	
Bricklayers:						
Bricklayers, stonemasons, concrete block layers, tile setters, terrazzo workers & marble setters	7.45	.30	.35			
Carpenters:						
Carpenters & soft floor layers	7.03	.30	.25		.03	
Millwrights	7.48	.30	.25		.03	
Piledrivermen	7.155	.30	.25		.03	
Cement masons	6.90					
Power machine operator	7.10					
Swinging scaffold & bos'n chair	7.10					
Electricians and Linemen	7.95	.40	1%		1%	
Cable splicers	8.20	.40	1%		1%	
Elevator constructors	7.21	.395	.26	2½%+a+b	.02	
Elevator constructors' helpers	70%JR	.395	.26	2½%+a+b	.02	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	5.775		.10	c		
Ironworkers:						
Structural and Ornamental	7.50	.15	.25		.5%	
Reinforcing	7.50	.15	.25		.5%	
Lathers	6.35				.03	
Lead burners	7.80	.30		d	.01	
Painters:						
Commercial	6.15		.25			
Industrial	6.40		.25			
Sandblasting	6.65		.25			
Plasterers	6.75					
Plumbers	8.05	.25	.30	.20	.07	
Roofers:						
Composition, damp & waterproofers	6.95		.10			
Slate and tile	7.15		.10			
Kettlemen	6.60		.10			
Sheet metal workers	7.41	.30	.30		.02	
Sprinkler fitters	8.60	.50	.70		.08	
Steamfitters	8.05	.25	.30	.20	.07	
Truck Drivers:						
Up to 3 tons	4.58		e			
3 to 5 tons	4.73		e			
5 to 7 tons	4.88		e			
Helpers and Warehousemen	4.58		e			
Special equipment	4.98		e			
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 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.

c. Employee who has worked more than 1, but less than 5 years, 2% of gross wages. Employee who has worked 5 years or more, 1% of gross wages.

d. Holidays, A through F plus Washington's Birthday, Good Friday and 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 and following the holiday.

e. $3.00 per week for each employee.

TENN. - 12-LAB-1-2-N

BUILDING AND HEAVY CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$5.05	.10	.20		
GROUP B	5.15	.10	.20		
GROUP C	5.25	.10	.20		
GROUP D	5.35	.10	.20		
GROUP E	5.40	.10	.20		
GROUP F	5.70	.10	.20		
GROUP G	5.75	.10	.20		
GROUP H	5.45	.10	.20		
GROUP I	5.60	.10	.20		
GROUP J	5.60	.10	.20		
GROUP K	5.85	.10	.20		

GROUP A: Concrete laborers, general laborers, carpenter tenders, window and floor cleaners, and flagman on road and street crossings, form strippers, handling of rope to clam bucket, grout men, laborers working on demolition work, handling, cleaning and pulling of nails from materials

GROUP B: Powder man helpers, vibrator operators, tenders to all trowel trades and terrazzo work, carrying re-inforced steel, operating motorized wheel barrows, doping and painting of pipe, railroad track laborers, air spade operators, snake men on pipe work

GROUP C: Sanitary and storm pipe layers or any other pipe outside of foundation, grade checker, yarner and pot man, steel form setters, mortar mixers by hand or machine, power saw operators, jackhammer operator, pavement breaker operator, air tool operators, regular air tamp operators, wacker tamp operator, chipping hammer operator, hand operated ditching machine operator, concrete grinder, floor sweeping machine operator, concrete buffer and grinder power operator, concrete pumping machine operator

GROUP D: Asphalt raker, wagon drill operator, sand blasting, track drill operator, concrete saw operator, using cutting torch or burner on demolition work, flagging of rigs

GROUP E: Barco tamp operator and specially designed tamp operator, black top or concrete curbing machine operator

GROUP F: Powder man, motorized post hole digger operator and terrazzo machine grinder

GROUP G: Pneumatic concrete gun operator and nozzleman

FREE AIR SHAFTS AND TUNNELS

GROUP H: Tunnel Laborer

GROUP I: Chuck Tender

GROUP J: Top Lander on Shaft Work

GROUP K: Tunnel miner, including men required to go down in pier holes drilled by machine

Tenn-3-PEO-1-2-a

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.70	.25	.20		
GROUP B	5.90	.25	.20		
GROUP C	5.30	.25	.20		
GROUP D	5.00	.25	.20		

