FRIDAY, MARCH 21, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 56
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**ATTENTION:** Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202-523-5266. For information on obtaining extra copies, please call 202-523-5240.

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Title 2—Clemency
CHAPTER I—PRESIDENTIAL CLEMENCY BOARD
ADMINISTRATIVE PROCEDURES AND SUBSTANTIVE STANDARDS

The Presidential Clemency Board published its proposed administrative procedures and substantive standards on November 27, 1974 (39 FR 41361). Since that time, the Board has considered the first military cases before it, and has had the benefit of more than 40 comments on its proposed regulations. With the benefit of this additional experience and analysis of these comments, the Board publishes the final regulations setting out its procedures and standards.

It is the intent of the Board to provide notice to the public of the standards it uses to make recommendations to the President concerning individual applications for clemency. The Board also wishes to ensure equity and consistency for applicants under the President’s clemency program.

Because it is a temporary organization within the White House Office, the sole function of which is to advise the President with respect to the exercise of his constitutional power of executive clemency, the Board does not consider itself formally bound by the Administrative Procedure Act. Nonetheless, within the time and resource constraints governing it, the Board wishes to adhere as closely as possible to the principles of procedural due process. The administrative procedures established in these regulations are consistent with those established by Executive Order 11803 (Establishing a Clemency Board for Deserters and in War Evaders and Suspects), as amended by Executive Order 11804 (Establishing a Clemency Board). It restates the explanation of those changes which have been made in these regulations in response to several comments.

The Board welcomes continuing comments on problems which may arise in the application of particular sections of these procedures and invites recommendations on how best these problems may be resolved.

Several dozen technical changes have been made in these regulations in response to new circumstances that were presented to the Board. Some clarify significantly the rights and procedures available to applicants. The following is an explanation of those changes which seem to the Board to be most significant:

Jurisdiction. Section 101.3 has been added in order to incorporate the criteria for determining whether or not a person is eligible for consideration by the Presidential Clemency Board. It restates the criteria established in Proclamation 4313 (Announcing a Program for the Return of Vietnam Era Draft Evaders and Military Deserters), and repeated in Executive Order 11803 (Establishing a Clemency Board).

Remedies. Section 101.4 has been added to explain the remedies available from the Presidential Clemency Board. It states the authority with which the Board is vested by Executive Order 11803, issued pursuant to Proclamation 4313. A Presidential pardon restores those federal civil rights lost as a result of, or as a consequence of, a felony conviction. State law recognizes Presidential pardons as a matter of comity, usually restoring the right to vote in federal and state elections, to hold public office, and to obtain licenses for many vocations. Persons who are convicted of felonies are barred under state law.

Since conviction by military court-martial is treated as a felony conviction by many states, and since an Undesirable Discharge is treated as a conviction as a court-martial conviction, the benefits of a pardon apply to former servicemen as well as civilian draft evaders.

A Clemency Discharge neither entitles its recipient to veterans benefits nor bars his receiving those benefits to which he is otherwise entitled. The Veterans Administration and other agencies that extend veterans benefits to some holders of a Clemency Discharge, but it is contemplated that most will not receive veterans benefits.

Availability of files to applicant and his representative. Section 101.7(c) clarifies which files an applicant and his representative have a right to see. This is in response to comments from several agencies. The Board released on March 19, 1975 (FEDERAL REGISTER, Vol. 40, No. 56—FRIDAY, MARCH 21, 1975) Section 101.11(b) which has been amended in order to add standards which must be met if the Board is to reconsider an applicant’s petition for clemency. In the proposed regulations, consideration of such petition by the Board was a matter of discretion. This amendment limits the circumstances under which reconsideration will be granted, but provides that when an applicant shows that any of those circumstances are present, reconsideration will be granted as a matter of right.

Transmittal to other agencies of Presidential requests. Section 101.12 provides that grants of immediate pardon by the President are transmitted formally to other government agencies, as appropriate. Pending completion of the alternative service requirements, no additional clemency are communicated to another federal agency only to the extent this information is necessary for the agency to perform its functions under the clemency program. Denials of clemency by the President are held confidential by the Board.

The intent of this section, adopted here in response to several comments is that a person who applies for clemency should not be prejudiced in his pursuit of other remedies through the military services’ discharge review processes or elsewhere.

Other remedies available to applicant. Section 101.12(b) requires that Board staff inform both applicants to the Board and persons who inquire about the clemency program, but are clearly not entitled to Board jurisdiction, of the remedies available to them under military discharge review processes and through the judiciary. Applicants to the Board or to one of the other agencies administering part of the clemency program may pursue such other remedies simultaneously or subsequently to, or instead of their remedies under the clemency program. The Board’s staff informs them of their other options.
Aggravating and mitigating circumstances. Sections 102.3 and 102.4 contain new aggravating and mitigating circumstances which the Board deems material to its decisions.

The Board notes that it has seen a number of cases of persons who were killed with their hands up during combat, but then committed AWOL offenses because of mental stress caused by combat. The Board calls attention to this mitigating circumstance as one which it considers particularly important in some cases.

A number of recommendations from the private bar have suggested that the Board should add as a mitigating circumstance "evidence that an applicant would probably have been able to obtain a Selective Service registration beneficial to him, but failed to apply due to lack of knowledge or confusion." Mitigating circumstances #1, 8, and 9, in conjunction, are adequate to meet this problem.

Calculation of length of alternative service. Subsection 102.3(c) has been added in order to make clear the Board's decision that the initial baseline period of alternative service for applicants with Undesirable Discharges is three (3) months.

Eligibility of clemency recipients for military discharge review remedies. The Presidential Clemency Board notes, although the matter is not one for inclusion in its regulations, that it has received numerous comments which assume that a recipient of executive clemency under the President's clemency program is ineligible for consideration under the military services' discharge review program.

This is incorrect. Any applicant to the Board for executive clemency may also seek review of his discharge through one of the military services' discharge review boards. Application to the Board does not exclude a former service member from the jurisdiction of the military services' boards, nor does it preclude the remedies which are available from those boards.

The Presidental Clemency Board notes that a veteran who receives a Clemency Discharge through the Board may subsequently seek, according to the Department of Defense, an upgrading of that discharge through the military services' normal discharge review processes. This chapter will become effective immediately.


CHARLES E. GOODELL,
Chairman, Presidential Clemency Board, The White House.

1. Part 101 is added to read as follows:

PART 101—ADMINISTRATIVE PROCEDURES

§ 101.1 Purpose and scope.
This part establishes the procedures of the Presidential Clemency Board. The Presidental Clemency Board notes that the initial baseline period of alternative service for applicants with Undesirable Discharges is three (3) months.

§ 101.2 General definitions.
"Action attorney" means an attorney on the staff of the Board who is assigned an applicant's case.

"Applicant" means an individual who invokes the jurisdiction of the Board, and who has submitted an initial filing.

"Board" means the Presidential Clemency Board as created by Executive Order 11803 (39 FR 33297) or any duly authorized panel of that Board.

§ 101.3 Jurisdiction.
Jurisdiction lies with the Board with respect to a particular person if such person applies to the Board not later than March 31, 1975. The Board considers sufficient for the purpose of giving full effect to the intent and purposes of the Presidental Clemency program.

(a) Upon receipt of an initial filing, the Board, in its discretion, may take one or more of the following actions:

(1) Grant a clemency discharge in substitution for a Dishonorable, Bad Conduct, or Undesirable Discharge;

(2) Commute the sentence; or

(3) Deny clemency.

(b) If an initial filing is made by a representative, the case is considered by the Board unless and until the applicant submits a written confirmation of his clemency application.

§ 101.6 Application form.
(a) Upon receipt of an initial filing, a member of the Board's staff makes a determination of probable jurisdiction. Persons who are clearly beyond that determination are notified in writing. A person who questions this determination should promptly write the General Counsel, Presidential Clemency Board, The White House, Washington, D.C. 20500, stating his reasons for question. If a probable jurisdiction determination is made, the General Counsel of the Board makes the final determination of probable jurisdiction and
so notifies the applicant or his representa­
tive in writing stating the reasons why. In doubtful cases, a final determination of jurisdiction is made by the Board.

4. A person who has been notified that jurisdiction does not lie in his case is considered as having made a timely filing if the final determination is that the Board has jurisdiction over his case.

5. A person who is within the jurisdictio­

§ 101.7 Assignment of Action Attorney, case number, and determination of jurisdic­tion.

(a) Upon receipt of the necessary rec­ords and files, the Action Attorney prepares an initial case summary of the appli­cant's case. The initial case summary is sent to the Board. For military cases, an applicant's case is ready for final consideration by the Board not sooner than sixty (60) days after the initial case summary is mailed to the Board. Where necessary, an applicant should summarize his additional material to comply with this verification requirement. If this is not done, the Action Attorney does so.

(b) At any time before Board consid­eration of his case, an applicant may submit evidence of inaccurate, incomplete, or misleading information in the comple­tion of Board files. This information is incorporated in applicant's Board file.

(c) Upon receipt of the applicant's re­sponse to the initial summary, the Action Attorney notes all such amendments, sup­plements, or corrections on the initial summary submitted by the applicant or his representative. All such amendments are attached to the initial case summary with notation by the Action Attorney of any discrepancies of fact which in his opinion remain unresolved. The complete case summary consists of the initial sum­mary, amendments as described in para­graph (c) and this section, and the ma­terials submitted by the applicant and his representative as described in para­graph (b) of this section.

(f) Where, in the opinion of the Board, there is a conflict of fact, false state­ment, or omission material to the Board's considera­tion of an aggravating or mitigating circumstance, as specified in paragraph (c) of this section, the Board may be brought before a majority of the full Board for consideration at the request of a panel member. Panel recommenda­tions will be considered and approved by a majority of the full Board.

§ 101.9 Consideration before the Board.

(a) At a regularly scheduled meeting of the Board, an applicant's case is con­sidered. The Board may provide by rule, however, that cases will be initially con­sidered by panels of not less than three Board members. An applicant may be brought before a majority of the full Board for consideration at the request of a panel member. Panel recommenda­tions will be considered and approved by a majority of the full Board.

(b) The Action Attorney presents to the Board a brief statement of the completed case summary and, as provided in paragraph (b) of this section, the material submitted by the applicant.

(c) The Board grants a personal ap­pearance to an applicant and his re­presentative if they can show in a written statement that such an appearance is necessary to the Board's understanding of the applicant's case. The Board con­siders each request for an oral present­ation at a regular meeting and informs the applicant, and his representative whether or not his request has been granted.

(d) Any oral presentation granted by the Board shall not exceed a reasonable period of time. No applicant nor his representative may be present when the Board begins deliberations, but should remain available for further consultation immediately thereafter.

(e) After due consideration, the Board decides upon its recommendation to the President listing the factors it considered in making its recommendation.

§ 101.10 Recommendations to the Pres­ident.

(a) At appropriate intervals, the Chairman of the Board submits to the President a list­ing of the names of applicants recommend­ed for executive clemency and a list of the names of applicants consid­ered by the Board but not recommended for clemency. The Chairman will also submit such terms and conditions for executive clemency, if any, that have been recommended in each case by the Board.

(b) Following action by the President, the Board sends notice of such action in writing to all applicants whose names were submitted to the President. Each applicant is sent a list of the mit­egating and aggravating circumstances decided by the Board to be applicable in his case.

§ 101.11 Reconsideration.

(a) An applicant may ask the Board for reconsideration of his case. Petitions for reconsideration, including any sup­plemental material, must be post­marked within thirty (30) days of Board mailing specified in § 101.10(a).
(b) At a regularly scheduled Board meeting, a majority of the Board being present, it will reconsider the applicant's case if the applicant's petition shows one or more of the following:

(1) New facts not previously considered, provided that the applicant explains to the Board the reasons why such facts were not submitted earlier. New facts are, for purposes of this section, considered material only if they relate to presence or absence of an aggravating circumstance under §102.3 or of a mitigating circumstance under §102.4, or to calculation of length of alternative service under §102.5.

(2) Factual error, in the complete case summary or other document considered by the Board that was material to the Board's disposition of his case and detriment to him; or

(3) Procedural error that was material to the Board disposition of his case and detriment to him.

(c) The Board may at its discretion permit an applicant or his representative a reasonable period of time to present his case before the Board an oral statement. The provisions of §101.3 apply to any request for a personal appearance.

(d) After due deliberation, the Board may:

(1) Leave unchanged its original recommendation;

(2) Where executive clemency was not granted, recommended to the President that he grant it in accordance with such terms and conditions as may be appropriate;

(3) Where executive clemency was granted, recommend to the President that he diminish the length of alternative service on which the grant of clemency has been conditioned or immediately grant a full and unconditional pardon.

(e) Applicants requesting reconsideration are so notified in writing of the Board's decision, together with the reasons.

§101.12 Transmittal to other agencies of clemency decisions.

(a) The Chairman of the Board may forward for further action to the Secretaries of the Army, Navy, and Air Force, the Secretary of Transportation, the Director of the Selective Service System, and the Attorney General, as appropriate, only such information about the President's decision as is necessary in the Board's judgment for the agency to perform its functions under the President's clemency program or for other necessary action respecting the applicant.

(b) A decision by the President to deny executive clemency to a person who has fully discharged his obligations under the law for his offense is not transmitted by the Board to any other agency of the United States Government or to any other person, public or private, except the applicant or his representative.

§101.13 Confidentiality of communications.

(a) In order to have his case considered by the Board, an applicant need submit only information sufficient for a determination of jurisdiction and for the retrieval of necessary official records and files. The application form requires the applicant's name, date of birth, selective service number, military branch and service number; if applicable, information concerning the draft evasion offense or absence-related military offense, and the disposition thereof, and the mailing address of the applicant. In the case of either the applicant or his representative.

(b) The Board takes all steps in its power to protect the privacy of applicants and potential applicants to the Presidential Clemency Program. No personal information concerning an applicant or potential applicant is released by the Board unless disclosure is necessary for the proper functioning of the Board (e.g., to the Selective Service System so that alternative service may be performed) or unless required by law.

(c) Upon receipt by the Board of a request for information about the Clemency Program, the Board is authorized to provide only the name of the recipient of clemency and the date of his grant.

(d) Upon announcement of the President's disposition of a case, the Board may publish a summary of that case after the removal of all information likely to identify the individual.

§101.14 Representation before the Board.

(a) Although an applicant may bring his case before the Board without a representative, each applicant is advised of his right to representation and encouraged to seek counsel experienced in military or selective service law. A representative need not be an attorney, although legal counsel is recommended to applicants. The Board staff advises applicants of those private sources which are available to provide counsel.

§101.15 Requests for information about the Clemency Program.

(a) Upon receipt by the Board of a request for information from an individual clearly not within the jurisdiction of the Board, the Chairman of the Board may at the applicant's request, or at the Board's discretion, determine his eligibility for any other part of the Presidential Clemency Program. If requested, the Board attorney preserves the confidentiality of the individual's location.

(b) Although a member of the Board's staff also informs any individual of other remedies available to him, including those from the Departments of Justice and Defense and through judicial processes.

§101.16 Postponement of Board consideration and of the start of alternative service.

(a) An applicant may request that the Board defer consideration of his case for a reasonable period of time. Such determinations are liberally granted provided that they do not result in an undue disruption of the Board's operations or delay the final termination of the Board's operations.

(b) An applicant who has been granted executive clemency conditioned upon a period of alternative service may ask for the postponement of the beginning of his period of alternative service for a reasonable period of time. The reasons for which a postponement may be granted include personal hardship and conflicting obligations. The Board makes every effort, consistent with its own authority and that of the Selective Service System to accommodate postponement requests.

2. Part 102 is added to read as follows:

PART 102—SUBSTANTIVE STANDARDS

§102.1 Purpose and scope.

This section contains the standards which the Board employs in deciding whether or not to recommend that the President grant executive clemency, whether or not clemency should be conditioned upon satisfactory completion of a period of alternative service, and, if so, what the length of this alternative service is.

§102.2 Board recommendations.

In each case the Board decides first whether or not it will recommend to the President that the applicant be granted executive clemency. In reaching this decision, the Board considers the aggravating circumstances in §102.3 and the mitigating circumstances in §102.4.

§102.3 Aggravating circumstances.

(a) Presence of any of the aggravating circumstances listed below may either disqualify an individual for executive clemency or cause the Board to recommend to the President a period of alternative service exceeding the applicant's "baseline period of alternative service," as determined under §102.5.

(b) Some aggravating circumstances of which the Board takes notice are:

(1) Other adult criminal convictions;

(2) False statement by applicant to the Presidential Clemency Board;

(3) Use of force by applicant collaterally to AWOL, desertion, or missing movement or civilian draft evasion offense;

(4) Desertion during combat;

(5) Evidence that applicant committed offense for obviously manipulative and selfish reasons;

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§ 102.4 Mitigating circumstances.

(a) Presence of any of the mitigating circumstances listed below or of any other appropriate mitigating circumstance is considered as cause for recommending that the President grant executive clemency to an applicant, and as cause for reducing the applicant's alternative service below the baseline period, as determined under §102.5.

(b) Mitigating circumstances of which the Board takes notice are:

(1) Lack of sufficient education or ability to understand obligations or remedies available under the law;

(2) Personal and family problems either at the time of offense or if applicant were to perform alternative service;

(3) Mental or physical condition;

(4) Employment and other activities on behalf of the public;

(5) Service-connected disability, wounds in combat or decorations for valor in combat;

(6) Period of creditable military service;

(7) Tours of service in the war zone;

(8) Substantial evidence of personal or procedural unfairness;

(9) Denial of conscientious objector status or of a Selective Service exemption or deferment, or of a claim for hardship discharge, compassionate reassignment, emergency leave, or other remedy available under military law, on purely technical or improper grounds, or on grounds which have subsequently been held unlawful by the judiciary:

(10) Evidence that an applicant acted for conscientious, not manipulative or selfish reasons;

(11) Voluntary submission to authorities by applicant;

(12) Behavior which reflects mental stress caused by combat;

(13) Volunteering for combat, or extension of service while in combat;

(14) Above average military conduct and efficiency;

(15) Personal decorations for valor.

(c) An applicant may bring to the Board's attention any other factor which he believes should be considered.

§ 102.5 Calculation of length of alternative service.

(a) Having reached a decision to recommend President grant executive clemency to a particular applicant, the Board will then decide whether or not clemency should be conditioned upon a specified period of alternative service and, if so, what length that period should be.

(1) The starting point for calculation of length of alternative service will be 24 months.

(2) The starting point will be reduced by three times the amount of prison time served.

(3) The starting point will be further reduced by the amount of prior alternative service performed, provided that the prescribed period of alternative service has been satisfactorily completed or is being satisfactorily performed.

(4) The starting point will be further reduced by the amount of time served on probation or parole, provided that the prescribed period has been satisfactorily completed or is being satisfactorily performed.

(b) In no case will the baseline period of alternative service be less than three (3) months.

(c) For applicants who have received an Undesirable Discharge from a military service, the baseline period of alternative service shall be three (3) months.

(d) The Board may consider mitigating circumstances as cause for recommending clemency upon satisfactory completion of a period of alternative service that is less than an applicant's baseline period of alternative service, or for recommending an immediate pardon.

(e) In cases in which aggravating circumstances are present and are not, in the Board's judgment, balanced by mitigating circumstances, the Board may consider such aggravating circumstances as cause for recommending clemency upon satisfactory completion of a period of alternative service exceeding, by three (3), six (6), or nine (9) additional months, the applicant's baseline period of alternative service. In extraordinary cases, as an alternative to denying clemency, the Board may increase the baseline period to a maximum of not more than 24 months.

PART 201—REVOKED

3. Part 201 is revoked.

PART 202—REVOKED

4. Part 202 is revoked.

[FR Doc.75-7456 Filed 3-20-75; 8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

ACTION

Section 213.3359 is amended to show that one position of Special Assistant to the Deputy Director is excepted under Schedule C.

Effective on March 21, 1975, §213.3359

(a) One Special Assistant to the Deputy Director.


[SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners.

[FR Doc.75-7439 Filed 3-20-75; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Confidential Assistant to the Assistant Secretary for Economic Development is excepted under Schedule C. This Section is further amended to show that one position of Confidential Assistant to the Assistant Secretary for Economic Development is reestablished under Schedule C.

Effective on March 21, 1975, §213.3314

(a) (1) is added and (q) (12) is added as set out below.

§ 213.3314 Department of Commerce.

(1) Office of the Assistant Secretary for Economic Development. (12) One Confidential Assistant to the Assistant Secretary.


[SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners.

[FR Doc.75-7438 Filed 3-20-75; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that one position of Staff Assistant to the National Director, U.S. Savings Bonds Division, is excepted under Schedule C.

Effective on March 21, 1975, §213.3305

(7) is added as set out below.

§ 213.3305 Department of the Treasury.

(a) Office of the Secretary.

(7) One Staff Assistant to the National Director, U.S. Savings Bonds Division.


[SEAL] JAMES C. SPRY, Executive Assistant to the Commissioner.

[FR Doc.75-7439 Filed 3-20-75; 8:45 am]
RULES AND REGULATIONS

§ 73.10 Permitted dips; substances allowed.

(c) * * * Before a dip will be specifically approved as a permitted dip for the eradication of scabies in sheep, the Veterinary Services will require that the product be registered under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135 et seq.); that its efficacy and stability have been demonstrated; that trials have been conducted to determine that its concentration can be maintained and that under actual field conditions the dipping of cattle in a bath of definite strength will effectively eradicate scabies infection without injury to the animals dipped.

PART 74—SCABIES IN SHEEP

In § 74.24, in paragraph (c) the second sentence is amended to read:

(c) * * * Before a dip will be specifically approved as a permitted dip for the eradication of scabies in sheep, the Veterinary Services will require that the product be registered under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135 et seq.); that its efficacy and stability have been demonstrated; that trials have been conducted to determine that its concentration can be maintained and that under actual field conditions the dipping of cattle in a bath of definite strength will effectively eradicate scabies infection without injury to the animals dipped.

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

In § 72.13, in footnote 2 in the second sentence the phrase "and vatside tests," is deleted; paragraph (b)(1) and the second sentence in paragraph (c) are amended to read:

§ 72.13 Permitted dips and procedures.

(b) * * *

(1) Approbated proprietary brands of an arsenical solution used at a concentration of twenty-two hundredths of 1 percent of arsenous oxide in solution.

(c) * * * Before a dip will be specifically approved as a permitted dip for the eradication of ticks, the Veterinary Services will require that the product be registered under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135 et seq.); that its efficacy and stability have been demonstrated; that trials have been conducted to determine that its concentration can be maintained and that under actual field conditions the dipping of cattle in a bath of definite strength will effectively eradicate ticks without injury to the animals dipped.

PART 73—SCABIES IN CATTLE

In § 73.10, in paragraph (c) the second sentence is amended to read:

PR 19141.)

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

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

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITACOSIS OR ORNITHOSIS IN POULTRY

Area Quarantined

This amendment quarantines an additional portion of Suffolk County in New York because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, musk and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, paragraph (a)(1) relating to the State of New York is amended to read:

§ 82.3 Areas quarantined.

(a) * * * * *


(ii) The premises of Robert and Cathleen Novak, located at 118 South Bay Avenue, City of Brightwaters in Suffolk County.

Effect date. The foregoing amendment shall become effective on March 18, 1975.

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 18th day of March 1975.

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

Done at Washington, D.C., this 18th day of March 1975.

PIERRE A. CHALOUX, Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.
Title 13—Business Credit and Assistance
CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE
PART 301—ESTABLISHMENT AND ORGANIZATION

Disclosure of Information to the Public

Part 301 of Chapter III of Title 13 of the Code of Federal Regulations is hereby made an integral part of Part 301 of Subpart D, of the Code of Federal Regulations, as amended by revising Subpart D.

The purpose of these amendments is to conform with criteria set forth in section 552, title 5 United States Code, as amended by Pub. L. 92-83. Among other things these regulations delineate the procedures to be followed by members of the public in requesting documents under the Freedom of Information Act, and by EDA in searching for and providing requested documents, and the maintenance and dissemination of a current index of public information.

In that a delay in implementing these regulations would be contrary to the public interest, the following provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable:

1. Part 301, Subpart D, consisting of § 301.50 through § 301.60 is hereby revised in its entirety to read as follows:

§ 301.50 Disclosure of information to the public.

This subpart describes the arrangement whereby the materials specified in § 5 U.S.C. 552(a)(2) and other provisions of law, EDA may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, and shall, in each such case, explain in writing the justification for the deletion.

(c) The above materials may be inspected in the Office of Public Affairs, EDA, Room 7019, U.S. Department of Commerce, 14th Street and Constitution and E Streets, NW., Washington, D.C. 20230. In addition, for the convenience of the public, most of these materials may also be inspected at each EDA Regional Office listed in § 301.31. The Office of Public Affairs, Washington, D.C., and the respective EDA Regional Offices are open to the public Monday through Friday of each week, except on official holidays, between the hours of 9 a.m. and 4:30 p.m. There are no fees or formal requirements for such inspections. Copies of these materials may be made at these facilities at cost (see fee schedule, § 301.56 of this subpart). In addition, copies of various EDA materials regularly available for sale by EDA may be purchased from the Office of Public Affairs, and EDA Regional Offices.

(d) Correspondence concerning materials available in the facility should be sent to the Office of Public Affairs at the above address.

§ 301.51 Publication in the Federal Register.

(a) Materials required to be published in the Federal Register under § 5 U.S.C. 552(a)(1) and repeated below, § 301.53, shall be published in the Federal Register and shall, to the extent practicable and to further assist the public, be made available for inspection and copying at the facility identified in § 301.31(c).

(b) Materials required to be published in the Federal Register under § 5 U.S.C. 552(a)(2) and other provisions of law, EDA shall maintain a reference facility for the public inspection and copying of:

1. Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.
2. Those statements of policy and interpretations which have been adopted by EDA and are not published in the Federal Register.
3. Administrative staff manuals and instructions to staff that affect a member of the public.
4. A current index, EDA Directive Systems Index, providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available by § 552(a)(2). Section 552(a)(2) also requires index when an agency claims an exemption in the Federal Register. EDA is exempted from the requirements to maintain a quarterly index on the grounds that the publication would be unnecessary and impracticable because of infrequent changes in the index.

(c) The above materials may be inspected in the Office of Public Affairs, EDA, Room 7019, U.S. Department of Commerce, 14th Street and Constitution and E Streets, NW., Washington, D.C. 20230. In addition, for the convenience of the public, most of these materials may also be inspected at each EDA Regional Office listed in § 301.31. The Office of Public Affairs, Washington, D.C., and the respective EDA Regional Offices are open to the public Monday through Friday of each week, except on official holidays, between the hours of 9 a.m. and 4:30 p.m. There are no fees or formal requirements for such inspections. Copies of these materials may be made at these facilities at cost (see fee schedule, § 301.56 of this subpart). In addition, copies of various EDA materials regularly available for sale by EDA may be purchased from the Office of Public Affairs, and EDA Regional Offices.

(d) Correspondence concerning materials available in the facility should be sent to the Office of Public Affairs at the above address.

§ 301.52 Availability of materials for inspection and copying.

(a) In accordance with 5 U.S.C. 552(a)(2) and other provisions of law, EDA shall maintain a reference facility for the public inspection and copying of:

1. Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.
2. Those statements of policy and interpretations which have been adopted by EDA and are not published in the Federal Register.
3. Administrative staff manuals and instructions to staff that affect a member of the public.
4. A current index, EDA Directive Systems Index, providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available by § 552(a)(2). Section 552(a)(2) also requires index when an agency claims an exemption in the Federal Register. EDA is exempted from the requirements to maintain a quarterly index on the grounds that the publication would be unnecessary and impracticable because of infrequent changes in the index.

(b) The above materials may be inspected in the Office of Public Affairs, EDA, Room 7019, U.S. Department of Commerce, 14th Street and Constitution and E Streets, NW., Washington, D.C. 20230. In addition, for the convenience of the public, most of these materials may also be inspected at each EDA Regional Office listed in § 301.31. The Office of Public Affairs, Washington, D.C., and the respective EDA Regional Offices are open to the public Monday through Friday of each week, except on official holidays, between the hours of 9 a.m. and 4:30 p.m. There are no fees or formal requirements for such inspections. Copies of these materials may be made at these facilities at cost (see fee schedule, § 301.56 of this subpart). In addition, copies of various EDA materials regularly available for sale by EDA may be purchased from the Office of Public Affairs, and EDA Regional Offices.

(e) Requests for agency records not customarily made available to the public received by an EDA Regional Office, and not relating to a project or activity within the jurisdiction of the Regional Office shall promptly be referred to the Office of Public Affairs, Washington, D.C.

(f) Requests are considered received by EDA when they arrive at EDA's Office of Public Affairs, Washington, D.C. (see above address), or the Regional Office having jurisdiction of the project or activity about which the inquiry is being made. Requests filed with Regional Offices other than those having jurisdiction of the project or activity shall not be deemed as having been filed until such request is received at EDA's Office of Public Affairs, Washington, D.C. The receiving office shall date stamp the time of receipt of a request and shall enter its receipt in a public log. The following information shall be entered in the log: the date and time received; the nature of the records requested; the action taken on the request; the date of the determination letter sent under § 301.55; the name and title of the person making the determination; the date(s) records

are furnished; the number of staff hours and grade levels of EDA employees who assisted in an EDA response to a request; and the fee requested and received.

§ 301.55 Determinations of availability of records.

(a) When a request for information is received, the Office of Public Affairs or appropriate Regional Office (hereafter both offices are referred to as an appropriate office) initially determines:

(1) Whether the requested record can be identified based on the information in the request. If the record cannot be identified by the appropriate office, the requester shall be notified, within the time period specified in subsection (b)(1) infra, specifying why it is not identifiable and what additional clarification is needed to assist EDA in its identification. Upon the failure to identify the requested record, the processing of the request for the record in question shall be deemed to be denied. If the request is reviewed with the appropriate office that his request has been determined not to be identifiable, the requester shall be notified.

(2) Whether the record, if identifiable, is still in existence or has been destroyed as provided by law, or is not in the possession of EDA. If the record no longer exists, the requester shall be notified, and provided an explanation regarding why the record no longer exists. If the record is no longer in existence and its existence is not otherwise reasonably ascertainable, the requester shall be notified.

If the requested record is in another organization of the Department of Commerce, or is the primary concern of another executive department or agency, the request for the record shall be promptly referred to the other organization or agency for further action under its rules. The deadline for processing requests in subsection (b)(1) does not start to run if the request is referred to another organization. The requester, however, shall be notified by the appropriate office that his request has been referred to another organization or otherwise cannot be filled within the period specified in subsection (b)(1).

(b) If the requested record is identifiable and is in EDA's possession, the record shall be reviewed by one or more EDA officials to initially determine its availability. In making this review, the following procedures shall be followed by EDA:

(1) The official shall determine within 10 working days after receipt (as defined in § 301.54(f) of this subpart) of a request, whether to comply with the request, and by the end of these 10 days, notification shall be dispatched to the requester of the determination. This deadline may be extended as provided in § 301.48.

(2) 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):

(A) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

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

(iii) Specifically exempted from disclosure by statute;

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

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

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

(vii) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source, (E) disclose investigatory techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(viii) Information contained in or related to examinations, operations, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(ix) Geological and geophysical information and data, including maps, concerning wells;

(x) Data maintained in connection with the right of the requester to appeal the determination as provided in § 301.58 and the address to which an appeal must be sent;

(xi) The names and titles or positions of each person responsible for the denial; and

(xii) The right of the requester to appeal the determination as provided in § 301.58 and the address to which an appeal must be sent.

(4) When a requested record or a portion thereof is made available to the requester, the official shall review the entire record to determine whether there are reasonably segregable portions of the record for which statutory exemptions from disclosure do not apply. These portions of the record shall be made available to the requester after deleting portions for which a statutory exemption is claimed.

(5) If the record is to be made available, and there are no further fees, it shall be promptly furnished to the requesting person through the appropriate office specified in § 301.57. If there are fees to be recovered from the requester under § 301.56, the appropriate office shall determine the amount and notify the requester that when fees are paid, the record shall promptly be made available in the appropriate office or a copy mailed to it by the requester.

§ 301.56 Fees.

A uniform schedule of fees for the U.S. Department of Commerce has been promulgated in § 301.57 in the interest of promptness in search and duplication of records in responding to freedom of information requests. This fee schedule and procedures for collecting fees are published in the U.S. Department of Commerce regulations (15 CFR 4.9), and apply to all requests for EDA records.

§ 301.57 Arrangement for public inspection and copying of agency records subject to disclosure.

(a) Upon receipt of the records search fee, any request for additional services requested, the record which has been determined to be available shall, unless the requester indicates otherwise, be transferred to EDA's Office of Public Affairs, where it will be held for inspection by the requester for 5 working days. The address, and hours of operation of this office are stated in § 301.43(e) of this subpart and there shall be in such a facility: (a) a copy mailed to him upon payment of the copying and postage fees referred to in § 301.58 of this subpart, may obtain a xeroxed or similar copy thereof, and certification of a machine-copy record;

(b) During this inspection of the record at the appropriate office, the requester may copy by hand the record, and, subject to the payment of copying fees referred to in § 301.58 of this subpart, may obtain a xeroxed or similar copy thereof, and certification of a machine-copy record.

(c) No changes or alteration of any type may be added or deleted. Papers bound or otherwise assembled in a record file may not be disassembled during inspection. Staff of the appropriate office shall provide assistance in disassembly of the record if necessary for copying purposes, and are authorized to supervise public inspection as necessary to protect EDA records.

(d) No person may, without permission, remove records made available to him for inspection or copying under this subpart from the office where it is made available.

§ 301.58 Appeals for decisions of non-availability.

(a) A person whose request to inspect a record has been denied under § 301.55(b)(3) may appeal the initial denial.

(b) Appeals must be made within 30 days of either the requester's receipt of the initial denial or, in cases of partial denial, his receipt of the records made available under the initial determination. Appeals must be in writing. In submitting an appeal, the requester shall include written arguments he believes will support his appeal that the requested record...
should be made available. No personal appearance, oral argument, or hearing are permitted. Appeals shall be sent to EDA’s Office of Public Affairs, and the envelope shall be prominently marked with the underlined words “FOIA Appeal”. Appeals are considered received by EDA when they arrive at the Office of Public Affairs, EDA, Room 7019, U.S. Department of Commerce, 14th Street and E Streets, N.W., Washington, D.C. 20230.

(c) The Assistant Secretary of Commerce for Economic Development shall make the decision whether to make available records initially denied and requested in an appeal. This decision shall be based on the original request, the denial, and any written argument submitted by the requester.

(d) The Assistant Secretary shall make a determination regarding an appeal within 20 working days after receipt of an appeal, and by the end of these 20 days dispatch notification to the requester of his determination. This deadline may be extended as provided in § 301.59. If the decision is wholly or partially in favor of the requester, the requester may be promptly made available for inspection or copying as described in § 301.56 and § 301.57, and the requester shall be so informed. If the denial of the request for records is in whole or part upheld, notification to the requester shall be in writing, and inform the requester of:

(1) the specific reasons for the decision;
(2) the names and titles or positions of each person responsible for the denial or an appeal; and
(3) the right to obtain judicial review of the determination under 5 U.S.C. 552(a) (4) (B).

(e) A decision regarding an appeal under this paragraph shall constitute the final decision and action by EDA concerning the availability of a requested record. This decision shall be final, except as may be required by court proceedings under 5 U.S.C. 552(a) (4) (B).

(f) Appeals resulting in final decisions shall be indexed and kept available for public reference in the Office of Public Affairs.

§ 301.59 Extensions of time for processing requests.

(a) The time limits for processing initial requests and appeals in §§ 301.56 (b) 1 and 301.58 (d) may be extended up to an additional 10 working days by written notice from the Office of Public Affairs to the requester. This notice shall state the reasons for the extension and the date a determination is expected to be dispatched.

(b) An extension of time for processing a request may occur if reasonably necessary for the proper processing of the request, and one of the following conditions is met:

(1) The need to search for and collect the requested records from field facilities or other establishments that are

separate from the office processing the requests;
(2) The need to search for, collect, and appropriately examine a voluminous amount of corporate and distinct records, which are demanded in a single request; or
(3) The need for consultation with another agency having a substantial interest in the determination of the request or among two or more components of the agency having subject-matter interest therein.

(c) Because of EDA’s regional organization, and the involvement of Regional Offices as well as the Washington, D.C., office in program decisions and file maintenance, it is anticipated that EDA shall in most cases extend the period for processing requests based on (1) the need to collect records from field facilities, and (2) the need to consult with components of the agency.

(d) Extensions of time may occur at both the initial and appeal stages or several times in either stage, however, the total period of extensions for a request may not exceed 10 working days.

§ 301.60 Record of application.

The Assistant Secretary shall maintain as a permanent part of the records of EDA a list of applications approved for financial assistance. This list is available for public inspection during regular business hours of the Department of Commerce. The following information shall be posted in the list as soon as an application is approved:

(a) The name of the applicant, and, in the case of corporate applications, the names of the officers and directors thereof;
(b) The amount and duration of the loan and grant for which application is made;
(c) The purpose for which the proceeds of the loan or grant are to be used; and
(d) A general description of the security offered in the case of a loan.


Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-6-AD; Amdt. 9-2132]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 177, 177RG, and F177RG Airplanes

There have been incidents of separation of air filter roar rubber seals that were bonded to the filter by double-backed contact adhesive tape on Cessna Model 177RG airplanes. These seals or parts thereof, may block the induction air or affect fuel metering. The manufacturer has issued Service Letter No. SE 75-3, dated January 24, 1975, requesting replacement of the affected air filters with new seals bonded with a more effective contact adhesive.

Since the condition described herein is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued, applicable to all Cessna Model 177, 177RG and F177RG airplanes which have had or may have air filters with the inadequately bonded seals installed, making compliance with the Service Letter mandatory.

Since a situation exists which requires expeditions adoption of this amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

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(b) The amount and duration of the loan and grant for which application is made;
(c) The purpose for which the proceeds of the loan or grant are to be used; and
(d) A general description of the security offered in the case of a loan.
This amendment is effective upon publication in the Federal Register and was effective prior to further flight for all recipient aircraft listed in paragraph (b) of this Airworthiness Directive dated March 6, 1975 which contained this amendment.

(See, 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1334(a), 1421, and 1483 of the Department of Transportation Act (46 U.S.C. 1655(e))).


J. M. CYROCKI,  
Director, Great Lakes Region.

[FR Doc. 75-7354 Filed 3-20-75; 8:45 am]

PART 39—AIRWORTHINESS DIRECTIVES

Hartzell Propellers

There have been reports of blade separations which were experienced with certain Hartzell HC-C2Y Series Propellers. These failures are attributed to fatigue cracks which originated in the blade roots and spread radially from the root. Since this condition may exist or develop in other blades of the same design, an Airworthiness Directive is being issued to require inspection, repair or replacement of the propeller blades.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause existed for making the amendment effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 (§ 39.13 of the Federal Aviation Regulations is amended by adding the following new paragraph (f) of this Airworthiness Directive):

HARTZELL PROPELLERS. Applies to all Hartzell ( ) HC-C2Y( ) type blades with serial numbers below C38994 used on, but not limited to, the Model HC-C5YK-1( ) ( ), HC-C5YK-2( ) ( ), and HC-C5YK-4( ) ( ) type propellers (hub model designation "G" suffix letter) are excluded. These propellers are installed on, but not limited to, Pitts S-2A, Piper PA-28-180 (STC SA2131WE), Piper PA-28R-200, and Mooney M20( ) series aircraft models.

Compliance required as indicated, unless already accomplished. To detect cracks or indentations and prevent possible blade shank failures accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this Airworthiness Directive inspect and repair or replace propeller blades in accordance with Paragraphs (b) and (c), and reinspect every 1,000 hours from the last inspection.

(b) Remove propeller from the aircraft and remove blades from the hub. Inspect the blade shanks (retention area) for cracks, indentations and wear in accordance with (Required Overhaul Procedures) Paragraphs B(1) and (2) of Hartzell Bulletin No. 97A dated March 1, 1975; or later FAA-approved revisions, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region.

(c) Installation of a placard in full view of the flight crew. The placard prohibits use of the propeller outboard beyond 100 feet.
above ground level if either "PITCH TRIM" system fails during descent to 100 feet above the ground level.

The AD exempts the Lockheed Company from the placard requirement, if the airplane being operated without the placard is equipped with a Trim Augmentation Computer, modified as required in the body of the AD, and an offset reference form indicates compliance with this provision of the AD.

Since a situation exists that requires immediate implementation of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 38.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Lockheed. Applies to L-1011-385-1 series airplanes certificated in all categories. Compliance required as indicated.

To prevent the possibility of an out-of-tune Mach Feel system malfunction disconnect occurring at close proximity to the ground, and to prevent operation at speeds at which the airplane is not certificated to operate, remove, with inoperative Mach TRIM and Mach FEEL systems, and to advise the flight crew of possible incorrect failure annunciation from the placard as follows:

(a) Within 100 hours time in service after the effective date of this AD, unless already accomplished:

(1) Install the following placard in full view of the flight crew, "DUAL PITCH TRIM REQUIRED TO 109 FT. FOR A/P USE BELOW 100 FT.".

(2) Revise L-1011-385-1, FAA Approved Airplane Flight Manual (APM) Limitations sections as follows: LR 26628 by incorporating pages 1-8 and 1-7 dated March 6, 1975, or later FAA-approved revisions; and LB 25625 by incorporating pages 1-8 and 1-7 dated March 6, 1975, or later FAA-approved revisions. Also revise appropriate operations manuals to incorporate the TRIM FEEL system limitations included in the above APM pages.

(b) An operator may remove the placard and the instructions provided by this AD on his fleet of airplanes after the following actions have been accomplished:

(1) All Trim Augmentation Computers, Lockheed P/N 672 443-105, -107 or -109 in service and in spares inventory are modified per Lockheed Service Bulletin 053-23-069, dated November 26, 1974, or later FAA-approved revisions; and

(2) A system of parts pooling is established to insure that only spares, modified as defined in (b) (1), above, are installed.

(c) The Lockheed Company may operate and deliver an airplane to an operator with the placard required by this AD if the following is true:

(i) The airplane may not meet stability requirements as a result of changes in the airplane due to:

A. Turbine exhaust case due to loose or missing retaining parts.
B. Rear compressor rotor and stator assembly due to loss of complete blade.
C. Diffuser case.
D. Turbine blade root fracture.
E. Multiple turbine blade root fractures.
F. Failure that causes rotation of any other rotating parts.

(ii) Prior to compressor drive rotor assembly reinstalled due to:

1. Turbine blade root fracture.

(iii) After issuance of the operator's, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, PAA, New England Region, may adjust the initial inspection compliance time specified in this AD.

This amendment becomes effective March 27, 1975.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 38.13 of Part 39 of the Federal Aviation Regulation, Amendment 39-2105 (40 FR 8544), AD 75-05-16 is amended as follows:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Aircraft Model JT9D-7A, -7H, -7A, -7AH, -7F, and -20 turbofan engines.

To prevent possible engine fires due to insufficient air movement during high altitude or low air induction, the following actions have been accomplished:

(a) The Lockheed Company may operate and deliver an airplane to an operator with the placard required by this AD if the following is true:


(ii) After issuing Amendment 39-2109, additional data pertaining to the compliance schedule were made available to the agency. Accordingly, the Airworthiness Directive is being revised as indicated below.

1. Engines which have not had certain types of major maintenance do not require the inspection compliance time specified in this AD.

2. Certain major engine sections can be removed or replaced without affecting the No. 3 compartment. Therefore, the requirement for a temperature check at 300 hours. Therefore, the inspection requirement for these engines has been deleted.

3. Due to design differences in the JT9D-20 breather, a new temperature probe was required for this engine model. The new probe may not be available in sufficient time to comply with the requirement for a temperature check at 300 hours. Therefore, the amendment may be made effective in less than 30 days.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary as the amendment may be made effective in less than 30 days.

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the Director of the Federal Register on June 19, 1967.

QUENTIN S. TAYLOR, Director, New England Region.

1FR Doc.75-7357 Filed 3-20-75;8:45 am]

[Airspace Docket No. 75-30-25]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Dublin, Ga., transition area.

The Dublin transition area is described in §71.181 (40 FR 441). In the description, an extension is predicated on Dublin VORTAC *069° radial. Effective June 19, 1975, the Dublin VORTAC will be relocated and the final approach radial of the instrument approach procedure will be changed to Dublin VORTAC 27°. It is necessary to amend the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 G.M.T., June 19, 1975, as hereinafter set forth.

In §71.181 (40 FR 441), the Dublin, Ga., transition area is amended as follows:

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5. Failing to disclose the amount, or method of computing the amount of any default, delinquency or similar charges, penalty or amount of late payments, as required by §226.8(b) (4) of Regulation Z.

6. Failing to disclose in conjunction with the description or identification of the type of security interest held, retained or required, that full or complete indenudness is secured by the property in which the security interest is retained, as required by §226.8(b) (5) of Regulation Z.

7. Failing to disclose by the method of computing the unearned portion of the finance charge in the event of prepayment of the obligation, as required by §226.8(b) (7) of Regulation Z.

8. Failing to disclose the price at which respondents offer, in the regular course of business, to sell for cash the property or services which are the subject of the credit sale and to describe that down payment as the "trade-in," as required by §226.8(c) (2) of Regulation Z.

9. Failing to disclose the down payment in money made in connection with a credit sale and to describe that down payment as the "trade-in," as required by §226.8(c) (2) of Regulation Z.

10. Failing to disclose the difference in the cash price and the total down payment and to describe that difference as the "amount financed," as required by §226.8(c) (3) of Regulation Z.

11. Failing to disclose the amount of any additional charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by §226.8(c) (8) (ii) of Regulation Z.

12. Failing to maintain evidence of compliance with Regulation Z for two years after the date of each disclosure, as required by §226.6 of Regulation Z.

13. Failing to disclose the difference in the cash price, all other charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by §226.8(c) (8) (ii) of Regulation Z.

14. Failing to disclose the "finance charge in accordance with Section 226.8-4 of Regulation Z, as required by §226.8 (c) (8) (i) of Regulation Z.

15. Failing to disclose the sum of the cash price, all other charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by §226.8(c) (8) (ii) of Regulation Z.

16. Failing to disclose the "finance charge in accordance with Section 226.8-4 of Regulation Z, as required by §226.8 (c) (8) (i) of Regulation Z.

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and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, merger, consolidation, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, December 17, 1974.  

CHARLES A. TOBIN,  
Secretary.

[F.R Doc.75-7430 Filed 3-20-75;8:45 am]  
[Docket No. 8851-o]  

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Crown Central Petroleum Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.20 Comparative data or merits; § 13.170 Qualities or properties of product or service; § 13.179-15 Cleansing, purifying; § 13.205 Scientific or other relevant facts; § 13.265 Tests and investigations; § 13.280 Unique nature or advantages. Subpart—Misrepresenting oneself and goods—Goods; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported.


In the Matter of Crown Central Petroleum Corporation, a corporation.

Consent order requiring a Baltimore, Md., seller and distributor of gasoline and other products, among other things to cease misrepresenting that its gasoline additive will produce pollution-free exhaust.

The Final Order, including further order requiring report of compliance therewith, is as follows:

This matter is before the Commission pursuant to cross appeals of respondents and complainant after the filing of an Initial Decision finding respondent in violation of section 5 of the Federal Trade Commission Act. The Commission has received written briefs from the parties, heard oral arguments on the appeals and considered the record developed during the adjudicative proceedings before the Administrative Law Judge. For the reasons set forth in the opinion accompanying this order, we have determined that complaint counsel's appeal should be granted in part and respondents' appeal granted in part, and that, except to the extent it is inconsistent with the Commission's opinion, the Initial Decision of the Administrative Law Judge should be, and it hereby is, adopted along with the opinion accompanying this order.

It is further ordered, That respondents, Central Petroleum Corporation, Baltimore, Md., Docket 8851-0, Nov. 26, 1974.

Charles A. Tobin,  
Secretary.

[F.R Doc.75-7428 Filed 3-20-75;8:45 am]  
[Docket No. O-2606]  

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

General Foods Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; § 13.179-53 Medicinal, etc.—Animal; § 13.170-34 Nutritive; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records; § 13.533-45(a) Advertising substantiation.

Consent order requiring a Baltimore, Md., seller and distributor of gasoline and other products, among other things to cease misrepresenting that its gasoline additive will produce pollution-free exhaust.

The results of said tests, the original data collected in the course thereof and a detailed description of how said tests were performed shall be kept available in the Commission's files for at least three years following the final use of the representation.

2. Representing directly or by implication any such product has any effectiveness in reducing air pollution or any air pollutant or air pollutants without at the same time, in the same advertisement or other form of communication, conspicuously disclosing that not all of the harmful pollutants in automotive exhaust are affected by said product.

3. Representing directly or by implication that any product will reduce any emissions of pollutants from automobile exhaust by any percentage or numerical quantity unless in connection therewith there is a clear, accurate and conspicuous disclosure of the type of vehicle which can expect to achieve reductions of such magnitude and the approximate proportion of such vehicles in the general car population.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its officers, employees, agents, and representatives.

It is further ordered, That respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, merger, consolidation, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall within sixty (60) days after service of the order upon it, file with the Commission a written report, signed by the respondent, setting forth in detail the manner and form of its compliance with the order to cease and desist.

Commissioners Hanford and Nye did not participate since oral argument was heard prior to their assumption of Office.

The Final Order was issued by the Commission, Nov. 26, 1974.
in the Matter of General Foods Corporation, a corporation.

Consent order requiring a White Plains, N.Y., distributor of "Gainesburgers" dog food, among other things to cease misrepresenting the nutrient content of its product; and Plains, N.Y., distributor of "Gainesburgers" made by respondent.

It is further ordered, That respondent forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such a dissolution, assignment or sale resulting in a successor corporation, the continuation or discontinuance of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondent shall, within sixty (60) days after the service of the order upon them, file with the Commission a report in detail of the manner and form of its compliance with the order to cease and desist.

The decision and order was issued by the Commission December 3, 1974.

The Decision and Order, including further, is as follows.1


This determination is published pursuant to § 153.41(d), Customs Regulations (19 CFR 153.41(d)).

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent shall, within sixty (60) days after the service of the order upon them, file with the Commission a report in detail of the manner and form of its compliance with the order to cease and desist.

The decision and order was issued by the Commission December 3, 1974.

Charles A. Tobin, Secretary.

PART 153—ANTIDUMPING

Potassium Chloride From West Germany

On January 17, 1975, there was published in the Federal Register (40 FR 3017) a "Notice of Tentative Determination to Revoke Dumping Finding," potassium chloride, otherwise known as muriate of potash, from West Germany is no longer being, nor is it likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.), and I hereby revoke the finding of dumping published as T.D. 69-284, supra.

§ 153.43 [Amended]
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286 pertaining to action on requests for release of departmental records under the Freedom of Information Act (5 U.S.C. 552, as amended by Pub. L. 93-502). The latter directive was published on February 26, 1975 (40 FR 8190) with an invitation for public comment. It is contemplated that the provisions of this Part 701 will be reconciled with the requirements of the aforementioned Department of Defense Directive when the latter requirements are finalized in the manner indicated at 40 FR 8191. Department of the Navy regulations implementing the Freedom of Information Act and related administrative requirements will be published when issued, as additional subparts of this Part 701.

32 CFR Part 701 is revised to read as follows:

Subpart A—Requests for Records

§ 701.1 Purpose.

Subpart B—Scope and effect.

Subpart C—Form and address for records requests.

Subpart D—Procedures for processing requests.

Subpart E—Effective date.

Authority: Sec. 1070.12A, Applicability.

Subpart F—Guidelines on Matters Which Are Exempt From Public Disclosure

Applicability.

Subpart G—Addresses for Requests for Department of the Navy Records and Locations at which Department of the Navy Records Are Available for Public Inspection.

Subpart H—Schedules of Fees.


Subpart A—Requests for Records

§ 701.1 Purpose.

Subparts A through D of this Part 701 implement the Freedom of Information Act (5 U.S.C. 552) and DoD Directive 5400.7 of February 14, 1975 (32 CFR Part 236; 40 FR 8190), by delineating responsibilities and prescribing policies, procedures, conditions, and criteria applicable to responding to requests for members of the public for copies of Department of the Navy Records, and is published for the guidance of the public.

§ 701.3 Scope and effect.

(a) Applicability. Subparts A through D of this Part 701 shall govern requests by Department of the Navy officials and military and civilian personnel to written requests from members of the public for permission to examine, or to be provided with copies of Department of the Navy records. Requests of members of the public for information other than records, and inquirers not clearly contemplating the furnishing of records, are not subject to the requirements of this subpart, but shall be answered promptly in accordance with other established procedures and practices. See § 701.6. Additionally, the following categories of requests for information or records are specifically excluded from the scope of this instruction:

(1) Requests from the Congress or Members of Congress, which are governed by § 701.8 of the Freedom of Information Act, will be presumed to have been submitted pursuant to this instruction or the Freedom of Information Act, will be presumed to have been submitted pursuant to other regulations or procedures specifically designed to protect the privacy of the individuals concerned.

(2) Requests from the General Accounting Office for records in connection with audits, which are governed by § 701.8 of the Freedom of Information Act, will be presumed to have been submitted pursuant to other regulations or procedures specifically designed to protect the privacy of the individuals concerned.

(3) Requests from the General Accounting Office for records in connection with audits, which are governed by § 701.8 of the Freedom of Information Act, will be presumed to have been submitted pursuant to other regulations or procedures specifically designed to protect the privacy of the individuals concerned.

(4) Court orders or subpoenas demanding production of records, discovery, or testimony of witnesses, which are governed by the Manual of the Judge Advocate General (JAGINST 5800.7A), chapter XIII (32 CFR Part 720) or

(b) Public Affairs Regulations. This instruction is intended to complement and not restrict, the conduct of Department of the Navy Public Affairs functions, policies, decisions, procedures, operations, or other activities of the Department of the Navy Public Affairs Regulations. Should the latter instruction conflict in any respect with any provisions of this Part 701, however, the provisions of this part shall be controlling.

(d) U.S. Navy Regulations. For the purposes of article 1116.3, U.S. Navy Regulations, 1973, (32 CFR 700.1116(c)) the release of a record to a member of the public in a request made in accordance with §§ 701.8 or 9 shall be deemed to have been done in the discharge of official duties. For the purposes of article 1120.4 (§ 700.1120(d)), the release of a record made pursuant to a request for "Records Only" to a member of the public upon a request granted in accordance with §§ 701.8 or 9 shall not be deemed to have been a release to the "general public."
items are considered property, not preserved for informational value nor as evidence against an agency. This is particularly true for certain formulae.

§ 701.5 General provisions.

(a) Policy. In accordance with the spirit and intent of 5 U.S.C. 552 and 32 CFR Part 260, the Department of the Navy will make available to the public the maximum information concerning its operations, activities, and administration. Subject to the conditions in subparts A through D concerning exemptions prescribed in § 701.5(b), a record shall be made available for the purpose of furnishing information and data, including maps, charts, and machine-readable data, to the extent that the production of such records would:

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to a fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source; and

(5) Endanger the life or physical safety of law enforcement personnel.

(H) Matters that are related solely to the internal personnel rules and practices of an agency. (5 U.S.C. 552(b) (2))

(2) Identifications and Markings. "For Official Use Only" (FOUO). (1) Unless properly classified under Chief of Naval Operations Instruction 5510.1E, Department of the Navy Information Security Program Regulation, a record may be designated as being "For Official Use Only" (FOUO) if it is exempt from disclosure under (a) (1)-(6) or if it is otherwise included within one of the exemptions listed in 5 U.S.C. 552(b).

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The general public and indiscriminate handling because of significant and legitimate governmental reasons. No other records shall be so designated or marked. The procedures for marking, handling, and using such a “For Official Use Only” marking on a record shall be subject to the regulations of the Department of the Navy. Such a marking on a record shall not be cited or referred to as a reason for denying a request for its release. The presence of such marking should be regarded as a signal for alerting the reviewing official to the possibility that the record may contain nonreleasable matters.

§ 701.6 Form and addresses for requests for records.

(a) Minimum Requirements. To qualify as a request within the technical requirements of this subpart, a request for copies of records normally can be obtained. A request for a record may contain nonreleasable material, but the Assistant Judge Advocate General shall provide a copy of such record in accordance with § 701.40(a) (at least a substantially adequate approximation of the actual fees).

(b) Recommended Additional Contents. Though not deemed to be essential requisites for a request under this subpart, it is recommended that the following additional matters be included, as applicable, in a request for records:

(1) A notation on the outside of the envelope that it is a request under the Freedom of Information Act;

(2) A request that the records be mailed to the address designated in § 701.31 or by the requester;

(3) A statement of the approximate date on which the records are desired.

(c) Addressing Requests. Section 701.31 is a list of commonly requested topics of records and the addresses of the naval activities from which such records normally can be obtained. A request for a record pursuant to this section should be directed to the activity having cognizance of the subject matter of the requested record, or with the originator of the record, is advised where there is a question as to its releasability.

(d) Denial Authorities. The following officials (and their principal assistants authorized to act “by direction”) are authorized to deny (as well as grant) requests for documents or records, when the information sought relates to matters within their respective areas of responsibility:

(1) For the Navy Department, the Civilian Executive Assistants, the Chief of Naval Operations, the Commandant of the Marine Corps, the Chief of Naval Material, the Chief of Naval Personnel, the Chief, Bureau of Medicine and Surgery, and the heads of all Department offices and boards. The Judge Advocate General and his Deputy, and the General Counsel and his Deputies are excluded from this grant of authorization. The Assistant Judge Advocate General, and the Assistants to the General Counsel, and the Director, Contract Appeals Division, Office of the General Counsel, are so authorized.

For shore activities, commanders of naval systems commands; commanders of naval districts; the Commanders of the Naval Intelligence Command, Naval Security Group, Naval Telecommunications Command, and Naval Weather Service; the Auditor General of the Navy; the Naval Inspector General; the Chief of Naval Education and Training; the Chief of Naval Reserve; and the Commanders of major Navy and Marine Corps activities. The Assistant Judge Advocate General is authorized to deny (as well as grant) requests for records from the appropriate naval activity.

(e) Responsibility for Acting on Requests. Chapter 11 of Title 5 U.S.C. contains the general rule. Subject to § 701.7(c)(2), when any Department of the Navy activity receives a request for a copy of, or permission to examine, a record in its custody, that activity is responsible for acting on the request in the time and manner prescribed in this subpart. § 701.31 is a list of commonly requested types of records and the addresses of the activities normally having custody of the records of each type. A request for a record will not be deemed to have been received for the purposes of the time limit specified in § 701.8(b) until it is received either by the appropriate activity (§ 701.31) or by any other Department of the Navy official which has the record in its custody.

(f) Exceptions. The following exceptions exist with regard to the general rule in § 701.7(c)(1) that any naval activity receiving a request for a record in its custody is responsible for acting on the request.

(1) Classified records. If records requested from the appropriate naval activity indicated in § 701.31 include classified records, and if the head of that activity is not the original classifier or does not have classification jurisdiction over the subject matter, the request may be processed by the classified records authority under § 701.7(b), or else to a denial authority having cognizance of the classified matters in the record, for review and determination as to the classified records, and the request shall be so notified. If the naval activity which
received the request is the proper addressee as indicated in § 701.31, the time limit specified in § 701.8(b) commences when the request is received by that activity. If the naval activity which initially receives the request is not the proper addressee as indicated in § 701.31, the request will be treated as a misdirected request in accordance with § 701.7c(d), and the time limit will commence when the request is received by the original addressee or the denial authority having cognizance of the classified records.

(b) Time limits for determinations. When a request is received by an agency, the determination of the time limit specified in § 701.8(b) will commence when the request is received by the original addressee or the denial authority in § 701.31.

(c) Action by Officials Who Are Not Denial Authorities. Where the head of the activity responsible for acting on a request is not authorized under § 701.7b to deny requests, such official shall, within the applicable time limit, take one of the following actions:

(1) If it is determined that the requested record is releasable in its entirety and is available, and the fees for search and duplication have been paid, waived, or the unpaid balance is less than $100.00 and the requester has promised in writing to pay the balance when the record is received, then a copy of such record normally will be forwarded directly to the requester (with a bill for the unpaid balance of the fee or a refund of excessive fees paid in advance, if appropriate). Otherwise, if the record is releasable in its entirety and is available, the requester shall be notified that a copy of the requested record will be forwarded upon receipt of payment of the fee.

(2) If it is determined that the requested record is releasable in its entirety but is not yet available, the request shall be denied in whole or in part. A denial shall be forwarded directly to the denial authority designated in § 701.31, and the time limit specified in § 701.8(b) will be extended by the denial authority as indicated in § 701.7(b). Such extension may be authorized only in accordance with the time limit specified in § 701.8(b).

(3) Misdirected requests. A request for a record originated by an agency outside the Department of the Navy, except a technical document within the purview of Chief of Naval Operations Instruction 5200.29, is misdirected if it is received by an activity outside the Department of the Navy which is responsible for acting on such requests. The request shall be promptly readdressed and forwarded directly to the correct naval activity. The requester shall be notified of the readdressed determination when the request is received by the appropriate naval activity. The requester shall be notified of the time and place at which the record is located in whole or in part and the facility is available.

(4) In any of the following cases, a request shall be expeditiously referred with information and recommendations, directly to the appropriate official authorized under § 701.7(b) to deny requests:

(a) The need to deny a request on the basis of the presence or absence of classified or restricted information in the record.

(b) The need to deny a request because a greater public interest in withholding the record outweighs the public interest in releasing it.

(c) The need to deny a request on grounds of national security or law enforcement interests.

(d) The need to deny a request on grounds of national defense interests.

Method of effectuating extensions. If properly authorized in accordance with § 701.8(b) (2), an extension shall be effectuated by sending written notification to the requester prior to the expiration of the original time limit specified in § 701.8(b)(1) and stating the reasons for the extension and specifying the date on which the determination on the request is expected to be transmitted. 

Judge Advocate General (Code 14L) or the General Counsel, as appropriate (see § 701.8(c)), shall be consulted by expedited means prior to authorizing such extensions.

Rule 3. Method of effectuating extensions. If properly authorized in accordance with § 701.8(b)(2), an extension shall be effectuated by sending written notification to the requester prior to the expiration of the time limit specified in § 701.8(b)(1) and stating the reasons for the extension and specifying the date on which the determination on the request is expected to be transmitted.

Judge Advocate General (Code 14L) or the General Counsel, as appropriate (see § 701.8(c)), shall be consulted by expedited means prior to authorizing such extensions.

Rule 3. Method of effectuating extensions. If properly authorized in accordance with § 701.8(b)(2), an extension shall be effectuated by sending written notification to the requester prior to the expiration of the time limit specified in § 701.8(b)(1) and stating the reasons for the extension and specifying the date on which the determination on the request is expected to be transmitted.

Judge Advocate General (Code 14L) or the General Counsel, as appropriate (see § 701.8(c)), shall be consulted by expedited means prior to authorizing such extensions.
(d) Action by Denial Authorities. With respect to a request referred to him by a subordinate official under §701.8c(4), or any other request to which his activity appropriately may respond, an official authorized under §701.7a(2) to deny requests for personal or business information shall, in accordance with §701.5b(4) and that any releasable matters which may be contained in the record are reasonably segregable from the nonreleasable portions, he shall notify the requester of such determination, the reasons therefor, and the name and title of each person responsible for such denial. Such notification shall also include specific citation of the exemptions(s) upon which the denial is based, a brief statement of the significant and legitimate governmental purpose(s) served by invoking the exemptions(s), and a statement that the requester's right to appeal to the designee of the Secretary of the Navy [Judges Advocate General or General Counsel, as indicated in §701.9a] within 120 days of the denial. Additionally, such appeal must clearly state that it is an appeal from a denial of a request made under the “Freedom of Information Act” or this subpart, and must either fully demonstrate the circumstances of the request and initial denial or have attached a copy of the letter denying the request.

(e) Responsibility and Authority
(1) Delegation of authority. The Judge Advocate General and the General Counsel are authorized to determine appeals made to them under §701.9a within 120 days. Additionally, such appeals as may be required of the Secretary of the Navy in connection with the appeals made under 5 U.S.C. 552.

(2) Vested areas of cognizance. As delineated in the Secretary of the Navy Instructions 5430.32c and 5430.27, the vested areas of cognizance of the Judge Advocate General and the General Counsel for providing legal services for the Department of the Navy are:
(i) Judge Advocate General. All matters except the business and commercial law matters assigned to the cognizance of the Judge Advocate General, which are specified in the following:
(ii) General Counsel. The business and commercial law aspects of matters relating to (A) the acquisition, custody, disposition, and disposal of real and personal property, and the procurement of services, including the fiscal, budgetary, and accounting aspects thereof; and (E) business and commercial law matters assigned to the cognizance of the Judge Advocate General.

§ 701.9 Appeals from denials of requests for records
(a) Addresses for Appeals. Appeals to the Secretary of the Navy under the provisions of 5 U.S.C. 552 and this subpart are to be addressed—
(1) To: The Judge Advocate General (Code 14L)
Department of the Navy
Washington, D.C. 20370
if concerning records which pertain to any matters not excepted in §701.9(c)(1)
(c) (1)
(2) Or to: The General Counsel
Department of the Navy
Washington, D.C. 20360.

(b) Time and Form for Filing Appeals. Time and form for filing appeals to the Secretary of the Navy under the provisions of 5 U.S.C. 552 and this subpart, an appeal from an initial denial, in whole or in part, of a request for records, or a refusal to waive fees, must be submitted in writing and be received by the appropriate official specified in §701.9(a) not more than 120 days following the date of transmittal of the notification of the initial denial. Additionally, such an appeal must clearly state that it is an appeal from a denial of a request made under the “Freedom of Information Act” or this subpart, and must either demonstrate the circumstances of the request and initial denial or have attached a copy of the letter denying the request.

(c) Procedures for Processing Appeals
(1) Administrative controls. The principles in §701.8(a) are also applicable, where appropriate, to the handling and processing of appeals.

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(2) Time limits for determining appeals.
   (i) Normal requirement. Except in an instance where a brief time extension is authorized under § 701.8(d)(2), a request for review may be considered and the notification of the determination made in accordance with the requirements and procedures prescribed in §§ 701.6 through 9 shall be required only with respect to requests and appeals received on and after February 19, 1975. However, the spirit of those provisions should be followed, where practicable, with respect to pending requests and appeals received prior to that date.
   (ii) Extensions of time limits. If necessitated by one or more of the reasons specified in § 701.8(b)(2), the Judge Advocate General or the General Counsel, as appropriate, is authorized to extend the time limit for that additional period of time which will be reasonably necessary for the proper processing of the appeal. Provided, that such period of extension, when added to any period of extension used in the initial processing of the request, may not exceed a total of ten (10) days. Such extension shall be effectuated in the manner prescribed in § 701.8(b)(3).

(3) Action upon receipt. Upon receipt of an appeal, the Judge Advocate General or the General Counsel shall inform the Chief of Naval Operations Instruction 5510.1E or the Commandant of the Marine Corps (Code PA), as appropriate, who shall expeditiously forward the case file with such comments and recommendations as he or other interested officials may deem appropriate. Immediate coordination shall be established with the Director of Naval Intelligence (OP-09D) in an appeal involving a classified record. All naval activities are enjoined to provide rapid and responsible assistance, as required, for facilitating correct and timely determinations of appeals. Direct liaison with appropriate officials in the Departments of the Navy and other interested Federal agencies is authorized at the discretion of the determining official, and he shall be responsible for coordinating with the Departments of Defense and Justice in such manner as may be prescribed by directives of the Secretary of Defense. The Secretary of the Navy or the appropriate civilian Executive Assistants shall be consulted and kept advised of cases having unusual implications, and the Chief of Information shall be consulted and kept advised on cases described in § 791.21.

(4) Notification of final determination. Upon resolving the issues involved, the determining official shall give the-appellant an appropriate written notification of the final determination made on the appeal. If such determination has the effect of granting a request, in whole or part, the determining official shall cause the requester's right to seek judicial review, and the following additional matters, as applicable:

(i) An explanation of the exemption(s) under § 701.5(b)(4)(ii) upon which the determination is based and the significant and legitimate governmental purpose served by withholding the requested record;

(ii) If the determination is based, in whole or part, upon a security classification,

(a) A statement that, based on such declassification review as could reasonably be accomplished within the time limit for responding to the appeal, it is determined that the record meets specified criteria and rationale of Chief of Naval Operations Instruction 5510.1E; and

(b) An adherence of the requester's optional right to seek declassification of the record by the Department of the Navy Classification Review Committee, with a further right to appeal to the Interdepartmental Classification Review Committee established pursuant to Executive Order 11652, 8 March 1972, in lieu of immediate judicial review;

(iii) Such other matters as may be prescribed by directives of the Secretary of Defense.

§ 791.13 Effective date.

Although subparts A through D are effective on February 13, 1975, compliance with the requirements and procedures provided in §§ 701.5(b)(1) through (3) and §§ 701.6 through 9 shall be required only with respect to requests and appeals received on and after February 19, 1975. However, the spirit of those provisions should be followed, where practicable, with respect to pending requests and appeals received prior to that date.

Subpart B—Guidelines on Matters Which Are Exempt From Public Disclosure

§ 791.21 General rule.

Matters contained in records may be withheld from public disclosure unless, upon request, the record is released in accordance with the guidelines set forth in this section and the record must be reviewed for the basis of the security classification. The following general rules are applicable:

(i) An approved security classification guide promulgated in accordance with Chief of Naval Operations Instruction 5510.1E shall be used in determining the justification for classification and in the classification of new records; and

(ii) A source document originated by another naval activity or government agency.

§ 791.22 "Reasonably segregable" matters.

If a requested record contains both releasable and nonreleasable matters, the releasable portions should be made available if they are reasonably segregable from the nonreleasable matters in the record. Releasable matters are "reasonably segregable" if they would provide
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manuals, directives, and instructions relating to the internal personnel rules or to the internal practices of the Department of Defense or the Navy, if their release to the public would substantially hinder the effective performance of a significant function of the Departments of Defense or the Navy.

(2) Personnel and other administrative matters such as examination questions and answers used in training courses or in the determination of the qualifications of candidates for employment, enlisting to duty, advancement, or promotion.

(c) "Exemption 3" Matters. Those containing information which statutes authorize or require be withheld from the public. Such authorization or requirement may be found in the terms of the statute itself or in Executive orders or regulations promulgated by, or in implementation of, a statute.

Examples include:

(i) 18 U.S.C. 1905—trade, technical, and financial information provided in confidence to businesses.


(iii) 5 U.S.C. 131-138—records containing information relating to inventions which are the subject of patent applications on which Patent Secrecy Orders have been issued.


(v) 42 U.S.C. 5192—"Restricted Data"

(vi) 16 U.S.C. 798—Communications in Furtherance of Law Enforcement Records.

(d) "Exemption 4" Matters. Those containing trade secrets of commercial or financial information which a component receives with the understanding that it will be retained on a privileged or confidential basis in accordance with the customary handling of such records, particularly when release would adversely affect the competitive position of the source of the information. Such records include those which contain:

(1) Commercial and financial information received in confidence in connection with loans, bids, contracts, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(2) Statistical data and commercial or financial information concerning contract performance, income, profits, losses, and expenditures, if offered and received in confidence from a contractor or potential contractor.

(3) Personal statements given in the course of inspections, investigations, or audits, where such statements are recorded and retained in confidence because they cover trade secrets or commercial or financial information normally considered confidential or privileged, or because they are the results of competitive inspection, investigation, or audit.

(e) "Exemption 5" Matters. Except as provided in subsections (2) through (5) below, information concerning and internal communications and inter-agency and intra-agency Federal agencies and components.

(i) Examples include:

(1) Staff papers containing staff advice, opinion, or recommendations.

(2) Information received or generated by a component preliminary to a decision or action, including draft versions of documents, where premature disclosure would interfere with the authorized purpose for which the records were created.

(3) Advice, suggestions, or reports prepared on behalf of the Department of Defense by boards, committees, councils, agencies, commissions, task forces, or other similar groups that are formed by a component to obtain advice and recommendations, or by individual consultants.

(4) Those portions of component evaluations of contractors and their products which contain recommendations or advice by Government employees about the contractor or product.

(5) Advance information on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(6) Records which are exchanged among agency personnel or within and among components or agencies preparing for and institution of legal proceedings before any Federal, State, or military court, or before any regulatory body.

(7) Reports of inspections, audits, investigations, or surveys which pertain to personal, safety, security, or other similar governmental, administrative, or operation of the Departments of Defense or the Navy or their components.

(8) Any such intra-agency or inter-agency record, or reasonably segregable portion of such record, would routinely be made available through the discovery process (i.e., the legal process by which litigants obtain information from each other that is relevant to the issues in a trial or hearing) in the course of litigation with the agency, then such record, or reasonably segregable portions of it, should be producible. If, however, the information would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record may be considered to be non-releasable.

(3) Purely factual material in such an inter-agency or intra-agency record is routinely made available through discovery and if reasonably segregable and containing no other exempt matters (if reasonably segregable) should therefore be released.

(4) A direction or order from a superior to a subordinate, though contained in internal communication, is releasable unless it is required by law or policy guidance or a decision, as distinguished from a discussion of preliminary matters that would compromise the decision-making process.

(5) Inter-agency or intra-agency communication concerning an event or decision which has subsequently been made a matter of public record should normally be considered to be releasable unless it is determined that, because of special circumstances, release would prejudice the current decision-making process.

(f) "Exemption 6" Matters. Information in personnel and medical files, as well as information concerning financial information normally considered confidential or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

Examples include:

(i) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, civil, military or industrial, for security clearances.

(ii) Files containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken.

(2) In determining whether the release of information would result in a "clearly unwarranted invasion of personal privacy," consideration should be given to the stated or assumed purpose of the request. When determining whether a release is "clearly unwarranted," the public interest in satisfying all demands for information and the sensitivity of the privacy interest being threatened.

(3) When the only basis for withholding information is protection of the personal privacy of an individual who is the subject of the record, information should not be withheld from him or from his designated legal representative. A clearly unwarranted invasion of the privacy of others discussed in that record may, however, constitute a basis for deleting reasonably segregable portions of the record even when providing it to the subject of the record. With regard to the release of a medical record to a patient who may be adversely affected by knowledge of its contents, the principles of good medical practice should be followed.

(4) On and after 27 September 1975, an individual's personal, medical, or similar files may be withheld from him or from his designated legal representative only in accordance with regulations implementing the Privacy Act of 1974 (5 U.S.C. 552a).

(g) "Exemption 7" Matters. Law enforcement records.

(i) Those compiled for the purpose of enforcing civil, criminal, or military law, including the implementation of Execu-
tive orders, or regulations validly adopted pursuant to law, but only to
the extent that their release would:
(1) Interfere with enforcement pro­
cedings;
(ii) deprive a person of a right to a
fair trial or an impartial adjudication;
(iii) constitute an unwarranted inva­
sion of personal privacy;
(iv) disclose the identity of a confiden­
tial source;
(v) disclose confidential information
furnished only from confidential source
obtained by a criminal law enforcement
authority in a criminal investigation or
by an agency conducting a lawful na­
tional security intelligence investigation;
(vi) disclose investigative techniques
and procedures not already in the public
domain and requiring protection from
public disclosure to insure their effective­
ness; or
(vii) endanger the life or physical safe­
ty of law enforcement personnel.
(2) Examples include:
(i) Statements of witnesses and other
material based on the information devel­
oped during the course of the investiga­
tion and all materials prepared in con­
nection with related Government litiga­
tion or adjudicative proceedings.
(ii) The identity of firms or individuals
suspended from contracting with the De­
partment of Defense or being investigated
for alleged irregularities when no indict­
ment has been obtained nor any civil
action filed against them by the United
States.
(iii) Information obtained in confi­
dence in the course of:
(A) A criminal investigation by a crim­
inal law enforcement agency or office
within a component; or
(B) A lawful national security intelli­
genue investigation conducted by an au­
thorized agency or office for the purpose
of obtaining affirmative or counter intel­
ligence information, or background in­
vestigation information needed to deter­
mine suitability for employment or eligi­
bility for access to classified information.
(3) The right of individual litigants to
investigative records currently available
by law is not diminished.
(4) On and after September 27, 1975,
when the subject of an investigative rec­
cord is the requester of the record, it may
be withheld only in accordance with
regulations implementing the Privacy
(h) "Exemption 8" Matters. Those
contained in or related to examination,
operating, or condition reports prepared
by, on behalf of, or for the use of any
agency responsible for the regulations or
supervision of financial institutions.
(i) "Exemption 9" Matters. Those con­
taining geological and geophysical infor­
mation and data (including maps) con­
cerning wells.

Subpart C—Addressees for Requests for Department of the Navy Records and Locations
at Which Department of the Navy Records Are Available for Public Inspection
§ 701.31 Addressees for requests for Department of the Navy records.

Members of the public should address requests to the commanding officer or head
of the activity where the record is located. When the official having custody of the
record is not known, the request should be addressed to the originating official, or the
official having primary responsibility for the subject matter involved. The cognizant
official to whom requests for the most commonly requested types of records should
be addressed are as indicated below.

<table>
<thead>
<tr>
<th>Type of Record</th>
<th>Addressee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civilian Personnel Records (or requests for information involving the personnel records of civilians). When requests involve civilians:</td>
<td>The head of the activity where the person is employed. marked for the attention of the civilian personnel officer.</td>
</tr>
<tr>
<td>Presently employed by the Department of the Navy, or separated from Federal employment less than 30 days.</td>
<td>Manager, National Personnel Records Center (Civilian Personnel Records), 111 Winnemake Street, St. Louis, MO 63118.</td>
</tr>
<tr>
<td>Formerly employed by the Department of the Navy, or separated from Federal employment for more than 30 days.</td>
<td>Chief of Chaplains, Navy Department, Washington, D.C. 20370.</td>
</tr>
<tr>
<td>Contractual or procurement type records and related matters.</td>
<td>Contracting officer, or head of the procurement (purchasing) activity, when known. When one of these is not known, submit the request to the Chief of Naval Material (MAT 06), Washington, D.C. 20350; except if a Marine Corps matter, submit to the Deputy Chief for Installation and Logistics, U.S. Marine Corps, Washington, D.C. 20380.</td>
</tr>
</tbody>
</table>
RULES AND REGULATIONS

Type of Record

Court-Martial Records:
Involving bad-conduct discharge. For requests involving records of trial by general court-martial, and by special court-martial involving an officer accused or involving a sentence which, as approved by the general court-martial convening authority, extends to a bad conduct discharge.

Not involving a bad-conduct discharge. For requests involving records of trial by general court-martial, and by special court-martial other than those described above (after final actions and a retention period at a shore activity for 2 years and at a fleet activity for 3 months).

Inspector General inspection, investigation, and related survey matters:
Records prepared by the Naval Inspector General......

Records prepared by inspector general of other Navy commanders.

Instructions (unclassified) of general applicability issued under the Department of the Navy's directives issuance system; and quarterly subject index thereof (NAVSTAT 5215).

Internal audit matters—

Legal matter records (other than those relating to court-martial records covered above):
General counsel legal matters. Requests relating to (1) the acquisition, custody, management, transportation, taxation, and disposition of real and personal property, and the procurement of services, including the fiscal, budgetary, and accounting aspects thereof, excepting, however, tort claims and admiralty claims arising independently of contract, and matters relating to the naval petroleum reserve; (2) operations of the Military Sealift Command; (3) property, and similar matters, including those in the armed services procurement regulation and Navy procurement directives and deviations therefrom, and (5) industrial security and claims and litigation concerning the foregoing.

Judge Advocate General legal matters. Requests for records involving all legal matters other than the above general counsel matters.

Manpower management, civilian, matters. When the request relates to:

Local activity matters

General matters relating to Marine Corps, only, manpower management.

All others, including any relating to overall Department of the Navy manpower management matters.

Marine Corps records, When other specific addressee is not known, and when request is for Marine Corps directives, publications, and manuals of general Marine Corps applicability.

Medical records, When requests involve the medical records of military personnel, dependents of military personnel, and other civilians:

For Navy and Marine Corps officer and enlisted personnel, and their dependents (other than those covered below).

For former Navy and Marine Corps personnel separated prior to 1913 and their dependents.

Address

Judge Advocate General, Navy Department, Washington, D.C. 20370.

Manager, National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

The commander for whom the inspector general records were prepared.

Director, Navy Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19111.

The Auditor General of the Navy, Navy Department, Washington, D.C. 20360.

Judge Advocate General, Navy Department, Washington, D.C. 20370.

The head of the activity which the request concerns, marked for the attention of the Office of Counsel, otherwise to: General Counsel, Navy Department, Washington, D.C. 20360.

The head of the activity which the request concerns, marked for the attention of the civilian personnel officer.

Commandant of the Marine Corps (Code M), Washington, D.C. 20380.

Director of Civilian Manpower Management, Navy Department, Washington, D.C. 20390.

Commandant of the Marine Corps, Navy Department, Washington, D.C. 20380.

The medical treatment activity where the record is maintained, if known. (This generally is the activity where the patient is being treated, or recently was treated, since records are forwarded to the receiving activity when a patient is transferred.)

Chief, Navy and Old Army Branch, Military Archives Division, National Archives and Records Service, GSA, Washington, D.C. 20408.
RULES AND REGULATIONS

Type of Record

Officer personnel who have been separated from the service (discharged, retired, or deceased) for more than 4 months, reservists not on active duty, and nonparticipating reservists.

Enlisted personnel on extended active duty who have been separated (discharged, retired, or deceased) for less than 4 months, and temporary disability retired enlisted personnel.

Enlisted personnel who have been separated (discharged, retired, or deceased) for more than 4 months, transferred to the fleet reserve, and inactive enlisted reservists not affiliated with a reserve unit.

For Marine Corps officer and enlisted personnel separated prior to 1898.

Military Specifications, Standards, and Handbooks, and Department of Defense Index of Specifications and Standards (DOD-ISS):

Specifications, standards, and handbooks

DOD Index

Naval Investigative Service Reports and Related Matters. (This covers any request for information from reports prepared by the Naval Investigative Service, even though copies may be held by other activities. Requests addressed elsewhere will be promptly forwarded to this proper address.)

Non-current Department of the Navy Records (preserved as permanent documentation, particularly when records predate 1946).

For former Navy and Marine Corps personnel (other than those separated prior to 1913 and covered above) and their dependents.

For Civilian employees

When the location of the record is not known

Military personnel records, general:

Concerning Navy personnel matters

Concerning Marine Corps personnel

Military personnel records, individual:

(Requests should be addressed according to the status of the individual to whom the request relates, as indicated below.)

For Navy (USN and USNR) officer personnel: Active duty officers, inactive officers, and temporary disability retired officers.

Addresses

Manager, National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

Commandant of the Marine Corps (Code M), Navy Department, Washington, D.C. 20380.

Manager, National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

Chief, Navy and Old Army Branch, Military Archives Division, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

Manager, National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

Archivist of the United States, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

Manager, National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

Chief, Bureau of Medicine and Surgery (Code 334), Navy Department, Washington, D.C. 20372.

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370.

Commandant of the Marine Corps (Code M), Navy Department, Washington, D.C. 20380.

Chief of Naval Personnel (Pers 37), Bureau of Naval Personnel, Washington, D.C. 20370.
Officers who have been separated from the service (discharged, retired, or deceased) for less than 1 year.

Officers who have been separated from the service (discharged, retired, or deceased) for more than 1 year, and inactive reservists.

Officers separated prior to 1902.

Enlisted personnel on active duty, participating inactive duty, and temporary disability retired.

Enlisted personnel (active, inactive, and temporary disability retired) who have separated (discharged, retired, or deceased) for less than 4 months.

Nonparticipating inactive enlisted personnel who have more than 18 months of their military obligation to serve.

Nonparticipating inactive enlisted personnel, when request involves the current enlistment.

Enlisted personnel transferred to the fleet reserve, nonparticipating inactive personnel who have less than 18 months of their military obligation to serve, and enlisted personnel who have been separated (discharged, retired, or deceased) for more than 4 months.

Enlisted personnel separated (discharged, retired, or deceased) prior to 1885.

For Marine Corps officer and enlisted personnel:

Chief of Naval Personnel (Pers 37), Bureau of Naval Personnel, Washington, D.C. 20370.

Manager, National Personnel Record Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

Chief of Naval Personnel (Pers 38), Bureau of Naval Personnel, Washington, D.C. 20370.


Commanding Officer, Naval Reserve Manpower Center, Bainbridge, MD 21015.

Manager, National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

Chief, Navy and Old Army Branch, Military Archives Division, National Archives and Records Service, GSA, Washington, D.C. 20406.

Chief of Naval Personnel (Pers 38), Bureau of Naval Personnel, Washington, D.C. 20370.

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Chief of Naval Personnel (Pers 38), Bureau of Naval Personnel, Washington, D.C. 20370.
Aeronautical materials

Electronic materials

Facilities (design, construction, and maintenance; utilities; housing; real estate matters; etcetera).

Ships and ordnance materials

Supply matters:
Navy

Marine Corps

Other requests. When not otherwise provided for in this enclosure, and for general information regarding the location of, or proper addressee for, Department of the Navy records.

§ 701.32 Locations at which Department of the Navy records are available for public inspection.

Name of Facility and Location

In the Department (seat of government):
Navy Department Library: Second floor of Building 220, at the Washington Navy Yard, U.S. Naval Station, 9th and M Streets SE., Washington, D.C. 20374. The facility is open from 0800 to 1630 (8 a.m. to 4:30 p.m.), Mondays through Fridays, except holidays.


Headquarters, Marine Corps: Room 1135 of the Navy Arlington Annex (Federal Office Building No. 2), Southgate Road and Columbia Pike, Arlington, VA 20370.

As an index system by subject matter to materials held. For example:

(1) Department of the Navy directives issuance system consolidated subject index of unclassified instructions (an index of administrative unclassified instructions issued by Washington headquarters organizations and distributed to addressees outside the originating office); and the Marine Corps directives system quarterly checklist of directives distributed outside Headquarters, Marine Corps. These indexes assist in identifying instructions issued on any desired subject.

(2) An Index to the armed services procurement regulation and to Navy procurement directives.

(3) Any other indexes prepared pursuant to this instruction and a master list of available indexes.

Published and unpublished decisions of Boards of Review and Military Courts of Review created under the Uniform Code of Military Justice. (Published decisions are available also at naval bases, as indicated below.)

Certain technical manuals, and indexes thereto, as made available under clearance procedures prescribed by sponsoring naval systems commands or as specified in contract documents.

Marine Corps indexes, directives (orders and bulletins), and publications of general Marine Corps applicability.
All Navy and Marine Corps shore activities: (Consult the area telephone directory for address of local Navy and Marine Corps activities.)


Naval bases and Marine Corps bases: (Consult the area telephone directory under U.S. Government for location of any nearby base.)

Subpart D—Schedules of Fees

§ 701.40 Uniform search and duplication fees for Department of Defense components.

(a) Duplication.

(1) Publications, Forms and Reports. Shelf stock of printed or microfiche medium (requestors may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage).

Minimum fee, per request. $2.00

Forms, per copy. $0.50

Publications, per printed page. $0.01

Microfiche, per fiche. $0.06

Reports, per printed page. $0.05

(Examples: Cost of 20 forms $3; cost of a printed publication with 100 pages, $3; cost of a microfiche publication consisting of 10 fiche, $2.00.)

(b) Office copy reproduction when shelf stock is not available.

Minimum charge up to six reproduced pages. $2.00

Minimum charge, first fiche. $0.00

Each additional page. $0.05

Each additional fiche. $0.10

(c) Other Issuances.

Minimum charge up to six pages. $2.00

Each additional page. $0.05

(d) Search.

Clerical search, per hour. $6.50

Minimum charge. $3.50

Professional search (includes computer programmer time), per hour. $10.00

Minimum charge. $10.00

Computer service charges will be based on actual computer configuration used and be based on direct costs only of the central processing unit plus input/output devices plus memory capacity.

(c) Exceptions.

(1) In general, charges may be waived when:

(a) The recipient of the benefit is engaged in a nonprofit activity designed for public safety, health or welfare;

(b) The applicant is the direct cost of collecting the fees would be an unduly large part of the cost of providing the service.

(2) A refusal to waive charges by the official responsible for the initial decision on the request for the record may be appealed to the head of the DoD component or his designee for purposes of final approval.

(d) Collections. (1) Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges at the time of conveying the service or property to the recipient, but only in those instances where the request specifically states that whatever cost involved will be acceptable or acceptable up to a specified limit that covers anticipated costs. Absent such an agreement to pay required anticipated costs, the time for responding to a request begins to run upon receipt of payment.

(2) Collection of scheduled fees and charges will normally be deposited to Miscellaneous Receipts of the Treasury.

(3) Search fees are assessable even when no records responsive to the request, or no records not exempt from disclosure are found, provided the requestor is advised of the requirement at the time of the estimated charges are presented to the requestor for approval.

Dated: March 17, 1975.

WILLIAM O. MILLER,
Rear Admiral, JAGC, U.S. Navy,
Deputy Judge Advocate General.

[FR Doc. 75-7265 Filed 3-29-75; 6:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER I—NATIONAL PARK SERVICE

DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Cape Cod National Seashore, Massachusetts;

Oversand Vehicle Regulations

A proposal was published at page 33375 of the Federal Register of September 17, 1974, to amend § 7.67 of Title 36 of the Code of Federal Regulations. Interested persons were given 30 days within which to submit written comments, suggestions, or objections in regard to the proposed amendments, and no comments, suggestions, or objections were received.

The amendments are adopted as published on September 17, 1974, with the exception of changes in language added for clarification.

The purposes of this amendment are to modify oversand vehicle registration and permit procedures, to identify the criteria that will be considered by the Superintendent prior to the issuance of permits for oversand travel and to designate routes and areas outside of established public roads and parking areas open to oversand vehicles in accordance with criteria contained in sections 3 and 4 of Executive Order 11644 (37 FR 2877) and § 4.19(b) of this chapter as amended in the Federal Register on April 1, 1974 (39 FR 11683).

This revision shall take effect on April 21, 1975. (5 U.S.C. 553; 16 U.S.C. 3).

Section 7.67 is amended by revising paragraphs (a), (b), (c), and (d) to read as follows:

§ 7.67 Cape Cod National Seashore.

(a) The operation of motor vehicles in the park area other than authorized emergency vehicles is prohibited outside of established public roads and parking areas except on beaches and oversand routes designated by the Superintendent by the posting of appropriate signs and identified on maps available at the office of the Superintendent. These beaches and routes will be designated after consideration of the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877) and § 4.19(b) of this chapter.

(c) Private oversand vehicle operations.

(1) Operation of privately owned passenger vehicles not-for-hire, (including the various forms of vehicles used for the travel oversand, such as but not limited to "beach buggies") on beaches or on designated oversand routes in the park area without a permit from the Superintendent is prohibited. Before a permit...
will be issued, each vehicle will be inspected to assure that it contains the following equipment which must be carried in the vehicle at all times while on the beaches or on the designated overflow routes:

(i) Shovel;
(ii) Jack;
(iii) Tow rope or chain;
(iv) Board or similar support;
(v) Low pressure tire gauge.

A permit will not be issued unless it is determined that the nature and extent of use is consistent with the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877) including such factors as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection and other management considerations.

Prior to the issuance of such permits the operators must show compliance with Federal and State regulations applicable to licensing, registering, inspecting, and insuring of such vehicles. Such permits shall be affixed to the vehicles as instructed at the time of issuance.

Shellfishing. Shellfishing, by permit from the appropriate town is permitted in accordance with applicable Federal, State, and local laws. L

Lawrence C. Hadley, Superintendent, Cape Cod National Seashore.

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 200—ORGANIZATIONS, FUNCTIONS, AND PROCEDURES

Availability of Records to the Public

Procedures for obtaining Forest Service records under the Freedom of Information Act are contained in accordance with the Department's regulations issued pursuant to the Act, 7 CFR Part 1, Subpart A (40 FR 7341). The Department's regulations, as implemented by the regulations in this part, govern the availability of records of the Forest Service to the public.