GROUP A: Backhoes, Cableways, Ross carrier, Clamshells, Cranes, Derricks, Draglines, Turnapulls, Pans, Scrapers, Scoops, Etc., Head tower machines, Endloaders, Locomotives (over 20 tons), Shovels, Dozers, Fork-lifts with over 8' lift, Core drills, Foundation drills, Graders, Mechanics, Welders, Winch truck with A Frame, Skimmer scoops, Locomotive cranes, Overhead cranes, Skid rigs, Pile drivers, Side boom tractors, Euclid loaders, Derrick boat, Dredge boats, Hoist (any size handling steel or stone), Engines used in connection with hoist material with an attached device on tower or engine, Mucking-machines, Hi-lifts or end loaders, Finish graders on bluetop, Trenching machines, Cherrypickers, Tower crane, Skylift, Gradall

GROUP B: Tractors, Farm type tractors with attachments, Central compressor plants, Elevators used for hoisting building materials, Central mixing plants, Hoist, Pump crete machine, Concrete pumps, Backfillers (other than cranes), Tracmobile, Crushing plant operators, Elevating graders, Earth augers, Forklifts, Paving machines (Blacktop), Paving machines (Concrete), Boat operator or engineer (30 tons or over), Blacktop rollers, Switchman, Locomotive under 20 tons and maintainers

GROUP C: Asphalt plant operators, Barber green type loaders, Engine tender other than steam, Mixers (over 2 bags, not to include central plants), Pumps (2 not more than 3, Scarifiers, Spreader box (Bituminous), Asphalt mixers, Portable compressors (2 not more than 3), Rollers, Sub-grader machine, Tractors (Farm-type without attachments), Cable head tower engineman, Dredge booster pump operator, Boat operator or engineers (under 30 tons), Finishing machine, Fireman & Oiler (Combination), Motor crane oiler & driver, Welding machine (2 not more than 3), Heaters, Stationary or portable (to 5), Compressors (Portable, 2 not more than 3), Greaser or fuel trucks

GROUP D: Air compressor (1 portable), Fireman, Portable crushers, Welding machine (1), Conveyors, Pumps (1), Oiler, Heater (1)

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Shelby
DECISION NUMBER: AR-4036 DATE: Date of Publication
Supersedes Decision No. AR-4010 dated July 12, 1974, in 39 FR 25921.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Utility Construction.

79-Tenn-1-G 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.875	.25	.25		
Boilermakers	7.50	.40	.90		.02
Bricklayers; Stonemasons	7.70	.35	.20		.14
Carpenters; Piledrivermen; Soft floor layers	8.05	.30	.20		.03
Cement masons:					
Cement masons	7.90	.30	.45		.10
Cement masons machine operator	8.15	.30	.45		.10
Electricians:					
Electricians; Linemen	7.58	.35	1%+.40		.5%
Cable splicers	7.68	.35	1%+.40		.5%
Elevator constructors	7.52	.395	.26	2½%+a+b	.02
Elevator constructors' helpers	70%JR	.395	.26	2½%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	7.80	.35	.20		
Ironworkers	7.70	.30	.35		.125
Lathers	7.90	.25			.01
Leadburners	7.80	.30		c	.01
Marble setters; Terrazzo workers; Tile setters	7.25	.35	.20		.05
Millwrights	7.90	.34			.06
Painters:					
Brush	7.40		.30		.05
Sandblasting; Spray; Steel	7.65		.30		.05
Plasterers	7.80				.01
Plumbers	7.88	.30	.15		.04
Roofers:					
Composition	7.40		.20		.03
Slate, Tile, asbestos & precast tile	7.65		.20		.03
Sheet metal workers	7.20	.40	.15	.30	.02
Sprinkler fitters	8.60	.50	.70		.08
Steamfitters, air conditioning mechanics and pipefitters	7,62	.30	.30		
Truck drivers:					
Up to 5 tons	3.695		d		
5 tons & over incl. special equipment	4.095		d		
Welders; riggers; & riveters receive rate prescribed for craft performing operations to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F
b. Employer contributes 4% 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.
c. 9 paid holidays: A through F, plus Washington's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
d. Employer contribution of $2.00 per week.

10-Tenn. LAB -1-0

BUILDING CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. T
GROUP A	4.75	.20	.20		.05
GROUP B	4.85	.20	.20		.05
GROUP C	4.90	.20	.20		.05
GROUP D	5.10	.20	.20		.05
GROUP E	5.30	.20	.20		.05
GROUP F	5.15	.20	.20		
GROUP G	5.25	.20	.20		

GROUP A : General and common laborers, concrete laborers, track laborerwalkers, cement finisher helpers, plumber helpers, carpenter tenders, asphalt rakers-tampers, form strippers, roofing helpers.

GROUP B : Well driller helpers, storm and sanitary pipe layers, mat weavers, motor buggie operators.

GROUP C : Chain saw operators, jackhammer, vibrator and electric hammers and all air tool and pneumatic tools.