Advance notice of rulemaking is not required for this amendment by 5 U.S.C. 553, since it deals with agency organization and procedures.

In consideration of the above, Subpart B of Part 200, Title 36 of the Code of Federal Regulations is amended as follows:

1. Section 200.5 is revised to read as follows:

§ 200.5 Information available.

In accordance with 7 CFR 1.3, the Forest Service shall make available for public inspection and copying all published or unpublished directives, forms, records, and final opinions, including concurring or dissenting opinions and orders made in the adjudication of cases.

2. Section 200.6 is deleted and a new § 200.6 is added to read as follows:

§ 200.6 Indexes.

Publication of the indexes described in § 200.4 is deemed both unnecessary and impractical because of the large volume of material involved. However, copies of the indexes are available for public review in the Forest Service headquarters office in Washington, D.C. and at field offices listed under § 200.2(b). The Forest Service will provide copies of any index upon request at a cost not to exceed the direct cost of duplication.

3. Section 200.7 is revised to read as follows:

§ 200.7 Officers where information is available.

Information which is to be made available for public inspection and copying by provisions of 5 U.S.C. 552(a)(2) (7 CFR 1.2) may be obtained at the Office of the Chief, or the office of any Regional Forester, Research Station Director, Area Director, Forest Supervisor, or District Ranger. The addresses of such offices are set forth in § 200.1 and 200.2. Forest Service personnel at these offices will also assist members of the public seeking any other Forest Service records. All information on all activities may not be available at a given office. When the information desired is not available at a given location, the office where the request is received will assist the applicant by directing him to another office where the information may be obtained. Except for such information, as is generally available to the public, requests should be in writing and submitted in accordance with 7 CFR 1.3 and §§ 200.10 and 201.11 of this Part.

4. Section 200.10 is redesignated as § 200.11 and a new § 200.10 is added to read as follows:

§ 200.10 Request for records.

The Regional Forester, Research Station Director, and Area Director at the field locations and addresses listed in § 200.2(d) and the Deputy Chief for the program areas involved, located in Washington, D.C., are authorized to receive requests for records submitted in accordance with 7 CFR 1.3(a), and to make determinations regarding whether to grant or deny requests for records exempt from mandatory disclosure under the provisions of 5 U.S.C. 552(b). All official requests are authorized to (1) extend the ten-day administrative deadline for reply pursuant to 7 CFR 1.1(b) of records exempt from mandatory disclosure, and (3) make determinations regarding the charging of fees.

5. The redesignated § 200.11 is revised to read as follows:

§ 200.11 Appeals.

(a) Appeals from denials of requests submitted under § 200.10 shall be submitted in accordance with 7 CFR 1.3(c) to the Chief, Forest Service, Department of Agriculture, 12th Street and Independence Avenue, SW., Washington, D.C. 20250.

(b) The Chief shall determine whether to grant or deny the appeal. He shall also make all necessary determinations relating to an extension of the twenty-day administrative deadline for reply pursuant to 7 CFR 1.8, discretionary release pursuant to 7 CFR 1.11(b) of records exempt from mandatory disclosure under 5 U.S.C. 552(b), and the charging of appropriate fees.

Effective Date: This amendment takes effect March 21, 1975.

ROBERT W. LONG, Assistant Secretary.

MARCH 18, 1975

[FR Doc. 75-7461 Filed 3-20-75; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114—ANNUAL REAL PROPERTY INVENTORIES

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114-3.2 to Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

Since these amendments relate to matters of internal policy only, it is determined that the proposed rule making procedure is unnecessary and these amendments shall become effective on April 21, 1975.

Dated: March 17, 1975.

RICHARD B. HITE, Deputy Assistant Secretary of the Interior.
with the bureau's other needs for information, the more readily all such data can be cross-checked, and one submission serves several reporting requirements.

(ii) Separate reports on GSA Form 1166 shall be submitted for each Corps of Conservation Centers. A separate summary report on GSA Form 1209 is not required, but Conservation Centers should be included in the summary Form 1209 for the Bureau.

(2) Bureaus and Offices shall assign an agency control number (Block 2) to each installation. This number shall identify both this Department and the Bureau, e.g., T-BIA-118, or T-EDM-224.

2. Section 114—3.205 is revised to read as follows:

§ 114—3.205 Optional reporting method.

Any Bureau or Office desiring to submit its real property inventory in the form of a machine listing supported by punch cards shall notify the Director of Management Services so that appropriate arrangements can be made with the central office of the General Services Administration.

GSA Form 1166. An original and one copy.

GSA Form 1209. An original and two copies, and one copy to be retained by the bureau headquarters office.

Consolidated GSA Form 1166. An original only is required for retention and use by the Director of Management Services.

Effective date: These regulations are effective April 21, 1975.


Theodore Cooper,
Acting Assistant Secretary
for Health.

Approved: March 17, 1975.

Caspar W. Weinberger,
Secretary

Subpart T—Nursing Special Project Grants

Sec. 57.1901 Applicability.

57.1902 Definitions.

57.1903 Eligibility.

57.1904 Application.

57.1905 Evaluation and grant award.

57.1906 Grant payments.

57.1907 Expenditure of grant funds.

57.1908 Financial accountability of State agencies.

57.1909 Grantee accountability.

57.1910 Publications and copyrights.

57.1911 Applicability of 46 CFR Part 74.

57.1912 Additional conditions.

12791

Table 42—Public Health

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Nursing Special Project Grants

In the Federal Register of July 31, 1974 (39 FR 27990), the Assistant Secretary for Health, with the approval of the Acting Secretary of Health, Education, and Welfare, proposed to amend Part 57 by adding a new Subpart T to implement section 314(a) of the Public Health Service Act. That section authorizes the Secretary to award grants to public or other non-profit schools of nursing, agencies, organizations, and institutions to assist in meeting the costs of special projects, as set forth in the authorizing legislation.

Interested persons were offered the opportunity to participate in the rulemaking through submission of comments on or before August 30, 1974. Following is a summary of the comments received and the decision of the Secretary to award grants to public or non-profit private schools of nursing, agencies, organizations, or institutions and the regulations have been revised accordingly.

(1) One comment suggested that § 57.1905 of the proposed regulations, “Evaluation and grant award,” be revised to include as one factor to be considered by the Secretary any particular local need to which a proposed project is addressed. The regulations have been revised accordingly.

(2) One comment suggested that § 57.1903 of the proposed regulations, “Eligibility,” be revised to allow individuals or groups of individuals to be eligible for nursing special project grants. Eligibility for such grants is statutorily limited however to public or non-profit private agencies or organizations, or institutions and the suggested revision therefore has not been made.

(3) One comment concerned the need for adequate reviews by § 314(a) and 314(b) agencies to assure that proposed nursing special projects are integrated into and address the needs identified by various health planning agencies. Section 57.1905(a) of the proposed regulations has been revised to state that the Secretary will consider, in determining whether to make a grant award under this subpart, for projects related to health services or comprehensive health planning programs, comments of the appropriate State and/or areawide health planning agencies.

In addition to the changes described above, there are several minor self-explanatory changes in the regulation as proposed, which are merely editorial and technical in nature.

Accordingly, a new subpart T is added to 42 CFR Part 57 and is adopted as set out below.

Effective date: These regulations are effective April 21, 1975.


Theodore Cooper,
Acting Assistant Secretary
for Health.

Approved: March 17, 1975.

Caspar W. Weinberger,
Secretary

Subpart T—Nursing Special Project Grants

To be eligible for a grant under this subpart the applicant shall:

(a) Be a public or other nonprofit private school of nursing, agency, organization or institution; and

(b) Be located in a State.
§ 57.1904 Application.

(a) Each eligible applicant desiring a nursing special project grant shall submit an application in such form and manner and at such time as the Secretary may prescribe. The application shall contain a full and adequate description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart, a budget and justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the regulations of this subpart and the terms and conditions of any award.

§ 57.1905 Evaluation and grant award.

(a) Within the limits of funds available for such purpose, the Secretary, after consultation with the Council, may award grants to those applicants whose projects will in his judgment best promote the purposes of section 805(a) of the Act, taking into consideration among other pertinent factors:

(1) The potential effectiveness of the proposed project in carrying out such purposes;

(2) The national or special local need which the particular project proposes to serve;

(3) The comments made by the appropriate section 314(a) State health planning agency and/or the section 314(b) area-wide health planning agency with respect to projects related to health services or comprehensive health planning programs.

The Secretary will request comments from such agencies with respect to such projects and will provide a 60 day period for submission of such comments.

(4) The administrative and managerial capability, and competence of the applicant to carry out the project successfully; and

(5) The soundness of the plan for assuring effective utilization of grant funds and the potential of the project to continue on a self-sustaining basis.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of the direct costs of the project plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all or a portion of the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefits) subject to upward (within the limit of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee.

(d) Neither the approval of any project nor the award of any grant shall constitute or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved project or portion thereof. For continuation support, grantee must make separate application at such times and in such form as the Secretary may prescribe.

§ 57.1906 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred in the performance of the project to the extent he determines such payments are necessary to promote prompt initiation and advancement of the approved project.

§ 57.1907 Expenditure of grant funds.

(a) Any funds granted pursuant to this subpart shall be expended solely for carrying out the approved project in accordance with section 805(a) of the Act, regulations of this subpart, the terms and conditions of the award and cost principles prescribed by Subpart Q of 45 CFR Part 74.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may be carried forward and be available for obligation during the subsequent budget period of the project. The amount of a subsequent award will take into consideration the amount remaining in the grant account. At the end of the last budget period, any remaining unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

§ 57.1908 Nondiscrimination.

(a) Attention is called to the requirements of section 845 of the Act and 45 CFR Part 63 which together provide that grantees, or any entity which make a grant, loan guarantee, or interest subsidy payment under Title VIII of the Act to, or for the benefit of, any entity unless he receives satisfactory assurance that the use of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 262; 42 U.S.C. 2000d et seq.), which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under and made available for any education program or activity receiving Federal financial assistance.

(c) Grant funds used for remodeling, alterations, or repairs shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed by the Secretary.

§ 57.1909 Grantee accountability.

(a) Accounting for grant award payments. All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to obligations the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart.

(b) Accounting for royalties. Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant shall be accounted for as follows:

(1) State and local governments. Where the grantee is a State or local government as those terms are defined in 45 CFR 74.3, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) Grantees other than State and local governments. Where the grantee is not a State or local government as so defined, royalties shall be accounted for as follows:

(A) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(B) Copyright royalties, whether received during or after the grant period,
shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1–429, Department of Health, Education, and Welfare Grants Administration Manual.

(c) Grant closeout. (1) Date of final accounting. A grantee shall render, with respect to each approved project, a full account, as provided herein, as of date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) Final settlement. There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of (i) any amount not accounted for pursuant to paragraphs (a) and (b) of this section; to subparts F, M, and O of 45 CFR Part 74. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recoverable from the grantee or its successors or assigns by setoff or other action as provided by law.

§ 57.1910 Publications and copyrights.

(a) State and local governments. Where the grantee is a State or local government, as those terms are defined in 45 CFR 74.3, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from a project supported by a grant under this subpart.

(b) Grantees other than State and local governments. Where the grantee is not a State or local government, as so defined, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright materials without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this subpart, subject to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate or dispose of such materials, and to authorize others to do so.

§ 57.1911 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles shall apply to all grants under this subpart to State and local governments as those terms are defined in Subpart A of Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to all other grantee organizations under this subpart:

Subpart:
A. General.
B. Cash Depositories.
C. Bonding and Insurance.
D. Retention and Cost Sharing Requirements for Records.
E. Grant-Related Income.
F. Budget and New Program Requirements.
G. Budget Revision Procedures.
H. Grant Closeout, Suspension, and Termination.
I. Property.
J. Cost Principles.

§ 57.1912 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved activity, the interest of the public health or the conservation of grant funds.

Title 45—Public Welfare

CHAPTER VI—NATIONAL SCIENCE FOUNDATION

PART 612—AVAILABILITY OF RECORDS AND INFORMATION

NSF Regulation Pursuant to the Freedom of Information Act.

The following regulations provide that requests for certain categories of records other than publications will be made available pursuant to appropriate requests within ten working days after receipt, unless conditions for an extension are present, and that determinations on appeals will be rendered by the Deputy Director within twenty days of receipt. The regulations also provide that NSF policy documents and staff instructions may be inspected and copied at the NSF Library and that publications may be obtained from specified sources. Fees for providing copies are set forth.

These regulations were published in proposed form in 40 FR 3313 on January 21, 1975. Although NSF invited the public to make comment, it received no comments. As of date of final publication, February 19, 1975, the Director of the National Science Foundation, NSF Regulation Pursuant to the Freedom of Information Act, has removed the proposed requirement that the Secretary of the Department of Health, Education, and Welfare publish or make available copies of indexes and supplements thereto which are required by 5 U.S.C. 552(a) (2). Such inclusions shall promptly be published, quarterly or more frequently, unless the ADAO determines by order published in the Federal Register that the publication would be unnecessary. The fee for furnishing copies of indexes and supplements shall not exceed the direct cost of duplication.

§ 612.2 Information policy.

(a) It is the policy of NSF to make the fullest possible disclosure of information to any person who requests information, without unnecessary expense or delay. The Deputy Director, NSF, may, in particular instances except where prohibited by law, order disclosure in the public interest of records exempt from mandatory disclosure under § 612.9 of this regulation.

(b) A collection of NSF policy documents, staff instructions, and of agency opinions and orders in the adjudication of cases, with respective indices, shall be readily located in the National Science Foundation library at 1800 G Street, NW., Washington, D.C. where they will be available for inspection by the public during regular working hours on Monday through Friday. Copies of such documents shall be furnished in accordance with these regulations.

(c) The Assistant Director for Administration, Operations (AD/AO) shall be responsible for maintaining, publishing, distributing and making available for inspection, copying the current indices and supplements thereto which are required by 5 U.S.C. 552(a) (2). Such indices shall be promptly published, quarterly or more frequently, unless the ADAO determines by order published in the Federal Register that the publication would be unnecessary. The fee for furnishing copies of indices and supplements shall not exceed the direct cost of duplication.

§ 612.3 Procedures applicable to the public—requests and appeals.

(a) Publications excluded. For the purpose of public requests for records the term "record" does not include publications which are available to the public in the Federal Register, or by sale or free distribution. Such publications may be obtained from the Government Printing Office, the National Technical Information Service, the NSF Distribution Section or NSF grantees or contractors. Requests for such publications will be referred to or the requester informed of the appropriate source. The booklet, Publications of the National Science Foundation, which is available without charge from the Central Processing Section, National Science Foundation, Washington, D.C. 20550 identifies Agency Activities, Descriptive Brochures, Program Announcements, Science Resources Studies, Special Studies, and Periodicals descriptive of Foundation activities, policies, and procedures, sets forth the cost of each, and tells how copies may be obtained.

(b) Form of request. A request need not be in any particular format, but it
§ 612.24 Copies of records.

If it is determined that a requested record may be disclosed, copies will be furnished the requester as promptly as possible provided payment of fees has been arranged for pursuant to § 612.6(a) of this regulation. Copying service shall be limited to not more than two copies of any page, except that additional copies may be made where administrative convenience so dictates. Copies shall not be released for copying by non-NSF personnel.

§ 612.25 Creation of records.

A record will not be created by compiling selected items from other documents at the request of a member of the public unless a record can be created by analysis, computation or other processing specifically for the requesting party. If such analysis or computation is available in the form of a record, copies shall be made available as provided in this regulation.

§ 612.6 Fees.

(a) General. User fees shall be charged according to the schedule contained in paragraph (b) of this section for services rendered in responding to requests for production of any record. Charges shall be furnished without charge or at a reduced charge where it is determined that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees shall be charged only where they amount to more than $3.00 in the aggregate for a request or series of requests. Fees shall not be charged if the records requested are not found, or if all of the records located are withheld as exempt.

(b) Services charged for, and amounts charged. For the services listed below expended in locating or making available records or copies thereof, the following charges will be assessed:

(1) Copies. For photocopies of documents—
- $0.10 per copy of each page. Where records are not susceptible to photocopying, e.g., punchcards, magnetic tapes, or oversize materials, the amount of any page, except that additional copies may be made where administrative convenience so dictates.
- Records served by the requester shall be charged if the records requested are not found, or if all of the records located are withheld as exempt.
- A charge shall also be made for the direct cost of special supplies or materials used to present, present, or make copies of the output of the computers. Nothing in this paragraph shall be construed to entitle any person as of right, to any special processing of computerized records such as a reordered listing of the authorship or significance of the contents.

(2) Clerical searches. For each one hour spent by clerical personnel after the first quarter hour, in searching for such machine record, $1.25.

(3) Certification or authentication of true copies—each: $3.00.

(4) Nonroutine, nonclerical searches. Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely for each one quarter hour spent in excess of the first quarter hour by such higher level personnel in searching for a requested record, $3.75.

(5) Examination and related tasks in screening records. No charge shall be assessed for the time expended in reviewing legal or policy issues affecting access to records of known contents. In addition, no charge shall ordinarily be made for the time involved in examining records in connection with determining whether they are exempt from mandatory disclosure and should be withheld as a matter of sound policy. However, where a broad request requires NSF personnel to devote a substantial amount of time to the task of screening out certain records or portions thereof in accordance with determinations that material of such a nature is exempt and should be withheld as a matter of sound policy, a fee may be assessed for the time consumed in such examination. Where such examination can be performed by clerical personnel, time will be charged for at the rate of $1.25 per quarter hour, and where higher level personnel are required, time will be charged for at the rate of $3.75 per quarter hour.

(c) Computed records. Fees for services in processing requests maintained in whole or in part in computerized form shall be in accordance with this section so far as practicable. Services of personnel in the nature of a search shall be charged for at rates prescribed in paragraph (b) of this section unless the level of personnel involved permits rates in accordance with paragraph (c) of this section.

(d) Notice of anticipated fees. A notification of anticipated fees shall be made by the requestor to the requester when the estimated amount of the anticipated fees will amount to more than $25, and the fee chargeable under this section shall extend an offer to the requester to provide a surety bond in an amount sufficient to cover the fees chargeable under this section unless the level of personnel involved in the request for review within ten days of the receipt of the denial, Saturdays, Sundays, and public holidays, and the date of receipt excluded.

(e) Place of request. Any request for a record under FOIA shall be addressed to the National Science Foundation, Public Information Office (PIO), 1800 G Street, NW, Washington, D.C. 20550. A request which meets the requirements of subsection (a) above and is properly addressed shall be deemed received on the date of arrival in the NSF mailroom. The Public Information Office located outside of Washington, D.C., maintain permanent records, any request received by such offices will be returned to the requester with instructions for submission as provided herein.

(f) Time for appeal. A person whose request has been denied or partially denied may initiate an appeal by filing a request for review within ten days of the denial. The appeal shall be addressed to the Deputy Director, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.

(g) Decisions on appeal. Decisions on appeal shall be made by the Deputy Director in writing within 20 days (excluding the date of receipt, Saturdays, Sundays, and legal public holidays) from receipt of the appeal. If the decision is in favor of the requester it shall order the record made available promptly to the requester. If adverse to the requester in whole or in part it shall briefly state the reasons for the decision and notify the requester that he may seek judicial review of the decision pursuant to paragraph (4) of section 552(a), Title 5, United States Code. Before final action by the Deputy Director, inspecting the Office of General Counsel, shall consult the Department of Justice concerning the proposed denial.

§ 612.7 Agency actions on receipt of properly presented request for record.

(a) Monitoring of requests. The NSF Public Information Office (PIO) will serve as central office for internal administration of these regulations. PIO will control incoming requests, assign them to appropriate units that are responsible for processing such requests, monitor compliance, consult with action offices on disclosure, approve unavoidable
§ 612.2 Records available.

The following categories of records shall, unless prohibited by the provisions of § 612.9, be made available in addition to the policy documents and final opinions and orders in adjudicated cases specified in § 5 U.S.C. § 553(a) (1) and (2).

(a) Correspondence. Correspondence between NSF or any official of NSF and individuals or organizations outside the Federal Government relating to or resulting from the conduct of the official business of the agency shall be made available for search, collection, and appropriate examination and determination on the request cannot be made within 10 working days. If the head of the action office shall immediately notify the requester by letter that the record has been ordered from the file which has been placed in storage, the record may exist only in a retired form. Each notice of denial also shall set forth the reasons for such extension and the date on which a determination is expected to be dispatched. If the request seeks a voluminous number of separate and distinct records requiring an unusual length of time for search, collection, and appropriate examination, and determination on the request cannot be made within 10 working days, the office head shall within such ten-day period furnish to the requester written notice extending the period for not more than ten working days. This notice shall set forth the reasons for such extension and the date on which a determination is expected to be dispatched. If the record has not been obtained and examined and notice of refusal to comply with the request has not been given by the last day of the period as extended, the requester shall be notified on that last day that the request is denied because the record has not been obtained and examined. Such denial shall state that NSF will reconsider the denial as soon as the search and examination is feasible, but that the requester may, if he wishes, file an administrative appeal as provided in § 612.3 of this regulation. This same procedure for extension of the period shall be followed if the nature of the record requires consultation with another agency having a substantial interest in the determination of the request or requires consultation among two or more components of NSF having substantial subject-matter interest therein.

(b) Action offices. Upon assignment of a particular request, the head of the action office shall be responsible to obtain the requested record so that appropriate action can be taken within 10 days. If the determination is in the nature of the record shall be made by the head of the action office, the head of the action office shall immediately notify the requester by letter that the record has been ordered from the file which has been placed in storage, the record may exist only in a retired form. Each notice of denial also shall set forth the reasons for such extension and the date on which a determination is expected to be dispatched. If the request seeks a voluminous number of separate and distinct records requiring an unusual length of time for search, collection, and appropriate examination, and determination on the request cannot be made within 10 working days. If the head of the action office shall immediately notify the requester by letter that the record has been ordered from the file which has been placed in storage, the record may exist only in a retired form. Each notice of denial also shall set forth the reasons for such extension and the date on which a determination is expected to be dispatched. If the record has not been obtained and examined and notice of refusal to comply with the request has not been given by the last day of the period as extended, the requester shall be notified on that last day that the request is denied because the record has not been obtained and examined. Such denial shall state that NSF will reconsider the denial as soon as the search and examination is feasible, but that the requester may, if he wishes, file an administrative appeal as provided in § 612.3 of this regulation. This same procedure for extension of the period shall be followed if the nature of the record requires consultation with another agency having a substantial interest in the determination of the request or requires consultation among two or more components of NSF having substantial subject-matter interest therein.

(c) Denial of request. No written request for record shall be denied except by the Director of the Office of Government and Public Programs. Notice of the denial of a request shall briefly set forth the reasons therefor which shall be based solely upon one or more of the exemptions specified in § 612.9 of this regulation. Each notice of denial also shall set forth the names and titles or positions of each person responsible for the denial and shall inform the requester of the right to appeal as provided in § 612.2 of this regulation.

(d) Oral requests. Nothing in these regulations shall be deemed to preclude NSF from honoring oral requests for information where feasible, but if the requester is dissatisfied with the disposition of such a request, he shall be asked to put the request in writing.
external reviewers acting either individually or in committees;

(v) Preliminary, draft unapproved recommendations, evaluations, and opinions, such as evaluations of invention disclosures, disclosure of projects, and of incomplete studies conducted or supported by NSF;

(vi) Proposed budget requests and supporting projections used or arising in the process of preparing a budget; proposed annual and multi-year budget requests and evaluations which reflect upon the extent of such appeals, and the reason for each such determination; (2). 

§ 612.10 Records and reports on requests for information.

The Director of the Office of Government and Public Programs will be responsible for maintaining a record of denials of written requests for information. On or before March 1 of each year, OCPP shall prepare and submit to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress a report concerning requests received during the preceding calendar year. The report shall include: (1) the number of determinations made not to comply with requests for records and the reasons for such denial; (2) the number of appeals made by persons whose requests for records have been denied, and the results of such appeals, and the reasons for the action upon each appeal that results in a denial of information; (3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each; (4) the results of each court order which requires the production of a record, including a description of any disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken; (5) a copy of every rule made by NSF regarding this section; (6) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and (7) such other information as indicates efforts to administer fully the provisions of 5 U.S.C. 502.

[FR Doc. 75-7092 Filed 3-20-75; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCO 75-590]

PART 0—COMMISSION ORGANIZATION

PART 76—CABLE TELEVISION SERVICES

Organization; Cable Television

In the matter of amendment of Part 0 and Part 76, subpart A, of the Commission's rules and regulations concerning delegations of authority to the Chief, Cable Television Bureau and procedures in the cable television service relating to dismissal of requests for special relief.

1. In recent months, we have had cause to consider a deficiency in the Commission's procedures dealing with petitions for special relief filed pursuant to section 76.7. Under the present cable television rules, procedures for dismissing special relief petitions are not clearly delineated. We have concluded, therefore, that amendment to the present procedures contained in part 76, subpart A, of the Commission's rules is in order. 

The new rule (section 76.8), which is aimed to dispel uncertainties contained in § 76.20 concerning applications for certificates of compliance, will aid the Cable Television Bureau in expediting the processing of pending cases and in reducing its backlog. In addition, we are amending § 0.288(d) of the rules in order to delegate authority to the Chief, Cable Television Bureau, to dismiss special relief petitions upon the request of the petitioner, for failure to prosecute a petition, and for failure to respond to official Commission correspondence or request for additional information.

2. Since these amendments are either editorial or relate to Commission organization, procedures, or practice, or restate existing requirements, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

Authority for the rule amendments adopted herein is contained in sections 3(a)(1), and (d), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, It is ordered, That effective March 25, 1975, Part 0 and Part 76 of the Commission's rules and regulations are amended as set forth below.

§ 0.288 Delegated Authority.

(a) To dismiss petitions and applications, as provided in §§ 76.8, 76.30 and 78.21 of this Chapter, or those which are not timely filed under the Commission's rules, not acceptable under the Commission's rules, or clearly merit denial, for failure to respond to official Commission correspondence or request for additional information.

(b) To dismiss petitions and applications, as provided in §§ 76.8, 76.30 and 78.21 of this Chapter, or those which are not timely filed under the Commission's rules, not acceptable under the Commission's rules, or clearly merit denial, for failure to respond to official Commission correspondence or request for additional information.

Adopted: March 11, 1975.

Released: March 18, 1975.

FEDERAL COMMUNICATIONS

[Seal]

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

Part 0—Commission Organization

(Paragraph (d) of Section 0.288 is amended as follows:

§ 0.288 Delegated Authority.

(d) To dismiss petitions and applications, as provided in §§ 76.8, 76.30 and 78.21 of this Chapter, or those which are not timely filed under the Commission's rules, not acceptable under the Commission's rules, or clearly merit denial, for failure to respond to official Commission correspondence or request for additional information.

2. Part 76—Cable Television Service

A new Section 76.8 is added, as follows:
§ 76.8 Dismissal of Special Relief Petitions.

(a) A petition for special relief may, upon request of the petitioner, be dismissed without prejudice as a matter of right prior to the adoption of any final action taken by the Commission with respect to the petition. A petitioner's request for the return of a petition will be reconsidered if the petitioner's failure to prosecute a petition, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice if it occurs prior to the adoption date of any final action taken by the Commission with respect to the petition.

(b) Failure to prosecute a petition, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice if it occurs prior to the adoption date of any final action taken by the Commission with respect to the petition.

Title 49—Transportation

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

[Dockets No. 74–10; Notice 10]

PART 751—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems

This notice amends Standard No. 121, Air brake systems, 49 CFR 571.121, to reflect the petition for reconsideration by the Commission of the final form of Standard No. 121 for purposes of Judicial review in November 1974 (39 FR 38883, November 21, 1974) (Notice 6). Notice 6 established interim stopping distance requirements for standard highway vehicles until September 1, 1975, or September 1, 1976.

The National Highway Traffic Safety Administration (NHTSA) established the final form of Standard No. 121 for purposes of Judicial review in November 1974 (39 FR 38883, November 21, 1974) (Notice 6). Notice 6 established interim stopping distance requirements for standard highway vehicles, and retardation force requirements for some on/off highway vehicles. Petitions for reconsideration of the decision were received from White Motor Corporation, Special Equipment, Inc., Mack Trucks, Inc., and Mack Trucks Canada, Inc., and from International Harvester, PACCAR Corporation, Diamond Reo, and Breeze Corporation, General Motors effectively requested reconsideration in its response to Notice 6 (40 FR 40168, November 14, 1974) (Notice 7) by supporting reduced trailer requirements only with corresponding reduction of truck stopping distance requirements. General Motors, in its response to Notice 7, indicated that similar 121 vehicles can register as much as a 20-percent difference in stopping distances as a result of uncontrolled variability in brake component performance. International Harvester, which until recently had supported 5-percent longer stopping distances on an interim basis, new points to certain variables, including brake lining wear, varying longer distances on a permanent basis. Diamond Reo reported the same experience in its comments to Notice 2 of Docket No. 74–10. PACCAR requests that § 76.3 (stopping distance) be “temporarily repealed” and that longer stopping distances be considered for the future. The NHTSA concludes that PACCAR’s request is essentially a petition for rulemaking to increase the stopping distances on a permanent basis. These positions which can arise whenever a standard is first implemented: (1) that production variables are so great that inordinate compliance margins are required and (2) that the brake performance necessary to achieve these compliance margins are so aggressive that the handling qualities and durability of affected vehicles are significantly degraded. The NHTSA, of course, is interested in receiving on a continuing basis any new technical information (particularly test data on production vehicles) that bears on these important safety issues. Based on the 1976 time submitted to date, however, NHTSA is not prepared to grant the outstanding petitions at this time.

PACCAR also requested that the stopping distance requirements be delayed until the performance of antilock systems and certain test procedures, conditions, and the control trailer device are specified in areas considered deficient by PACCAR. While these issues might appropriately be considered for future rulemaking, the NHTSA does not agree that change of these important elements of the standard should be delayed out of order presently publication of the standard. Accordingly, the PACCAR request in these areas is denied.

The second area of the standard in which PACCAR requested reconsideration is limited relaxation of requirements for vehicles with front steerable drive axles (§5.3.1.2). Based on unavailability of this axle design, vehicles manufactured before September 1, 1976, with a front steerable drive axle of any size may meet retardation force requirements in place of stopping distance requirements. Because of unavailability of the lighter 3-axle steer and drive axles for a greater period, vehicles manufactured before September 1, 1976, with a front steerable drive axle with a gross axle weight rating of 18,000 pounds may meet retardation force requirements in place of stopping distance requirements.

Diamond Reo, International Harvester, and Mack Trucks, Inc., now request that the heavier axles also be permitted relaxed requirements until September 1, 1976. White Motor Company in its response to Notice 10 of Docket No. 74–10 requested the relaxed requirements until September 1, 1977. The NHTSA indicated in Notice 6 that this axle type is available and has been offered by Oshkosh Truck Company to the Oshkosh class vehicle with retardation force requirements. While Diamond Reo does not indicate it considered the Oshkosh axle, the other manufacturers indicate that redesign of the important trailer area to accept the Oshkosh axle would be unjustified because of cost. Oshkosh, on the other hand, has offered to provide, at cost, technical assistance in the installation of these heavier axles in pilot test vehicles, and consultation and review of test data obtained from truck manufacturer-conducted tests.

The NHTSA concludes, based on all information available, that the axle is not available at present and that sufficient leadtime has been made available for the location and testing of an axle of this type. The manufacturers who request further delay do not strongly argue the importance of this installation; it is technologically feasible or otherwise impracticable. Although they cite adverse economic consequences for the limited numbers of vehicles they produce this is not a sufficient argument. The NHTSA does not consider the major economic consequences for the Oshkosh Company, who state that 72 percent of their vehicle production would be adversely affected by any further delay. The petitions of White, International Harvester, Diamond Reo, and Mack are accordingly denied.

Due to unavailability until September 1, 1976, for steerable non-driving axles with a GAWR in excess of 16,000 pounds are permitted the same relaxed requirements as the driving axles just discussed. White Motor Corporation, in its comments to Notice 6 (40 FR 1246, January 7, 1975), requested that the relaxed requirements be extended to September 1, 1977, because of the long leadtime associated with manufacture of these vehicles. The NHTSA indicates in Notice 6 the availability of these axles to ensure their readiness for September 1, 1976, and will consider a later effective date for them if they are not available as presently scheduled. At this time, however, it appears that the axles will be ready sufficiently in advance of September 1, 1976, to permit satisfaction of the full requirements on that date. Accordingly White’s petition is denied.

As earlier noted, both the vehicles equipped with certain driving or non-driving front steerable axles are permitted to meet retardation force requirements in place of distance requirements for an interim period. A reduction of these retardation force requirements was the subject of a proposal in Notice 7, 40 FR 1246, January 7, 1975. It was concluded that no argument had been made for a temporary reduction of retardation forces on the front axle of heavy trucks, most of which are integral trucks which experience high levels of dynamic load shift during braking. Comments by PACCAR to Notice 6, however, emphasized that retardation force requirements at the rear axle could be reduced because the load shift off the rear axle effectively results in over-torque of that axle.

The NHTSA’s intent in substituting retardation force requirements for stopping distance is to ensure the best braking that is presently available, and it appears that rear brake retardation requirements can, in some cases, inhibit the tailoring of brake systems on different vehicles to achieve this goal. The most satisfactory means to reduce rear axle requirements while maintaining front axle requirements is to eliminate requirements for the vehicle as a whole, to permit the manufacturer latitude in selecting retardation force requirements.
at the rear axle. The present requirements for front axle retardation forces remain in the standard, and by this notice, the NHTSA deletes the requirement for retardation force values for the vehicle as a whole.

PACCAR requested complete withdrawal of brake actuation requirements, as well as the brake power and fade requirements as they affect all trucks. The NHTSA, of course, considers these characteristics of a brake system fundamental, and does not agree that the requirements are impracticable or should be withdrawn. PACCAR's request is therefore denied.

With regard to the vehicles that may meet retardation force requirements in place of stopping distance, International Harvester requested confirmation that S6.3.1.2 is an option that the manufacturer may choose to ignore in the loaded or unloaded condition if the vehicle in question meets the stopping distance requirements in that condition. This agency stated in the preamble to Notice 6 that "the NHTSA considers it crucial to maintain complete directional stability in a panic stop, loaded or unloaded, if the vehicle is unable to meet the stopping distance requirements in that condition." International Harvester's understanding of this language is correct.

PACCAR requested deletion of brake actuation requirements as redundant in view of stopping distance requirements. The NHTSA has considered elimination of the requirements as a possibility, and concluded at that time that the requirement should be maintained (37 FR 3905, February 24, 1972). At this time the actuation requirements ensure fast braking on the vehicle's brakes as required by S6.1.8.1 which needs not meet stopping distance requirements. The NHTSA will consider this PACCAR request for future rulemaking but does not act on the petition for amendment at this time.

Finally, PACCAR requested specification of antilock performance characteristics. The standard does not require antilock systems, and the NHTSA has concluded that specification for antilocks is beyond the scope of this rulemaking. PACCAR's request is accordingly denied.

In areas unrelated to the petitions for reconsideration, the NHTSA corrects an error in S6.1.8.1 and adds a clarifying word to S6.7.1.3, without in any way changing the requirements of those paragraphs.

In consideration of the foregoing, Standard No. 121 (49 CFR 571.121) is amended as follows:

§ 571.106—121 [Amended]
1. S6.3.1.2 is amended to read:
S6.3.1.2 When stopped in accordance with S6.3.1, with its brakes fully applied, a truck manufactured before September 1, 1976, that has a front steerable non-driving axle with a GAWR of 18,000 pounds or more, and a front steerable drive axle with a GAWR of less than 16,000 pounds, and a truck manufactured before September 1, 1979, that has a front steerable drive axle of any GAWR, need not meet the requirement that it stop in the distance specified in Table II for stops on a surface with a skid number of 75 if the brakes on its front axle conform to the retardation force formula and Column 1 values of S5.4.1. These vehicles must nevertheless meet the requirements of staying within the 12-foot lane and those relating to wheel lock-up.

2. In S6.7.1.2, the word "quotient" is added following the phrase "static retardation force".

3. In the first sentence of S6.1.8.1, the word "not" is deleted. Effective date. March 21, 1975.

Because of Standard No. 121's March 1, 1975, effective date and because this order relieves a restriction, it is found for this case shown that an effective date sooner than 30 days from the date of publication of the order is in the public interest.


Issued on March 14, 1975.

JAMES B. GREGORY,
Administrator.

(Ph Doc.75-7346 Filed 3-18-75;9:29 am)

Title 7—Agriculture

§ 2.21 Section 2.21 is amended by revising paragraphs (d) (11) (12), (19), and (21) to read as follows:

S 2.21 Delegations of Authority to the Assistant Secretary for International Affairs and Commodity Programs.

(a) Delegations.


(12) Administrator operations for barter programs, under which agricultural commodities are exported, under sections 4 (h) and 5(f) of the CCC Charter Act (15 U.S.C. 714b (h) and 714c (f)) and section 303 of Pub. L. 489 (7 U.S.C. 1692).

(19) Administrator operations for sales programs for export of CCC-owned agricultural commodities, except for tobacco, peanuts, tung oil, and gum naval stores.

(21) Administrator operations for export payment programs (other than those under section 32, Pub. L. 320, 74th Congress (7 U.S.C. 612c)), and other programs as assigned to encourage or cause the export of U.S. agricultural commodities.

Subpart D—Delegations of Authority to Other General Offices and Agency Heads

2. A new § 2.37 is added to read as follows:

§ 2.37 Delegations of Authority to the Sales Manager.

The following delegations of authority are made by the Secretary of Agriculture to the Sales Manager:

(a) Formulate policies for programs under section 5(f) of the CCC Charter Act (15 U.S.C. 714c(f)) and section 4, Pub. L. 89-808 (7 U.S.C. 1707a) to finance commercial export credit sales of agricultural commodities by U.S. exporters.

(b) Formulate policies for barter programs, under which agricultural commodities are exported, under sections 4 (h) and 5(f) of the CCC Charter Act (15 U.S.C. 714b (h) and 714c (f)) and section 303 of Pub. L. 489, 83rd Congress (7 U.S.C. 1692).

(c) Formulate policies for sales programs for export of CCC-owned agricultural commodities, except for tobacco, peanuts, tung oil, and gum naval stores.

(d) Formulate policies for export payment programs (other than those under section 32, Pub. L. 320, 74th Congress (7 U.S.C. 612c)), and other programs as assigned to encourage or cause the export of U.S. agricultural commodities.

Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs

3. Section 2.68 is amended by revising paragraphs (a) (11), (12), (19), and (21) to read as follows:

§ 2.68 Administrator, Foreign Agricultural Service.

(a) Delegations.

(11) Administrator operations for programs under section 5(f) of the CCC Charter Act (15 U.S.C. 714c (f)) and section 4, Pub. L. 89-808 (7 U.S.C. 1707a) to
finance commercial export credit sales of agricultural commodities by U.S. exporters.

(1A) Administer operations for barter programs, under which agricultural commodities are exported, under sections 4(h) and 5(f) of the CCC Charter Act (7 U.S.C. 614(b) and 714(c)) and section 303 of Pub. L. 480 (7 U.S.C. 1692).

(19) Administer operations for sales programs for export of CCC-owned agricultural commodities, except for tobacco, peanuts, tung oil, and gum naval stores.

(21) Administer operations for export payment programs (other than those under section 22, Pub. L. 330, 74th Congress (7 U.S.C. 612c), and other programs as assigned to encourage or cause the export of U.S. agricultural commodities.

These amendments shall become effective March 6, 1975.

Dated: March 18, 1975.

For Subparts C and D.

EARL L. BUTZ,
Secretary of Agriculture.


For Subpart H.

CLAYTON K. YEUTTER,
Assistant Secretary for International Affairs and Commodity Programs.

[FR Doc.75-7462 Filed 3-20-75; 8:45 am]

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

[Lemon Regulation 684]

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 March 23-29, 1975. 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.

§ 910.984 Lemon Regulation 684.

(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 agreement.

(2) The need for this regulation 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 and information are based upon consideration of the factors enumerated in the order. The committee further reports the demand for lemons is fairly active. Average f.o.b. price was $5.68 per carton the week ended March 15, 1975, compared to $5.04 per carton the previous week. Track and rolling supplies at 155 cars were up 25 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 the amount set forth.

(iii) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the Federal Register (5 U.S.C. 553) because the time intervening between the date when information concerning limitation of handling becomes available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time should be fixed for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth.

(iv) The committee held an open meeting for the purpose of 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 regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information furnished to the Department is based upon consideration of the factors enumerated in the order, and good cause exists for making the provisions hereof effective as hereinafter set forth.

(b) Order. (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 23, 1975, through March 29, 1975, is hereby fixed at 255,000 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.

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

Dated: March 19, 1975.

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

[FR Doc.75-7462 Filed 3-20-75; 12:55 pm]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1975 Crop Loan and Purchase Program]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1975 Crop Barley Loan and Purchase Program

On July 17, 1974, notice of proposed rulemaking regarding loan and purchase rates for 1975 crop barley and operating provisions to carry out the 1975 crop barley loan and purchase program was published in the Federal Register (39 FR 26159).

Six responses were received from interested individual producers, a farm organization, and other interested parties. These responses included requests ranging from an increase in price support to the elimination of the price support program. Recommendation was also received to change the loan maturity date to the anniversary date of the loan.

After consideration of all responses, it has been determined that loan and purchase rates for 1975 crop barley on a national average will remain the same as in 1974. Support rates at the county level reflect adjustments necessary to reflect changes in rail freight rate structure and historical prices received by farmers by State and districts. Loans will no longer be paid at different rates for the current and the previous year crop, but will have identical maturity dates but will mature 12 months from the first day of the month in which the loan is made. Other operating provisions for the 1975 crop remain the same as those for the 1974 crop.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 FR 7263 and 7781, and any amendments thereto, and the 1970 and Subsequent Crops Barley Loan and Purchase Program Regulations, published at 33 FR 11166 and 11192, and any amendments to such regulations are further supplemented for the 1975 crop of barley. The material previously appearing in these §§ 1421.72 through 1421.75 shall remain in full force and effect as to the crops to which it is applicable.
## RULES AND REGULATIONS

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**Sec. 1421.72 Purpose.**

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1975 and Subsequent Crops, the 1976 and Subsequent Crops Barley Loan and Purchase Program Regulations, and any amendments thereto, apply to loans on and purchases of the 1976 crop of barley.

**Sec. 1421.73 Availability.**

(a) Loans. A producer desiring to participate in the program through loans must request a loan on his 1975 crop of eligible barley on or before March 31, 1975.

(b) Purchases. Producers desiring to offer eligible 1975 crop barley not under loan for purchase must execute and deliver to the county ASCS office on or before February 28, 1976, a purchase agreement (Form CCC-614) indicating the approximate quantity of 1975 crop barley they will sell to CCC.

**Sec. 1421.74 Maturity of loans.**

Loans mature on the last day of the eleventh calendar month following the month in which the loan is disbursed or upon such earlier date as CCC may make demand for payment.

**Sec. 1421.75 Loan and purchase rates.**

(a) Basic loan rates (counties). Basic county rates (marketing area for Alaska) for loan and settlement purposes for barley (except mixed barley) grading U.S. No. 2 or better are established as follows:

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<thead>
<tr>
<th>County</th>
<th>Rate per bushel</th>
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<tbody>
<tr>
<td>All counties</td>
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(b) County bushel. County bushel. County bushel. County bushel. County bushel.

(c) County bushel. County bushel. County bushel. County bushel. County bushel.
### Montana—Continued

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<tr>
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### South Carolina

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### South Dakota

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<tr>
<td>All counties</td>
<td>$0.92</td>
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**Notes:** Discounts are cumulative except only one grade discount shall be applied. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley of the subclass Malting Barley to have a lower numerical grade than if the barley were the purpose of applying discounts, factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date.
granted under a different subclass shall be disregarded.

Effective date: March 21, 1975.

Signed at Washington, D.C., on March 17, 1975.

GLEN K. WEDEKIN
Acting Executive Vice President
Commodity Credit Corporation

[FR Doc. 75-746 Filed 3-29-75; 8:45 am]

[CCC Grain Price Support Reg. 1975 Crop Oats Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1975 Crop Oats Loan and Purchase Program

On July 17, 1974, notice of proposed rulemaking regarding loan and purchase rates for 1975 crop oats and operating procedures to carry out the 1975 crop oats loan and purchase program was published in the Federal Register (39 FR 26159).

Six responses were received from interested individual producers, a farm organization, and other interested parties. These responses included requests ranging from an increase in price support to the elimination of the price support program. Recommendation was also received to change the loan maturity date to the anniversary date of the loan.

After consideration of all responses, it has been determined that loan and purchase rates for 1975 crop oats on a national average will remain the same as in 1974. Support rates at the county level reflect adjustments necessary to reflect changes in rail freight rate structure and historical prices received by farmers by State and districts. Loans will no longer have identical maturity dates but will mature 12 months from the month in which the loan is made. Other operating provisions for the 1975 crop remain the same as those for the 1976 crop.

The General Regulations Governing Price Support for 1975 and Subsequent Crops, published at 35 FR 7363 and 7781 and any amendments thereto and the 1970 and Subsequent Crops Oats Loan and Purchase Regulations, published at 35 FR 8834 and any amendments to such regulations are further supplemented for the 1976 crop of oats. The material previously appearing in these §§ 1421.270 through 1421.274 shall remain in full force and effect as to the crops to which it is applicable.

Sec. 1421.270 Purpose.
1421.271 Availability.
1421.272 Maturity of loan.
1421.273 Loan and purchase rates.


§ 1421.270 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations

Governing Price Support for the 1970 and Subsequent Crops, the 1970 and Subsequent Crops Oats Loan and Purchase Program Regulations, and any amendments thereto, apply to loans on and purchases of the 1975 crop of oats.

§ 1421.271 Availability.

(a) Loans. A producer desiring to participate in the program through loans must request a loan on his 1975 crop of eligible oats on or before March 31, 1975.

(b) Purchases. Producers desiring to offer eligible 1975 crop oats not under loan for purchase must execute and deliver to the county ASCS office on or before February 28, 1975, a purchase agreement (Form CCC-014) indicating the approximate quantity of 1975 crop oats they will sell to CCC.

§ 1421.272 Maturity of loans.

Loans mature on the last day of the eleventh calendar month following the month in which the loan is disbursed or upon such earlier date as CCC may make demand for payment.

§ 1421.273 Loan and purchase rates.

(a) Basic loan and purchase rates. County loan and purchase rates for oats and the schedule of premiums and discounts are shown below. The term "county" as used in this subpart with reference to the counties of Alaska shall mean "marketing area". Marketing areas in Alaska shall be the areas established under the State small grain incentive program. Farm-stored loans will be made at the basic rate for the county where the oats are stored, adjusted only for the weed control discount where applicable.

The loan and purchase rate for warehouse-stored oats loans shall be the basic rate for the county where the oats are stored, adjusted by the premiums and discounts shown in this section. Notwithstanding § 1421.23(e) settlement for oats delivered from other than approved warehouses storage shall be based on (1) the basic rate for the county in which the producer's customary delivery point is located, and (2) on the quality and quantity delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose. The basic rate applies to oats grading U.S. No. 3, having moisture not in excess of 14 percent.

(b) Producers desiring to par¬
### Indiana—Continued

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<th>County</th>
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### Kentucky

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### Minnesota

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**RULES AND REGULATIONS**

**FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975**
### MISSOURI

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### MONTANA

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### NEBRASKA

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### SOUTH DAKOTA

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### TEXAS

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**FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975**
### Washington

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<td>(b) Premiums and discounts:</td>
<td></td>
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</table>

#### Premiums:

| Grade U.S. No. 1 | 2 |
| Grade U.S. No. 2 | 1 |
| Test weight:     |   |
| Heavy            | 1 |
| Extra heavy      | 2 |

Premiums shall not be applicable to "badly stained or materially weathered" oats.

#### Discounts:

| Grade U.S. No. 4 on the factor of test weight only but otherwise U.S. No. 3 or better | 3 |
| Grade U.S. No. 4 because of being "badly stained or materially weathered" | 7 |
| Garlicky | 3 |
| Weed control discount (where required by §1421.25) | 10 |

### Wyoming

<table>
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(b) Premiums and discounts.
DEPARTMENT OF THE INTERIOR 
National Park Service 
[36 CFR Part 7] 
YOSEMITE NATIONAL PARK, CALIF. 

Camping Requirements 


The purpose of this amendment is to introduce a new regulation for Yosemite National Park. The result should be better safeguarding of foods from wildlife in the park's campgrounds, particularly from the American black bear. 

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections on this proposal to the Superintendent, Yosemite National Park, P.O. Box 577, Yosemite National Park, Calif. 95389, on or before April 21, 1975. Paragraph (d) of §7.16 is amended with the addition of subparagraph (3) as follows: 

§7.16 Yosemite National Park. 

(3) All food or similar organic material, must be kept completely sealed in a vehicle or camping unit that is constructed of solid, nonpliable material, or must be suspended at least 10 feet above the ground and 4 feet horizontally from any post or tree trunk. This restriction does not apply to food that is being eaten or is being prepared for eating. 

LESLIE P. ARBEBBERG, 
Superintendent, 
Yosemite National Park. 
[FR Doc.78-7424 Filed 3-30-75; 8:45 am] 

DEPARTMENT OF AGRICULTURE 

Food and Nutrition Service 
[7 CFR Parts 271, 275 ] 
[Amnd. No. 87] 

FOOD STAMP PROGRAM 

Proposed Rulemaking 

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703; as amended; 7 U.S.C. 2028), notice is hereby given that the Food and Nutrition Service, Department of Agriculture intends to revise its regulations governing the operation of the Food Stamp Program for the purpose of implementing the reporting requirements of Pub. L. 93-347 which amended section 15(b) of the Food Stamp Act to read as follows: 

(b) The Secretary is authorized to pay to each State agency an amount equal to 50 percentum of all administrative costs, including, but not limited to, the cost of (1) the acceptance, storage, and protection of coupons after their delivery to receiving points within the States; (2) the issuance of such coupons to eligible households; (3) the outreach and fair hearing requirements of section 10 of this Act; and (4) the control and accounting of coupons. Provided, That each State shall, from time to time at the request of the Secretary, report to the Secretary on the effectiveness of its administration of the program and no such payment shall be made to any State unless the Secretary is satisfied pursuant to regulations which he shall issue that an adequate number of qualified personnel are employed by the State in the program to administer the program efficiently and effectively. 

Regulations implementing 50 percent payment of States' administrative costs were published in the Federal Register on December 17, 1974; 39 FR 43622. The legislative history of Pub. L. 93-347 indicates that the States report on the effectiveness of their administration of the Food Stamp Program was added to assure that the States employ an adequate staff to handle the program and to strengthen the administration of the program. Achievement of this second purpose was considered to be particularly important because of the amount of Federal money provided to the States through the Food Stamp Program. Because of this legislative history the "adequate number of qualified personnel" language in Pub. L. 93-347 is not to be narrowly interpreted. The number of personnel required is directly related to other program requirements and should not provide an absolute measurement which would guarantee payment to a State where serious deficiencies other than number of qualified employees imperil prudent administration. 

Therefore, in order to implement the intent of Congress in amending the Food Stamp Act and to permit the Secretary to make the required determination of the efficiency and effectiveness of each State's administration of the program in an appropriate manner, this section establishes requirements for the reporting of uniform data on the entire administration of the program as well as the conditions for continued funding by FNS. 

State agencies will be required to conduct the quality control review procedures in accordance with FNS instructions and, in addition, to perform annual reviews of State level program management and operations and of project level operations. Such reviews will include corrective action plans for resolving deficiencies noted during the reviews and status reports on pending corrective action plans. Because control is a vital part of this system the regulatory language has been moved from an earlier section of the regulations to this section. 

The period of the States' need for a reasonable period of time in which to secure the funds and staff necessary to assume their responsibilities under Section 275.10, FNS will assist State agencies in the data collection responsibilities from July 1, 1975 until January 1, 1976. FNS will submit to each State agency by July 1, 1975, a profile summarizing program deficiencies which will be developed from information available to FNS. Within 120 days of receipt of the profile, the State agency must submit a corrective action plan covering the findings contained in the profile and the quality control findings for the period January-June 1975. During the period July 1 to December 31, 1975, FNS will develop and test procedures for reviewing State and project area level management and operations. The results of such reviews will be transmitted to the State agency on or before March 1, 1976. This information and the quality control findings for the period July-December 1975 will provide the basis for the second corrective action plan which will be due May 1, 1976. Beginning January 1, 1976, the State agency will assume total responsibility for data gathering and reporting. 

Pub. L. 93-347 provides that payment shall be made to a State for the Federal share of its administrative costs to the extent that it is administering the program efficiently and effectively. Accordingly, FNS will take action to suspend all or a portion of the State agency's letter of credit if the State fails to submit the reports required by the system.
§ 275.10 Monitoring and Reporting Program Performance.

(a) Purpose. Under the Food Stamp Act, the State agency is responsible for the effective administration of the program and for reporting on such administration to the Department. The Food Stamp Act assigns the Department the responsibility for ensuring that the State's administration is effective and efficient prior to continuing the payment of funds for costs incurred in the administration of the program. Effective and efficient administration of the program means administration by the State agency of its program responsibilities in a manner which substantially satisfies all conditions which will allow subchapter FNS Instructions and the State Agency's Plan of Operation. To enable the accomplishment of these mandates, this section: (1) Requires that each State agency have a system, for monitoring and improving its administration of the program, (2) establishes requirements for reports which FNS will use in determining the extent of compliance with the standards for proper administration established in this subchapter and in FNS instructions in order to continue Federal payments for administrative costs, and (3) sets forth conditions which FNS will suspend or cancel such payments.

(b) Definitions. "Annual" means the 12-month period from January 1 through December 31.

"Biennial" means the 24-month period from January 1 of an even-numbered year through December 31 of the following year.

"Project area" means the political subdivision within a State which has been approved for participation in the program by the Department. However, for the review and reporting purposes of this section, the State agency may create a different administrative unit as its project area.

"Semi-annual" means the six-month period either from January 1 through June 30 or from July 1 through December 31.

(c) The State agency shall provide for a continuing system of data collection, analysis, quality control, operations, policy and procedures, timeliness and accuracy of reports, outreach efforts, staff training and utilization, coordination of outreach efforts, overall program evaluation, quality control, corrective action planning, staff training and utilization, coordination of outreach efforts, overall program supervision, fair hearing procedures, coupon management and security, fiscal controls, and service to recipients. Such information shall at a minimum be collected on an annual basis. (2) Data analysis and evaluation which will result in: (i) A comprehensive review of information collected in paragraph (c)(1) of this section; (ii) A review of results of past corrective action; (iii) An identification of problems; and (iv) A determination of probable causal factors.

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paragraph (c) of this section, will be responsible for insuring both the preparation of the corrective action plan and its approval by the head of the State agency.

(ii) Timing. (A) Project area corrective action plans shall be prepared no later than 60 days following the completion data collection responsibilities. Such plans shall be prepared no later than 120 days after the end of the semi-annual period. Such plans shall be based on the quality control findings, State management and operations, information, and pertinent information gathered during project area reviews.

(C) Corrective action implementation and monitoring. The State agency Coordinator shall ensure the effectiveness and timely completion of corrective actions through monitoring the completion of corrective action plans and assessing the results.

(d) Responsibilities for reporting on program performance. States shall report to FNS on their administration of the program through the following reports:

(1) Personnel. Such report shall be submitted on July 1 of each year and shall contain the following information on equivalent full-time food stamp positions as of May 15 of the same year: (i) number of nonassistance certification workers, (ii) number of first line nonassistance certification supervisors, (iii) number of quality control supervisors, (iv) number of first line quality control supervisors, (v) number of second line quality control supervisors, (vi) number of quality control statisticians, (vii) number of fair hearing officials, (viii) number of State employed outreach workers and/or the cost of contracted outreach workers, (ix) number of State employed issuance workers and/or the cost of contracted issuance workers, (x) number of support workers, and (xi) number of unpaid workers.

(2) Quality control reports as specified in paragraph (d)(ii) of this section.

(3) Timetable for performance of reviews required under paragraph (c)(1) and (ii) and (iii) of this section. The timetable shall cover two years of review activity and shall be submitted to FNS for approval 60 days prior to each biennial period. Any adjustments to the timetable must have prior FNS approval.

(4) Project area corrective action plans and review findings for project areas with monthly bonus of less than $500,000 or more shall be submitted to FNS within 60 days following the completion of the review.

(5) Semi-annual Performance Report. Such report shall be due no later than 120 days following the end of the semi-annual period and shall consist of the following:

(i) Project area corrective action plans and review findings for project areas with monthly bonus of less than $500,000. Such corrective action plans shall be developed in accordance with paragraph (c)(2) of this section, and shall reflect all progress made toward completion at the time of submission.

(ii) Corrective action plan based on the quality control findings and operations, if such review was conducted during the semi-annual period. The results of such review shall also be included.

(iii) Corrective Action Status Report. Such report shall incorporate all the corrective action plans, and Corrective Action Status Report.

(iv) Review of State management and operations, if such review was conducted during the semi-annual period. The results of such review shall also be included.

(v) FNS determination of effectiveness and efficiency of State operations. FNS shall make a determination on the efficiency and effectiveness of State operations of the State's management and operations review system, and the project area management and operations review system.

(vi) Project area management and operations review system.

(vii) Semi-annual Performance Report.

(viii) Timetable for performance of reviews.

(ix) Project area corrective action plans and review findings for project areas with a bonus of $500,000 or more. The results of such review shall also be included.

(x) Project area corrective action plans and review findings for project areas with a bonus of $500,000 or more. The results of such review shall also be included.

(xi) Performance Improvement Plans.

(xii) Project area corrective action plans and review findings for project areas with a bonus of $500,000 or more. The results of such review shall also be included.

(xiii) Project area corrective action plans and review findings for project areas with a bonus of $500,000 or more. The results of such review shall also be included.

(xiv) Project area corrective action plans and review findings for project areas with a bonus of $500,000 or more. The results of such review shall also be included.

(xv) Project area corrective action plans and review findings for project areas with a bonus of $500,000 or more. The results of such review shall also be included.

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(xvii) Project area corrective action plans and review findings for project areas with a bonus of $500,000 or more. The results of such review shall also be included.

(xviii) Project area corrective action plans and review findings for project areas with a bonus of $500,000 or more. The results of such review shall also be included.

(xix) Project area corrective action plans and review findings for project areas with a bonus of $500,000 or more. The results of such review shall also be included.

(xx) Project area corrective action plans and review findings for project areas with a bonus of $500,000 or more. The results of such review shall also be included.

(2) Phase two final implementation. Beginning January 1, 1976, the State agency will assume total responsibility for data gathering and reporting. Prior to the actual commencement of the reporting period, the State agency shall submit on November 1, 1975 a timetable for performance of reviews as specified in paragraph (c)(3) of this section. If FNS has given the State agency approval to delay implementation, the State agency shall submit a schedule which will ensure assumption of its responsibilities by July 1, 1976.

178 Stat. 703 as amended; (7 U.S.C. 2011-2028)}
The Commissioner proposes to revise the regulations to close the transition period. The change will delete the provision allowing use of nonimpact-resistant lenses manufactured before January 31, 1972 and will provide that lenses manufactured before sale in eyeglasses and sunglasses be impact-resistant, except when a physician or optometrist finds that these lenses will not fulfill visual requirements. An importer for resale is regarded as a manufacturer.

Because of the time allowed for the transition period, the Commissioner proposes that the revised regulation be effective 30 days after date of publication of the final rule in the Federal Register. He anticipates that this action will not have a significant effect on the environment and, therefore, an environmental impact statement, pursuant to section 102(2)(c) of the National Environmental Policy Act, will not be required.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(j), 701(a), 52 Stat. 1061, 1065; 21 U.S.C. 353(j), 271(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 3 be amended in §3.84 by revising paragraph (h) to read as follows:

**PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION**

Use of Impact-Resistant Lenses in Eyeglasses and Sunglasses

The Commissioner proposes to close the transition period allowed for the changeover from non-impact-resistant lenses to impact-resistant lenses. The proposed rule provides for development of adequate supply of impact-resistant lenses for use in eyeglasses and sunglasses, and to facilitate an orderly transition to these lenses, the Commissioner specified in a regulation (21 CFR 3.84) published in the Federal Register of February 2, 1972 (37 FR 2503) that the transition to impact-resistant lenses be completed as promptly as possible and that all lenses manufactured after January 31, 1972 must be impact-resistant, except when a physician or optometrist finds that these lenses will not fulfill the visual requirements of a particular patient.

In June 1972, the Food and Drug Administration prepared a publication, "Question and Answer Pamphlet No. 1 on Impact-Resistant Lenses" (FDA 72-4002, June 1972), to help interested persons understand the regulation on impact-resistant lenses and to deal with frequently asked questions concerning the regulation and transition period. The pamphlet is on display in the office of the Hearing Clerk, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

It was pointed out in the pamphlet that finished nonimpact-resistant lenses manufactured before January 31, 1972 could be sold after that date, although an effort should be made to render those lenses impact-resistant before sale, and that finished nonimpact-resistant lenses manufactured prior to that date would be permitted to be imported to facilitate the orderly changeover to impact-resistant lenses.

The Commissioner urged during the proposal stage of the regulation, as published in the Federal Register of November 6, 1970 (35 FR 17116), that the transition period start and be completed as promptly as possible. He now finds that a sufficient period of time has elapsed since January 31, 1972 to allow for a smooth and uninterrupted transition to the manufacture and import of impact-resistant lenses and concludes there is no longer any reason to permit use of nonimpact-resistant lenses, except in special cases.

**Ordinance Form**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

[14 CFR Part 39]

[Docket No. 1445] 12809

McDONNELL DOUGLAS MODEL DC-10 SERIES, LOCKHEED MODEL L-1011 SERIES, AND BOEING MODEL B-747 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering a Notice Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to McDonnell Douglas Model DC-10, Lockheed Model L-1011, and Boeing Model B-747 airplanes. There has been service experience that indicates that the rapid in-flight depressurization of any of these airplanes caused by a sudden large opening in a lower cargo compartment can result in the airplane becoming incapable of continued safe flight and landing. Since this condition is likely to exist or develop in other airplanes of the same type designs, the proposed airworthiness directive would require modifications that would significantly improve the capability of the airplane to perform a safe flight and landing following a sudden in-flight depressurization. It would be required that the modifications be approved by the Chief, Aircraft Engineering, FAA Western Region, 12809, Federal Aviation Administration, 5600 Fishers Lane, Rockville, MD 20852.}

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information, on the subject of the proposed rule that might result because of the adoption of the proposed rule is requested. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGR-24, 800 Independence Avenue, SW., Washington, D.C. 20591.

All comments received on or before May 22, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposed rule contained in this notice may be changed in the light of comments received. All comments will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An amendment to the existing airworthiness directive for the above airplanes under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 8(c) of the Department of Transportation Act (49 U.S.C. 1022) is proposed.

In consideration of the foregoing, it is proposed to amend §39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

**McDONNELL DOUGLAS, LOCKHEED, AND BOEING**

Applies to all McDonnell Douglas Model DC-10 Series, Lockheed Model L-1011 Series, and Boeing Model B-747 Series airplanes certificated in all categories.

Compliance is required on or before July 1, 1977, unless already accomplished.

To improve the capability of the passenger and cargo compartment. Instead of collapsing, an in-flight depressurization caused by the sudden opening of a large hole in a lower cargo compartment, comply with paragraphs (a) and (b):

(a) Incorporate the modification specified in paragraph (a)(1), taking into consideration the factors specified in paragraphs (a)(2) and (a)(3): (1) Provide additional venting capability or an increase in floor strength, or both, as necessary, to prevent floor collapse caused...
PROPOSED RULES

by the decompression effects resulting from a sudden large in-flight opening in any portion of any lower deck cargo compartment.

(2) The size of openings to be considered must include the maximum size opening expected in service, but the maximum size opening considered may not have an area of less than 20 square feet.

(3) Each compartment and ambient condition pressure differential expected in service must be considered.

(b) The modifications and determinations required under paragraph (a) of this AD must be approved by the Chief, Aircraft Engineering Division, FAA Western Region, for McDonnell Douglas Model DC-10 Series and Lockheed Model L-1011 Series airplanes; and by the Chief, Engineering and Manufacturing Branch, FAA Northwestern Region, for Boeing Model B-747 Series airplanes.


R. P. SKELLY, Director, Flight Standards Service.

[FR Doc. 75-7676 Filed 3-20-75; 12:00 am]

14 CFR PART 71

BOISE, IDAHO

Alteration of Control Zone

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Boise, Idaho Control Zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, King County International Airport, Seattle, Washington 98108.

A review of the airspace requirements at Boise, Idaho disclosed that additional Control Zone airspace would be created to provide controlled airspace for flights executing the Boise VORTAC Rwy 28L Approach.

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

In § 71.171 (40 FR 354) the description of the Boise, Idaho Control Zone is amended to read as follows:

Boise, Idaho

With a 5-mile radius of the Boise Air Terminal, (Latitude 43°30'56" N, Longitude 116°18'30"W); within 2 miles each side of the Boise VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Boise VORTAC 319° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC, and within 2 miles each side of the Boise VORTAC 114° radial, extending from the 5-mile radius area to 12 miles northwest of the VORTAC, and within 2 miles west and 5 miles east of the Boise VORTAC 128° radial extending from the 5-mile radius area to 7 miles south of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1346(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).


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

[FR Doc. 75-7676 Filed 3-20-75; 12:00 am]

14 CFR PART 71

HILLSBORO, OREGON

Alteration of Control Zone

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Hillsboro, Oregon, Control Zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures, and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

All communications received on or before April 21, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become 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, Northwest Region, Federal Aviation Administration, FAA Building, King County International Airport, Seattle, Washington 98108.

A review of the airspace requirements at Hillsboro, Oregon disclosed that additional Control Zone airspace would be created to provide controlled airspace for flights executing the Newberg VORTAC Rwy 24L Approach.

In § 71.171 (40 FR 354) the description of the Hillsboro, Oregon Control Zone is amended to read as follows:

Hillsboro, Oregon

Within a 5-mile radius of Portland-Hillsboro Airport (Longitude 45°26'43"N, Latitude 122°36'50"W), within 2 miles each side of the Newberg VORTAC 007° radial, extending from the 5-mile radius area to 9.5 miles south of the airport; and within 3.5 miles each side of the 338° bearing from the airport reference point, extending from the 5-mile radius area to 9.5 miles northeast of the airport; and within 3.5 miles each side of the 338° bearing from the airport reference point, extending from the 5-mile radius area to 12 miles northeast of the airport; and within 3.5 miles each side of the 338° bearing from the airport reference point, extending from the 5-mile radius area to 12 miles northeast of the airport. The control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airmen's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 as amended (49 U.S.C. 1346(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).


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

[FR Doc. 75-7676 Filed 3-20-75; 12:00 am]

14 CFR PART 71

JACKSON, MISSISSIPPI

Alteration of Transition Area

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Jackson, Miss., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures, and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

All communications received on or before April 21, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become 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, Northwest Region, Federal Aviation Administration, FAA Building, King County International Airport, Seattle, Washington 98108.

An ILS Rwy 12 Standard Instrument Approach Procedure for the Portland-Hillsboro Airport, Hillsboro, Oregon, has been established to be effective upon commissioning of the Instrument Landing System. The description of the Hillsboro Control Zone needs to be altered to provide additional controlled airspace to contain the new ILS procedure to Runway 12.

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

In § 71.171 (40 FR 354) the description of the Hillsboro, Oregon, Control Zone is amended to read as follows:

Boise, Idaho

With a 5-mile radius of the Boise Air Terminal, (Latitude 43°30'56" N, Longitude 116°18'30" W); within 2 miles each side of the Boise VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Boise VORTAC 319° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC, and within 2 miles each side of the Boise VORTAC 114° radial, extending from the 5-mile radius area to 12 miles north of the VORTAC, and within 2 miles west and 5 miles east of the Boise VORTAC 128° radial extending from the 5-mile radius area to 7 miles south of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1346(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).


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

[FR Doc. 75-7676 Filed 3-20-75; 12:00 am]

14 CFR PART 71

Airspace Docket No. 75-SO-26

JACKSON, MISSISSIPPI

Alteration of Transition Area

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Jackson, Miss., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division Branch, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 21, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become 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, Northwest Region, Federal Aviation Administration, FAA Building, King County International Airport, Seattle, Washington 98108.

An ILS Rwy 12 Standard Instrument Approach Procedure for the Portland-Hillsboro Airport, Hillsboro, Oregon, has been established to be effective upon commissioning of the Instrument Landing System. The description of the Hillsboro Control Zone needs to be altered to provide additional controlled airspace to contain the new ILS procedure to Runway 12.

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

In § 71.171 (40 FR 354) the description of the Hillsboro, Oregon, Control Zone is amended to read as follows:

Hillsboro, Oregon

Within a 5-mile radius of Portland-Hillsboro Airport (Latitude 45°26'43"N, Latitude 122°36'50"W), within 2 miles each side of the Newberg VORTAC 007° radial, extending from the 5-mile radius area to 9.5 miles south of the airport; and within 3.5 miles each side of the 338° bearing from the airport reference point, extending from the 5-mile radius area to 9.5 miles northeast of the airport; and within 3.5 miles each side of the 338° bearing from the airport reference point, extending from the 5-mile radius area to 12 miles northeast of the airport. The control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airmen's Information Manual.
PROPOSED RULES

notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received. The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Jackson transition area described in §71.181 (40 FR 441) would be amended as follows:

** * north of the runway end * * * would be deleted and ** * north of the runway end; within 3 miles each side of the Bruce RBN (Lat. 32°28'28" N, Long. 96°09'19" W), extending from the 55-mile radius area to 8.5 miles north of the RBN ** * would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for TFR aircraft executing the new NDB RWY 17 Instrument Approach Procedure to Bruce Campbell Field, utilizing the Bruce (private) Nondirectional Radio Beacon.

This amendment is proposed under the authority of section 337(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348a(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 12, 1975.

PHILLIP M. SWATEN,
Director, Southern Region.

[F.R. Doc. 75-7361 Filed 3-20-75; 8:45 am]

[4 CFR PART 71
[Airspace Docket No. 75-NW-01]
PORT ANGELES, WASHINGTON
Establish Control Zone

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would include the description of the Port Angeles, Washington, Control Zone. Interested persons may participate in the amendment process by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Federal Aviation Administration, FAA Building, King County International Airport, Seattle, Washington 98108. All communications received on or before April 21, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials are being made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

The control zone would accommodate the published instrument approach procedure for the William R. Fairchild International Airport, Port Angeles, Washington.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace action:

In §71.171 (40 FR 354), add the following description:

PORT ANGELES, WASHINGTON

Within a 5-mile radius of William R. Fairchild International Airport (latitude 48°07'10" N, longitude 123°29'44" W), excluding that airspace within a 1-mile radius of latitude 48°08'28" N, longitude 123°28'49" W.

This control zone is effective during specific dates and times established in advance by a Notice to Airmen. Effective time and date will thereafter be continuously published in the Airmen's Information Manual.

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


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

[F.R. Doc. 75-7360 Filed 3-20-75; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Ch. II]

CHILDREN'S SLEEPWEAR
Sizes 7 Through 14 (FF 5-74);
Affirmative Labeling

The purpose of this notice is to amend the Standard for the Flammability of Children's Sleepwear, sizes 7 through 14 (FF 5-74), as prescribed in the Consumer Product Safety Commission on May 1, 1974 (39 FR 15310), to make the standard more effective and consistent with the Commission's policy of requiring affirmative labeling for items subject to the Standard as to the remaining three issues addressed in that Notice.

The possible need to require affirmative labeling of items subject to the Standard was one of four issues the Commission invited public comment on the proposed amendment regarding affirmative labeling.

Comments. A total of eleven comments were received in response to the January 20, 1975 notice of possible need for amendment. Ten comments were generally in support of the Standard and the proposed affirmative labeling amendment as presented. One comment, from a consumer, objected to the Standard itself, and other comments objected to certain portions of the Standard.

1. Content of Label. Five of the comments addressed the content of the proposed affirmative labels. A retailer states that the label to be required for all items of sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975 should read "Flame-resistant, U.S. Standard FF 5-74" rather than "Flame-resistant, U.S. Standard FF 5-74" as proposed. The comment states that the words "flame resistant" would be consistent with descriptive wording used by retailers for over ten years and that to change the wording could cause confusion among consumers. This comment states that the term "flame resistant" more correctly describes the property of items of children's sleepwear which comply with the Standard, since the fabric does not readily ignite or propagate flame and cannot be ignited by a flame removed from a flame. The comment states that the term "flame resistant" may imply a more protective property than is the case under the Standard.

Another comment suggests that the labels should clearly indicate to parents that the garments which comply with the Standard are not fireproof, but that they afford a significant degree of protection.

One comment, from a member of the National Advisory Committee for the Flammable Fabrics Act, states that the wording "Flame-resistant, U.S. Standard FF 5-74" is ill-advised because the term "flame-resistant" is subjective and not yet adequately defined and that an opinion survey shows that the terms imply substantially more protection than the term "Flame-resistant." In addition the comment states the term could erroneously impart a sense of "protective clothing" or could invite experimentation by children. The comment also
PROPOSED RULES

states that the proposed terminology is in connection with a test method which has not been related to real life fire situations and would seem to require the type of labeling that led the Federal Trade Commission to take action against the cellular plastics industry. Thus the Commission believes that uses neither the term "flame resistant" nor the term "flame retardant."

Another comment concurs with the proposed label statement but suggests that research be performed to determine more universally meaningful language than "flame resistant."

Discussion. The Commission believes it is necessary to prescribe language for affirmative labeling to briefly describe the properties of items that comply with the standard so that consumers will understand the effect of the standard. Therefore, the Commission believes affirmative labels should contain some language as to the flammability of items complying with the Standard.

Although the Commission has not conducted surveys regarding consumer understanding of the terms "flame retardant" and "flame retardant", the Commission believes that the public can be informed of the purposes of flammability standards for children's sleepwear. The use of consistent flammability labeling should further this effort.

The Commission has learned that the Committee on Textiles of the American Society for Testing and Materials (ASTM) has been considering a set of uniform flammability definitions which specify use of the term "flame resistant" to describe material which does not readily ignite and propagate a flame. The term "flame retardant" would describe substances applied to fabric to make it "flame resistant". The Commission has learned that the proposed definitions have received a majority affirmative vote of that Committee, and are expected to be adopted. The Commission believes that it will help to eliminate confusion among consumers by adopting this generally accepted terminology regarding the flammability of textiles.

The Commission has no evidence that the use of the terminology will invite experimentation by children. The Commission believes that the Standard does prescribe a test method that relates to the major flammability hazard of children's sleepwear in sizes 7 through 14, and believes the term "flame resistant" can describe the properties of items complying with the Standard. Therefore the Commission issues this amendment to the Standard to require affirmative labeling that states "Flame-resistant U.S. Standard FF 3-71.

2. Permanency of the label. One comment from a consumer requests that the Commission require labeling "that remains on flammable products". One other comment from a retailer, expresses favor of the proposal to allow non-permanent hang tags or stickers to be used for labeling.

Discussion. The major purposes of requiring affirmative labeling are to allow consumers to distinguish compliance from non-compliance through use of the term of children's sleepwear at the point of sale, and to assist the Commission in its efforts to enforce compliance with the Standard. The Commission believes that it will be possible to make an informed choice between items which comply with the Standard and items which do not comply with the Standard if the prescribed statements are prominent, conspicuous, legible and readily visible to the ultimate consumer at the point of sale. Thus the Commission does not believe it is necessary to require that the affirmative labels be noncomplying items. The Commission recommends that 45 days be allowed between the date of publication of the final amendment and the mandatory compliance date for labeling.

Discussion. The Commission agrees that it should specify the exact wording of the label statement and therefore the amendment to the Standard prescribes the required wording to be used on labels.

The Commission explained in the January 20, 1975 notice of proposed amendment to the Standard (40 FR 3276) its intention that any final amendment as to labeling would be effective on May 1, 1975, the effective date of the Standard. In this notice of amendment below, the Commission finds for good cause that the amendment requiring affirmative labeling of items of children's sleepwear in sizes 7 through 14 should become effective on May 1, 1975.

The Commission believes that publication of this notice provides sufficient time for compliance with this amendment. Additionally, the Commission issued a press release announcing its decision to issue the amendment to become effective May 1, 1975 and describing the requirements of the amendment.

4. Miscellaneous. A number of comments addressed issues that are not the subject of this rule-making proceeding. One comment objects to the Standard itself as being unnecessary and causing additional expenses. Other comments objected to the Commission decision, published in the Federal Register of January 20, 1975 (40 FR 3276) to withdraw the May 1, 1974 notice of possible need for amendment of the Standard (39 FR 15210, May 1, 1974) states that this provision is included in the Standard because "that all items of children's sleepwear in sizes 7 through 14 are set forth in identical language in the Standard for sizes 0 through 6X. No reduction in the stringency of the Standard for sizes 7 through 14 that meets all the requirements of the Standard for the Flammability of Children's Sleepwear for sizes 0-6X (DOC FF 3-71) are in compliance with FF 3-71, the Standard for sizes 7-14. The preamble to the Standard for sizes 7 through 14 (39 FR 15210, May 1, 1974) states that this provision is included in the Standard because "that all items of children's sleepwear in sizes 7 through 14 are set forth in identical language in the Standard for sizes 7 through 14 should become effective on May 1, 1975.

5. Items in Compliance with DOC FF 3-71. Section .1(c) of the Standard provides that items of children's sleepwear in sizes 7 through 14 that meet all the requirements of the Standard for the Flammability of Children's Sleepwear for sizes 0-6X (DOC FF 3-71) are in compliance with FF 3-71, the Standard for sizes 7-14. The preamble to the Standard for sizes 7 through 14 stated that .1(c) of the Standard is included in the Standard because "that all items of children's sleepwear in sizes 7 through 14 are set forth in identical language in the Standard for sizes 0 through 6X. No reduction in the stringency of the Standard for sizes 7 through 14 that meets all the requirements of the Standard for the Flammability of Children's Sleepwear (DOC FF 3-17) are in compliance with this Standard.

Informal discussion with some members of industry indicates that they interpret section .1(c) of the Standard to mean that all items of children's sleepwear in sizes 7 through 14 that comply with DOC FF 3-71 need not meet the affirmative labeling requirement which is issued in this Notice. This interpretation is inaccurate. The amendment to the Standard requires that all items of children's sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975, through May 1, 1978, must be affirmatively labeled. This requirement is applicable if the item of
children's sleepwear in sizes 7 through 14 complies with the Standard by meeting the test criteria of DOC FF 9-71. In addition, the test criteria of FF 5-74, or if the item complies solely with FF 5-74.

In order to clarify any possible ambiguity as to the extent of the requirement for affirmative labeling in the amendment to the Standard, the Commission has included language in the amendment to indicate that all complying items of sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975, through May 1, 1978, must be affir-matively labeled with the prescribed statement. Although this clarifying language was not included in the January 26, 1975, notice of proposed amendment, it merely clarifies the Commission's intention as to the coverage of the affirmative labeling requirement.

The Consumer Product Safety Commission finds that the affirmative labeling amendment to the Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5-74) is:

1. Needed for children's sleepwear in sizes 7 through 14 to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage; and

2. Reasonable, technologically prac-ticable, and appropriate, and stated in object language and policy.

Limited to items of children's sleepwear in sizes 7 through 14 which currently present unreasonable risks of the occurrence of fire leading to death, personal injury, or significant property damage.

The affirmative labeling amendment to the Standard will become effective May 1, 1975, the effective date of the Standard. Thelabel must be prominent, conspicuous, legible and readily visible at all times to all ultimate consumers. The label statement may be attached to the item itself, on a hang tag attached to the item, or on a package enclosing the item. The label need not be affixed permanently.

Effective date. This amendment becomes effective on May 1, 1975.


Dated: March 18, 1975.

SADE E. DUNN,
Secretary,

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

IMPLEMENTATION PLANS

Iowa: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10642), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards. The State of Iowa submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 61.8. 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the states. Therefore, the Administrator proposes the approval of the compliance schedules listed below.

The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Iowa. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally-approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date. In all cases, the schedules include incremental steps to assure compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Under Iowa law, the compliance schedule is not enforceable after the date on which the associated variance expires and variances cannot extend for more than one year. Therefore, to the extent that the schedules extend past the variance expiration date, they are not legally enforceable at this time. For this reason, EPA's approval of each compliance schedule will be up to as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned on the State's renewal of the variance in a timely form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved therein. If the variance is renewed in this manner, the condition procedures will be satisfied and the approval of the next segment of the schedule would not require further action by the State or this Agency. If the variance is not renewed, or is modified from the variance submitted with the approval of the remainder of the schedule, the subject compliance schedule would not be effective, and the State's immediately-effective regulation would potentate until new variance approvals are received.

Provisional approval of final compliance dates and extensions of variances is justifiable only because of the one-year variance limitation in the Iowa law. Since there will be no substantive changes in the schedules set forth below and public hearings were held on the complete schedule, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Iowa renews each variance. The schedules were immediately effective on the date of adoption. An "Effective Date" is not indicated on the table. The "Variances Expiration Date" is included instead.

In the indication of proposed approval of individual compliance schedules, the individual schedules are included by reference only. In the event the large number of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office in Kansas City, Missouri. The compliance schedules and the State Implementation Plans are available for public inspection.
The proposed rulemaking is issued under authority of section 110(a) of the Clean Air Act, as amended, (42 U.S.C. 1857o-5).

Dated: March 6, 1975.

JESSE H. SWORE, Regional Administrator.

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

Subpart Q—Iowa

1. In § 52.825, the table in subparagraph (c) is amended as follows:

§ 52.825 Compliance Schedules.

(c)

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<td>June 30, 1975</td>
<td></td>
</tr>
</tbody>
</table>

Therefore, the Administrator proposes the approval and disapproval of the compliance schedules listed below.

The approvalable schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.1(d) and 51.7(d). The substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Kansas.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date."

The following schedules are amendments to previously proposed compliance schedules; Colt Industries, Kansas City; Klicka District Hospital, Klicka; Kansas State University Health Center, Manhattan; Medicine District Hospital, Minneapo.

Dated: March 16, 1975.

JESSE H. SWORE, Regional Administrator.

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

Subpart Q—Kansas

1. In § 52.826, the table in subparagraph (a) is amended by adding the following:

§ 52.826 Compliance Schedules.
2. In §52.876, the table in subparagraph (c) (2) is amended by adding the following:

§ 52.876 Compliance Schedules.

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<td>Reid Grain, headhouse</td>
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<td>Sherwin-Williams Chemicals, black ash kiln</td>
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</table>

[FR Doc. 75-7218 Filed 3-20-75: 8:45 am]
number of compliance schedules pre­clude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. These evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules proposed to be approved and the State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, Washington, D.C.; and the Missouri Department of Natural Resources, State Office Building, Jefferson City, Missouri.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII office at the above address. All comments submitted on or before April 21, 1975, will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

This proposed rulemaking is issued under authority of section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5.

Dated: March 6, 1975.

JEROME H. SVORE, Regional Administrator.

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

Subpart AA—Missouri
1. In §52.1335, the table in subparagraph (a) is amended by adding the following:

§52.1335 Compliance Schedules.

(a) ** * * * * * *

** Source Location Regulation involved Date adopted Effective date Final compliance date

Missouri

Gardner-Denver, Copula Pneumatics... Leavenworth... Sept. 30, 1971 Immediately Nov. 1, 1971
CPU International, wet com fed North Kansas City (U) rotary dryers. 0.00 0.00 Apr. 3, 1975

Missouri District Electric, coal-fired boilers.

1. In §52.1335, the table in subparagraph (a) is amended by adding the following:

§52.1335 Compliance Schedules.

(a) ** * * * * * *

** Source Location Regulation involved Date adopted Effective date Final compliance date

Missouri

Gardner-Denver, Copula Pneumatics... Leavenworth... Sept. 30, 1971 Immediately Nov. 1, 1971
CPU International, wet com fed North Kansas City (U) rotary dryers. 0.00 0.00 Apr. 3, 1975

Missouri District Electric, coal-fired boilers.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 21, 43 & 61 ]

DOMESTIC RADIO SERVICE

Further Notice of Inquiry and Proposed Rule Making

In the matter of establishment of policies and procedures for consideration of applications to provide specialized common carrier microwave service in the domestic public point-to-point microwave radio service and proposed amendments to Parts 21, 43 and 61 of the Commission's rules.

1. In this proceeding the Commission has promulgated rules and policy dealing with the establishment of competitive common carrier facilities for the provision of private line or specialized communication services (Issues A and B), the development of frequency conservation rules to prepare for the increased use of the radio spectrum (Issue C), and local distribution facilities and frequencies (Issue E). The only remaining issue as yet unresolved in this proceeding involves the quality and reliability of service (Issue D). In context with competition among carriers for specialized services, the question here is whether some measure of protection to the subscribers is called for in the area of quality and reliability of service.

2. In the Notice of Inquiry to Formulate Policy, Notice of Proposed Rule Making and Order (at paragraphs 62-65), 24 FCC 2d 318 (1970), the Commission tentatively decided against prescribing minimum standards of technical performance, but proposed to require of all carriers providing such services:

(1) That the applicant specify in standard terminology in his microwave application the proposed reliability of service to the customer, to the extent that the nature of the proposed service is known.

(2) That the carrier be required to specify in its tariff, and notify the customer of, the precise reliability factors applicable to the particular service;

(3) That the carrier make refunds on a reasonable proportionate basis where the service rendered fails to meet the specified reliability standards;

(4) That the carrier make periodic reports to the Commission concerning the actual reliability actually achieved, service complaints and refunds.

The Commission also requested comments on the development of standard statements of reliability quality factors for the various types of service, and on the content of the proposed quarterly reports (paragraph 65).

3. In response to that proposal there were no comments that addressed the matter in any depth, and at the time of the First Report and Order we noted that the issue had apparently been overshadowed by Issues A and B. While we subsequently indicated plans to establish an industry advisory committee to consider Issue D, 30 FCC 2d 888 (1971), no further action was taken due to the higher priorities given to the resolution of Issue E and the processing and consideration of some 2,500 applications for specialized common carrier microwave authorizations. However, now that many of these competing systems have been authorized and are in operation, the questions posed in Issue D have become more timely and in need of early resolution. Now that competitive systems are in actual operation, we should be provided with valuable experience and information, not only by carriers but by users and equipment suppliers as well. Upon receipt of the responses to these questions, the Common Carriers Bureau staff may hold open or more informal conferences to discuss various aspects of these matters with interested persons.

5. While the concept of an advertised level of quality and reliability would seem to be straightforward, we realize that developing specific rules and standards will be anything but simple. However, our goal is not to impose over-complicated requirements but to arrive at a reasonable policy designed to provide some indication to the potential customer of the performance that can be reasonably expected and thus to encourage fair competition among competing carriers.

6. Before proceeding to the questions it may be helpful to briefly discuss what is intended by the terms “quality” and “reliability.” It is easy from a conceptual point of view to make a distinction between the two. Quality can be perceived of as being some amount—absolute or relative—of noise and/or error free transmission of information over a communications system, whereas reliability may be thought of as the probability of a communications system performing its function here is whether some measure of protection to the subscribers is called for in the area of quality and reliability of service.

2. In the Notice of Inquiry to Formulate Policy, Notice of Proposed Rule Making and Order (at paragraphs 62-65), 24 FCC 2d 318 (1970), the Commission tentatively decided against prescribing minimum standards of technical performance, but proposed to require of all carriers providing such services:

(1) That the applicant specify in standard terminology in his microwave application the proposed reliability of service to the customer, to the extent that the nature of the proposed service is known.

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(3) That the carrier make refunds on a reasonable proportionate basis where the service rendered fails to meet the specified reliability standards;

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intended functions at the prescribed quality level. While these terms can be distinguished, they are closely interdependent. One cannot easily apply a quality standard if a system reliability standard has not been met. On the other hand, a system reliability standard becomes largely useless if the quality of service is extremely poor. Therefore, as a practical matter we propose to treat these terms more or less as one concept for the purpose of discussing system performance.

7. Responses to the following questions are solicited:
   (a) In what terms should quality and reliability be expressed, for analog and digital signals, signal-to-noise ratio, bit error rate, error free seconds, etc.? On what length of time should a quality or reliability measurement be based?
   (b) Assuming that the terms differ for analog and digital, should they be a function of the type of transmission facilities, the type of use, or both? (For example, if digital facilities are used for voice transmission as well as data, should the quality and reliability be expressed in the same terms appropriate for both voice and data?)
   (c) To what extent is it advisable or necessary that methods for determining quality and reliability on a system-wide basis? How difficult would it be to establish standards for calculation? What facilities are required, let alone desired? What standardized methods could be adopted?
   (d) Quality and reliability standards are established for a given system, what methods are available to the carrier to monitor the operation of the system to estimate its actual performance?
   (e) Practical would it be for a customer to determine what quality and reliability he is actually receiving on an end to end circuit? Are there any inexpensive devices available that can monitor performance on a circuit?
   (f) When two or more systems with different performance standards are interconnected, what is the effect on the end to end service rendered to the customer? What is the effect of interconnecting analog and digital facilities, of cable and radio?
   (g) What factors should be considered in determining system parameters that effect end to end performance on two or more interconnected systems? How should these factors be calculated and represented to the customer on such interconnected systems? Would the method of operating of such performance of such interconnected facilities be any more difficult than it would for an integrated system?
   (h) Where refunds for inferior service are appropriate, what should be the standard therefor in the case of voice transmission, data, or a combination of the two? Over what period of time should service be measured and refunds apply?
   (i) What efforts are currently being made by the industry to establish system standards of quality and reliability, to measure performance according to such standards, and to advise the customer of expected performance?

8. Authority for this inquiry and proposed rule making is contained in sections 6(d), 303 and 403 of the Communications Act of 1934, as amended. All interested persons are invited to file written comments, in support of or opposing the proposed rules on or before May 23, 1975.6

6 Due to the preliminary nature of this Notice and our desire to proceed promptly in this matter, we are not providing for reply comments in order to allow additional time for the preparation of more comprehensive comments. If any person believes that reply comments are important, they will be considered if they are filed within 16 days of the date for filing comments.

7 Fused as part of the original document.

PROPOSED RULES

12817

details production, revenue, royalty and non-associated gas reserve data for the United States and the various production areas.

The proposed form, FPC Form 64, is designed to provide information which will assist the Commission in the biennial review of the nationwide rate established in Opinion No. 699-H. The form will also aid the Commission in monitoring both gas producer expenditures, and revenue, leasing and drilling activity on an annual basis and it will also be of great value in determining future adjustments to flowing gas prices.

The starting point for any producer ratemaking determination made by this Commission is a consideration of the costs involved.7 The importance of this element of a just and reasonable rate and the components thereof is set forth in our latest determination of the nationwide rate.8 The form herein is specifically designed to provide the Commission with an independently verifiable source of information on producer expenditures, revenues, and leasing and drilling activity. All data, in conjunction with the material to be submitted on Forms 40 and 45, will permit the Commission, in its biennial review of the nationwide rate, to rely, primarily, on information submitted directly to us and auditable by us, rather than to be forced to rely upon published data, not open to close scrutiny.

The proposed form requires the submission of certain reserve data for the past ten years. The importance of this type of information to a determination of productivity, which is a vital component of the costing methodology employed in Opinion No. 699-H, was set forth in our order promulgating Form 40.9 The proposed form requires information for the past ten years, while Form 40 would include only the initial reporting year. The two forms could be the same for both forms, the proposed form will not increase the burden placed on respondents by Form 40, and the resultant information will be invaluable in providing the Commission with reliable data on productivity.

Schedule No. 3 of the proposed form would include reserve addition data for...
the entire United States and also for six production areas: (1) Appalachian and Illinois Basins, (2) Rocky-Mountain Areas, (3) Offshore Federal Domain, (4) wells drilled in water greater than 250 feet deep, (5) wells drilled onshore the entire United States and also for six below 15,000 feet, and (6) Alaska.