GROUP D : Deep hole man

GROUP E : Powdermen, toolroom attendant, torchman on demolition and salvege, sand hog (free air).

GROUP F : Hod carriers, mason tenders and plasterer tenders.

GROUP G : Mortar mixers

Tenn.-1-PEO-1-M

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$7.65	.30	.25		
CLASS B	7.22	.30	.25		
CLASS C	6.52	.30	.25		
CLASS D	6.12	.30	.25		

CLASS A: Shovels; Backhoes; Draglines; Cranes; Derricks; Gantrys; Gradall; Winch with boom; Motor patrol; Trenching machine (18" & over); Pile driver; Tug boat operator; Mechanics (heavy); Central mixing plant; Locomotive engineer; Strattle carriers; Core drills (over 3"); Tower cranes; Hydro cranes; Austin Western (and similar type cranes); Drilling of piling; Tugger; Earth freezing equipment; 3 drum hoist; Side boom; Dredge operator (engineer); Hopto; Pump crete; Mucking machines; Cableway; Central compressor plant; Derrick boat; Concrete pump; Welders (men from the craft); Helicopter operator; Well point systems; Sweeper; Bulldozers; Pans; Scrapers; Traxcavators; Fork lift; Front end loader

CLASS B: Trenching machines (18" and smaller); Tandem rollers; Pavers; Mobile mixers (rubber tired, mobile, mixed on job); Back filler; Blade graders; Dinkey operator over 10 tons; Elevating graders; Winches (operated from trucks or tractors, without booms and powered by other than the truck); Distributors; Bituminous surfaces, 1 and 2 drum hoist; Grout pumps; Motor boat; Switchman; Brakeman; Earth compactors (motorized-Buffalo-Springfield type)

CLASS C: Locomotive fireman (on boilers 100 h.p. and over); Operator; Air compressor (stationary); Earth drills; Scale operators; Tractors (40 h.p. and less); Motor crane driver and oiler; Pumps (larger than 4"); Dinkey operators (10 tons and less); Oilers on Gantrys; Greasers

CLASS D: Air compressor operators; Mechanic helper; Locomotive fireman; Welding machine operators; Deck hand; Elevator operators

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers	$5.20					
Carpenters	4.35					
Cement masons	4.29					
Ironworkers, reinforcing	4.18					
Ironworkers, structural	4.64					
Painter or sand blaster	4.03					
Laborers:						
Laborers, unskilled	2.60					
Air tool operator	2.88					
Mortar mixer, chain saw, pipelayer, conc. rubber	2.84					
Concrete saw op., guard rail erector, sign erector	2.96					
Firemen	2.90					
Asphalt raker	3.07					
Concrete edger	3.01					
Powderman	3.45					
Form setter, steel road	3.09					
Nozzleman or gunman (gunite)	4.29					
Flagman	2.60					
OPERATING ENGINEERS:						
Dragline op., shovel op., crane op., end loader 5 yds. & over, pile driver op., motor patrol finish, mechanic (class I),	4.35					
Backhoe operator, concrete paver op.	4.27					
End loader under 5 yds., mechanic, class II, motor patrol (rough), central mixing (asphalt or concrete), concrete finishing machine, soil cement machine, asphalt paver	3.83					
Bulldozer or push dozer op., scraper op., trenching machine, tractor (boom and hoist),	3.91					
Roller (high type),	3.79					
Spreader (self-propelled)	3.65					
Distributer (bituminous)	3.54					
Roller, other than finish, dozer or loader - stock pile only	3.40					
Tractor, crawler, utility	3.54					
Concrete mixer, less than 1 yd., earth drill	3.17					
Mulcher or seeder, scale op., motor crane driver & oiler	3.12					
Tractor, farm	2.89					
Curb machine	2.94					
Ditch paver, mechanic helpers	2.88					
Pump operator, welder helper	2.82					
Track drill operator	3.01					
Oiler	2.94					
TRUCK DRIVERS:						
2 axles	2.91					
3 axles	2.96					
4 axles	3.15					
5 axles or more or heavy off the road trucks or haulers	3.40					
Welders - Rate for Craft.						

WATER, SEWER AND UTILITIES

AR-4036 P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers	$3.50					
Carpenters	3.50					
Cement masons	3.00					
Laborers	2.07					
Truck drivers:						
Up to 3 tons	2.32					
Over 3 tons	2.50					
Power Equipment Operators:						
Air compressors	2.37					
Backhoe	3.50					
Blade grader	3.50					
Bulldozer	3.45					
Cranes, derricks & draglines	3.85					
Front end loader	3.50					
Mechanics	3.42					
Motor grader	3.50					
Scrapers	3.34					
Shovels	3.50					
Tractors	2.37					
Trenching machines	3.30					

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