The deepening national crisis and shortage of alternate domestic energy sources compels the Commission to undertake continuing, broadly based investigations of all facts and circumstances surrounding and underlying the Commission's functions established in sections 4 and 5 of the Natural Gas Act. Natural gas is a vital element in the nation's energy base, accounting for over forty percent of industrial energy production and over fifty percent of domestic energy consumption. Because natural gas is the cleanest burning fossil fuel, it is a premium fuel to the economy.

The Commission is set forth in Attachment A attached hereto in schedule Nos. 1, 2, and 3 thereof, along with definitions and procedures to be employed in completing these schedules.

The definitions to be employed in this survey are those in common usage in the natural gas industry. Reserve additions, for example, would be defined as that term is used by the American Gas Association, which collects such data for the publication of its annual surveys.

The purpose of this procedure is to avoid a variation in results. The information gathered in this survey of well established definitions commonly employed by the industry decreases the possibility of a misunderstanding of the directions, thereby avoiding a variation in results. This procedure is so that little or no modification of business recordkeeping would be required.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than April 30, 1975, data, views, and comments or suggestions in writing concerning the proposed form. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider such written submittals before acting on the matters herein proposed. An original and 14 copies should be filed with the Secretary of the Commission. Submittals should indicate the name, title, and mailing address of the person to whom correspondence in regard to the proposal should be addressed and whether the person filing them requests a conference with the Staff of the Federal Power Commission to discuss the proposed form. The Staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to Parts 3 and 260 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, parts 3 and 260, 15 U.S.C. 713, 717d, 717g, 717l, 717m, 717n, 717o.

1. Accordingly, the Federal Power Commission proposes to amend Part 260, Statements and Reports (Schedules), in subpart B, for statements and reports, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations by adding new Section 260. — prescribing new FPC Report Form No. 64, Report of Producer Expenditures, Exploration and Development Activity, and Production and Revenues, in the form set out in Attachment hereto. New Section 260. — will read:

§ 260. — Form No. 64, Report Of Producer Expenditures, Exploration And Development Activity, Production And Revenues as FPC Form No. 64, is prescribed.

(b) Each person found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act, and their jurisdictional affiliates and subsidiaries as defined in 18 CFR 157.40 (a) (2) of the Commission's regulations, shall annually prepare and file with the Commission an original and three copies of Report of Producer Expenditures, Exploration and Development Activity, Production and Revenues, FPC Form No. 64. The report for the current calendar year following December 31, 1974, shall be filed by June 30, 1975, and the report for each calendar year thereafter ending December 31 shall be filed by March 31 of the following year.

2. Further, it is proposed to amend § 3.170(a) (27) of Part 3, Organization; operation; information and requests; miscellaneous charges, for the following:

(a) The proposed amendments to Parts 3 and 260 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, parts 3 and 260, 15 U.S.C. 713, 717d, 717g, 717l, 717m, 717n, 717o.

(c) The proposed amendments to Parts 3 and 260 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, parts 3 and 260, 15 U.S.C. 713, 717d, 717g, 717l, 717m, 717n, 717o.

1. Accordingly, the Federal Power Commission proposes to amend Part 260, Statements and Reports (Schedules), in subpart B, for statements and reports, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations by adding new Section 260. — prescribing new
and 311 of the Federal Power Act (49 Stat. 848, 849, 854, 855-856, 858, 859; 67 Stat. 451; 16 U.S.C. 824a, 825, 825c(c), 825h, 825j), the Federal Power Commission proposes to enact FPC Form No. 67A, a questioneeri to be filed unitually by appropriate utilities in order to create a comprehensive source of information and body of data on the existence, operation and cost of pollution control equipment for the removal of particulate matter and sulfur oxides at utility plants, and on the probable cost of alternative methods for meeting National Ambient Air Quality Standards.

The proposed amendment to Part 141 of the Commission's Approved Forms under the Federal Power Act would be issued under the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly sections 203, 301, 304(a), 309, and 311 (49 Stat. 848, 849, 854, 855-856, 858, 859; 67 Stat. 451; 16 U.S.C. 824a, 825, 825c(c), 825h, 825j).

Accordingly, it is proposed to amend Part 141 of Title 18 of the Code of Federal Regulations, in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations by adding a new §141.62 prescribing new FPC Form No. 67A, Costs for Meeting Current Air Pollution Standards, in the form set out in attachment A hereto. New §141.62 will read:

§141.62 Steam-electric air quality control data for meeting current standards.

(a) This Form is designed to secure information on the existence, operation and cost of pollution control equipment for removal of particulate matter and sulfur oxides at utility plants, and on the probable cost of alternative methods for meeting National Ambient Air Quality Standards.

(b) Each steam electric utility plant at least 25 megawatts capacity which burns coal and oil and which will commence operation before January 1, 1981 shall submit in sextuplet this form before May 1, 1975.

Declining supplies of natural gas available for electric utility boiler use, electric utility industry inability to develop nuclear power plant capacity in accordance with previously published schedules, and our national need to decrease our dependence upon foreign oil imports have led to increased industry reliance upon coal as a fuel source to meet demands. Inadequate supplies of low-sulfur coal have resulted in increased electric utility industry consumption and utilization of coal with higher sulfur content, necessitating the implementation of particulate matter and sulfur oxide emission control and removal plans and hardware by electric utilities in order to comply with National Ambient Air Quality Standards and State Implementation Plans on a timely basis.

Review of data responses gathered from various diverse sources suggests that the existing information at hand on the existence, operation and cost of such equipment and planning is fragmentary, incomplete, and incomprehensive, and in complete, thereby underscoring the need for development of a comprehensive source of information and body of data to examine future utility emission control plans and costs. In addition to the Commission, the Environmental Protection Agency, the Federal Energy Administration, and other Federal, State and local government agencies will have full access to information submitted in response to FPC Form 67A, encompassing all steam-electric plans of at least 25 megawatts capacity which burn coal and oil, and persons presenting such operation or will commence operation before January 1, 1981.

Completed forms are to be submitted in sextuplet to the Commission before May 1, 1975.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than April 7, 1975, data, views, comments or suggestions pertaining or proposing changes or additions of the amendments proposed herein. Written submissions will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. An original and 14 conform copies should be filed with the Secretary of the Commission. Submissions to files will have full access to information submitted in response to FPC Form 67A, encompassing all steam-electric plans of at least 25 megawatts capacity which burn coal and oil and which will commence operation before January 1, 1981.

The Secretary shall cause prompt publication of this notice to be made in the Federal Register.

By direction of the Commission.

KENNETH P. PLUMER
Secretary.

[FR Doc.75-7503 Filed 3-19-75; 10:54 am]

NATIONAL SCIENCE FOUNDATION
[45 CFR Part 650]

DISPOSITION OF RIGHTS IN INVENTIONS

Notice of Proposed Rule Making

Notice is hereby given that Part 650 of Title 45 of the Code of Federal Regulations is proposed to be amended as set forth below.

The proposed amendment provides for certain limitations on the use of Foundation funds for further development of inventions made in the course of or under Foundation awards in cases where the inventing organization has been allowed to retain principal rights in such inventions.

Interested persons are invited to submit written comments on these regulations to the Director, National Science Foundation, ATTN: Office of the General Counsel, Washington, D.C. 20550, by May 30, 1975.

It is proposed that Chapter VI, Part 850 of Title 45 of the Code of Federal Regulations be amended as follows:

PART 650—PATENTS

1. Section 650.8(c) is amended by adding the following after subsection (5) and renumbering subsection (6) as subsection (7):

§650.8 [Amended]

(6) Include a provision similar to that set forth in §650.9(e) (2) and (3) as follows:

§650.9 [Amended]

(2) The willingness of a grantee to assume the costs and risks associated with the bringing of an invention to the point of practical application is a significant factor influencing most determinations that the grantee should be allowed to retain principal rights in an invention made under the award. Consequently, a provision limiting the use of Foundation funds for further development of such inventions will normally be included as a condition of each such determination. For this purpose, a provision such as the following shall be used:

(i) Unless specifically approved by the Grants and Contracts Officer, the grantee shall not use funds provided by the Foundation for the further development of such inventions. Any such funds will normally be included as a condition of each such determination. For this purpose, a provision such as the following shall be used:

(ii) Paragraph (c) (2) (i) of this section shall not apply to efforts made to improve the invention for the primary purpose of enhancing its utility in connection with scientific research conducted by the grantee. Further to the extent that the work statement in the award or proposal upon which the award was based clearly specifies a line of research to be pursued, paragraph (c) (2) (i) of this section shall not apply to the pursuance of such research.

3. In the last paragraph of §650.9(c) (4) (previously §650.9(c) (3) delete (2) and substitute (3) therefor.

Dated: March 14, 1975.

H. GUYPORI STEVENS
Director.

[FR Doc.75-7503 Filed 3-19-75; 10:54 am]
DEPARTMENT OF DEFENSE
USAF SCIENTIFIC ADVISORY BOARD
Meeting

March 18, 1975.

The USAF Scientific Advisory Board Study Group on Management and Support of Air Force Command, Control, and Communications will hold a meeting at Andrews Air Force Base, Maryland. The dates and times are as follows.

April 2, 1975, 8:30 a.m.-6:00 p.m.
April 3, 1975, 8:30 a.m.-2:30 p.m.

The Study Group will receive classified briefings, conduct internal planning, and review proprietary information on matters listed in 5 U.S.C. 552(b) (1), (4), and (6) on April 2, 1975, and on April 3, 1975, from 8:30 a.m. to 12:00 p.m. From 1:15 p.m. to 2:30 p.m. on April 3, 1975, the Study Group will receive unclassified information briefings, and this session will be open to the public. Persons wishing to attend the open session must make reservations with Miss Hall, 301-981-1282, by March 31, 1975.

Written statements may be filed with the Study Group Secretariat by interested individuals at the meeting on April 3, 1975.

The requirement for the study was established by the Secretary of the Air Force on March 12, 1975, with a request for completion within 45 calendar days. In order to hold approximately four separate meetings and to have all individuals who are serving on the Study Group be able to attend, it is necessary to give less than 15 days notice for this meeting.

For further information, contact the USAF Scientific Advisory Board Secretariat on 202-297-4811.

James E. Dagwell,
Chief, Documentation Management Branch, Directorate of Administration.

Department of the Navy
NAVY RESALE SYSTEM ADVISORY COMMITTEE

1974 Report of Closed Meeting

Under section 10(d) of the Federal Advisory Committee Act, the Navy Resale System Advisory Committee filed its 1974 Reports of Closed Meetings of the Navy Resale System Advisory Committee with the Library of Congress pursuant to the requirements of section 13 of the Federal Advisory Committee Act (5 U.S.C. App. D).

Any person desiring to review the Report may visit the Library of Congress, Exchange and Gift Division, Federal Ad-
ENDANGERED SPECIES PERMIT

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

Applicant: Mr. Stephen A. M. Jovicich, 1658 W. Main (Apt. #1), Houston, Texas 77006.

I wish to take and import two St. Lucia parrots (Amazona versicolor) for the purpose of propagation.

These birds will be part of the U.S. phase of the SAFE project for the propagation of endangered Lesser Antillean birds. Permissions must be made in the event that they are not a true pair, male and female, or in case of the death of one of them. If no additional A. versicolor can be found in the U.S., the parrots will be sent to Jersey Wildlife Preservation Trust which is responsible for the European phase of this SAFE project.

The birds will be kept in the facilities described to you in Mrs. Nicholas’ letter of 28 September 1974. I am sending these birds to Mrs. Nichols, her husband, and myself. The birds will have their approval to conduct the activity you have requested.

Application in accordance with section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Mr. Stephen A. M. Jovicich.

I am requesting a permit to import two individual St. Lucia parrots (Amazona versicolor), one male and one female, for the purpose of propagation.

Permission to export these birds has been received from the St. Lucia government, a copy of which was sent to you in Mrs. Nicholas’ letter of 16 October 1974. The birds will be mosquitoes taken during the 1976 breeding season. They will be removed from the wild in the manner suggested in Dr. Nicholas’ letter to Mr. Compton.

Stephen A. M. Jovicich,
165 W. Main, Apt. No. 1,
Houston, Tex. 77006
November 15, 1974.


Dear Sir: I am requesting a permit to import two individual St. Lucia parrots (Amazona versicolor), one male and one female, for the purpose of propagation.

The Department of the Interior, Bureau of Sport Fisheries and Wildlife.

I propose to import from St. Lucia to Houston possibly laying over in Kansas, depending on flight connections.

I certify that I have read and am familiar with the regulations and the Code of Federal Regulations to which the present application pertains. I further certify that the application submitted in this application for a license/permit was complete and accurate to the best of my knowledge and belief. I understand that any violation of these regulations may subject me to the criminal penalties of 18 U.S.C. 192.

Stephen A. M. Jovicich

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FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975

Sincerely,

Stephen A. M. Jovicich

Documents and other information submitted in connection with the application are available for public inspection during normal business hours at the Service’s office in Suite 600, 1612 K Street, NW, Washington, D.C. 20240. Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE).
ENDANGERED SPECIES PERMIT
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973

(Pub. L. 93-205)

Applicant: Gregory Scott Gray, 7710 Valley View Lane, Houston, Texas 77036

1. APPLICATION FOR (Indicate any one)

[ ] IMPORT OR EXPORT LICENSE

[ ] PERMIT

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

Importation of two Amazona imperialis, Toucan Parrots, an endangered species from Dominica.

Gregory Scott Gray 7710 Valley View Lane, Houston, Texas 77036

July 6, 1974

I have been a Keeper at the Bird Department of the Houston Zoological Gardens for three years. Much of this time has been spent working with parrots.

Next spring and summer I will be on Dominica for three to four months studying Amazona arausiaca and Amazona imperialis in the wild. I have made arrangements that the parrots imported will be the property of Mrs. Nichols and her husband. In case of the death of all three of them, the parrots will be either:

1. Returned to the wild on Dominica.
2. Sent to aviculturists in the Lesser Antilles, or
3. Sent to zoos or private aviculturists prepared to care for them, most probably Jersey Wildlife Preservation Trust.

I believe that Mrs. Nichols personally gave Mr. Earl B. Baysinger some information in the form of a letter dated 23 September, about the parrots and my request. I believe most of the questions about my application should be answered in Mrs. Nichols' letter and the supporting material she enclosed in the letter, of which I have copies and believe is accurate.

I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any

Mrs. Nichols

Federal Register, Vol. 40, No. 56—Friday, March 21, 1975
false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

GREGORY SCOTT GRAY.

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

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19483, Washington, D.C. 20036. All relevant comments received on or before April 21, 1975 will be considered.

Dated: March 17, 1975.

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

[FR Doc.75-7296 Filed 3-20-75; 8:45 am]

Office of Hearings and Appeals

[FR Doc.75-422 Filed 3-20-75; 8:45 am]

Amendment to Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Duquesne Light Company has filed an amended petition to modify the application of 30 CFR 75.1405 to its Warwick Mines, Portal No. 5, Greensboro, Pennsylvania.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1970, shall be equipped with automatic couplers which couple by impact and uncouple and aligning the link.

Petitioner proposes to align the link and uncouple and still provide a means whereby a worker does not have to go in between the cars while coupling or uncoupling or aligning the link.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 21, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

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

MARCH 14, 1975.

[FR Doc.75-7431 Filed 3-20-75; 8:45 am]

LITTLE "T" COAL, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Little "T" Coal, Inc. has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine #1, Ten Mile, Tennessee.

30 CFR 77.1605(k) provides:

Signs and traffic controls shall be provided on the cuter bank of elevated roadways.

In support of its petition, Petitioner states:

Petitioner feels that the installation of either guardrails or berms would have the effect of lessening the safe condition of its haulage road for the following reasons:

1. Berms and, to a certain extent, guardrails would create a drainage hazard. It would be impossible to maintain proper drainage, and wash-outs and hazardous conditions would result in wet weather.

2. Berms and guardrails would require snow removal and would cause the road to ice over during winter months.

3. The grader now used for road maintenance could no longer be used.

4. Additional man-hours and equipment would be needed for road maintenance, particularly during the winter months. This, in itself, would result in increased accident potential during snow or ice conditions.

5. The haulage road is of insufficient width to build berms. Solid rock would have to be blasted, and the resulting width to build berms. Solid rock would have to be blasted, and the resulting road would present a new hazard.

6. Guardrails would cause the road to ice over during winter months.

7. Fully 75 percent of haulage time is spent on the haul road and state roads which are no safer than Petitioner's haulage road.

Petitioner proposes to implement the following alternate method:

1. Signs and traffic controls will be installed as follows:
   a. Where the road is more than 20 feet wide passing zones will be established.
   b. Where the road is less than 20 feet wide it will be marked for one-lane traffic.
   c. Signs will be posted stating that loaded trucks have the right-of-way.
   d. Stop signs will be placed where needed.
   e. Other traffic control measures will be implemented as needed.

2. Petitioner's contract haulers will be notified that they are responsible for seeing that all drivers are instructed on the rules of the road. Contractors will see to it that all trucks are equipped with the necessary safety features and are inspected and maintained as required.

Inasmuch as the subject road was in existence before Petitioner put its mines in operation, Petitioner feels that the above course of action is a feasible alternative to the requirements of this § 77.1605(k).

Petitioner also believes that its alternate method will afford the miners at the subject mine a less hazardous condition than the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 21, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

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

MARCH 14, 1975.

[FR Doc.75-7433 Filed 3-20-75; 8:45 am]

Geological Survey

[Power Site Cancellation 331]

COLUMBIA RIVER BASIN, WASHINGTON

Power Site Cancellation

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 349 of June 22, 1944 is hereby canceled to the extent that it affects the following described land:

WILLAMETTE MEDFORD, WASHINGTON

T. 30 N., R. 24 E., Sec. 21, lot 4.

The described aggregater 4.30 acres.

The effective date of this cancellation is July 14, 1975.


HENRY W. COULTER,
Acting Director.
NOTICES

DEPARTMENT OF COMMERCE
Domestic and International Business Administration

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Tuesday, May 6, 1975, Room 3704, 9:30 a.m., Main Commerce Building, 14th and Constitution Avenue NW, Washington, D.C.

The Committee was established on October 23, 1973 to 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 electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Review of application of microprocessors to instrumentation.
(4) Review of digital filter and time compression techniques.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation thereon, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All matters have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 623, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/267-4186.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al., September 23, 1974 (Civil Action No. 1388-73), the Complete Notice of Determination to close portions of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and any subcommittees thereof, was published in the Federal Register (46 FR 5547, appearing in the issue of February 6, 1975).


RAUER H. MEYER, Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.


MARYLAND STATE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, ET AL.

Applications for Duty-Free Entry of Scientific Articles

Correction

In FR Doc. 75-6266 appearing at page 11376 in the issue of Tuesday, March 11, 1975 the following correction should be made: In the first column, the third full paragraph, the first line should read "Docket number: 75-00355-33-189098".

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT

Notice of Public Hearing on Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the draft environmental impact statement pertaining to the coastal zone management program of the State of Washington which has been submitted to the Secretary of Commerce for approval.

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PACIFIC COUNTY
Raymond Public Library, 507 Duryea, Raymond 98877, 206/942-2406—Jay Wendeich.

PIECE COUNTY
Pierce County Library, 2356 Tacoma Ave. E., Tacoma 98402, 206/572-6760—Carolyn J. Else.

SAN JUAN COUNTY
Eastsound (Meyers) Library, Orcas Island, P.O. Box 185, Eastsound 98245—Polly Krander.

SNOHOMISH COUNTY
See Island Co., Olympia Public Library, 7th and Franklin, Olympia 98501, 206/333-0006—Margaret Coopinger.

WAHrule Co.
Cathlamet Public Library, P.O. Box 337, Cathlamet 98612, 206/735-2524—Eleanor A. Taylor.

WHATCOM Co.
Whatcom County Library, 6200 N.W. Road, Bellingham 98226, 206/733-1200—Linda Heiery.

THE WASHINGTON DEPARTMENT OF ECOLOGY

and

DEPARTMENT OF COMMERCE
Main Commerce Building, 14th & Constitution, NW, Room 7046, Washington, D.C. 20235.

R. H. HAGEMEYER,
Acting Assistant Administrator
for Administration.

NOTICE OF HEARING TO REVOKE CERTIFICATES OF APPROVAL OF BENDIX CORPORATION UNITS

Section 262(a) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. § 842(a)) provides that accurate samples of respirable dust in coal mine atmospheres shall be taken and that such samples shall be taken by a device approved by both the Secretary of the Interior and the Secretary of Health, Education, and Welfare. In 1970, the Secretary jointly adopted the regulations in Part 74 of Title 30, Code of Federal Regulations which set forth the requirements for approval of coal mine dust personal sampler units and the procedures for applications for approval (35 FR 4327). The regulations provide for the issuance of a certificate of approval to applicants whose sampler units meet the prescribed tests and specifications that the testing program is administered by the Secretary of the Interior, through the Mining Enforcement and Safety Administration (MESA) and the Secretary of Health, Education, and Welfare, through the National Institute for Occupational Safety and Health (NIOSH).

Pursuant to 30 CFR 74.7, NIOSH has received an application from the Bendix Corporation under approval numbers TC-74-012, TC-74-016, and TC-74-017 for Bendix coal mine dust personal sampler units. 30 CFR 74.11 provides that a certificate of approval for a coal mine dust personal sampler unit issued under Part 74 may be revoked for cause by NIOSH.

Research conducted by MESA has revealed that with the passage of time and when the cassettes are subjected to increased temperatures, a weight loss occurs in the cassettes used in the Bendix Corporation approved sampler units. Therefore, the units do not comply with the requirements of Part 74 and determinations of compliance based on dust samples collected with the Bendix units using such cassettes are unreliable.

Notice is hereby given that a public hearing will begin at 9:30 a.m. on April 1, 1975, in Conference Room F of the Department of Health, Education, and Welfare, at 5600 Fishers Lane, Rockville, Maryland, for the purpose of receiving relevant evidence concerning whether the certificates of approval issued for the Bendix Corporation personal sampler units should be revoked.

Dr. Elliott Harris, Director of the Division of Laboratories and Criteria Development, NIOSH, is designated as Chairman of the hearing, which will be conducted in an informal manner in accordance with the following procedures:

Appropriate representatives of NIOSH and MESA will present their evidence as to why the Bendix Corporation certificates of approval should be revoked. The Chairman and Bendix Corporation will be able to question those representatives.

Bendix Corporation will then have an opportunity to make supplementary statements which may include comments on or rebuttal of other persons' views and an opportunity to make recommendations concerning the issues in any of the statements. Any party may appear in person or by counsel. Copies of the technical data which
serve as the basis for this hearing may be examined at, or obtained from NIOSH, 5600 Fishers Lane, Rockville, Maryland 20852.

A verbatim record of the proceedings of the hearing session will be maintained. All relevant written statements, charts, tabulations and other data will be received in the record. The Chairman will submit to the Director, NIOSH, the transcript of the hearing and all material submitted for the record together with his recommendations on the issues. Thereafter, the Director, NIOSH, will make a decision in writing concerning the Bendix Corporation certificates of approval at issue and announce such decision.

Dated: March 17, 1975.

EDWARD J. BAER,
Acting Director, National Institute for Occupational Safety and Health.

Food and Drug Administration

[For Dec. 1975-7280 Filed 3-20-75;8:45 am]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Virginia Department of Agriculture and Commerce

Pursuant to the notice published in the Federal Register of October 3, 1974 (39 FR 39997), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the Federal Register, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Virginia Department of Agriculture and Commerce on January 27, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE VIRGINIA DEPARTMENT OF AGRICULTURE AND COMMERCE AND THE FOOD AND DRUG ADMINISTRATION

I. Purpose. To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the Division of Products & Industry Regulations, P.O. Box 1163, Richmond, Virginia.

II. Background. The Food and Drug Administration, Department of Health, Education, and Welfare, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of state and federal health and drug regulatory agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting equipment for the equipment maintained and proper security is provided for the equipment.

III. Substantive of Agreement. A. The Food and Drug and Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to OIA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for education in the use of the equipment, unless relocation in conjunction with a major move of the terminal agency to a new location addresses the terminal.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received or addressed to other than your agency. Transmit promptly all messages received from other agencies to FDA.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of any breakdown of the equipment or other needs for maintenance.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

I. Name and Address of Terminal Agency. Virginia Department of Agriculture & Commerce, Division of Products & Industry Regulation, P.O. Box 1163, Richmond, Virginia 23289.

II. Liaison Officers. For Virginia Department of Agriculture and Commerce: Ray E. Vachulak, Jr., Sup., Food Inspection. Address: Same as agency. Telephone No.: (804) 770-3560.

For FDA: J. Donald Sherry, Director, Investigations Branch.

Address: Baltimore District FDA, 900 Madison Avenue, Baltimore, Md. 21201.

Dated: March 17, 1975.

S. Mason Carbough, Commissioner.

Food and Drug Administration

[For Dec. 1975-7280 Filed 3-20-75;8:45 am]

CARISOPRODOL IN COMBINATION WITH PHENACETIN AND CAFFEINE

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-Up Notice

A notice (DESI 11792) was published in the Federal Register of September 1, 1970 (35 FR 13854), pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, in which the Commissioner of Food and Drugs announced his conclusion that the combination drug product described below is possibly effective and lacking substantial evidence of effectiveness for its various labeled indications. The product has been placed in the treatment of conditions related to muscle pain and stiffness. On the basis of new evidence and reevaluation of previous information, such products are now regarded as less-than-effective (probably effective) for certain uses. This notice announces that conclusion.

Other products included in the notice of September 1, 1970 and not affected by this notice, having been previously dealt with. The single active ingredient products containing carisoprodol have been reevaluated as effective (39 FR 29399; August 15, 1974). The combination product containing carisoprodol, phenacetin, caffeine, and codeine phosphate was the subject of a proposal to withdraw approval of the new drug application (39 FR 23292; June 27, 1974) and a request for hearing is under review. Other "skeletal muscle relaxant"—analgesic combinations have previously been upgraded to less-than-effective (probably effective) and those reevaluations were published in the Federal Register on August 14, 1974 (39 FR 29210) for chloroxazone.

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with acetaminophen and 39 FR 29211 for methocarbamol with aspirin).

Soma Compound Tablets, containing carisoprodol 200 mg., phenacetin 160 mg., and caffeine 32 mg.; Wallace Pharmaceuticals, Division of Carter-Wallace, Inc., Half Acre Road, Cranbury, N.Y. 08512 (NDA 12–335).

Combination products containing a so-called "skeletal muscle relaxant" and an analgesic were initially concluded to be either possibly effective or lacking substantial evidence of effectiveness, pursuant to the recommendation of Science–National Research Council, Drug Efficacy Study Group reviews. The Commissioner has determined that these combinations should be regarded as less-than-effective (probably effective) for the following reasons:

1. The NAS/NRC had serious doubts concerning the effectiveness of the "skeletal muscle relaxant" component of such combinations, and made it clear that these doubts were a major reason for the rating of the combinations as ineffective or possibly effective. Thus, the Panel on Neurological Drugs stated for Soma Compound Tablets, the revised conclusions concerning the drug are as described below.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that the combination carisoprodol with phenacetin and caffeine is less-than-effective (probably effective) as described above.

B. Labeling conditions. Labeling pursuant to this notice should furnish adequate information for safe and effective use of the drug and recommend use of the drug for the following less-than-effective (probably effective) indication: As an adjunct to rest and physical therapy for the relief of discomfort associated with acute, painful musculo-skeletal conditions. The mode of action of carisoprodol has not been clearly identified, but may be related to its sedative properties. Carisoprodol does not directly relax tense skeletal muscles in man.

C. Submission of data. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) and described in 21 CFR 314.111 (a) (5) and 21 CFR 3.86. Carefully controlled, well-executed clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness. Studies may be considered on their merits for correlative support of efficacy and evidence of safety.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, or related, to the product, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any unapproved drug manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, or related, to the product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

Communications forwarded in response to this notice should be identified with the reference number DESI 11782, directed to the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (Identify with NDA number):
Documents and Records Section (HFD–106), Bureau of Drugs.

Requests for the Academy's report: Data Preparation Branch (HFD–614), Division of Drug Information Resources, Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1520–1533, as amended, 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.129).

Dated: March 17, 1975.

SAM D. FINE, Associate Commissioner for Compliance.

CERTAIN TOPICAL PREPARATIONS FOR OPHTHALMIC OR OTIC USE

Withdrawal of Approval of New Drug Applications

A notice of opportunity for hearing (DESI 6762) was published in the Federal Register of September 11, 1974 (39 FR 32771), pursuant to the evaluation of reports received from the National Academy of Sciences–National Research Council–Drug Efficacy Study Group in which the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the new drug applications for certain preparations for use in the eye or ear. The basis of the proposed action was the lack of substantial evidence that the products are effective for their labeled indications. Since no one contested the proposal, approval of the following new drug applications is now being withdrawn.

1. Otodyne otic solution containing zolamide hydrochloride and eugenol hydrochloride; Schering Corporation, Galingham Hill Rd., Kenilworth, N.J. 07033 (NDA 7–696).

2. Metronol ophthalmic suspension containing prednisolone acetate and chlorpheniramine maleate; Schering Corporation (NDA 10–696).

3. Prednorfen 0.12 percent ophthalmic suspension containing prednisolone acetate, phenylephrine hydrochloride and antipyrine; Allergan Pharmaceuticals, Inc., 2523 DuPont Drive, P.O. Box DP, Irvine, CA 92664 (NDA 10–696).

4. Prednorfen-S 0.2 percent ophthalmic solution containing prednisolone and...
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Phenylephrine hydrochloride; Allergan Pharmaceuticals, Inc. (NDA 11-693).

5. Prednefrin Forte 1 percent opthalmic suspension containing prednisolone acetate, phenylephrine hydrochloride and antipyrine; Allergan Pharmaceuticals, Inc. (NDA 12-107).

The above notice also included Op-Predrin Ophthalmic Solution (NDA 11-530) containing prednisolone and phenylephrine hydrochloride previously marketed by Broemmel Pharmaceuticals, 1235 Butler Street, San Francisco, CA 94109. As stated in the notice, approval of that NDA had previously been withdrawn on the ground of failure to submit required reports under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)). The purpose of including Op-Predrin in the notice of September 11, 1974 was to state the conclusions that this drug lacks substantial evidence of effectiveness for its various labeled indications and to afford all interested persons the opportunity to request a hearing concerning all issues relating to the legal status of all identical, related, or similar drugs.

All drug products which are identical, related, or similar to any of the drugs named above, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holders of the applications nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1055, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information he has, with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the above listed drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing findings, approval of the new drug applications (or if indicated above, those parts of the applications providing for the drug products listed) and all amendments and supplements thereto, is withdrawn effective March 21, 1975.

Shipment in interstate commerce of the above products for which approval has been or is being withdrawn, or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: March 11, 1975.

J. Richard Croft, Director, Bureau of Drugs.

[FED Reg.75-7383 Filed 3-20-75; 8:45 am]

[DESI 9397; Docket No. FDC-D-716; NDA 9-408]

MEPHENTERMINE SULFATE FOR ORAL USE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug products described below, found the drugs to be less than effective, and submitted its reports to the Commissioner of Food and Drugs. Copies of these reports have previously been made publically available and are displayed at the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's reports and the available data and information, the Commissioner concluded that the drugs were effective and published his conclusions in the Federal Register of May 22, 1971 (36 FR 9543) that the drugs are probably and possibly effective and lacking substantial evidence of effectiveness. These products have been used for treating certain types of low blood pressure. No data having been submitted in support of effectiveness, this notice proposes to withdraw approval of the tablet form of the drug. Approval of the elixir form of the drug has previously been withdrawn. Persons wishing to request a hearing must do so by April 21, 1975.


Approval of NDA 9-397 for Wyamine Sulfate Elixir was withdrawn in an order published in the Federal Register on March 18, 1972 (37 FR 5711) on the ground of failure to submit required reports under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)). At the time that notice was published, no final conclusions concerning effectiveness of mephentermine sulfate elixir had been reached. Those conclusions have now been reached and the purpose of including Wyamine Sulfate Elixir (NDA 9-397) in this notice is to inform all interested persons of such conclusions and offer them the opportunity to request a hearing.

Both of the above drugs have been reclassified as lacking substantial evidence of effectiveness in that no data were submitted in support of effectiveness. On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), demonstrating the effectiveness of the drugs.

Therefore, notice is given to the holder of the new drug application No. 9-408 for Wyamine Sulfate Tablets (mephentermine sulfate) and to all other interested persons that the Director of the Bureau of Drugs, by reason of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application (or if indicated above, those parts of the applications providing for the drug product listed above) and all amendments and supplements thereto on the ground that the new information before him with respect to the drug product, which is identical, related, or similar to a drug product not the subject of an approved new drug application, is exempt from part or all of the new drug provisions of the act pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder
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(21 CFR 310, 314), all persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of new drug applications No. 9-408 for Wyamine Sulfate (mephentermine sulfate) Tablets should not be withdrawn, and to raise, for administrative determination, all issues relating to the legal status of either of the drug products named above and of all identical, related, or similar drug products.

If any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before April 21, 1975, a written notice of appearance and request for hearing, and (2) on or before May 20, 1975, a submission of data, information, and analyses, on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The provisions of 21 CFR 310.6 are applicable to all persons who manufacture or distribute a drug product, as defined in 21 CFR 310.6. It is the responsibility of any drug product he manufactures or distributes any drug product he manufactures or distributes that may be subject to review this notice of opportunity for a hearing applies to all persons who manufacture or distribute a drug product he manufactures or distributes. Any person may request a hearing by filing timely written appearance and request for hearing, as specified in 21 CFR 310.6. It is the responsibility of any drug product he manufactures or distributes to remove such drug products from the market if his request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, P.O. Box 6990, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 5 U.S.C. 552(b)(4), may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2-121).

Dated: March 14, 1975.

J. Richard Croott,
Director, Bureau of Drugs.

[DESI 8173; Docket No. FDC-D-710; NDA 10-283]

MONOBENZONE TOPICAL LOTION

Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Application

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug products described below, found the drugs to be less than effective, and submitted its reports to the Commissioner of Food and Drugs. Copies of those reports have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's reports and the available data and information, the Commissioner concluded that the drugs are possibly effective for their labeled indications. The products are used for treatment of skin disorders. The Academy's findings indicate that no further clinical studies on the lotion form are being conducted without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a lack of substantial evidence of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application for Wyamine Sulfate Tablets, or of new information in support of effectiveness, has been reclassified as lacking substantial evidence of effectiveness.

On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) of Benoquin Ointment is being allowed to continue pending the completion of ongoing clinical studies. This notice of opportunity for hearing pertains only to NDA 10-283, Benoquin Lotion, which in absence of new information in support of effectiveness, has been reclassified as lacking substantial evidence of effectiveness.
to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in \$ 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective may be challenged by filing an application pursuant to section 310.6. The basis of the proposed action may be described, recommended, or suggested in its labeling.

The FTC has determined, after considering the data, information, and analyses on which he relies to justify a hearing that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

The FTC therefore, pursuant to the foregoing finding, approval of the new drug application is being withdrawn.

Dated: March 14, 1975.

J. Richard Cout, Director, Bureau of Drugs.

[PR Doc.75-7385 Filed 3-20-75; 5:45 am]

[DES 8119; Docket No. FDC-D-690; NDA 8-119]

PARENTERAL DRUG CONTAINING HYDROGENATED ERGOT ALKALOIDS

Withdrawal of Approval of New Drug Application

In a notice of opportunity for hearing (DESI 8119) which contained in the Federal Register of August 6, 1974 (39 FR 28308), the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the drug product described, recommended, or suggested in the above-listed product or of any identical, related, or similar product not the subject of an approved new drug application, will then be unlawful.

Dated: April 21, 1975.

J. Richard Cout, Director, Bureau of Drugs.

[PR Doc.75-7381 Filed 3-20-75; 5:45 am]

POSSIBLE RISK OF CANCER IN SITU OF THE CERVIX FROM MEDROXYPROGESTERONE ACETATE INJECTABLE AND DEPO-PROVERA SYSTEMIC STEROIDAL CONTRACEPTIVES

Open Hearing

The Food and Drug Administration has pending a supplemental new drug application for Depo-Provera (medroxyprogesterone acetate injectable contraceptive, DEP-12, and DEP-8413). In anticipation of approval of this supplemental new drug application, a final order was published in the Federal Register on September 12, 1974 (39 FR 29977) providing for patient labeling for MPA and specifying other conditions required for lawful distribution of the drug.

Subsequently, that order was stayed by a notice published in the Federal Register of October 30, 1974 (39 FR 33239). The notice advised that the Commissioner of Food and Drugs would delay the decision on the new drug application until the benefits and risks are further considered. Specifically to be considered is whether or not the drug may be associated with an increased risk of cancer in situ of the cervix. The notice stated that further public consideration of the issues was warranted and that this would occur in an open hearing.

A 1-day hearing on this matter will be held for Depo-Provera on Thursday, March 21, 1975, beginning at 8:30 a.m. in Conference Room 90, 1100 New Bldg., 5600 Fishers Lane, Rockville, MD 20852. The hearing will be co-chaired by Dr. Theodore King, Chairman of the Obstetrics and Gynecology Advisory Committee, and Professor Jerome Comfield.
Chairman of the Biometric and Epidemiological Methodology Advisory Committee: The question of whether systemic steroidal contraceptives (other than MPA) are or are not associated with an increased risk of cervical carcinoma has been the subject of several publications and ongoing studies, and has been discussed previously with the Obstetrics and Gynecology Advisory Committee at its meeting of February 21, 1974. No conclusions could be drawn at that time based upon available evidence. Therefore, the April 7 hearing will also concern itself with a discussion of any additional studies that may be needed to produce more definitive answers.

At this open hearing, members of both the Obstetrics and Gynecology Advisory Committee and the Biometric and Epidemiological Methodology Advisory Committee will receive and review all of the material presented. The Committees will be asked to answer the following specific questions in their report to the Commissioner:

1. Are the data in the new drug application concerning the association of the incidence of cervical carcinoma in situ of the cervix in women treated with MPA? Specifically:
   a. Were the patients adequately screened before entering the study, and what are the implications of the screening procedures on the incidence rate?
   b. Was there adequate confirmation of the Pap smears and the histologic diagnoses?
   c. Are other risk factors sufficiently assessed?

2. Is it appropriate to compare the data in the new drug application for MPA with the data in the Third National Cancer Institute Survey in regard to the incidence of cervical carcinoma in situ of the cervix? If so, what conclusions would you draw from this comparison?

3. Is it appropriate to compare the data in the new drug application for MPA with control data obtained from the published literature in regard to the incidence of cervical carcinoma in situ of the cervix? If so, what conclusions would you draw from such comparisons?

4. Given all the data and information available to the Advisory Committees, is there evidence of an association between the use of MPA and an increased incidence of carcinoma in situ of the cervix? If so, is the evidence of such an association drug-related?

5. Given all the data and information available to the Advisory Committees, is there evidence of an association between the use of oral contraceptives and an increased incidence of carcinoma in situ of the cervix or cervical dysplasia?

6. If the currently available data raise reasonable doubts as to the answers to questions 4 and 5, what specific additional types of studies are needed to resolve such doubts? Specify objectives and general design for each recommendation of study.

7. Provide any other recommendations you wish to make on the issues under consideration at this hearing.

The Obstetrics and Gynecology Advisory Committee only; Should Depo-Provera be approved at this time or a limited patient population be placed under the conditions stated in the Commissioner's final order (currently stayed) published in the Federal Register of September 12, 1974 (39 FR 32907)?

Persons appearing before the Advisory Committees are asked to address the specific issues raised by these questions. Other matters relating to MPA (e.g., data on mammary tumors in dogs, proposed distribution control on drug of will will not be considered at the hearing.

Any interested person wishing to present data or information on these issues at the hearing may submit a letter to A. Gregoire, Office of FED-120, Rm. 148-04, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20852, Tel. 301-443-3510 of that intention, and indicate the amount of time requested for his or her presentation, by March 28, 1975. The total time for all such presentations will be 2 hours. Dr. Gregoire will then promptly inform each person requesting oral presentation and the time the oral presentation is scheduled to begin and the amount of time allocated for his presentation. Individuals and organizations with common interests may be urged to group their presentations. Any interested person may also present written data or information which shall be considered. Three copies of such written presentations shall be furnished to Dr. Gregoire at the address above on or before March 28, 1975.

The premises and the order in which they will be given at the public hearing consist of the following:

1. The Advisory Committees will hear a presentation by FDA on the charge to the Committee on the contraceptive indication, a review of published and unpublished data on cervical changes following systematically administered steroids, and the history of MPA for its contraceptive indications. The conclusions in view of the time limits. Persons with common interests may be required to make joint presentations. Any interested person may also present written data or information which shall be considered.

2. Testimony will be given by scientific experts from the CDC, FDA, NCI, and Upjohn on the question of whether systemic steroidal contraceptives (other than MPA) are or are not associated with an increased risk of cervical carcinoma. A scientific expert will discuss the Third NCI Survey, with specific emphasis on cervical cancer in situ.

3. The order of presentations of data and information by interested parties requesting to be heard.

4. Finally, there will be a public discussion in which the Committees will seek clarification, if necessary, of issues raised by previous speakers.

5. Following this open public hearing, the two Advisory Committees, after considering all information presented, will deliberate in closed session and make final recommendations on these matters to the Commissioner.

A notice of the Commissioner's final decision will be published in the Federal Register.

The anticipated time schedule is as follows:

1. 8:30-9:30—FDA presentation.
2. 9:30-12:30—CDC, FDA, Upjohn, and NCI presentations. 12:30-1:30—Lunch.
3. 1:30-3:30—Scheduled presentations by interested parties.
4. 3:30-4:30—Unscheduled presentations by interested persons and clarification of issues raised by previous speakers.
5. 4:30 on—Deliberation in closed session and presentation of recommendations by committees may continue to following day, April 8, if necessary.

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All written data or information submitted in response to this notice of open public hearing will made available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-6, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

The Food and Drug Administration requested that Upjohn permit the agency to place all data pertinent to this matter on public display, including unpublished trade-secret material. Upjohn declined to permit this. Accordingly, only analyses of Upjohn data not previously made public are placed on public display.

The following materials relating to this subject are available for public review in the office of the Hearing Clerk at the address above:

a. FDA and Upjohn analyses on the data in the new drug application concerned with incidences of cervical carcinoma.

b. Letters to the Secretary dated October 2 and October 9, 1974 from the Chairman of the Subcommittee on Intergovernmental Relations, Committee on Government Operations, House of Representatives, United States Congress.

c. Publications of FDA staff and NCI staff relative to MPA and cervical cancer in situ.

d. Federal Register documents on MPA.

e. The following manuscripts and published reports:

1. Idle, P., Wijnants, P., and Bonte, J., "Cytological Observations of Cervico-riginal Smears of Women Using Oral Contraceptive Steroids," Dept. of Gynecological Cancer Studies, Oncology Center, Catholic University of Louvain, Belgium.


must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and facts presented in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of the application for a hearing, the required hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk prior to the close of business on March 13, 1974, or 18 U.S.C. 1991, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052-1053, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.21(a).

Dated: March 14, 1975.

J. Richard Croft, Director, Bureau of Drugs.

[FR Doc 75-7884 Filed 3-20-75; 8:45 am]

RADIOLOGICAL HEALTH ADVISORY COMMITTEES

Request for Nominations for Members

The Food and Drug Administration requests nominations for new members for radiological health advisory committees. Nominations are due by April 30, 1975.

The Secretary of Health, Education, and Welfare and, by delegation, the Commissioner of Food and Drugs, and the Director, Bureau of Radiological Health, are charged with the administration of those portions of the Public Health Service Act (42 U.S.C. 217a, 263b, 263d) that are designed to protect the public health from hazardous radiation emissions.

The Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC), the Medical Radiation Advisory Committee (MRAC), and the Radiation Bio-Effects and Epidemiology Advisory Committee (RBEÀC) are charged with advising and consulting with the Commissioner on matters related to radiological health as described below:

The Commissioner requested in a Federal Register publication on July 8, 1974 (39 FR 24940), nominations for the above-mentioned committees to replace members whose terms expired in 1974.

Nominations received in response to that publication, but which did not result in committee appointments, will be reconsidered for the vacancies announced herein. The names and affiliations of those appointed, pursuant to the July 8, 1974 request for nominations, follows.

New members on the TEPRSSC are:
- Dr. Ira L. Morgan, Columbia Scientific Industries.
- Dr. Karl Z. Morgan, Georgia Institute of Technology.
- Mr. Paul Shoop, Teledyne Intermountain Workers.
- Lt. Col. George S. Kush, Office of the Surgeon General, USAF.
- Mr. B. Jim Porter, Louisiana Division of Radiation Control.

Nominations received in response to that request for nominations for the MRAC are:
- Dr. James H. Christie, University Hospitals, University of Iowa.
- Dr. Priscilla W. Laws, Department of Physics and Astronomy, Dickinson College.
- Dr. Robert J. Roth, New England Baptist Hospital.
- Dr. Robert E. Roth, Department of Radiation Oncology, University of Alabama at Birmingham.
- Mrs. Polly C. Story, North Carolina Baptist Hospital.
- Dr. William J. Kater, School of Medicine of Wake Forest University.

All interested persons are invited to nominate qualified candidates for consideration as members of the following committee.

TECHNICAL ELECTRONIC PRODUCT RADIATION SAFETY STANDARDS COMMITTEE


Since its inception in 1968, the TEPRSSC has provided valuable technical and scientific advice to the Bureau of Radiological Health, Food and Drug Administration, on the development of electronic product radiation safety performance standards. To date, regulatory performance standards have been issued under 21 CFR Chapter I, Subchapter J, for television sets, cold cathode gas discharge tubes, microwave ovens, diagnostic x-ray equipment, and their major components, and cabinet x-ray equipment including x-ray baggage inspection devices for use at airports and similar facilities. The Committee meets approximately twice each year and occasionally reviews documents transmitted by mail.

A second proposed performance standard for laser products was published in the Federal Register of September 4, 1974 (39 FR 32094). Other electronic products for which performance standards may be issued in the future include electronic medical radiation therapy, ultraviolet irradiation, and electron microscopy.

Pursuant to section 358(f)(1) of the act, members will be appointed by the Commissioner after consultation with public and private agencies concerned with the technical aspect of electronic product radiation safety. Each member shall be technically qualified by training and experience in one or more fields of science or engineering applicable to electronic product radiation safety. As required by the act, the Committee is composed of fifteen members selected as follows:

1. Members from governmental agencies including State and Federal governments;
2. Five from the affected industry, after consultation with industry representatives;
3. Three from the general public, of which at least one shall be representative of organized labor.

Effective December 31, 1975, two members from industry, one from the public sector, and two members from the governmental sector will complete their terms and may be replaced.

Nominations are solicited for engineers or scientists qualified in electronic product radiation safety to fill these vacancies for a 3-year term. Nominations are invited from consumer, industry, government, and professional organizations, and should be sent with accompanying information to:

Mr. Marshall S. Little, Executive Secretary, TEPRSSC, Food and Drug Administration, Bureau of Radiological Health (HPX-440), 5600 Fishers Lane, Rockville, Md. 20852.

MEDICAL RADIATION ADVISORY COMMITTEE

The Medical Radiation Advisory Committee was established under the name Medical X-ray Advisory Committee on October 31, 1963, pursuant to section 222 of the Public Health Service Act (42 U.S.C. 217a). It was renamed the Medical Radiation Advisory Committee on June 25, 1970. The Committee advises and consults with the Commissioner on the formulation of policy and development of a coordinated national program relating to application of ionizing radiation to obtain maximum diagnostic information and therapeutic benefit per unit of radiation exposure to the public.

The MRAC meets approximately twice each year and has provided advice to the Bureau of Radiological Health, Food and Drug Administration, on programs related to medical use of x-ray, training of medical radiation users, nuclear medicine, and the development of policy statements on the effective use of medical radiation.

Current Committee emphasis is directed toward qualifications of operators of x-ray equipment and radiological training programs; equipment requirements and standards; examination and procedural efficacy; and the evaluation of computer applications in radiology operations.

The Committee consists of thirteen members, including the chairman. Members are selected and the chairman is appointed by the Commissioner from authorities knowledgeable in the fields of medicine, dentistry, health sciences, engineering, public health, and related technology. Members are invited to serve 4-year terms. Effective July 1, 1975, there will be a total of three vacancies on this Committee. Interested persons are invited to submit names of qualified candidates and accompanying information to:
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Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Review Panel on New Drug Regulation, established pursuant to Pub. L. 92-463 by the Secretary, Department of Health, Education, and Welfare, on February 21, 1975, will meet on Tuesday, April 8, 1975, at 8:30 a.m. in Room 5651 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, SW., Washington, D.C. The Review Panel will consider matters pertaining to a study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration in order to advise the Secretary of Health, Education, and Welfare of any deficiencies in the policies and procedures and to make recommendations to the Secretary concerning the elimination of such deficiencies.

The meeting is open to the public.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, telephone (202) 245-7516.

Dated: March 18, 1975.

LIONEL M. BERNSTEIN,
Executive Secretary, Review Panel and New Drug Regulation.

[FR Doc. 75-3783 Filed 3-20-75; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-458-DR; Docket No. NFD-253]

ALABAMA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled “Disaster Relief Act of 1974” (68 Stat. 143); notice is hereby given that on March 14, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alabama resulting from severe storms and flooding beginning about January 30, 1975, is of sufficient severity and magnitude to warrant a declaration of a major disaster under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Alabama.

This declaration of a major disaster supersedes the President’s January 18, 1975, declaration of a major disaster for the State of Alabama, FDAA-3007-EM.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development by the Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas C. Credle, HUD Region IV, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Alabama to have been adversely affected by this declared major disaster:

The Counties of:

Barbour
Bullock
Choctaw
Cleburne
Coffee
Crenshaw
Cullman
Dallas
Dale
Guntersville
Hartselle
Lee

and

Lowndes
Macon
Macon
Montgomery
 Pike
St. Clair
Tuscaloosa
Walker
Washington
Winston

NOMINATIONS AND ACCOMPANYING INFORMATION

To be considered for any of these three Committees, each nomination of a qualified person must be received on or before April 30, 1975, and be accompanied by a curriculum vitae, which provides detailed evidence of nominee qualifications, including current employment, professional affiliations, and where the nominee may be contacted. This information should be sent to the Executive Secretary, RBEAC, Food and Drug Administration, Bureau of Radiological Health (HFX-100), 5000 Fishers Lane, Rockville, MD 20852.

Five members will complete their terms on January 31, 1976. Nominations for persons to serve a term of not less than 2 years nor more than 4 years for these vacancies are now solicited. The qualifications are indicated above. Names of qualified persons and accompanying information should be sent to:

Executive Secretary, RBEAC, Food and Drug Administration, Bureau of Radiological Health (HFX-100), 5000 Fishers Lane, Rockville, MD 20852.

William S. Cole, M.D., Executive Secretary, MRAC, Food and Drug Administration, Bureau of Radiological Health (HFX-4), 5000 Fishers Lane, Rockville, MD 20852.

RADIATION BIO-EFFECTS AND EPIDEMIOLOGY ADVISORY COMMITTEE

The Radiation Bio-Effects and Epidemiology Advisory Committee was established on October 21, 1971, in accordance with 42 U.S.C. 217a, 263b. The Committee consists of fifteen members, including the chairman, selected by the Commissioner from among authorities knowledgeable in the fields of pathology, radiology, physiology, psychology, genetics, biometrics, epidemiology, toxicology, biophysics, and electronic engineering.

The Committee advises the Commissioner concerning the research bases for electronic product emission standards and radiological health practices. The RBEAC meets approximately twice each year. It has provided the Bureau of Radiological Health, Food and Drug Administration, with advice on the progress of ongoing bio-effects research projects, and recommended priorities for future bio-effects research needs.

Five members will complete their terms on January 31, 1976. Nominations for persons to serve a term of not less than 2 years nor more than 4 years for these vacancies are now solicited. The qualifications are indicated above. Names of qualified persons and accompanying information should be sent to:

Executive Secretary, RBEAC, Food and Drug Administration, Bureau of Radiological Health (HFX-100), 5000 Fishers Lane, Rockville, MD 20852.

NOMINATIONS AND ACCOMPANYING INFORMATION

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Five members will complete their terms on January 31, 1976. Nominations for persons to serve a term of not less than 2 years nor more than 4 years for these vacancies are now solicited. The qualifications are indicated above. Names of qualified persons and accompanying information should be sent to:

Executive Secretary, RBEAC, Food and Drug Administration, Bureau of Radiological Health (HFX-100), 5000 Fishers Lane, Rockville, MD 20852.

NOMINATIONS AND ACCOMPANYING INFORMATION

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Five members will complete their terms on January 31, 1976. Nominations for persons to serve a term of not less than 2 years nor more than 4 years for these vacancies are now solicited. The qualifications are indicated above. Names of qualified persons and accompanying information should be sent to:

Executive Secretary, RBEAC, Food and Drug Administration, Bureau of Radiological Health (HFX-100), 5000 Fishers Lane, Rockville, MD 20852.
This order will be published in the Federal Register.

By the Civil Aeronautics Board:

[SEAL]

EWELL Z. HOLLAND,

Secretary.

[FR Doc.75-7470 Filed 3-20-75; 8:45 am]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Proportional Fare Matters

Issued under delegated authority March 7, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board’s Economic Regulations, between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

The agreement would amend those portions of resolutions governing North/Central Pacific and South Pacific proportional fares which set forth the action to be taken in the event of a general U.S. or Canadian domestic or transborder fare change. The amendments provide for the convening of a proportional fare meeting within 10 days after a fare change is filed with and/or authorized by one or both of the governments concerned. However, when a meeting is called prior to government authorization of any fare change, upon protest by at least two carriers (one in the case of a Canadian change), the meeting may be held after government authorization of the fare change.

Pursuant to authority duly delegated by the Board in the Board’s Regulations, 14 CFR 385.14, it is not found that the following resolutions, which are incorporated in Agreement C.A.B. 24980 as indicated, are adverse to the public interest or in violation of the Act:

Agreement C.A.B. 24980— IATA resolution R-1— J731 (Mail 283) 015a.

Accordingly, it is ordered that:

Agreement C.A.B. 24980 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board’s Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board at such time as the Board shall determine, which shall be within the 10-day period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the Federal Register.

[SEAL]

PHYLLIS T. KAYLOR,

Acting Secretary.

[FR Doc.75-7471 Filed 3-20-75; 8:45 am]

[Order 75-3-21, Docket No. 26494, Agreement C.A.B. 24980 R-1 and R-2]
Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 801 and 1002(j) thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the fares and provisions in Rule 290, on 8th Revised Page 82-A, and Table 2, on 12th Revised Page 315, to Passenger Fares Tariff No. FP-4, C.A.B. No. 44, issued by Air Tariffs Corporation, Agent, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions on the tariff pages specified in paragraph 1 above are suspended and their use deferred to and including March 31, 1975 unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President and shall become effective April 1, 1975;

4. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be served upon Pan American World Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

[Seal] PHILLIS T. KAYLOR, Acting Secretary.

[FR Doc.75-7448 Filed 3-20-75; 8:45 am]

COMMISSION ON CIVIL RIGHTS
CALIFORNIA STATE ADVISORY COMMITTEE
Agenda and Notice of 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 California State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on April 10, 1975, at the Townhouse, 308 North Main, Peninsula Room, Salinas, California 93901.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1615, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting is a review of agenda, witnesses and hearing book for the day open meeting.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.


ISAIAH T. CRESWELL, JR., Advisory Committee Management Officer.

[FR Doc.75-7449 Filed 3-20-75; 8:45 am]

COLORADO STATE ADVISORY COMMITTEE
Agenda and Notice of 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 Colorado State Advisory Committee (SAC) to this Commission will convene at 8 a.m. on April 26, 1975, at the Quality Inn, 1840 Sherman Street, Denver, Colorado 80203.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 California Street, Denver, Colorado 80202.

The purpose of this meeting is to review activities concerning a project by the SAC regarding accessibility of minorities and women to the medical and legal professions.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.


ISAIAH T. CRESWELL, JR., Advisory Committee Management Officer.

[FR Doc.75-7450 Filed 3-20-75; 8:45 am]

DELAWARE STATE ADVISORY COMMITTEE
Agenda and Notice of 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 conference of the Delaware State Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. on April 12, 1975, at Wilmington High School, Lancaster Avenue and DuPont Road, Wilmington, Delaware.

Persons wishing to attend this conference should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 310, 2120 L Street NW., Washington, D.C. 20037.

The purpose of this meeting is a conference on equal employment opportunity in the State of Delaware.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.


ISAIAH T. CRESWELL, JR., Advisory Committee Management Officer.

[FR Doc.75-7451 Filed 3-20-75; 8:45 am]

INDIANA STATE ADVISORY COMMITTEE
Agenda and Notice of 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 scheduled to convene at 10 a.m. on March 22, 1975, at Cumecat College, Conference Room, East Chicago, Indiana 46312, will convene at 10 a.m. on March 22, 1975, but will meet at the Holiday Inn, 3830 17th Street, Hammond, Indiana.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60664.

The purpose of this meeting is the release of Migrant Report—Migrant Assembly Conference Lake County Study Planning.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.


ISAIAH T. CRESWELL, JR., Advisory Committee Management Officer.

[FR Doc.75-7452 Filed 3-20-75; 8:45 am]

INDIANA STATE ADVISORY COMMITTEE
Agenda and Notice of 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 conference of the Indiana State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on April 11, 1975, in the City of Salinas Council Chambers, City Hall, Salinas, California 93901.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this factfinding meeting is an investigation into concerns of secondary education of Mexican Americans in the Salinas Union High School District.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.


ISAIAH T. CRESWELL, JR., Advisory Committee Management Officer.

[FR Doc.75-7447 Filed 3-20-75; 8:45 am]
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INDIANA STATE ADVISORY COMMITTEE
Agenda and Notice of 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 9:30 a.m. on April 18, 1975, at 2000 W. Jefferson Street, First United Presbyterian Church, Indiana 46201.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32d Floor, Chicago, Illinois 60604.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.


ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-7450 Filed 3-20-75;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE
Agenda and Notice of 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 7:30 p.m. on April 15, 1975, at the College of Medicine and Dentistry, 100 Bergen Street, Newark, New Jersey.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32d Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss civil rights activities in the State of New Jersey.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.


ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-7454 Filed 3-20-75;8:45 am]

PENNSYLVANIA STATE ADVISORY COMMITTEE
Agenda and Notice of 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 Pennsylvania State Advisory Committee (SAC) to this Commission will convene at 2 p.m. on Wednesday, April 23, 1975, at the Federal Building, 600 Arch Street, Philadelphia, Pa.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 6310, Philadelphia, Pa.

The purpose of this meeting is to discuss civil rights activities in the State of Pennsylvania.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.


ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-7452 Filed 3-20-75;8:45 am]
COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED
PROCUREMENT LIST 1975

Proposed Additions

Notice is hereby given pursuant to section 2 (a) (5) of Pub. L. 92-28; 85 Stat. 79, of the proposed additions of the following services to Procurement List 1975, November 12, 1974 (39 FR 39964).

INDUSTRIAL CLASS 7849
Janitorial/Custodial, Atomic Energy Commission, Richland, Washington, for following buildings:
Manhof Works:
700 Area Buildings: Building 701-A
Building 703
Building 712
Building 747

100 Area Buildings: Building 100-A
Building 1167
Building 1167-A
Building 1171

Janitorial/Custodial, Bonneville Power Administration, Pasco, Washington, for following locations:
Pasco Operations and Maintenance Headquarters, Buildings 69-C and 102, and Franklin Substation
Janitorial/Custodial, District Office, Bureau of Land Management, Roseburg, Oregon.

By the Committee.

C. W. FLETCHER, Executive Director.

CONSUMER PRODUCT SAFETY COMMISSION
CHILDREN'S SLEEPWEAR
Sizes 7 Through 14 (FT 5-74); Policy Statement

In this notice the Consumer Product Safety Commission issues a two-part policy statement regarding the applicability of the Standard for the Flammability of Children's Sleepwear, Sizes 7 through 14 (CPSP 5-74), as amended. The Commission issued the Standard on May 1, 1974 (39 FR 15228), under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.); and in the Federal Register today has amended the Standard to require affirmative labeling.

The Standard becomes effective on May 1, 1975, and applies to garments of children's sleepwear in sizes 7 through 14 and to fabric or related material intended or promoted for use in such children's sleepwear. It requires that these items of children's sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975 comply with the Standard.

Comments. Four comments regarding the policy statement were received. One comment supported the policy statement. The other comments raised separate issues.

1. One comment stated that the terms "manufactured" and "in inventory or with the trade" on May 1, 1975 are exempt from the Standard, as provided in section 4(b) of the Flammable Fabrics Act. For domestic-made goods to gain the exemption, the manufacturing process must have ended and the goods must have been entered into the United States before May 1, 1975. The comment raised a construction issue.

2. All items of children's sleepwear which are "in inventory or with the trade" on May 1, 1975 are exempt from the Standard, as provided in section 4(b) of the Flammable Fabrics Act. For foreign-made goods to gain the exemption, the manufacturing process must have ended and the goods must have been entered into the United States before May 1, 1975. The comment raised an issue of applicable definition.

3. In essence the policy statement provides that children's sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975 are exempt from the Standard. The comment raised an issue of适用范围.

4. In essence the policy statement provides that children's sleepwear in sizes 7 through 14 manufactured on or after May 1, 1975 are exempt from the Standard. The comment raised an issue of适用范围.

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with the trade" should be defined in the Standard itself to make their meanings more precise and lasting than may be the case in a policy statement. The comment pointed out that the two terms describe the dividing line between regulated and nonregulated goods under the Standard.

The Commission believes it is important to clarify the definitions of the terms "manufactured" and "in inventory or with the trade" so the public and parties subject to the Standard will understand the Commission's policy on the applicability of the Standard. Therefore, the Commission published a two-part policy statement on January 20, 1975 to clarify the terms. This procedure allowed more rapid notice to the public of the Commission's policy than would have had an amendment to the Standard. Although it was not legally required to do so, the Commission invited comment on the policy statement.

Therefore, although it might have been preferable to include the policy within the Standard, the Commission chose to provide more expeditious notice of its policy by publishing a separate policy statement. It should be noted that the time during which the policy will be of greatest concern to those subject to the Standard is during the periods immediately before and after the Standard goes into effect, since at these times the issues of when items were "manufactured" and "in inventory or with the trade" are of most concern to persons subject to the Standard.

2. One comment stated that it is more appropriate for the policy statement to focus upon when the process of manufacturing begins than when it ends because once the fabric is cut, the materials have been committed to garment manufacture and the Commission suggested that the Standard should apply to all items of children's sleepwear for which the manufacturing process begins after the Standard's effective date and for which "cut and fastenings" are defined as "the cutting of the fabric."

The Commission is not persuaded that a garment of sleepwear subject to the Standard should be considered to have been "manufactured" on or after May 1, 1975 if the fabric has been cut prior to that date. The result of this interpretation would be that noncomplying garments could continue to be sewn and permanent labels could be attached long after May 1, 1975, the effective date of the Standard.

The Commission believes that the generally understood definition of the term manufacture includes the entire process of producing a final object or assembling materials into a final form. Therefore, the Commission believes that a garment of sleepwear subject to the Standard should be considered to have been "manufactured" when the fabric for the garment has merely been cut. The Commission believes that persons subject to the Standard have had sufficient time to comply with the Standard during the one year period between the issuance of the Standard on May 1, 1974 and its effective date of May 1, 1975, and that therefore this policy statement will not impose undue hardship on those subject to the Standard.

It should also be noted that the Standard applies to both children's sleepwear garments in sizes 7 through 14 and to fabric or related material intended or promoted for use in such sleepwear. The definition of the term "manu­
ufacturing begins than when it ends be­

ment or fabric intended for use in such sleepwear. The definition of the term "manu­facturing begins than when it ends be­

modation will enforce the Standard in ac­cordance with this policy.

Policy 1. It is the policy of the Com­mission that all items of children's sleep­wear in sizes 7 through 14*(including garments and fabric or related material intended or promoted for use in such children's sleepwear) are subject to the Standard FF 5-74 unless the manufactur­ing process has ended before May 1, 1975. The manufacturing process is deemed to end at the time the item is completely assembled, all functional materials have been affixed, and labeling of a permanent nature has been stamped, sewn, or otherwise permanently affixed to the item. Affixing of temporary price or promotional information or the pack­aging of items of sleepwear (including garments and fabric or related mate­rial intended or promoted for use in such sleepwear) does not affect the date on which the manufacturing process is deemed to end.

2. All items of children's sleepwear in sizes 7 through 14*(including garments and fabric or related material intended or promoted for use in such children's sleepwear) which are in inventory or with the trade on the effective date of Standard FF 5-74 are exempt from the requirements of the Standard. For domestically-made items of children's sleepwear in sizes 7 through 14 to be considered "in inventory or with the trade" on the effective date of the Standard, the manufacturing process must have ended prior to May 1, 1975. For foreign-made items of children's sleepwear in sizes 7 through 14 to be considered "in inventory or with the trade" on the effective date of the Standard, the manufacturing process must have ended and the goods must have entered or been shipped into the United States before May 1, 1975.

Dated: March 18, 1975.

SADIE E. DUNN, Secretary, Consumer Product Safety Commission.
NOTICES

DEPARTMENT OF DEFENSE
ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Department of the Army, Washington, D.C. 20314. 202-685-3861.

Draft

Herbicide Use on National Forests of Alaska, March 11: The action proposed involves the application management with the use of herbicides around forest airfields and on road, railroad, and powerline rights-of-way in Tongass and Chugach National Forests, Alaska. The herbicides proposed for use include 2,4-D, picloram, antracit, sodium metaborate, sodium chlorite, and bromacil. The program may adversely affect non-target species. (ELR Order No. 50337.)

Eightmile-Blue Creek Units, Six Rivers National Forest, Mount Shasta, Calif., March 10: The statement is a draft supplement to a draft filed with CEQ November 14, 1974. The statement expands on the impacts of the completion of the Gasquet-Orleans Road and the current contract for the 6.6 mile segment of the road. (108 pages). (ELR Order No. 50321.)

Idaho City Unit, Boise National Forest, Boise, Idaho, March 10: The statement refers to the 10-year management of the North Fork Cayouga River Unit and the Buck Creek Unit, a total of 59,974 acres of Pisgah National Forest. Adverse impacts can result from 15,000 acres of logging and further into management units for protection, development, and use. Minor adverse effects from some of this development include increased noise and air pollution. (ELR Order No. 50331.)

McClennen-Kerr Arkansas Navigation System, Arkaasas, March 11: The statement refers to the continued operation and maintenance of the McClennen-Kerr Arkansas River Navigation System. Adverse impacts of system operation include the effects of hydroelectric power production methods on fish and other aquatic life, and those of temporary turbidity resulting from dredging. (ELR Order No. 50347.)

Moccasin Harbor and River, Maintenance Dredging, Michigan and Wisconsin, March 14: Proposed is the maintenance dredging to be performed every five years to maintain authorized depths of the harbor. In conjunction with the dredging, a discarded disposal will be constructed. Adverse impacts include disturbance of the harbor, elimination of the harbor, introduction of toxic flood plain impact, destruction of wildlife habitat, and health and safety hazards. (Chicago District). (ELR Order No. 50541.)

Indian River Inlet, Project Maintenance, Maryland, March 12:

Coos Bay (supplement), Coos County, Oreg.: Notice of availability of this draft supplement published by the Council in the Federal Register issue of March 7, 1975. Due to Incomplete distribution of the supplement for review, that notice is reprinted below is to be considered the official notice of availability for purposes of determining the 45-day period for review and comment. Proposed is the construction of a channel across the upper bar of Coos Bay 45 feet deep and 300 feet wide, and a 10-mile long channel. The project also includes the enlargement of existing turning basins. Construction will involve blasting, dredging, and disposal of an estimated 8,500,000 cubic yards of material at sea, in-Bay, and on land. Construction disruption and disturbance of 120 acres of bottom, and 477 acres of land disposal area will occur. When the project is completed, the area will require about 1 to 2 months additional dredging time each dredging interval. (Portland District). (ELR Order No. 50507.)

DEPARTMENT OF COMMERCE

Coastal Zone Management Program, Washington, March 14: The statement concerns the Coastal Zone Management Program application of the State of Washington. Approval and implementation of the program will restrict or prohibit land and water uses in certain parts of the Washington coastline to promote long-range development and use activities in other parts. This may affect property values, property tax revenues, and resource extraction and exploration. (ELR Order No. 50498.)

Sussex County, Delaware: The project involves continuing operation and maintenance activities in connection with the dredging of the Indian River Inlet and Bay. Included in the project are channel dredging, rectification of existing navigation channels, and spoil disposal on existing sites. Dredging will produce temporary local turbidity, which may release trapped pollutants into the water and disturb marine life. Established vegetation will be destroyed at the disposal sites. (Philadelphia District). Comments made by: DOC, USDA, EPA, HUD, and State agencies. (ELR Order No. 50345.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20250. 202-343-3891.

Draft

Ashe-Pebble Springs 500-kV Line (supplement), Washington and Oregon, March 13: The statement, a supplement to the Proposed Program for Fiscal Year 1976 final eis, concerns the construction of a long, 500-kV single circuit transmission line from Ashe Substation in the northeastern portion of Ashe County to Peach Springs to Ashe-Pebble Springs Substation near Arlington, Oregon. The project will require acquisition of 10,030 acres, including construction of 40 miles of new right-of-way, and in some areas, especially at the Columbia River where extremely tall towers may be required, may degrade the visual environment will result. (ELR Order No. 50495.)

BPA Proposed Fiscal Year 1976 Program, March 14: The statement refers to BPA's proposed program for FY 1976, including new construction, modifications, and refinements. The states of Washington, Oregon, Idaho, Montana, and Wyoming are involved. Among program impacts are: the conversion of 2,200 acres of forest land to use as transmission line right-of-way; the effects of herbicide use (for vegetation control on rights-of-way); visual impact from transmission line construction; and effects on air and water quality. Comments made by: DOI, USDA, HU, EPA, AEC, DOE, AHP, COM, and State and local agencies. (ELR Order No. 50498.)

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GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, (302) 423-4101.

Final

Federal Office Building and Court House, Helena, Lewis and Clark County, Mont. 59601. Comments refer to the proposed construction of a Federal Office Building and Court House in Helena, Montana. The project involves the construction of twenty-five off-street parking spaces to be provided to accommodate employees, visitors and official vehicles. The structure will house approximately 450 employees and have a net usable area of 90,000 sq. ft. There will be short-term adverse impacts normally associated with construction (71 pages). Comments made by: AHP, DOE, USDA, COE, AEC, HUD, EPA, State, and local agencies. (ELR order No. 50338.)

Federal Building and Courthouse, Columbia, Richland County, S.C. Proposed is the construction of a new Federal Building and U.S. Courthouse with parking and vehicle maintenance facilities. The project will encompass two stories and include parking for 599 cars. The building will replace four government-owned buildings and 19 leased locations. There will be adverse impact from construction disruption (105 pages). Comments made by: COE, DOC, AHP, EPA, DOI, DOT, USDA, PFC, HEW, 1 State agency. (ELR order No. 50350.)

DEPARTMENT OF LABOR

Draft

Inorganic Arsenic, Proposed Regulation. The statement concerns the Occupational Safety and Health Administration's proposed regulation of inorganic arsenic. The regulation would specify maximum levels of arsenic to which employees could be exposed. The proposed regulation would increase worker efficiency and result in higher prices of products produced with inorganic arsenic (82 pages). (ELR order No. 50358.)

NUCLEAR REGULATORY COMMISSION

Contract: Mr. A. Glaubmane, Director of Division of Reactor Licensing, F-722, NRC, Washington, D.C. 20545 (301) 973-7737.

Final

Washington Public Power System, Units 1 & 4, Benton County, Wash. Proposed is the issuance of construction permits by the Washington Public Power Supply System for the construction of WPSS Nuclear Projects No. 1 and 4 on ERDA's Hanford Reservation. Each station will produce up to 3600 MWt and 1218 MWe. A predicted maximum level of 3769 MWT (1287 MWE) is anticipated at a future date. Cooling towers will be constructed, and water will be obtained from and discharged to the Columbia River. Comments made by: USDA, AHP, HUD, DOT, EPA, DOI. (ELR order No. 50346.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 460, 7th Street, S.W., Washington, D.C. 20590 (302) 426-4307.

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 50, Salida to Coaldale, Chaffee and Fremont Counties, Colo. Proposed is the construction of a 2.1 mile segment of U.S. 50 between Salida and Coaldale in Central Colorado. The project involves the construction of a 2.1 mile segment of U.S. 50 between Salida and Coaldale in Central Colorado. The project involves (1) a new highway and grazing land would be committed to the project. Adverse impacts include at least two minor encroachments in the Arkansas River and disruption, noise, and air pollution (225 pages). (ELR order No. 50334.)

U.S. 6 Byron, Council Bluffs, Pottawattamie County, Iowa. Proposed is a proposal to construct a 1.2 mile long bypass of U.S. 6. The roadway would have two lanes in each direction separated by 36 feet to the foot median. The project would displace up to 93 families and 55 businesses (107 pages). (ELR order No. 50334.)

L-64, Hennepin County, Minn. Proposed is the construction of a 3.7 mile, 8-lane section of I-94 from U.S. 12/159 northerly to 45th Ave., North in Hennepin County, Minn. The project will require the acquisition of 24 acres of land in addition to the 183 acres already acquired, and installation of an additional 75 public transit and 22 businesses. FHWA design noise levels cannot feasibly be met for all land use categories; therefore exceptions will be requested (90 pages). (ELR order No. 50336.)

Final

Loop 436, U.S. 69, Panola County, Tex. The project involves the construction of Loop 436, which is proposed to connect U.S. 69 north of Carthage to U.S. 69 south of Carthage. Adverse Impacts are the acquisition of land for right-of-way, the displacement of six families, and normally associated with construction (70 pages). Comments made by: DOT, HEW, USDA, COE, 2 DOI, 2 State agencies. (ELR order No. 50348.)

U.S. COAST GUARD

Kodiak Sewage Disposal System, Alaska. A sewage disposal system is proposed for U.S. CG Base Kodiak. The system will consist of collection and treatment facilities in accordance with the Federal Water Pollution Control Act, as amended. Sewage is presently collected and discharged, without treatment, directly into tidal waters of St. Paul Harbor. Comments made by: DOI, USDA, USIN, HEW, USCG, EPA, State agencies. (ELR order No. 50343.)

GARY L. WIDMAN, General Counsel.

[PB Doc. 75-7406 Filed 3-20-75; 5:46 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

HERCULES, INC.

Intent to Grant Exclusive Patent License

Notice is hereby given of an intent to grant to Hercules, Inc. of Wilmington, Delaware, an exclusive license to manufacture, use, and sell in the United States the invention described in U.S. Patent No. 3,414,570, entitled "N2, Na, NS Oltriprycylalineamine", issued December 3, 1968 to the United States of America as represented by the U.S. Atomic Energy Commission, now the U.S. Energy Research and Development Administration. A copy of the subject patent can be obtained from the U.S. Patent and Trademark Office, Washington, D.C. 20231. The proposed license will have a duration of five years, will be royalty bearing, and will contain other terms and conditions to be negotiated by the parties in accordance with Energy Research and Development Administration patent licensing regulations, Title 10 CFR Part 711. ERDA will grant the license unless within sixty days of this notice the Assistant General Counsel for Patents, Energy Research and Development Administration, Washington, D.C. 20545, receives In writing any of the following together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or

(ii) An application for a non-exclusive license to manufacture, use, or sell the invention in the United States in accordance with Title 10 CFR 711, to which the applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant General Counsel for Patents will review all written responses to this notice and will provide opportunity for a hearing before granting the exclusive license.

Dated at Germantown, Maryland this 17th day of March, 1975.

JAMES E. DENNY, Assistant General Counsel for Patents.

[PB Doc. 75-7406 Filed 3-20-75; 5:46 am]

ENVIRONMENTAL PROTECTION AGENCY

[PB: 384-5]

DISCHARGE OF POLLUTANTS

Administrative Order

In accordance with section 101(e) of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251(e)) which encourages public participation in the enforcement of any plan established by the Administrator, notice is hereby given that an agreement has been reached between Jack E. Ravan, Regional Administrator, Region IV, and Louisiana Land and Exploration Company, concerning certain property in Mobile, Alabama. The agreement requires that Louisiana Land and Exploration Company:

1. Provide culverts through the road or causeway constructed between the crude facilities of Louisiana Land and Exploration Company, situated on Chickasaw Creek in the proposed disposal site agreed upon with EPA, to wit: the 46 acres, more or less, consisting of ridges ranging to elevations of 17 feet above sea level datum of 1929, and including an isolated pocket of swamp containing no more than 16 acres of wetland vegetation, situated in the northwest quarter of Section 14, Township 3 South, Range 1 West.

2. Place dredge spoil resulting from duly permitted dredging of Chickasaw Creek in the spoil disposal site agreed upon with EPA, to wit: the 46 acres, more or less, consisting of ridges ranging to elevations of 17 feet above sea level datum of 1929, and including an isolated pocket of swamp containing no more than 16 acres of wetland vegetation, situated in the northwest quarter of Section 14, Township 3 South, Range 1 West.

3. Insure that excess fresh water leaves the spoil disposal site in sheet flow through a natural outlet as shown on the survey transmitted to EPA by letter dated February 26, 1975, from Walk, Haydel & Associates.
4. Contact EPA immediately for a determination of alternate disposal methods. If salt water is detected in the effluent from the disposal site, as in accordance with the monitoring program outlines in the Corps of Engineers' permit and EPA's letter of March 6, 1975, to the Corps of Engineers, if the outfall pipe contains a dike at the outlet and pumping the return water via pipeline to Chickasaw Creek, if salinity is measured as follows at the outlet from the disposal site. This tolerance renewed by the United States Environmental Protection Agency, Region IV, after expiration of these tolerances. This temporary tolerance expires March 17, 1975. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit tolerances. This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18005).

Date: March 17, 1975.

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

[FRL 348-1]

ELANCO PRODUCTS CO.

Establishment of Temporary Tolerances

Elanco Products Co., Div. of Eli Lilly & Co., P.O. Box 1769, Indianapolis, IN 46206, submitted a petition (PP 5G1563) on December 5, 1974, (39 FR 42510) requesting establishment of temporary tolerances for negligible residues of the herbicide oryzalin (3,5-dinitro-N,N-di-propylsulfanilamide) in or on the raw agricultural commodities almond hulls, citrus fruits, figs, nuts, pistachios, pome fruits, small fruit, and stone fruit at 0.05 part per million in connection with Pesticide Petition No. 3G1395 (Notice of Petition Under Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act of February 26, 1974 (59 FR 7483)). This tolerance expired February 20, 1975.

The company has requested a 1-year renewal of this temporary tolerance for residues of the herbicide in or on cottonseed at 0.05 part per million to obtain additional experimental data. It is concluded that such renewal of this temporary tolerance will protect the public health. A condition under which this temporary tolerance is renewed is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the BASF Wyandotte Corp. name. This temporary tolerance expires March 17, 1976. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit. This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18005).

Date: March 17, 1975.

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

[FRL 348-2]

MONSanto CO.

Establishment of Temporary Tolerance

Monsanto Co., 800 N. Lindbergh Boulevard, St. Louis, MO 63166, submitted a petition (PP 5G1563) on December 5, 1974, (39 FR 42510) requesting establishment of a temporary tolerance for combined residues of the herbicide glyphosate (N-phosphonomethyl) glycine and its metabolite aminomethylphosphonic acid in or on grapes at 0.2 part per million. It has been determined that this temporary tolerance will protect the public health. It is therefore established on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Monsanto Co. name. This temporary tolerance expires March 17, 1976. Residues remaining in or on the above raw agricultural commodity after expiration of this temporary tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit. This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18005).

Date: March 17, 1975.

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

[FRL 348-3]

BASF WYANDOTTE CORPORATION

Renewal of Temporary Tolerance

BASF Wyandotte Corp., 100 Cherry Hill Road, Parsippany, NJ 07054, was granted a temporary tolerance for residues of the herbicide fluochloralin (N-12-chloroethyl) - N,N,N',N'- tetrafluoro - 2,6-dinitro-N-propyl-p-toluidine) in or on the raw agricultural commodity cottonseed at 0.05 part per million in connection with Pesticide Petition No. 3G1395 (Notice of Petition Under Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act of February 26, 1974 (59 FR 7483)). This tolerance expired February 20, 1975.

The company has requested a 1-year renewal of this temporary tolerance for residues of the herbicide in or on cottonseed at 0.05 part per million to obtain additional experimental data. It is concluded that such renewal of this temporary tolerance will protect the public health. A condition under which this temporary tolerance is renewed is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the BASF Wyandotte Corp. name. This temporary tolerance expires March 17, 1976. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit. This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18005).

Date: March 17, 1975.

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

[FRL 348-4]

PREVENTION OF SIGNIFICANT AIR QUALITY DETERIORATION

Availability of Technical Support Document

On December 5, 1974, (39 FR 42510) the Administrator of the Environmental Protection Agency, Region IV, at the above-referenced address: U.S. Army, Corps of Engineers, Mobile District, Post Office Box 2288, 109 St. Joseph Street, Mobile, Alabama 36628; U.S. Fish & Wildlife Service, Post Office Box 4277, St. Andrews Road, Tallahassee, Florida 32309, and refer to AO Number 74-42 (w).

The order may be examined at the office of the United States Environmental Protection Agency, Region IV, at the above-referenced address: U.S. Army, Corps of Engineers, Mobile District, Post Office Box 2288, 109 St. Joseph Street, Mobile, Alabama 36628; U.S. Fish & Wildlife Service, Post Office Box 4277, St. Andrews Road, Tallahassee, Florida 32309, and refer to AO Number 74-42 (w).

A copy of the Order may be obtained in person or by mail from the Environmental Protection Agency, Region IV, office.


JACK E. RAVAN, Regional Administrator, Region IV.

[FRL 348-1]
This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))) 77, the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623) and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: March 17, 1975.

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

[FR Doc. 75-7343 Filed 3-20-75; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

Memorandum Opinion and Order Enlarging Issues

1. This proceeding involves the mutually exclusive applications of A. C. Elliott, Jr. (Elliott), Quitman, Mississippi and Melvin Pulley (Pulley), Quitman, Mississippi, for a new FM broadcast station at Quitman, Mississippi. The Review Board now has before it a petition to enlarge issues, filed January 6, 1975, by Elliott,

(a) to determine the facts and circumstances surrounding the apparent alteration of the December 14, 1974 affidavit of Ernest Moore and its submission to the Commission by Melvin Pulley;

(b) to determine, in light of the evidence adduced under the foregoing issue, the effect upon Melvin Pulley's requisite and/or comparative qualifications to be a Commission licensee.

2. Petitioner contends that good cause exists to warrant consideration of his late filed motion, because the document upon which this motion is based was submitted as part of Pulley's December 20, 1974, supplement to an opposition to a petition to enlarge issues, filed October 23, 1974, by Elliott. As an attachment to his December 20, 1974, supplement, Pulley included, inter alia, an affidavit of Ernest Moore, a community leader interviewee, purportedly sworn to and acknowledged before Barbara G. Mayo, a notary public, on December 14, 1974. The affidavit reads as follows:

I do remember talking to Melvin Pulley about community needs and problems. During Nov. Dec. 1973 I

Elliott asserts that this affidavit, the first sentence of which is typewritten, while the second sentence is handwritten, had been altered by Pulley without the knowledge of the affiant and then submitted by Pulley to the Commission. In support of this allegation, Elliott submitted an affidavit dated December 28, 1974, in which Moore states: (1) That his December 14, 1974, affidavit had been altered without his knowledge by someone writing in the words "During Nov. Dec. 1973," (2) that upon being asked to sign a statement acknowledging an interview, Pulley had not asked him about any dates; and (3) that he does not remember the exact date of his interview. Also submitted is an affidavit dated December 30, 1974, in which Elliott relates his conversation with Moore concerning the circumstances surrounding the preparation of the latter's December 14, 1974, affidavit. Elliott contends that on or about December 13, 1974, Moore signed a statement to the effect that he remembered talking to Melvin Pulley about community needs that Pulley returned to Moore's home the following day accompanied by a notary public who, while remaining in Pulley's automobile, asked Moore if he had signed a statement for Pulley, and that Moore replied in the affirmative without being shown the statement or having his attention drawn to the dates.

3. In opposition, Pulley maintains that the instant petition is a deliberate and willful attempt on the part of Elliott to deceive the Commission. Elliott's contention that Pulley had Moore's December 14, 1974, statement notarized after Moore had signed it and returned the following day with the notary, is false. Pulley avered. Rather according to Pulley, he asked Moore to sign the original typewritten statement and Moore did so; subsequently, he (Pulley) added the handwritten dates, which Moore4 states: (1) That his December 28, 1974, affidavit was

'Filed as part of the original document.'

1 The Board also has before it the following related pleadings: (a) opposition, filed January 20, 1975, by Pulley; (b) comments, filed January 21, 1975, by the Broadcast Bureau; and (e) reply, filed January 31, 1975, by Elliott.

2 Elliott's motion was acted on by the Review Board Memorandum Opinion and Order, FCC 74R-48, released February 10, 1975. See specifically paragraph 6 thereof.

3 With his petition to enlarge issues, filed October 23, 1974, Elliott had submitted an affidavit dated June 4, 1974, and notarized on September 17, 1974. In which Ernest Moore stated that he had not been interviewed by Pulley.

4 Moore's December 28, 1974, affidavit was notarized on December 30, 1974.

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and problems;" (4) that Mrs. Mayo in-
structed Pulley to make certain that Moore acknowledged the handwritten
dates; (5) that Moore stated that he
had signed the statement; and (6) that
Moore acknowledged the written in dates
of November 6, 1974. Second, Pulley
substantiates his own affidavit, Pulley sub-
mits Mrs. Mayo's affidavit, in which she
states that the words "during Nov. Dec.
5. The Review Board will add the re-
quested issues. First, petitioner has
shown good cause for the delay in filing, as required by section 1.229(b) of
the Commission's rules. The instant petition, which is based upon Moore's December
14, 1974 affidavit, was filed on January 6, 1975, just two and one-half weeks after Moore's affidavit was submitted to the
Commission. Thus, Pulley contends that Pulley led the
Commission to believe that Moore had submitted
his affidavit, in which she
states that he had signed the statement; and (6) that
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3. The tariff revisions would result in generally increased rates for services within the United States, except Hawaii and Alaska, and between the United States, except Hawaii and Alaska, and Canada and Mexico. These would result in generally increased rate levels for WATS and Private Line services.

4. Revisions in MTs tariff schedules of charges and conditions of service within the United States are designed to provide for a 7.2 percent increase in revenues and include the following changes: (1) a one-minute initial period for all customer dialed station calls in all time periods; (2) a 35 percent discount for all customer dialed station calls in the evening rate period; and (3) a 50 percent discount for all customer dialed station calls in the night and weekend rate periods. Proportionately larger increases in long-distance rates have been placed on those services where the costs are relatively greater, namely, on person-to-person calls, operator handled station calls, and calls of short mileages. Revisions in the U.S.-Canada proposed schedule would provide for (1) a one-minute initial period for all customer dialed station calls for the Day and Evening rate periods in addition to the present Dial Station-to-Station Night rate period; (2) establishment of a one-minute initial period for all customer dialed station calls with a 10 cent minimum charge per message; (3) 35 percent discount for the Evening and 40 percent for the Night rate periods, applicable to Dial Station-to-Station Initial Periods, and 28 cent discount for all other customer dialed station calls in the night and weekend rate periods; (4) 24-hour rate for an initial 3-minute period for all Operator Station-to-Station and Person-to-Person messages; (5) 24-second minute rates for all classes of services; (6) reduction of the number of mileage rate steps from 27 to 23; (7) elimination of the fifteen cent surcharge for collect calls; (8) elimination of the surcharge for collect calls; (9) reduction of the number of mileage rate steps from 27 to 23; (10) elimination of the one-minute initial period for all customer dialed station calls in the night and weekend rate periods.

5. Revisions in the WATS and Private Line services would provide for: (1) increased rates for measured time service for distances up to 900 miles and decreased monthly rates for measured time service for distances beyond 900 miles; (2) increased monthly rates for Full Business Day Service for distances up to 1,600 miles, and decreased monthly rates for Full Business Day Service beyond 1,600 miles; (3) with the exception of installation, move and conversion charges, for WATS and extension stations, all other rates and charges in Tariff F.C.C. No. 259 (e.g., monthly rates and installation charges for connecting arrangements) would provide for a 7.2 percent increase in revenues and include the following changes: (1) introduction of a dial rate period for all Operator Station-to-Station Night rate periods, applicable to Dial Station-to-Station Initial Periods, and 35 percent discount for all other customer dialed station calls in the night and weekend rate periods.

6. AT&T alleges that its proposed revisions in the tariff schedules would increase the domestic rate element for Private Line Services by 7.2 percent, except for a one-minute initial period for all customer dialed station calls for the Day and Evening rate periods, applicable to Dial Station-to-Station Initial Periods, and 28 cent discount for all other customer dialed station calls in the night and weekend rate periods; (4) a uniform 24-hour rate for an initial 3-minute period for all Operator Station-to-Station and Person-to-Person messages; (5) 24-second minute rates for all classes of services; (6) reduction of the number of mileage rate steps from 27 to 23; (7) elimination of the fifteen cent surcharge for collect calls; (8) elimination of the surcharge for collect calls; (9) reduction of the number of mileage rate steps from 27 to 23; (10) elimination of the one-minute initial period for all customer dialed station calls in the night and weekend rate periods.

7. AT&T explained its reasons for seeking the proposed increased rates for its interstate services in a letter dated January 3, 1975, to Chairman Wiley. It therein stated:

8. AT&T estimates that the charges for about 30 percent of all MTs calls will be lower; and that by altering their calling habits, customers may take advantage of further savings in their long-distance calls. According to AT&T, its pricing in­novations will also promote more efficient use of the telephone network, facilities improvements in productivity, and pro­duce substantial cost savings.

9. AT&T's filing is comprised of 267 tariff pages and 2,000 pages of statements by Company officials and outside consultants and more than 8,000 pages of related data and work papers in support of various aspects of the tariff revisions. The Commission received 18 petitions containing requests that we suspend and investigate the AT&T tariff revisions from California, Chicago, Pennsylvania, the Executive Agencies, the Council, the U.S. Companies, NSBA, Datran, National Data, Mutual, and the Trial Staff. The Network Companies and IMN confine their requests for suspension to private line services rate revisions. The Commission has requested that we suspend only the MTS revisions, arguing that this action would reduce the present subsidization of other services by MTS rate payers. Other petitions seeking rejection, cancellation, or withdrawal of the AT&T tariff revisions or, as alternative relief, suspension and investigation of these revisions were received from CNs, ANPA, ARINC, AIA, ATA, AP and ANPC has filed a request for rejection or suspension to the Series 5000 private line services and teletypewriter equipment; ATA has confined its request to Series 5000 services. The Ad Hoc Committee has requested that we reject the AT&T tariff revisions for the private line services. ANPA has also filed a separate petition requesting rejection. Among these petitioner's urging rejection of AT&T's tariff revisions, AP, AIA, CNs, ANPA, UPI and the Ad Hoc Committee have argued that we have the authority to reject these revisions without a hearing since AT&T's rates were implicitly prescribed by the Commission in Dock­et No. 19125, and thus, under section

*All the revisions are published to become effective on March 4, 1975 except certain rates from the United States to Mexico and Canada which were published to become effective on March 29, 1975.

1. AT&T's January 3, 1975 letter is Appendix B, filed as part of the original document.

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205 of the Act. AT&T cannot file higher rates without first obtaining the Commission's approval. The National Trial Staff, AIA, AT&T, and ARINC have argued that we can reject the tariff revisions without a hearing because AT&T's data supporting its revisions do not comply with § 61.58 of the Commission's rules. In addition, AT&T asserts that we can summarily reject the private line service rate increases since prior such increases are still under consideration in Docket No. 19129, and ARINC asserts that summary rejection can be predicated on AT&T's failure to consider the competitive nature of Telepak service. Many of these same petitioners have argued that we should exercise this power to summarily reject AT&T's tariff revisions in order not to unduly disrupt proceedings in other dockets.

10. Various petitioners urging suspension have asserted that AT&T has failed to justify adequately its proposed tariff revisions. The Council and Mutual argue that AT&T's increased rates can only be justified on the basis of increased operating costs. The Council further argues that neither AT&T's increased cost of debt nor its needs for favorable equity financing justifies the magnitude of AT&T's proposed increases. Mutual, Pennsylvania and AIA also believe that the rate increases cannot be predicated on a need for a higher equity return or higher debt costs. Mutual adds that AT&T's capital requirements are likely to be reduced in 1975 through tax and economic relief as well as reduced customer demand. The Separated Trial Staff asserts that AT&T's expectations as to 1976 spending levels, to which its proposed rates are based, are in error since these expectations overlook present inefficiencies in the Bell System's operating and capital acquisition programs. As revealed in the Docket No. 19129 inquiry, a $600 million cutback in 1975 construction, and recent labor force reductions together with a freeze on new hiring. The Separated Trial Staff urges the Commission to require that AT&T submit updated cost data reflecting all possible economics so that by the end of the suspension period lower rates can be substituted. The Executive Agencies believe that an investigation is necessary because AT&T's proposals far exceed rates declared to be reasonable in Docket No. 19129; because AT&T bases its revised tariffs on a hypothetical debt ratio; and because AT&T has used questionable methods to arrive at an equity component. The Executive Agencies, the Council, and Mutual believe that the Separated Trial Staff also believe that AT&T has failed to justify its revised rate structure in MTS and the Network Companies.

11. The economic impact of AT&T's tariff revisions have been cited by petitioners as justifying at least a suspension and investigation. The Council, requests that if we find AT&T's rate structure modific­ tion to be justified after an investiga­tion, we should take steps, such as phasing rate revisions, to ameliorate any adverse impact on small and intermediate sized businesses. The Council, AIA, and the Network Companies have argued that the rate increases for Series 6000 private line services will adversely impact radio networking and therefore should be investigated. Pennsylvania and California object to AT&T's tariff revisions because of their effect on rate payers for intrastate service. Pennsylvania notes that AT&T's interstate rate increases should lead to increased intrastate rate increases by virtue of the parity which Pennsylvania maintains between intrastate long-distance charges and the interstate rates. California requests that, if its petition to suspend and investigate AT&T's tariff revisions is granted, the Commission designate as an issue modifications to the Separations Manual procedures and further order AT&T to submit the revenue requirements effects on each state as a consequence of the proposed rate increases. Alternatively, if its petition is denied, California requests a Commission order specifying that no shift in revenue requirements will be made as a result of the rate increases until possible separation manual changes have been considered. Other petitioners concerned with the economic effects of AT&T's tariff revisions include the Separated Trial Staff, ARINC, AIA, and the Executive Agencies.

12. Several petitioners have argued that AT&T's tariff revisions are unlaw­ fully discriminatory under section 202 (a). California argues that the revised MTS rate structure discriminates against rate payers in certain states vis-a-vis rate payers in other states. National Data argues that its data indicate that AT&T's rate structure un­ lawfully discriminates against WATS users whose access lines are concentrated in the lower numbered service areas. Since DDS, a competitive service, is not included in AT&T's tariff revision, California argues that there is unlawful discrimin­ ation against customers of AT&T's monopoly service.

13. Separation of various issues raised by AT&T's tariff revisions is requested by several petitioners. The Council has argued that we establish at least two proceedings, one for rate level issues and another for rate structure issues. The Separated Trial Staff asks the Commission to assign all rate structure questions presented by AT&T's proposal to the Phase II inquiry in Docket No. 19129 on the grounds that similar rate structure issues have been raised and considered in that proceeding. Many petitioners, including the Executive Agencies, have argued that the Commission need not order AT&T to delay the effective date of the tariff revisions. In AT&T's view, a suspension will irrevocably deny it just and reasonable rates which are urgently needed, while an accounting order will fully protect the interests of AT&T's customers. With respect to the petitioners urging rejection, AT&T argues that there is no valid basis for such action. The Commission cannot invoke section 205, AT&T asserts, because in our Phase I Order in Docket No. 19129 there was no “full hearing” on the rate structure. AT&T further cites an earlier petition against customers of AT&T's monopoly services.

14. AT&T opposed all petitions seeking to delay the effective date of the tariff. In AT&T's view, a suspension will irreversibly deny it just and reasonable rates which are urgently needed, while an accounting order will fully protect the interests of AT&T's customers. With respect to the petitions urging rejection, AT&T argues that there is no valid basis for such action. The Commission cannot invoke section 205, AT&T asserts, because in our Phase I Order in Docket No. 19129 there was no “full hearing” on the rate structure. AT&T further cites an earlier petition against customers of AT&T's monopoly services.
increase its overall rate of return above the 8.5 percent level without obtaining the
Commission's approval to increase this level by demonstrating that the level was no
longer adequate.15

17. The Commission's action did not
relate to any specific rate structure. This issue is being investi-
gated in Docket 19128 and Phase II of Docket 19129. Thus, Bell is legally
free to alter its rate structure, the Commission's decision being
from doing so in such a manner as to increase its overall earnings level above 8.5
percent.16 In seeking a modification of the
order, a heavy burden clearly rests on AT&T to show clearly and to what extent
the cost of equity now exceeds 10.5 percent. This question must be tested in the
crude of an evidentiary hearing, and we note in this decision that a hearing to
be conducted on an expedited basis.17

21. In view of the above we have determined
that our previous order on the exception, as stated above, should be modified.
We thus conclude that the just, fair and reasonable rate of return for Bell, under
present conditions is 8.74 percent computed as follows:18

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1. See the basis of previous prescription 38 FCC 2d 213, 241.
2. We shall still permit Bell to reach a 9 percent rate of return through increased efficiency and productivity.
3. Achievement by Bell of the 8.74 percent rate of return on its interstate business is not herein to determine whether the rate would be appropriate, will require rate adjustments which will produce approximately $365 million in additional gross revenues before Federal income taxes over and above indicated above. This fourth quarter 1974 revenues. We hereby authorize Bell to file such a tariff on not less than one day's notice. See 47 USC 203.
4. We now turn to the specific requests for relief in the petitions before us. Since we are rejecting herein the subject AT&T tariff filing, and instituting an investigation into the appropriate Bell rate of return we must deny those parts of the petitions listed in Paragraph 9 above which request suspension of the tariff filing and an investigation to be ordered.
We note that, under § 1.44(a) of our rules, petitions to suspend and reject may not be combined into a single pleading, since rejection requests should be addressed to the Chief, Commission, and suspension motions were properly addressed to us. However, we shall waive § 1.44(a) on our own motion and consider the pleadings properly before us.

--Theodore T. White

FEDERAL COMMUNICATIONS COMMISSION

[SEAL]

VINCENT J. MULLINS

Secretary.

RAPID TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Rapid Technical Commission for Aeronautics, Special Committee 127, Emergency Locator Transmitters. It is to be held on April 9, 1975 in Conference Room 6332, Nassif Building, 409 Seventh Street, SW., Washington, D.C., commencing at 9 a.m.

AGENDA

1. Opening Comments by Chairman.
2. Administrative announcements.
3. Review and Approval of Minutes of the meeting of January 29, 1975.
4. Reports of Task Groups:
   a. Inertial Switches.
   b. Battery Standards.
   c. Antenna Standards.
   d. Cospin Control and Alerting.
5. New Business.
6. Task Assignments.
7. Date and place of next meeting.

--Theodore T. White

18 Commissioner Quillen concurring in result; Statements of Commissioners Lee, Hooks and Reid filed as part of original document. Commissioners Lee and Hooks concurring in part and dissenting in part; Commissioner Reid concurring.
NOTICES

FEDERAL HOME LOAN BANK BOARD

[F. C. 1975]

BROADVIEW FINANCIAL CORP.

Receipt of Application for Permission To Acquire Control of St. Clair Savings Association

MARCH 18, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Broadview Financial Corporation, Cleveland, Ohio, a unitary savings and loan holding company, for approval of acquisition of control of the St. Clair Savings Association, Cleveland, Ohio, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a (e)), and section 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected from Broadview Financial Corporation has received an application for approval of the applicant. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20255, or on or before April 21, 1975.

[FR Doc. 75-7411 Filed 3-20-75; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP74-320]

COLORADO INTERSTATE GAS CO., A DIVISION OF COLORADO INTERSTATE CORP.

Order Providing for Hearing Granting Interventions, and issuing Temporary Certificate

MARCH 14, 1975.

On June 14, 1974, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG) filed an application pursuant to section 7(e) of the National Gas Act for a certificate of public convenience and necessity authorizing the acquisition of the Latigo Field in Arapahoe County, Colorado, and the construction and operation of facilities to develop the field for use as an underground gas storage reservoir, all as more fully set forth in the application which is on file at the Commission and open to public inspection.

CIG proposes to acquire the working interest 1 of producers presently operating the Latigo Field in Arapahoe County, Colorado, and in the process of acquiring 24,500 acres of land, a small gasoline plant and mineral and storage rights at a total estimated cost of $6,994,606. The field will be developed over a period from 1975 through 1979 as follows:

1975. Convert seven existing wells to storage use; drill two new gas storage, two potable water and two saltwater disposal wells; convert two wells to observation wells; install approximately 6 miles of 16-inch lateral pipeline, and construct a 3,300 horsepower compressor station and miscellaneous support facilities at an estimated cost of $3,895,049.

1977. Drill six new gas storage wells; convert four wells to observation wells and install gathering and miscellaneous support facilities at a total estimated cost of $1,566,822.

1978. Drill six new gas storage wells; convert two wells to observation wells; install a 1,100 horsepower compressor station addition and install the necessary gathering and miscellaneous support facilities at an estimated cost of $3,404,033.

1979. Construct a 1,109 horsepower compressor station addition at an estimated cost of $993,633.

Upon completion of the project the Latigo Field will consist of 25 storage injection-withdrawal wells, ten observation wells, two saltwater disposal wells, two freshwater wells, a 5,500 horsepower injection compressor facility, a central dehydrator and dehydration gathering and transmission facility, 6 miles of 16-inch lateral pipeline, approximately 8.6 miles of 6 to 18-inch gathering line, approximately 5 miles of 2-inch line and .63 mile of 8-inch saltwater gathering and disposal line, 14 field line gas heater-separators, measurement facilities and a small sump tank facility at a total estimated cost of $20,753,812.

Approximately 9,700,000 Mcf was expected to be in the reservoir as of October 1, 1974, the anticipated acquisition date. Of this amount 6,033,000 Mcf represents recoverable base storage acquired in place at a cost of $1,953,525 or $4.25 cents per Mcf. The remaining 3,700,000 Mcf at a cost of $413,016 (24.35 cents/Mcf) is treated as non-recoverable base storage gas and is included in gas plant and equipment.

Prior to filing of this instant application, CIG purchased gas from producers in the Latigo Field. This gas, after processing, was delivered to CIG's 20-inch mainline where it was commingled with CIG's interstate gas supply flowing into Colorado and eventually delivered in the Denver area. No applications were made for the sale of this gas by the producers. Nevertheless, this transaction is clearly within interstate commerce as set forth by the La Voca doctrine in California vs. La Voca Gathering Company, 373 U.S. 366 (1963). Therefore, any termination of service will require the producers to file applications for abandonment of their service. Our granting of such applications is necessarily a determination of the effectiveness of any temporary certificate granted to CIG. Nothing herein should be construed as a waiver by the Commission of its authority to institute a proceeding against CIG and the producers involved to show cause why they should not be held in violation of the Natural Gas Act.

CIG proposed to commence withdrawals from the field during the 1974-75 heating season, whereas, injections will begin during the spring of 1975 2.

Upon completion of the project (1978-79 heating season), CIG proposes an ultimate total storage volume of 23,278,000 Mcf of which 12,000,000 Mcf will be the annual withdrawal storage. Peak day withdrawals are estimated to be 140,000 Mcf, 371,526 Mcf.

Because CIG proposed to utilize an existing gas and oil field which is currently subject to operations similar to those proposed, we find any approval of the project would not constitute a major Federal action significantly affecting the quality of the human environment. In addition, the proposed pipelines will not cross any highways, railroads or continuous bodies of water. The installation of the compressor unit will not cause any significant increase in local noise levels.

In Docket No. RP74-77 it was estimated that CIG's production of new reserves will exceed its estimated deficiency by 22,370,000 Mcf in 1976, 22,422,000 Mcf in 1976, 19,558,000 Mcf in 1977, and 636,000 Mcf in 1978. If new supplies do not develop as anticipated, CIG will allocate any deficiency in accordance with the terms of its curtailment plan on file in Docket No. RP72-122.

No new or additional customers will be served as a result of this project. CIG has stabilized total transmission system peak day deliveries at the 1973-74


[2] Proposed peak day withdrawals are 3,000 Mcf during the 1974-75 heating season, 5,100 Mcf during the 1975-76 heating season, 6,000 Mcf during the 1976-77 heating season, 115,000 Mcf during the 1977-78 heating season and 140,000 Mcf during the 1978-79 heating season.
level of 1,361,098 Mcf. Development of the proposed storage will eliminate the projected peak day deficiencies through the 1976-77 heating season and will contribute to the reduction of deficiencies through the 1976-79 heating season. Annual deficiencies are expected to increase from 11,028,000 Mcf in the 1974-75 Fiscal Year to 9,628,000 Mcf in the 1975-76 Fiscal Year. These facilities would supply inventory that will be required to offset, in part, these prospective shortfalls. If acquisition is not allowed, now, the facilities will not be in service in time to accumulate an inventory from the system off peak gas to supply projected shortfalls in the 1976-77 winter season. For this reason, the Commission is of the opinion that an emergency exists on CIG's system, within the purview of section 7 of the Natural Gas Act, which warrants the issuance of a temporary certificate for acquisition of the facility, construction of the facilities scheduled for construction in 1975, and injection of gas into storage. However, the issuance of this certificate is not to be construed as authorization on the part of the permanent application nor should it prejudice in any manner the ultimate disposition of the permanent application.

The incremental cost of service for the first full season of operation (1975-76 to 1980) as estimated to be $3,914,454, including return of head pressure of each well in the storage reservoir at 9.75 percent and reflecting the deductions of revenues received from the sale of hydrocarbon liquids. Based on a total transmission system demand cost service of $1,73 per Mcf (as filed in Docket No. RP74-77) CIG estimated 1979-1980 incremental revenues to be $2,990,400 or $924,054 less than the incremental cost of service not to fully recover its costs. CIG shall demonstrate for this record its proposed source of supply showing projected amounts and projected duration. In the event of a nonmeeting of the sales by the producers in the Latigo Field will harm no segment of the CIG market.

After due notice by publication in the Federal Register on July 16, 1974 (39 FR 26064), a joint petition to intervene was filed by Public Service Company of Colorado, Western Slope Gas Company and Cheyenne Light, Fuel and Power Company. These petitioners state that they fully support the application of CIG. The City and County of Denver also filed a petition to intervene. The Public Utilities Commission of the State of Colorado filed its notice out of time.

The Commission finds:

(1) Good cause exists to set for hearing and disposition the matters involved in the proceeding in Docket No. RP74-77.

(2) Good cause exists to grant the interveners previously cited since the participation of those intervenors may be in the public interest.

(3) Participants of the late intervenor will not delay the instant proceeding and, therefore, good cause exists for permitting the filing of the late petition to intervene.

(4) An emergency exists on CIG's system to an extent sufficient to justify the issuance of a temporary certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act particularly sections 7 and 15 thereof, the Commission declares the date and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held commencing May 6, 1975, in a hearing room of the Colorado Public Utilities Commission, 206 West Colfax Avenue, Denver, Colorado.

(B) On or before April 8, 1975, CIG and all supporting interveners shall file and serve its testimony and exhibits comprising its case-in-chief upon all parties including Commission Staff.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose—see Delegation of Authority, 18 CFR 3.5(d)—will proceed to determine whether a market exists for the storage service if it were provided on a separate rate schedule under which all costs associated with the project would be recovered. CIG shall show why it is in the public interest for the proposed storage service not to fully recover its costs. CIG shall demonstrate for this record its proposed source of supply showing projected amounts and projected duration. In the event of nonmeeting of the sales by the producers in the Latigo Field will harm no segment of the CIG market.

(E) The temporary authorization herein above granted is conditioned as follows:

(1) The maximum inventory of natural gas in the storage reservoir at the end of the cycle.

(a) The maximum daily injection and withdrawal rates experienced during the cycle.

(b) The shut-in bottom-hole or wellhead pressure of each well in the storage field and the average of such pressures.

(c) The average working pressure on maximum days (referred to in Item 3) above central measuring point where the total volume injected or withdrawn is measured.

(d) A tabulation of Wells drilled, cleaned or recompleted with subsea elevations, formations and casing setting. Copies of any core analyses, gamma ray, neutron or other electric log surveys and back-pressure tests conducted during the period.

(g) Reports shall continue to be filed semi-annually until the average shut-in reservoir pressure has reached or has closely approximated the maximum storage pressure permitted in the Commission's order, after which, two additional injection and withdrawal cycles have been completed. Upon completion of those two cycles, the filing of reports shall be desisted except for other otherwise ordered by the Commission.

(3) Any producer setting to CIG out of the Latigo Field shall file without prejudice for abandonment under Section 7 of the Natural Gas Act.

(B) Pursuant to section 7(c) of the Natural Gas Act and based upon the Commission's findings that an emergency exists on CIG's system by virtue of projected shortages in the winter 1975-76 season. A temporary certificate was hereinafter conditioned for the acquisition and construction of facilities and for the injection of gas and is to be so issued without prejudice to such ultimate disposition of the application for certificate as the record compiled herein may require.

(F) The temporary authorization herein above granted is conditioned as follows:

(a) The volume of natural gas injected and withdrawn during each month of the cycle.

(b) The volume of natural gas in the storage reservoir at the end of the cycle.

(c) The maximum daily injection and withdrawal rates experienced during the cycle.

(E) Any producer setting to CIG out of the Latigo Field shall file without prejudice for abandonment under Section 7 of the Natural Gas Act.
Announcement of the Federal Energy Regulatory Commission:

(4), (5), (7), and (8) of section 157.30 of such regulations. However, all necessary Federal, state and local authorities shall be obtained by Applicant with respect to all facilities constructed pursuant to the instant authorization so long as such local authorities or actions are not inconsistent with the Commerce Clause of the Constitution of the United States and our jurisdiction. Copies of such authorities shall be submitted to the Commission and shall include, but shall not be limited to, building permits and statements of compliance with applicable Government and industry safety codes governing the design, installation, inspection, testing, construction, operation, replacement, and maintenance of facilities. Copies of all authorities shall be submitted to the Commission upon receipt.

By the Commission.

Issued: March 14, 1975.

[SEAL]

MARK T. KIDD
Acting Secretary

[FR Doc.75-752 Filed 3-20-75; 10:57 am]

[Docket No. CP75-350]

CONSOLIDATED GAS SUPPLY CORP.

Application

MARCH 14, 1975.

Take notice that on March 4, 1975, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26521, filed in Docket No. CP75-350 an application pursuant to sections 7(b) and (c) of the Natural Gas Act and section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction, acquisition, and approval of the abandonment, for the 12-month period commencing July 1, 1975, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's existing capacity to serve from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000, nor will the cost of any single project exceed $500,000. Applicant states that the proposed facilities will be financed from funds on hand and funds to be obtained from Applicant's parent corporation, Consolidated Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should file an entry of protest on or before March 26, 1975, with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the regulations of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Take further notice that, pursuant to the authority contained in and subject to the conditions and limitations set forth in the Federal Power Act, the Commission, upon the application of the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely served, the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-7364 Filed 3-20-75; 8:45 am]

[Docket No. CP75-241]

CREELE GAS PIPELINE CORP.

Application

MARCH 14, 1975.

Take notice that on February 21, 1975, Creole Pipeline Corporation (Applicant), 225 Baronne Street, New Orleans, Louisiana 70112, filed in Docket No. CP75-241 an application pursuant to section 1(c) of the Natural Gas Act and Part 152 of the regulations thereunder for exemption from the provisions of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In support of this application and in accordance with section 152.3(c) of the Commission's regulations (18 CFR 152.3(c)), Applicant states the following regarding its existing service for which Applicant seeks exemption:

Applicant owns and operates two natural gas pipelines located exclusively within St. Bernard Parish, Louisiana. One is an eight-inch line which extends from the boundary of the Yscloskey pipeline near theDeletey Ohiocast plant and is transported to Tenneco's Creole Pipeline Corporation (Applicant) and Amsfcor Corporation. The gas transported for each is received from the Yscloskey plant and is transported to Tencos's Chalmette refinery and Star's Chalmette plant. In each case all of the gas transported is consumed within the State of Louisiana. The other natural gas pipe-
line owned and operated by Applicant is a 16- and 12-inch line which extends from the boundary of the Yscloskey plant to a point on the boundary between St. Bernard Parish and Orleans Parish at Bayou Bienvenu, Louisiana. This line is utilized for the transportation of natural gas received from OKC Corporation (OKC) at the Yscloskey plant for ultimate delivery to the OKC’s cement plant in Orleans Parish. From the point on the boundary line referred to above, the gas transported by Creole for OKC is transported to the OKC plant through a pipeline owned by New Orleans Public Service Company, Inc. (NOPSI). Delivered natural gas to Air Products and Chemicals, Inc.’s (Air Products) plant in Orleans Parish are made through the 16- and 12-inch line in the same fashion. This gas is nominally sold to Air Products by Applicant. Said gas is nominally purchased by Applicant at the Yscloskey plant from Shell and Tenneco and is delivered to the Air Products’ plant through the facilities of Applicant. Delivered natural gas to Products is transported through its pipeline facilities to the Yscloskey plant by Tennessee Gas Transmission Company, a division of Tenneco Inc., in a cammungled stream from sources within and without the State of Louisiana. Applicant thus has a total of four customers, three of whom are independent wholesale customers, a nominal sale customer, none of which are wholesale customers. Applicant states that to the best of its knowledge the natural gas transported through its pipeline facilities is delivered to the Yscloskey plant by Tennessee Gas Transmission Company, a division of Tenneco Inc., in a cammungled stream from sources within and without the State of Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission’s rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission shall be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission’s rules.

KENNETH F. PLUMB, Secretary.

DELMARVA POWER AND LIGHT CO.
Order Further Extending Procedural Dates

On February 4, 1975, Staff Counsel filed a motion in this proceeding to further extend the procedural dates which were fixed by order issued October 24, 1974, and modified by notice issued January 10, 1975. Staff states that Delmarva Power and Light Company’s (Delmarva) initial filing appears to be “unsubstantiated and subject to rejection.” They ask the Commission to order Delmarva to supply a current cost projection for period II which should include three months of actual data for October, November, and December of 1974 and for estimated data for January through September 1975. Even the event this motion is denied, Staff would recommend rejection of the proposed changes.

On February 6, 1975, the Municipal Intervenors filed a matter filed comments supporting in part, and opposing in part, Staff’s motion. It is their contention that the necessary changes by Delmarva amount to “an entirely new case in chief” and that a withdrawal of rejection and new filing is most appropriate. They find a continuation of the present proceeding “unfair and burdensome” since under § 35.19(a) of the Commission’s rules and regulations the interest rate on a possible refund would be at 7 percent, whereas a new proceeding would allow a refund including 9 percent interest rate under the revised §35.19(a).

Intervenors therefore requested that in the event Staff’s Motion is granted, § 35.19(a) be waived in order that any refund ordered by the Commission would include interest.

On February 11, 1975, Delmarva filed comments to the Staff’s motion. It is the company’s contentions that the need for updated information was caused by changed conditions and that these additions are both necessary and proper and do not represent a new case.


Upon review of the instant pleadings we find it appropriate and in the public interest to grant Staff’s request extension of time for complete discovery and to submit evidence as to the justness and reasonableness of Delmarva’s proposed rate changes. We note that the 9 percent interest rate thought to be adduced by Staff does not constitute grounds for rejection of Delmarva’s filing. The material requested by the Staff is not required in order for Delmarva to meet the filing requirements of the Commission’s regulations. In fact we previously noted in our order issued October 24, 1974, in this docket that Delmarva’s filing, as completed on September 1974, complied with the requisite filing requirements of the Commission’s regulations. The material sought by the Staff is the type of data needed to test the justness and reasonableness of Delmarva’s proposed rate increase, and therefore, to insure a proper evaluation of the proposed changes, we believe that the requested extension should be granted.

As to Municipal Intervenors’ request for waiver of §35.19(a) of the Commission’s regulations, we believe that good cause has not been shown to grant the requested waiver. As we said in our order affecting Rate of Interest on Amounts Subject to Refund: “As to the speculative nature of the fund coupled with the expense of undertaking extensive litigation in regard to the filing would mitigate any probable benefits the company might derive from such a tactic.” As we stated in that order, the interest rate on refunds should compensate the customer but not penalize the company for seeking an increase. It is not feasible for us to determine in individual cases whether the rate is adequate. We can only attempt to periodically scrutinize the money market to ascertain if prospective interest rate adjustments to our rules are necessary.

The Commission finds: (1) Good cause exists for granting a further extension of procedural dates in this matter. (2) Good cause exists to order Delmarva to update their filing as herein-after provided.

(3) Good cause does not exist to grant Municipal Intervenors’ request for waiver of §35.19(a) of the Commission’s regulations.

The Commission orders: (A) Delmarva shall supply a current cost projection for period II which would include three months of actual data (October-December) and for estimated data for nine months (January-September, 1975).

Hearing, May 27, 1975.

(C) Municipal Intervenors’ request for waiver of § 35.19(a) of the Commission’s regulations is hereby denied.

Issued: March 14, 1975.

[Seal.] KENNETH F. PLUMB, Secretary.

[FR Doc. 75-7365 Filed 3-20-75; 8:45 am]

[Issued March 14, 1975.]

[FR Doc. 75-7866 Filed 3-20-75; 8:45 am]

[Issued March 14, 1975.]

EXXON CORP.

Extension of Procedural Dates

March 4, 1975.

On February 26, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued January 6, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.
Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff’s Testimony, March 21, 1975.
Hearing, April 8, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[F.R Doc.75-7623 Filed 3-20-75;10:49 am]

GRAND GAS CORP.

Order Deferring Action on Application for Permission and Approval To Abandon Sale of Natural Gas

On October 17, 1974, Grand Gas Corp. (Applicant) filed in Docket No. CP75-122 an application, as supplemented January 13, 1975, pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce to Northwest Pipeline Corporation (Northwest) from the Cisco Dome and Book Cliffs Fields, Grand County, Utah. Applicant was authorized to make the subject sale by order issued June 1, 1972 (47 FPC 1440), as amended January 28, 1974 (61 FPC 309).

The Commission in the order of June 1, 1973, found:

(3) The gathering facilities to be constructed and operated by Grand Gas are not within our jurisdiction. Grand Gas’ gathering operations are not within our jurisdiction.

and

(6) Applicant in Docket No. CP75-100 will be a gatherer of natural gas and not a natural gas pipeline company within the contemplation of the Regulations under the Natural Gas Act.

The Commission ordered,

(H) That part of the application in Docket No. CP73-108 for authorization to construct and operate gathering facilities is dismissed for want of jurisdiction.

Applicant proposes to abandon the sale of natural gas to Northwest because it proposes to sell its facilities in Grand County to Northwest. In addition to the Cisco Dome and Book Cliffs Fields, Applicant’s facilities connect the Cisco Spring, Danish Wash, Agate, Unnamed, and Gravel Pile Fields with the system of Northwest. Upon disposition by Applicant the facilities would become part of Northwest’s interstate natural gas pipeline system. In its application Applicant alludes to the aforementioned portions of the order of June 1, 1972, and states that it has been informed that Northwest Pipeline Corporation is of the opinion that it is not necessary for it to make any filing with the Commission in connection with its acquisition of all the gas gathering facilities and other assets of Applicant as it is of the further opinion that it is fully authorized to so acquire, and thereafter operate, such assets and facilities in connection with its other operations under prior orders of the Commission.

After a preliminary analysis of the application the Commission cannot conclude at this time, in the opinion of Applicant with respect to its acquisition and operation of Applicant’s facilities because, notwithstanding the findings in the order of June 1, 1972, the facilities, in fact, the acquisition and operation thereof by Northwest may be subject to the jurisdiction of the Commission under subsections (c) and (e) of section 7 of the Natural Gas Act. If such should be the case, then any finding that the present or future public convenience or necessity permit the abandonment by Applicant would necessarily have to be coupled with a finding that the acquisition and continued operation of the facilities by Northwest is or will be required by the present or future public convenience and necessity.

The Commission, therefore, have before it any application by Northwest for a certificate of public convenience and necessity authorizing it to acquire and operate the subject facilities. However, in its application, as a certificate applicant, may be a necessary party to the instant proceeding in the event that the Commission should find that Applicant’s facilities and the acquisition and continued operation of the facilities subject to the jurisdiction of the Commission. Mere jolter of Northwest as a party to the instant proceeding would not, in itself, satisfy the requirements of section 7 of the Natural Gas Act. There is no finding that the required finding under section 7(c) of the Natural Gas Act only if it is able, at the same time, to make the required finding under section 7(c). Therefore, the Commission has no choice but to defer action on the subject application pending receipt of an application by Northwest under subsections (c) and (e) of section 7 of the Natural Gas Act.

The Commission finds. The facilities of Applicant in Grand County, Utah, and the acquisition and operation thereof by Northwest may be subject to the jurisdiction of the Commission under subsections (c) and (e) of section 7 of the Natural Gas Act.

The Commission orders. (A) Consideration of the application in the instant proceeding is deferred pending receipt of an application filed by Northwest under subsections (c) and (e) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the facilities of Applicant.

(B) The Secretary shall serve a copy of this order upon Northwest.

By the Commission.

Issued: March 14, 1975.

[SEAL]

MARY B. KIDN
Acting Secretary.

[F.R Doc.75-7367 Filed 3-20-75;8:45 am]
additional storage service to these customers. Applicant proposes to construct and operate facilities to permit expansion of the peak day capacity of its Iowa and Illinois storage fields by 114,000 Mcf. Applicant states that 64,000 Mcf of this increased peak day storage capacity will be reserved to assure operation of its own pipeline facilities at authorized levels of capacity during the 1975-76 winter season, with the remaining 50,000 Mcf available for increased storage service to Applicant's customers.

To effectuate the proposal herein, Applicant proposes that the inventory limitations of its storage fields be expanded as follows:

**Storage Field:**

<table>
<thead>
<tr>
<th>Storage Field</th>
<th>(in thousands)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Columbus City-Mount Simon Reservoir</td>
<td>38,000</td>
</tr>
<tr>
<td>Cairo-Mount Simon (Zone B)</td>
<td>4,900</td>
</tr>
<tr>
<td>Cairo-Galesville</td>
<td>8,000</td>
</tr>
<tr>
<td>Cairo-Mount Simon Reservoir</td>
<td>39,000</td>
</tr>
<tr>
<td>Herscher-Northwest-Mount Simon</td>
<td>3,000</td>
</tr>
<tr>
<td>Louisa County</td>
<td>69,000</td>
</tr>
</tbody>
</table>

Applicant proposes the following operations to increase peak day capacity of its Iowa and Illinois storage facilities by 114,000 Mcf and increase the capacity of its main transmission system between its Iowa storage field and the terminus of its system at Joliet, Illinois, to effectuate transportation of the increased daily withdrawals:

1. Construct approximately 6.0 miles of 20-inch loop pipeline and approximately 0.7 mile of 6-inch gathering pipeline; and connect four injection withdrawal wells; install other miscellaneous facilities; and inject additional cushion gas at Applicant's Columbus City-Mt. Simon Storage Field in Louisa County, Iowa.

2. Construct approximately 0.3 mile of 6-inch gathering pipeline; and connect four injection withdrawal wells; install other miscellaneous facilities; and inject additional cushion gas at Applicant's Cairo-Mt. Simon (Zone B) Storage Field in Louisa County, Iowa.

3. Construct approximately 1.5 miles of 6-inch and 8-inch gathering pipelines; drill and connect four injection withdrawal wells; install other miscellaneous facilities; and inject additional cushion gas at Applicant's Lincoln, Illinois storage field.

4. Construct approximately 7.2 miles of 6-inch, 8-inch, 16-inch and 20-inch gathering pipelines; and connect four injection withdrawal wells; install other miscellaneous facilities; and inject additional cushion gas at Applicant's Herscher Northwest Storage Field in Kane County, Illinois.

5. Construct approximately 0.2 mile of 8-inch gathering pipeline; and connect two injection withdrawal wells; install other miscellaneous facilities; and inject additional cushion gas at Applicant's Cairo Galesville Storage Field in Louisa County, Illinois.

6. Construct approximately 0.8 mile of 8-inch gathering pipeline and well; connect two existing wells; install other miscellaneous facilities; and inject additional cushion gas at Applicant's Louisa County, Illinois storage field.

7. Construct approximately 17.3 miles of 36-inch pipeline partially looping Applicant's existing pipeline between its Iowa storage fields and its main transmission system at Joliet, Illinois.

The estimated cost of constructing the facilities proposed herein, inclusive of the cost of injecting additional cushion gas, is approximately $18,555,000. Applicant will finance this cost with funds obtained through interim and permanent service charges. Applicant proposes that service agreements to provide LS-1 storage service will be for a period of ten years commencing April 1, 1975, but will be cancellable on one year's notice by Applicant if, in Applicant's judgment, storage capacity utilized to provide LS-1 service is necessary to avoid curtailment of flow gas deliveries in the next year. The maximum available to each customer would be 100 days top storage withdrawal quantity. To enable Applicant to provide this leased storage service, Applicant proposes to allocate for injection into storage from existing customer entitlements 8,000,000 Mcf of top storage gas each year and 10,000,000 Mcf of cushion gas for the first year of LS-1 service only.

Applicant proposes that service agreements to provide LS-1 service will be for a period of ten years commencing April 1, 1975, but will be cancellable on one year's notice by Applicant if, in Applicant's judgment, storage capacity utilized to provide LS-1 service is necessary to avoid curtailment of flow gas deliveries in the next year. The maximum available to each customer would be 100 days top storage withdrawal quantity. To enable Applicant to provide this leased storage service, Applicant proposes to allocate for injection into storage from existing customer entitlements 8,000,000 Mcf of top storage gas each year and 10,000,000 Mcf of cushion gas for the first year of LS-1 service only.

Applicant proposes that this service would be billed under a monthly demand charge applied uniformly throughout the year. The demand charge would be based on Applicant's average cost of providing 100-day storage, excluding cushion gas cost, in recognition that customers are not required to inject gas for this service, plus a component attributable to the allocated portion of the cost of Applicant's North End pipeline loopings between its market storage fields and the terminus of its system estimated for the first year of operation. Applicant estimates a demand charge of $3.28 per Mcf of buyer's contracted daily withdrawal quantity. Based on the above data Applicant states that it used a 10.34 percent overall rate of return.

Applicant seeks authorization to provide LS-1 service storage to the following customers, in the following quantities (in Mcf per day at $1.00/100 Mch):

<table>
<thead>
<tr>
<th>Customer</th>
<th>Quantity (in Mcf per day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associated Natural Gas Co.</td>
<td>100</td>
</tr>
<tr>
<td>Corning Municipal Utilities</td>
<td>27</td>
</tr>
<tr>
<td>Exelon Corp.</td>
<td>11</td>
</tr>
<tr>
<td>Illinois Power Co.</td>
<td>3,000</td>
</tr>
<tr>
<td>Iowa Electric Light &amp; Power Co.</td>
<td>1,914</td>
</tr>
<tr>
<td>Iowa-Illinois Gas &amp; Electric Co.</td>
<td>634</td>
</tr>
<tr>
<td>Iowa Power &amp; Light Co.</td>
<td>655</td>
</tr>
<tr>
<td>Iowa Southern Utilities Co.</td>
<td>54</td>
</tr>
<tr>
<td>Kashaskia Gas Co.</td>
<td>55</td>
</tr>
<tr>
<td>Marquis Gas Co.</td>
<td>6</td>
</tr>
<tr>
<td>Nashville, Ill., city of</td>
<td>54</td>
</tr>
<tr>
<td>North Shore Gas Co.</td>
<td>4,926</td>
</tr>
<tr>
<td>Peoples Gas Light &amp; Coke Co.</td>
<td>39,929</td>
</tr>
<tr>
<td>Peoples Natural Gas Division</td>
<td>117</td>
</tr>
<tr>
<td>Perryville, Mo., city of</td>
<td>101</td>
</tr>
</tbody>
</table>

Customer: LS-1

<table>
<thead>
<tr>
<th>Customer</th>
<th>Quantity (in Mcf per day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pinckneyville, Ill., city of</td>
<td>96</td>
</tr>
<tr>
<td>Spearville, Kans., city of</td>
<td>12</td>
</tr>
<tr>
<td>Sullivan, Ill., city of</td>
<td>24</td>
</tr>
<tr>
<td>United Cities Gas Co.</td>
<td>150</td>
</tr>
</tbody>
</table>

Total: 50,000

Any person desiring to be heard or to make any protest with reference to said application should on or before April 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protesting parties part of the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required. Further notice of such hearing will be duly given.

Under the procedure herein provided for, Applicant is otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.
NORTHEASTERN PUBLIC SERVICE CO.
Application
MARCH 14, 1975.

Take notice that on March 5, Northeastern Public Service Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing it to issue, in separate transactions, not to exceed 30,000 shares of Cumulative Preferred Stock, par value $100 per share, and $16,000,000 principal amount of First Mortgage Bonds. Included in such application is a request for exemption from the competitive bidding requirements of § 34.1a (b) and (c) of the Commission's regulations under the Federal Power Act for each of the transactions to enable the sale of the securities to institutional investors by negotiated private placements.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of North Dakota, South Dakota and Nebraska, with its principal building at Huron, South Dakota. Applicant is engaged in generating, transmitting, distributing and selling electric energy in the east central portion of Nebraska communities and in distributing and selling natural gas in three Nebraska communities and in 24 communities in South Dakota.

The Preferred Stock will be issued as a new series of such stock and will rank on a parity with the presently issued and outstanding Preferred Stock. It is proposed that the dividend rate be cumulative on the preferencing preferences, redemption price and sinking fund provisions, if any, of the new series will be determined by negotiation with the purchasers. The sale of the Bonds is proposed to provide Applicant with approximately $3,000,000 of proceeds.

The Bonds are proposed to be issued under and secured by the lien of Applicant's 1975 construction program, for routine extensions and additions to electric distribution systems, for major electric substations, and for miscellaneous, general and transportation facilities.

Applicant's 1975 construction expenditures are estimated to be $14,780,000 of which approximately $1,436,100 is for projects carried over from the prior year. $7,541,000 is for the Big Stone Electric Plant Project, $1,391,500 is for other electric production projects, $767,200 is for major transmission lines, $421,700 is for major electric subdivisions, $739,100 is for routine extensions and additions to electric systems, $925,700 is for miscellaneous projects for the gas distribution systems, $1,230,600 is for permanent work orders, and $320,000 is for miscellaneous, general and transportation facilities. The Big Stone Electric Plant Project involves the construction of a jointly-owned 440 MW generating plant and related transmission facilities near Big Stone City, South Dakota. The plant and the related facilities are scheduled for completion in 1975. Applicant shares in the cost of the plant in proportion to its 32.5 percent ownership interest.

Any person desiring to be heard or to make any protest with reference to said application should file such application on or before April 11, 1975, with the Federal Power Commission, Washington, D.C. 20426, petition 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 in accordance with the Commission's Rules. The application is on file for public inspection.

KENNETH F. PLUMB,
Secretary.

[PR Doc.75-7371 Filed 3-20-75;8:45 am]

OHIO ELECTRIC CO.

Further Extension of Procedural Dates
MARCH 14, 1975.

On March 6, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued September 16, 1974, as most recently modified by notice issued December 16, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection. Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's and intervenor's testimony.

Service of company rebuttal, April 23, 1975.

Hearing, May 6, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.


TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO, INC.

Order Granting Motion To Sever and Dismiss Complaint, Redesignating Proceeding, Modifying Previous Order, and Consolidating Proceedings

By order of February 14, 1975, in the instant docket, the Commission consolidated the complaints of Consolidated Edison Company of New York, Inc. (Con Ed), Orange and Rockland Utilities, Inc. (O&R), Knoxville Utilities Board, et al., and Tennessee Public Service Commission to investigate because the issues involved in two proceedings were "identical." As of December 31, 1974, Applicant had $14,000,000 of outstanding short-term bank loans on which were incurred to finance a portion of Applicant's 1974 construction program. Applicant's expenditures for its 1974 construction program, after conclusion of its last prior long-term financing in July 1974, totaled approximately $7,793,000 of which approximately $7,700,000 was for electric generating facilities (primarily the Big Stone Electric Plant Project), $725,000 for electric transmission lines, $358,000 for major electric subdivisions, $912,000 for routine extensions and additions to electric distribution systems, $338,000 for miscellaneous extensions and additions to gas distribution facilities, and $346,000 for miscellaneous, general and transportation facilities.
support of its motion Knoxville states that: "the relief sought by the Commission in its investigation in Docket No. RP75-43 is identical to the relief sought by Knoxville in its complaint, and that there is no need for a duplication of hearings relating to the same subject matter." We agree, upon review, of Knoxville's filing and we find ourselves in agreement with Tennessee that the complaint is directed toward the cause or causes of the supply deficiency of the Tennessee Gas Pipeline system, and does not go to the maintenance of separate and distinct reclassification Tennessee's curtailment plan which is the central issue in these consolidated proceedings. Accordingly, we shall grant Tennessee's motion to sever Knoxville's complaint filed in Docket No. RP75-43, from these consolidated proceedings and dismiss same.

Our order of February 14, 1975, in the instant proceeding was designated in Docket Nos. RP74-24, et al., our reference to that docket was solely for the purpose of denying GM's petition to reopen the proceedings in Docket No. RP74-34. Since the instant proceeding was initiated by the filing of Tennessee's complaint on November 19, 1974, and since continued use of the RP74-34, et al., designation may lead to confusion, particularly in the maintenance of separate and distinct docket nos., we shall redesignate the proceeding. Henceforth the instant proceeding will be designated RP75-35, et al.

On February 12, 1975, Berkshire Gas Company filed a complaint in Docket No. RP75-64, a complaint against Tennessee. Berkshire alleges that Tennessee has arbitrarily refused to correct an obvious, good faith error made by Berkshire. The complaint in Docket No. RP75-64, et al., is hereby granted.

(A) Tennessee Gas Pipeline's motion to sever Knoxville's complaint, from the consolidated proceedings in Docket Nos. RP74-24, et al., is hereby granted.

(B) Berkshire Gas Company's complaint, filed in Docket No. RP75-64, is hereby consolidated for hearing and decision with the proceedings in Docket Nos. RP75-35, et al.

(C) Berkshire shall file and serve its evidence in support of its complaint on all parties including Commission staff at the start of the hearing on March 25, 1975.

(D) The instant proceeding is hereby redesignated as Docket No. RP75-35, et al.

By the Commission.

Issued: March 14, 1975.

[SEAL] MARY B. KLEIN, Acting Secretary.

[PR Doc.75-7373 Filed 3-20-75;8:45 am]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TEXAS EASTERN TRANSMISSION CORP.

Application

MARCH 14, 1975.

Take notice that on March 3, 1975, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2961, Houston, Texas 77001, filed in Docket No. CP75-254 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of facilities for the exchange of natural gas, on a Btu basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose that from April 16, 1975, through November 15, 1975, Transco will deliver to Texas Eastern at presently authorized points of exchange with Texas Eastern in the Pennsylvania-New Jersey-New York area, up to 60,000 Mcf of gas per day which is equivalent to gas to be injected into storage by Texas Gas Transmission Corporation (Texas Gas) for Transco, Texas Eastern proposes to return such quantities to Transco by concurrently delivering same, or effectively delivering same, to Texas Gas for the account of Transco at the authorized interconnection between the systems of Texas Eastern and Texas Gas at Lebanon, Ohio. Applicants state that the quantity of gas delivered to Texas Eastern for the account of Transco will be balanced with the quantity of gas delivered to Texas Eastern by Transco on a Btu basis.

Applicants state that the purpose of their proposed exchange is to assist in effectuating a temporary underground storage arrangement between Transco and Texas Gas.

Applicants desire to be heard or to make any protest with reference to said application should on or before April 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.3 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157-190). A copy of the application and the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person who desires to be heard or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 13 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application If no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity, a hearing will be held without notice before the Commission on this application. If no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity, a hearing will be held without notice before the Commission on this application. If no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity, a hearing will be held without notice before the Commission on this application. If no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity, a hearing will be held without notice before the Commission on this application. If no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity, a hearing will be held without notice before the Commission on this application. If no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity, a hearing will be held without notice before the Commission on this application.

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. FLUMS, Secretary.

[PR Doc.75-7374 Filed 3-20-75;8:45 am]

UNITED GAS PIPE LINE CO.

Further Extension of Procedural Dates

MARCH 14, 1975.

On March 4, 1975, United Gas Pipe Line Company filed a motion to extend the procedural dates fixed by order issued...
May 16, 1974, as most recently modified by notice issued November 21, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony on unsettled issues in HT-74-30, April 15, 1975.

Service of intervenor's testimony on unsettled issues in both dockets, April 29, 1975.

Service of rebuttal, April 29, 1975.

Hearing, May 27, 1975 (10 a.m. E.D.T.).

By direction of the Commission.

KENNETH F. FLUM,
Secretary.

[FR Doc.75-7376 Filed 3-20-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-31]

ELECTRONIC PIANOS

Findings and Recommendation

On March 6, 1972, The Wurlitzer Company of Chicago, Illinois, filed a complaint (as supplemented) under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) alleging unfair methods of competition and unfair acts in the importation into the United States of certain electronic pianos. Public hearings were held in Room 625, Members of the public may be granted for good cause shown. Any such motion for a rehearing must be in writing and filed with the Secretary of the U.S. International Trade Commission, 6th and E Streets NW., Washington, D.C. 20436, within fourteen (14) days after publication of this notice. The Commission may consider such radial for the granting of a rehearing and must be accompanied by nineteen (19) true copies.

By order of the Commission.

Issued: March 17, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-7379 Filed 3-20-75;8:45 am]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON ENERGY TECHNOLOGY AND SPACE PROPULSION

Notice of Meeting

The NASA Research and Technology Advisory Council Committee on Energy Technology and Space Propulsion will meet April 10–11, 1975, at NASA Headquarters, 600 Independence Avenue SW., Washington, D.C. The meeting will be open to the public.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

The Federal Energy Administration requests clearance of the Monthly Cost Allocation Report, FEO-36. This form, in use since February 1974, obtains information on the refiner’s domestic and foreign crude petroleum and petroleum product’s cost and adjustments to May 15, 1975, selling price for covered products. The number of respondents is approximately 140. The compliance burden is estimated at 16 man-hours per monthly report.

Requests for clearance of FEA forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before April 8, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20433.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

NOTICES

GENERAL ACCOUNTING OFFICE
REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information on the refiner’s domestic and foreign crude petroleum and petroleum product’s cost and adjustments to May 15, 1975, selling price for covered products are expected to number a maximum of 20,000. Average response time is estimated to be one hour per response.

NORMAN F. HEYL, Regulatory Reports Review Officer.

[FR Doc.75-7403 Filed 3-30-75;8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975
NOTICES


April 10, 1975

Time  Topic
8:30 a.m. Report of working groups. (Purpose: Each of the four working groups listed below will present findings and recommendations for discussion and approval by the Committee: (1) Space power and propulsion; (2) NASA's terrestrial energy capabilities; (3) potential joint industry/NASA terrestrial energy projects; and (4) NASA surface propulsion technology capabilities.)

1 p.m. Continuation of working group discussions.

April 11, 1975

8:30 a.m. Discussion of overall Committee recommendations and work assignments.

1 p.m. Continuation of above discussion.

3 p.m. Adjourn.

March 17, 1975.

DUWARD L. CROW, Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

[FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975]

NUCLEAR REGULATORY COMMISSION

BARNWELL NUCLEAR FUEL PLANT

Establishment of Interim Amount of Financial Protection and Indemnity Fee

On December 19, 1974, the Atomic Energy Commission published in the Federal Register (39 FR 43367) a proposed rule to establish the interim amount of financial protection and interim indemnity fee for the Barnwell Nuclear Fuel Plant (BNFP) presently under construction by Allied-General Nuclear Services (AGNS) in Barnwell, South Carolina. The Atomic Energy Commission issued a construction permit to AGNS for the construction of the Barnwell reprocessing facility in December 1970. Financial protection and indemnity fee amounts are established on an interim basis pending establishment of a later rule making of permanent levels of financial protection and indemnity fees for all reprocessing plants.

On October 11, 1974 the Energy Reorganization Act of 1974 was enacted into law. This Act abolished the Atomic Energy Commission and, by section 201, established the Nuclear Regulatory Commission and transferred to it the Commission all of the licensing and related regulatory functions of the Atomic Energy Commission.

In addition, on March 30, 1975, the Energy Reorganization Act provided that any proceedings pending before the AEC at the time of its abolition shall, to the extent that such proceedings relate to functions transferred by the Act, be continued.

Interested persons were invited to submit written comments and suggestions in connection with the proposed amendment by January 20, 1975. No comments were received by either AEC or NRC. Therefore the Nuclear Regulatory Commission has adopted the proposed amendment without any changes.

Section 170 of the Atomic Energy Act of 1954, as amended, ("the Act") requires (1) Each licensee issued under section 104 for medical therapy and research and development reactors to have as a condition of the license a requirement that the licensee have and maintain financial protection of such type and in such amounts as the Commission shall require to cover public liability claims; (2) the licensee to execute and maintain an indemnification agreement with the Commission to collect a fee from each licensee with whom an indemnification agreement is executed.

Subsection 170b. of the Act provides that the amount of financial protection required of such licensees shall be equal to the maximum amount of nuclear liability insurance available from private sources except that the Commission may establish a lesser amount on the basis of written criteria, taking into consideration such factors as (1) The cost and terms of private insurance; (2) the type, size, and location of the licensed activity and other factors pertaining to the hazard; and (3) the nature and purpose of the licensed activity.

The annual indemnity fee set by subsection 170f. of the Act is $30 per thousand kilowatts of thermal energy capacity for commercial facilities licensed under section 103. However, for facilities licensed under section 104, and for commercial facilities licensed under section 185, the Commission is authorized to reduce this fee. The Commission is directed to establish written criteria for the determination of the fee and the fee shall require to cover public liability claims.

The Commission's regulations in 10 CFR Part 140 prescribe criteria for determination of the fee, taking into consideration such factors as (1) The cost and terms of private insurance; (2) the type, size, and location of the licensed activity; (3) the nature and purpose of the licensed activity; (4) the extent of the potential damage; and (5) other factors pertaining to the hazard.

On December 12, 1974, the Atomic Energy Commission, in accordance with the authority in 10 CFR 2.787, directed to establish written criteria for determining the amounts of financial protection required of two fuel reprocessing facilities, the Nuclear Fuel Services, Inc. Reprocessing Plant and the General Electric Company's Midwest Fuel Recovery Plant. Financial protection requirements for both facilities were established by the Commission to require the following amounts of insurance:

- For the reprocessing of nuclear fuel assemblies, two fuel reprocessing facilities, the Nuclear Fuel Services, Inc. Reprocessing Plant, with an annual indemnity fee of $5 million for fuel storage and $20 million for plant operations, and an annual indemnity fee of $500 for the preoperational period of storage of fuel, and an annual indemnity fee of $20 million for plant operations, with an annual indemnity fee of $500 for storage only of fuel and $4,000 for plant operations.

These financial protection requirements were established on an interim basis since there was not sufficient experience or data available to prescribe financial protection requirements for reprocessing plants as a class. In arriving at the interim amounts, the Commission took into account, in addition to the specific statutory criteria, the following considerations: (a) amount of liability insurance carried by fabricators of cold fuel; (b) liability insurance limits carried by firms engaged in hazardous operations in nonnuclear industries, i.e., chemicals and petroleum; and (c) the maximum amount of nuclear liability insurance available (at that time, $60 million).

The Commission recognizes that there is an ongoing licensing proceeding with respect to the licensing of the Barnwell Nuclear Fuel Plant pending before an Atomic Safety and Licensing Board. No license will be issued except in accordance with applicable Commission regulations. This rule merely provides the basis for financial protection requirements in the event that a license should be issued.

As a production facility, the Barnwell plant cannot be licensed to receive fuel assemblies unless Allied-General Nuclear Services provides financial protection to protect against public liability arising out of or resulting from a nuclear incident. Pending establishment in a rule making proceeding of financial protection and indemnity fee requirements for reprocessing facilities as a class, notice is hereby given that the Commission has established interim financial protection requirements of $5 million for fuel storage and an annual indemnity fee of $500 at the Barnwell plant. Rule making proceeding on permanent levels of financial protection for reprocessing plants as a class, notice is hereby given that the Commission has established interim financial protection requirements for the Barnwell plant pending before an Atomic Safety and Licensing Board. No license will be issued except in accordance with applicable Commission regulations. This rule merely provides the basis for financial protection requirements in the event that a license should be issued.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 522 and 533 of title 5 of the United States Code, the interim level of financial protection and the annual indemnity fee set forth above are established for the Barnwell facility.

Effective date. The foregoing rule becomes effective on April 20, 1975.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK, Acting Executive Director for Operations.

[FR Doc. 75-7413 Filed 3-20-75; 8:45 am]

FLORIDA POWER AND LIGHT CO. (ST. LUCIE NUCLEAR POWER PLANT, UNIT 2)
Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787
The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee) for operation of Fort Calhoun Station, Unit 1, a pressurized water reactor located in Washington County, Nebraska, and authorized for operation at power levels up to 1420 Mwatts.

The amendment would revise provisions in the Technical Specifications in accordance with the licensee's applications for license amendments dated February 3, 1975, March 3, 1975, and March 7, 1975. The amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Part 50, § 50.46. The amendment would modify various limits established in accordance with the Commission's Acceptance Criteria, and would, with respect to Fort Calhoun Station, Unit 1, terminate the further restrictions imposed by the Commission's Acceptance Criteria, and would, with respect to the licensee's application for license amendment dated February 3, 1975, March 3, 1975, and March 7, 1975.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating to operating limits and instrument set points to reflect the results of the analysis achieved through the endeavors, which are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20555, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The Commission or licensing board, designated by the Commission or by the Chairman, at Bethesda, Maryland, this 18th day of March, 1975.

For the Nuclear Regulatory Commission,

GEORGE LEEH, Chief, Operating Reactor Branch, Division of Reactor Licensing.

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12859
OFFICE OF MANAGEMENT AND BUDGET
CLEARANCE OF REPORTS
List of Requests
The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 18, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

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 (323-395-4829), or from the reviewer listed.

New Forms

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration, Cedar Key Fishing Survey Questionnaires, single-time, saltwater fishermen at Cedar Key, Fla., Planchon, P., 395-3606.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Office of the Secretary:
Evaluation Activity Reporting System, OE-12-75, on occasion, organizations, agencies performing evaluations, Human Resources Division, 395-3632.

Interview Instruments to Assessing State, Capability To Deliver Children's Services, OE-14-75, single-time, State government agencies, Human Resources Division, 395-3632.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Policy Development and Research, Urban Economic Analysis and Planning Survey, single-time, cities and suburban counties over 100,000, Community and Veterans Affairs Division, 395-3632.

DEPARTMENT OF LABOR
Bureau of International Labor Affairs, Petition for Adjustment Assistance, ILAB-20, on occasion, groups of workers, Lowry, R. L., 395-3772.

NOTICES

ENVIRONMENTAL PROTECTION AGENCY
National Emissions Data System (NEDS) Input Data Forms, EPA-219-220, semiannually, State air pollution control agencies, Natural Resources Division, 395-3677.

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF DEFENSE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Office of Education:

DEPARTMENT OF THE INTERIOR
Bureau of Mines:
Fuel Consumed for all Purposes at Refineries, 6-1335-A, annually, Evinger, S. K., 395-3648.
Mica Splittings (Consumption), 6-1299-A, annually, Evinger, S. K., 395-3648.
Production of Ilmenite and Rutile, 6-1136-A, annually, Evinger, S. K., 395-3648.

PHILIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 75-7523 Filed 3-20-75 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CONсолIDATED NATURAL GAS Co. ET AL.
Proposed Open Account Advances to Subsidiary Companies by Parent Company In Connection with Intrasystem Prepayment of Promissory Notes and Related Transactions

MARCH 14, 1975.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated") 30 Rockefeller Plaza, New York 10020, a registered holding company, and its subsidiary companies, Consolidated Gas Supply Corporation ("Gas Supply"), The East Ohio Gas Company ("East Ohio"), The Peoples Natural Gas Company ("Peoples"), and West Ohio Gas Company ("West Ohio"), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, and 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested parties are requested to file written comments on the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

It is stated that Consolidated's distribution subsidiaries seasonally accumulate cash over and above current requirements because of their large winter heating business. Other subsidiaries, presently engaged in developing gas supply, have little or no operating cash flow and regularly require capital financing from Consolidated. Therefore, Consolidated may be making short-term borrowings when distribution subsidiaries are making temporary money market investments outside the Consolidated System. It is stated that it would be advantageous to alleviate this situation, and the application is designed to establish financing procedures that optimize the internal utilization of excess cash funds accumulated within the System.

It is proposed that the following subsidiaries make temporary prepayments on long-term notes held by Consolidated from excess cash funds, from time to time prior to December 31, 1975, not exceeding at any time the aggregate amounts set forth below:

<table>
<thead>
<tr>
<th>Company</th>
<th>Aggregate Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gas Supply</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>East Ohio Gas</td>
<td>20,000,000</td>
</tr>
<tr>
<td>Peoples</td>
<td>5,000,000</td>
</tr>
<tr>
<td>West Ohio</td>
<td>5,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>30,000,000</strong></td>
</tr>
</tbody>
</table>

Consolidated estimates that the aggregate prepayment of $30,000,000 is the maximum amount that can be utilized for the temporary financing of other subsidiaries in the System during 1975.

The long-term notes temporarily prepaid by an individual subsidiary will be those bearing the highest interest rate outstanding at the time of each prepayment. Interest on such notes will cease upon prepayment and start again upon reinstatement of the notes.

All funds are to be used for corporate purposes, including construction, it is proposed that advances be made on open account to the subsidiary by Consolidated in an aggregate amount not to exceed the amount of long-term notes previously prepaid, less any current maturities applicable to notes which have matured since the last prepayment. The open account advances will bear interest at the same rate or rates as borne by the equivalent principal amounts of the notes previously prepaid by such subsidiary during 1975, but in reverse order to that of the prepayments, i.e. from the highest rate on the notes previously prepaid to the highest rate of interest. Interest on the open account advances will commence on the date of the advance and...
NOTICES

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will become due on June 30, 1975, and December 31, 1975, and/or on the date such advances may be repaid by the reinstatement of the prepaid notes. It is proposed that open account advances to a subsidiary be increased or decreased from time to time in accordance with variations in the cash flow of the subsidiary. However, at no time will the advances outstanding be in excess of the notes prepaid. At such time as the open account advances equal the aggregate amount of the prepaid notes, or in any event not later than December 31, 1975, the notes prepaid by a subsidiary will be reinstated in repayment of the related outstanding open account advances made to the subsidiary by Consolidated. However, if the aggregate of the notes prepaid exceeds such advances at the end of 1975, Consolidated proposes to make cash repayment of the difference in order to effect reinstatement of the proposed notes in full. No financing of any subsidiary which may be presently or subsequently authorized by this Consolidation will be used for the construction or gas storage programs of any such subsidiary will be consummated until such time as advances have been made in amount equal to the amount of notes prepaid.

It is stated that the proposed transactions will be beneficial to the System because they will: (1) Permit subsidiary companies with excess cash to prepay temporarily long-term notes held by Consolidated, with a resulting reduction in their interest expense; (2) make available to Consolidated a temporary cash source of capital; (3) permit Consolidated, which obtains all external financing required by the System, to consequently defer or prepay short-term financing of the System using inventory loans with banks and commercial paper borrowings for working capital.

The expenses to be incurred in connection with the above-stated application and proposed transactions are estimated not to exceed $4,000. It is stated that the Public Service Commission of West Virginia has jurisdiction over the prepayment and reactivation of notes of a subsidiary which may be presented. Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

By the Commission.

[SEAL]

GEORGE A. FITZSIMMONS, Secretary.

[FR Doc.75-7416 Filed 3-20-75; 8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA
Suspension of Trading
MARCH 17, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of EQUITY FUNDING CORP. OF AMERICA, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 18, 1975 through March 27, 1975.

By the Commission.

[SEAL]

GEORGE A. FITZSIMMONS, Secretary.

[FR Doc.75-7416 Filed 3-20-75; 8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.
Suspension of Trading
MARCH 17, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 18, 1975 through March 27, 1975.

By the Commission.

[SEAL]

GEORGE A. FITZSIMMONS, Secretary.

[FR Doc.75-7419 Filed 3-20-75; 8:45 am]

[File No. 500-1]
being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors; therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

By the Commission.

[Seal] George A. Fitzsimmons, Secretary.

[FR Doc.75-7426 Filed 3-20-75; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 09/12-0047]

CAL-WEST CAPITAL CORP.

Notice of License Surrender

Notice is hereby given that Cal-West Capital Corporation, 260 California Street, San Francisco, California 94111, has surrendered its license No. 09/12-0047, issued December 19, 1951.

Cal-West Capital Corporation has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, the regulations promulgated thereunder, the surrender of the license of Cal-West Capital Corporation is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: March 11, 1975.

James Thomas Phelan, Deputy Associate Administrator for Investment.

[FR Doc.75-7434 Filed 3-20-75; 8:45 am]

[License No. 02/02-0102]

HANOVER CAPITAL CORP.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Hanover Capital Corporation (Hanover) 223 East 62nd Street, New York, New York 10021, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application pursuant to § 107.1004(b) of the SBA rules and regulations governing small business investment companies (13 CFR 107.1004 (1974)), for an exemption from the provisions of the conflict of interest regulations.

The exemption, if granted, will permit Hanover to loan funds to Petroleum Recovery Systems, Inc. (PRS), a wholly owned subsidiary of Tenney Engineering Inc. (Tenney) a publicly-held corporation listed on the American Stock Exchange. PRS and Tenney are both located in Union, New Jersey. The loan is collateralized by the assets of PRS and is guaranteed by Tenney. In addition, Hanover will receive warrants to purchase Tenney’s common stock.

Tenney and PRS are considered to be “Associates” of the Licensee as defined by § 107.3 of the regulations because the chairman of the Board of Directors and a substantial beneficial owner of Tenney is a business partner of the President and sole shareholder of Hanover. This transaction, therefore, will require an exemption pursuant to § 107.1004(b) (1) of the regulations.

Notice is hereby given that any person may, no later than April 7, 1975, submit written comments on the proposed transaction to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

Dated: March 11, 1975.

James Thomas Phelan, Deputy Associate Administrator for Investment.

[FR Doc.75-7435 Filed 3-20-75; 8:45 am]

JACKSON DISTRICT ADVISORY COUNCIL

Notice of Public Meeting

The Small Business Administration Jackson District Advisory Council will meet at 9 a.m. (c.d.t.), Thursday, April 17, 1975, at the Board Room, First National Bank, 301 First National Building, Jackson, Mississippi, to discuss such business as may be presented by members and the staff of the Small Business Administration, and others attending. For further information, call or write Ardis Jones, Small Business Administration, 680 Petroleum Building, 200 E. Pascaugous, Jackson, Mississippi 39201, (601) 968-4363.

Dated: March 12, 1975.

Anthony S. Stasio, Chief Counsel for Advocacy.

Small Business Administration.

[FR Doc.75-7395 Filed 3-20-75; 8:45 am]

MARTHASSA DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Marshall District Advisory Council will meet at 10 a.m., (c.d.t.), Thursday, April 10, 1975, at the Kilgore Community Inn, 801 Highway 259, Kilgore, Texas, to discuss such business as may be presented by members and the staff of the Small Business Administration and others attending. For further information, call or write Emily S. Atkinson, Small Business Administration, 505 East Travis Street, Marshall, Texas 75670, (214) 935-5257.


Anthony S. Stasio, Chief Counsel for Advocacy.

Small Business Administration.

[FR Doc.75-7394 Filed 3-20-75; 8:45 am]
All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding the applications for assignment of hearings, are invited to submit such information in writing within two weeks of publication of this notice.

**Deputy Assistant Secretary for Manpower, 601 D Street NW, Washington, D.C. 20213.**

Signed at Washington, D.C. this 17th day of March, 1975.

**BEN BURDICK**
**Deputy Assistant Secretary for Manpower.**

### APPLICATIONS RECEIVED DURING THE WEEK ENDING MARCH 14, 1975

<table>
<thead>
<tr>
<th>Name of applicant</th>
<th>Location of enterprise</th>
<th>Principal product or activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foot-Home Machinery Corp</td>
<td>Salville, Va.</td>
<td>Farm machinery.</td>
</tr>
<tr>
<td>Rafferty Turkey Farm, Inc.</td>
<td>Des Moines, Ia.</td>
<td>Raising and selling turkeys.</td>
</tr>
<tr>
<td>Amsler Corp</td>
<td>Mountain Home, N.C.</td>
<td>Manufacturing miniature incandescent lamps.</td>
</tr>
<tr>
<td>Emergency One, Inc.</td>
<td>Onia, Fla.</td>
<td>Manufacturing rescue vehicles.</td>
</tr>
<tr>
<td>Callus Corp</td>
<td>Sa Le, Ill.</td>
<td>Manufacturing fasteners.</td>
</tr>
<tr>
<td>Old Fashined Milk Co., Inc.</td>
<td>Strum, Wis.</td>
<td>Bottle and sale at milk.</td>
</tr>
<tr>
<td>King's Pellets, Inc.</td>
<td>Granton, Ariz.</td>
<td>Manufacturing and longs ago.</td>
</tr>
<tr>
<td>Monte L. Christiane Co., Inc.</td>
<td>Taylor, Mo.</td>
<td>Agriculture lime.</td>
</tr>
<tr>
<td>Three Crosses Ranch, Inc.</td>
<td>Strawberry Point, Iowa</td>
<td>Provide milk and rehabilitative services for sewage boys.</td>
</tr>
</tbody>
</table>

**INTERNATIONAL COMMERCE COMMISSION**

### ASSIGNMENT OF HEARINGS

**MARCH 18, 1975.**

Cases assigned for hearing, postponement, cancellation or oral argument appear below, and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as hereinafter reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of postponements or cancellations of hearings in which they are interested.

**MC-C-8436, Connecticut Limestone, Inc.** V. Hyman Levine dba By's Livery Service, now assigned April 15, 1975 at Washington, D.C. In a hearing room to be later designated.

**MC 4405 Sub 515, Dealers Transit, Inc., now being assigned April 30, 1975 (1 day).** At Jacksonville, Fla.; in a hearing room to be designated later.

**MC 107295 Sub 71, Pre-Pab Transit Co., now being assigned May 1, 1975 (2 days).** At Chicago, Ill., in Room 1089A, Everett McNulty Dirksen Bldg., 219 South Dearborn St.

**MC 103923 Sub 45, W. T. Mayfield Sons Trucking Co., Inc., application dismissed.**

**MC 139053 Sub 2, Hiram E. Blue, Jr., Trucking Co., now being assigned May 26, 1975, at Jackson, Miss., in a hearing room to be later designated.**

**MC-F-12311, Fast Interstate Express, Inc.—Purchase (Portion)—Harper Truck Line, Inc., now being assigned June 5, 1975, at New Orleans, Louisiana, in a hearing room to be later designated.**

**MC 139923, H & M Drayage Brokerage, Inc., now being assigned June 4, 1975, at New Orleans, Louisiana, in a hearing room to be later designated.**

**MC 107683 Sub 148, The Mason and Dixon Lines, Incorporated, now being assigned May 30, 1975 (1 day) at Birmingham, Ala.; in a hearing room to be designated later.**

**MC-F-13322, Tompkins Motor Lines, Inc.—Purchase—Cullman Banana Supply, now being assigned June 2, 1975, at Birmingham, Ala.; in a hearing room to be designated later.**

**MC 115162 Sub 294, Poule Truck Line, Inc.,** now being assigned April 7, 1975 (1 week); in Room 235 Federal Office Building, 88 Liberty St., New York, N.Y.

**MC 129962 Sub 1, Southeastern Warehousing and Distribution Corporation, now being assigned May 1, 1975 (1 week).** At Johnson City, Tennessee; in a hearing room to be designated later.

**MC 112004 Sub 85, Ace Doran Hauling & Rigging Co., now being assigned April 30, 1975 (1 day) at Chicago, Ill., in Room 1085A, Everett McNulty Dirksen Bldg., 219 South Dearborn St.**

### FOURTH SECTION APPLICATIONS FOR RELIEF

**MARCH 18, 1975.**

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 7, 1975.


**FSA No. 42955—Joint Water-Rail Container Rates—Kawasaki Kisen Kaisha, Ltd. Filed by Kawasaki Kisen Kaisha, Ltd. (No. 13), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, Korea, and Taiwan, and rail stations on the U.S. Atlantic and Gulf Seaboard. Grounds for relief—Water competition.**

**FSA No. 42956—Joint Water-Rail Container Rates—Mitsui O.S.K. Lines Ltd. Filed by Mitsui O.S.K. Lines Ltd. (No. 8), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, Korea, and Taiwan, to rail terminals and water carrier terminals on the U.S. Atlantic and Gulf Seaboard. Grounds for relief—Water competition.**

**FSA No. 42957—Joint Water-Rail Container Rates—The Scindia Steam Navigation Co., Ltd. Filed by The Scindia Steam Navigation Co., Ltd. (No. 1), for itself and interested rail carriers. Rates on general commodities, from ports in Hong Kong, Japan, Korea, and Taiwan, to rail terminals and water carrier terminals in the United Kingdom and Gulf Seaboard. Grounds for relief—Water competition.**

**FSA No. 42958—Joint Water-Rail Container Rates—The Scindia Steam Navigation Co., Ltd. Filed by The Scindia Steam Navigation Co., Ltd. (No. 1), for itself and interested rail carriers. Rates on general commodities, from ports in Hong Kong, Japan, Korea, and Taiwan, to rail terminals and water carrier terminals on the U.S. Atlantic and Gulf Seaboard. Grounds for relief—Water competition.**

**[Seal]**

**ROBERT L. OSWALD,**
**Secretary.**

[FED Doc.75-7496 Filed 3-20-75:8:45 am]
Seaboard. Grounds for relief—Water competition.

No. MC 42627—(Sub-No. 10TA), filed March 6, 1975. Applicant: SCOTT FREIGHT SERVICE CORP., 4740 Industrial Road, Fort Wayne, Ind. 46825. Applicant's representative: Walter Jones Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. 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, between the plant and warehouse facility of Essex International Inc., at or near Topeka, Indiana as an off-route point in connection with applicant's authorized regular route operations, for 180 days. Applicant intends to interline with other motor carriers. Supporting shipper: Essex International Inc., 1601 Wall St., Fort Wayne, Ind. 46807. Applicant's representative: J. R. Ferris (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lead and lead alloys (except commodities which because of size and weight require use of special transportation equipment), from Glover, Mo., to points in California, Florida, Georgia, Illinois, Indiana, Louisiana, Minnesota, Massachusetts, New Jersey, New York, Pennsylvania, Texas, West Virginia, and Wisconsin, for 180 days. Supporting shipper: American Smelting and Refining Co., 401 Madison Ave., New York, N. Y. 10010. Send protests to: J. P. Worthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 115466—(Sub-No. 33TA), filed March 7, 1975. Applicant: LUMBER TRANSPORT, INC., P. O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Rd., Hidalgo, Tex. 78557. Send protests to: Lumber Men of America, 520 North Michigan Ave., Chicago, Ill. 60611. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Clay, processed or not processed, in bags or packages, restricted against shipments in bulk on tank vehicles, from the plant site of Oil-Dri Corp., of America at or near Ochlocknee, Ga., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Ohio, Virginia, and West Virginia, for 180 days. Supporting shipper: Oil-Dri Corporation of America, 520 North Michigan Ave., Chicago, Ill. 60611. Send protests to: William L. Scroggs, District Supervisor, 1234 W. Peninsula Ave. SW, Room 546, Atlanta, Ga. 30309.

No. MC 117973—(Sub-No. 5TA) (Correction), filed February 7, 1975, published in the Federal Register issue of February 28, 1975, and republished as corrected this issue. Applicant: MOTOR EXPRESS, INC., P. O. Box 160, Pearland, Tex. 77581. Applicant's representative: Claytie Binlon, 1108 Continental Life Bldg., Fort Worth, Tex. 76103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Bananas, and (2) bananas when transported in mixed loads with agricultural commodities except those of unusual value, between the plant and site of Oil-Dri Corp., of America at or near Ochlocknee, Ga., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Ohio, Virginia, and West Virginia, for 180 days. Supporting shipper: Oil-Dri Corporation of America, 520 North Michigan Ave., Chicago, Ill. 60611. Send protests to: William L. Scroggs, District Supervisor, 1234 W. Peninsula Ave. SW, Room 546, Atlanta, Ga. 30309.

NOTICES

FEDERAL REGISTER, VOL 40, NO. 56—FRIDAY, MARCH 21, 1975

Elanco Products Division, P.O. Box 618, Indianapolis, Ind. 46204. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Blvd., 36 S. Penn St., Indianapolis, Ind. 46204.


No. MC 140104 TA, filed March 5, 1975. Applicant: GREAT NORTHERN TRANSPORTATION COMPANY, 901 Antietam, Detroit, Mich. 48226. Applicant’s representative: Robert L. Baker, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked, disabled, stolen, repossessed and abandoned vehicles and replacement seatbelts therefore by use of wrecker equipment between those points in Tennessee west of U.S. Highway 27 and east of the western traversal of the Tennessee River on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii), for 180 days. Supporting shippers: Nell Coble, 900 Polk Ave., Nashville, Tenn. Ryder Truck Lines, 1116 Polk Ave., Nashville, Tenn. Meramee, Suite 1400, St. Louis, Mo. 63118. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Retail and catalog deliveries, between points in the City of St. Louis, Mo., St. Louis County, Mo., St. Clair, Madison and Monroe Counties, Ill., for 180 days. Supporting shipper: Sears, Roebuck and Co., 4747 Skokie Blvd., Skokie Ill. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1405, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 140721 TA, filed March 11, 1975, Applicant: C. A. PERRY & SON, INC., Route 1, Hobbsville, N.C. 27948. Applicant’s representative: Chester A. Zylolit, 1522 K Street NW, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) Liquid fertilizer and fertilizer materials, (in bulk, in tank vehicles) and (b) Fertilizer and fertilizers in bags, from Chesapeake, Suffolk and Hopewell, Va., to points in North Carolina, located on and east of U.S. Highway 220 and 1, for 180 days. Supporting shippers: Central Fertilizer Co., Inc., Shawboro, N.C. 27973. Tide Water Chemical Corporation, Route 2, St. Bride’s Station, Chesapeake, Va. 23322. Swift Chemical Co., Box 7537, Chesapeake, Va. 23324. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 35896, Raleigh, N.C. 27611.

APPLICATIONS OF PASSENGERS

No. MC 140555 (Sub-No. 1TA), filed March 11, 1975, Applicant: J. G EXEC, 701 E. Main St., Maury & Son, Inc., Dover, Del. 19901. Applicant’s representative: Donald R. Williams, 414 S. State Street, Dover, Del. 19901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and...
their luggage in the same limousine vehicle, between Philadelphia, International Airport and Various points in Kent County, Del. Restriction: No more than 12 passengers at the same time and in the same limousine vehicle, for 180 days. Supporting shippers: Wyoming Block Co., Inc., Southern Blvd., Wyoming, Del. 19934. Quality Inn & Hub Restaurant, Route 13, Dover, Del. 19901. Allen Travel Agency, Inc., 139 S. State St., Dover, Del. 19901. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 105154 (Sub-No. 8TA), filed March 4, 1975. Applicant: ROBERT G. WRIGHT, doing business as STAR VALLEY-JACKSON STAGES, 1945 Eagle Drive, Idaho Falls, Idaho 83401. Applicant's representative: Robert G. Wright (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage in the same vehicle and special and charter operations, between Idaho Falls, Rigby, Rexburg, Sugar City, Tetonia and Driggs, Idaho and Grand Targhee Ski Area, for 180 days. Supporting shipper: Grand Targhee Ski Resort, East of City, Rexburg, Idaho 83440. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, 550 West Port St., Box 97, Boise, Idaho 83724.

By the Commission.

Robert L. Oswald, Secretary.

[Notice No. 251]

MOTOR CARRIER TRANSFER PROCEEDINGS

March 21, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-75740. By application filed March 12, 1975, JAMES DOYLE, doing business as DOYLE'S FUEL SERVICE, Box 582, Kenai, AK 99611, seeks temporary authority to lease the operating rights of TACHICK FREIGHT LINE, INC., Box 488, Soldonta, AK, under section 210a(b). The transfer to JAMES DOYLE, doing business as DOYLE'S FUEL SERVICE, of the operating rights of TACHICK FREIGHT LINE, INC., is presently pending.

By the Commission.

Robert L. Oswald, Secretary.

[Rule 19; Ex Parte No. 241; Exemption No. 90, Arndt. No. 2]

RAILROAD CAR SERVICE

Expiration of Exemption

Upon further consideration of Exemption No. 90 issued November 27, 1974. It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 90 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire June 15, 1975.

This amendment shall become effective March 15, 1975.


Interstate Commerce Commission.

R. D. Pfahler.
DEPARTMENT OF
HEALTH, 
EDUCATION, AND 
WELFARE

Food and Drug Administration

OVER-THE-COUNTER
DRUGS

Proposed Establishment of Monographs
for OTC Laxative, Antidiarrheal,
Emetic and Antiemetic Products
PROPOSED RULES

OVER-THE-COUNTER DRUGS
Proposal To Establish Monographs for OTC Laxative, Antidiarrheal, Emetic, and Antiemetic Products

Pursuant to Part 330 (21 CFR Part 330), the Commissioner of Food and Drugs received on February 10, 1975, the report of the Advisory Review Panel on over-the-counter (OTC) laxative, antidiarrheal, emetic and antiemetic drug products. In accordance with § 330.10(a)(6), the Commissioner is issuing (1) a proposed regulation containing the monographs recommended by the Panel establishing conditions under which OTC laxative, antidiarrheal, emetic and antiemetic drugs are generally recognized as safe and effective or would result in misbranding, (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, Bureau of Drugs, Division of OTC Drug Products Evaluation (HFD-109), 5600 Fishers Lane, Rockville, MD 20852.

The purpose of issuing the unaltered conclusions and recommendations of the Panel 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 was prepared independently of the Commissioner. It has been prepared by an ad hoc group of consumer organizations, served until she resigned from the Panel in September 1973, and was replaced by Mr. Kevin V. Hanson. The Panel met 31 times, 30 of which were Panel meetings, the last of which was on May 20, 1975. In addition to the Panel members and liaison representatives, the Panel utilized the advice of the following consultants:

Jean T. Bigelow, Ph. D.
William Bachrach, Ph. D., M.D.
James Christensen, M.D.
C. A. Dujovne, M.D.
Aimée Grayzel, M.D.
Walter Hansen
A. P. Hofmann, M.D.
C. G. King, Ph. D.
J. Lamadie, Ph. D.
Henry Laurencv, M.D.
C. A. McEwen, M.D.
L. F. Schoenfield, Ph. D., M.D.
Samuel Shapiro, M.D.
J. L. Thistle, M.D.
Richard L. Wilkoff, Ph. D.
James G. Wilson, Ph. D.

The following individuals were given an opportunity to appear before the Panel to express their views either at their own or the Panel's request:

Paul Bass, Ph. D.
Ivan T. Beck, M.D.
E. W. Cantrell, Ph. D.
Charles S. Davis, M.D.
Bruce Doerr, D.V.M.
Herbert L. Dupont, M.D.
Michael Hospodor, Ph. D.
C. H. Kratochvil, M.D., Ph. D.
Ben Marr, Iannman, M.D.
Gary Leyland, Ph. D.
Michael O'Malley, M.D.
R. J. Litts
Robert M. Rees, M.D.
David Schlichting, Ph. D.
C. Boyd Shaffer, Ph. D.

FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Food and Drug Administration
[21 CFR Parts 334, 335, 336, 337]
No person who so requested was denied an opportunity to appear before the Panel.

Because the charge to the Panel required the review of four classes of OTC drugs (i.e., laxative, antidiarrheal, emetic and antienemic drugs), the Panel has prepared its conclusions and recommendations in four separate sections. Each section covers the submission of data and information, a listing of claimed active ingredients, and the classification of the ingredients by the Panel for each class of OTC drugs.

The 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 September 28, 1974, in arriving at its conclusions and recommendations.

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel’s findings with respect to these classes of drugs are set out in three categories:

I. Conditions under which laxative products are generally recognized as safe and effective and are not misbranded.

II. Conditions under which laxative products are 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.

The Panel recommends the following for each category of drugs:

I. That the monograph (Category I) be effective 30 days after the date of publication of the final monograph in the Federal Register.

II. That the monograph (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.

III. That the conditions excluded from the monograph on the basis of the Panel’s 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 2 years 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.

I. LAXATIVES

Pursuant to the notice published in the Federal Register of February 8, 1973 (38 FR 3614) requesting the submission of data and information of OTC laxative drugs, the following firms made submissions relating to marketed products:

A. DATA AND INFORMATION SUBMISSIONS

<table>
<thead>
<tr>
<th>Firm</th>
<th>Marketed Products</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbott Laboratories, North Chicago, Ill. 60064</td>
<td>Malsupex, Malsupex Philmatab, Syllamalt Effervescent, Syllamalt Powder, Inc.</td>
</tr>
<tr>
<td>Beecham, Inc. Clifton, N.J. 07012</td>
<td>Dulcoax Suppositories, Dulc lax Tablets.</td>
</tr>
<tr>
<td>Chattem Drug &amp; Chemical Co., Chattanooga, Tenn. 37403</td>
<td>Kondremul Pian, Kondremul with Cascara, Kondremul with Phosphothealin, Neo-Kondremul.</td>
</tr>
<tr>
<td>Combe Inc., White Plains, N.Y. 10601</td>
<td>Rectalpaid Enema.</td>
</tr>
<tr>
<td>Cooper Laboratories, Inc., Cedar Knoll, N.J. 07927</td>
<td>Vaucette Suppositories.</td>
</tr>
<tr>
<td>Dorsey Laboratories, Lincoln, Nebr. 68501</td>
<td>Fleet Phospho-Soda, Fleet Phospho-Soda Flavored, Fleet Enema, Fleet Enema Pediatric.</td>
</tr>
<tr>
<td>Gray Pharmaceutical Co., Norwalk, Conn. 06856</td>
<td>Dialose, Dialose Plus, Efferisum Instant Mix.</td>
</tr>
<tr>
<td>HCL, United States, Inc., Wilmington, Del. 19899</td>
<td>Acelax.</td>
</tr>
<tr>
<td>Lewis Howe Co., Saint Louis, Mo. 63101</td>
<td>Gall-Solve, Merit Cathartics.</td>
</tr>
<tr>
<td>Merit Remedy Co., Dayton, Ohio 45406</td>
<td>Cibrate of Magnesia.</td>
</tr>
<tr>
<td>National Magnesia Co., Inc., Brooklyn, N.Y. 11227</td>
<td>Oil Retention Enema, Sigmoil Enema.</td>
</tr>
<tr>
<td>Pharmaceal Laboratories, Inc., Irwindale, Calif. 91763</td>
<td>Gentilax Granules, Gentilax-S, Gentilax Tablet, Senokap D&amp;S Capsules, Senokot, Senokot Granules, Senokot Suppositories, Senokot Syrup, Senokot with Psyllium.</td>
</tr>
<tr>
<td>Plough, Inc., Memphis, Tenn. 38101</td>
<td>Dorbanc, Dorbanthyl, Dorbantyl Forte.</td>
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<tr>
<td>The Purdue Frederick Co., Norwalk, Conn. 06856</td>
<td>Glynserin.</td>
</tr>
<tr>
<td>Riker Laboratories, Inc., Northbridge, Calif. 91234</td>
<td>Castor Oil, Cibrate of Magnesia, Glycerine.</td>
</tr>
<tr>
<td>Sandor Pharmaceuticals, East Hanover, N.J. 07936</td>
<td>Metamucil Instant Mix, Metamucil Powder.</td>
</tr>
<tr>
<td>Scott Laboratories, Inc., Corpus Christi, Tex. 78406</td>
<td>Castor Oil, Glycerin Suppositories, Milk of Magnesia, Milk of Magnesia Tablets, Mint-O-Mag.</td>
</tr>
<tr>
<td>Seattle Laboratories, Chicago, Ill. 60660</td>
<td>Andrews Salts, Barcod and Bile Salts, Dr. Caldwell Senna Laxative, Fletcher’s Cas­toria, Haley’s M-O, Mil Par, Mucliiose Flakes, Mucliiose Granules, Mucliiose Powd­ders, Phillips’ Milk of Magnesia, Phillips’ Milk of Magnesia Tablets, Sal Andrews.</td>
</tr>
<tr>
<td>The Upjohn Co., Kalamazoo, Mich. 49001</td>
<td>Warren Teed Pharmaceutical, Inc., Columbus, Ohio 43215.</td>
</tr>
<tr>
<td>Warren Teed Pharmaceutical, Inc., Columbus, Ohio 43215.</td>
<td>Cellothyl, Veracolate.</td>
</tr>
</tbody>
</table>
In addition, the following firms made related submissions:

Submissions: Barbituates,

Firm: Merrick Medicine Co., Waco, Tex. 76703
Submissions: Rhubarb Fluidextract.

B. Labeled Ingredients Contained in Submitted Products

<table>
<thead>
<tr>
<th>Ingredient</th>
<th>Submitter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agar</td>
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<tr>
<td>Aloe</td>
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<td>Aloe-1</td>
<td></td>
</tr>
<tr>
<td>Bellowdona extract</td>
<td></td>
</tr>
<tr>
<td>Bile, desiccated whole</td>
<td></td>
</tr>
<tr>
<td>Bile salts</td>
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<td>Biscocrit</td>
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<td>Bismuth subnitrate</td>
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<td>Bran tablets</td>
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<td>Calcium hydroxide</td>
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<tr>
<td>d-Calcium pantothenate</td>
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<td>Capsicum</td>
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<tr>
<td>Carbohydrate (digestive enzyme from Carica papaya)</td>
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<tr>
<td>Cargaman (Chondrus crispus)</td>
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<tr>
<td>Cascara sagrada</td>
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<tr>
<td>Cascara sagrada bark</td>
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<td>Cascara sagrada extract</td>
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<tr>
<td>Cascara sagrada fluid extract</td>
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<tr>
<td>Cassia baux</td>
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<tr>
<td>Castor oil</td>
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<tr>
<td>Citric acid, anhydrous</td>
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<tr>
<td>Dextran</td>
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<tr>
<td>Dehydrocholic acid</td>
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<td>Dicyctyl calcium sulfosucinate</td>
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<td>Dicyctyl potassium sulfosucinate</td>
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<tr>
<td>Dicyctyl sodium sulfosucinate</td>
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<td>Disodium phosphate</td>
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<td>Frangula</td>
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<td>Gingest</td>
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<td>Glycerin</td>
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<td>Guatamol</td>
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<td>Iperac powder</td>
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<td>Karaya (stereuca)</td>
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<tr>
<td>Magnesium citrate, anhydroxy tribasic</td>
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<td>Magnesium hydroxide</td>
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<tr>
<td>Magnesium sulfate dihydtrate</td>
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<td>Malt soup extract</td>
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<tr>
<td>Methylcellulose</td>
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<td>Mineral oil</td>
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<td>Monoosodium phosphate</td>
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<td>Osgall</td>
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<td>Papain</td>
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<td>Phenolphthalein</td>
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<td>Phenolphthalein, yellow</td>
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<td>Pianato ors husk</td>
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<td>Piantsage seed</td>
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<td>Podophyllin resin (podophyllin)</td>
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<td>Poloxamol (polyox, polymers of ethylene and propylene oxide)</td>
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<td>Potassium carbonate</td>
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<tr>
<td>Prume concentrate dehydrate</td>
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<td>Prume powder</td>
<td></td>
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<tr>
<td>Puylium, heminellulose of</td>
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<tr>
<td>Puylium hydrophile mucilioide (puylium hydrogolohol)</td>
<td></td>
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<tr>
<td>Puylium seed husks, blond</td>
<td></td>
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<tr>
<td>Puylium seed husks</td>
<td></td>
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<tr>
<td>Puylium seed</td>
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<tr>
<td>Puylium fluidextract</td>
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<td>Senna</td>
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<td>Senna concentrate</td>
<td></td>
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<td>Senna fruit extract</td>
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<tr>
<td>Sennosides A and B</td>
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<tr>
<td>Sodium acid pyrophosphate</td>
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</tbody>
</table>

In an Industry Survey of the Laxative Market, a study of the laxative market, conducted by the Federal Trade Commission, revealed that 46 percent of the stools were firm; 36 percent were soft or mushy, and 3 percent loose, watery or diarrhetic (Ref. 4). From a social and psychological viewpoint, the subjects in this study cannot be considered representative of the normal population because they were prisoners in a minimal custody Federal Correction Institution. However, the Panel considers the data of value in defining bowel habits under controlled conditions.

In another study, 653 industrial workers in the greater London area were interviewed regarding bowel habits. This group was composed of 555 women and 400 men. Also included in this study, were 800 patients of family practitioners and 524 children. From these results, it is suggested that fewer than 3 bowel movements per week are unusual. No simple correlation was observed between bowel habits and age.

The Panel is of the opinion that there is widespread overuse of self-prescribed laxatives. Extensive advertising by the pharmaceutical industry has contributed to this problem. The Panel is aware that the FDA is limited in its jurisdiction to package labeling and not to advertising. However, the Panel is concerned that control of package labeling alone may be insufficient in reducing improper use of laxative agents. The Panel is hopeful that as a result of this report that laxatives will be monitored by those having the appropriate jurisdiction, to insure that adequate warnings and cautionary statements as found in product labeling will be carried over and incorporated in all advertising and promotional activities for these products.

Only recently have quantitative data become available to better define the normal bowel habits in man. In one study of 115 healthy adult men, stool weight, consistency, and time of evacuation were recorded on 8,257 stools. The ages of the subjects ranged from 20 to 57 years. The average stool weight was 133.6 grams; average interval between stools was 27.6 hours, with a range of 9 to 57 hours. Subjective estimates of consistency showed that 46 percent of the stools were firm; 36 percent were soft or mushy, and 3 percent loose, watery or diarrhetic (Ref. 4). From a social and psychological viewpoint, the subjects in the study cannot be considered representative of the normal population because they were prisoners in a minimal custody Federal Correction Institution. However, the Panel considers the data of value in defining bowel habits under controlled conditions.

In another study, 1,653 industrial workers in the greater London area were interviewed regarding bowel habits. This group was composed of 555 women and 400 men. Also included in this study, were 800 patients of family practitioners and 524 children. From these results, it is suggested that fewer than 3 bowel movements per week are unusual. No simple correlation was observed between bowel habits and age.

There was a positive correlation between increasing bowel frequency and the subject's opinion of the stool being "loose." The proportion of subjects who took laxatives increased with age in both groups studied (Ref. 5). The frequency limits suggested by this study are potentially biased, as 20 percent of all subjects interviewed took a laxative more than once a week. However, the Panel considers the data of value in defining bowel habits in the population.

The term "laxative" has many misconceptions. All these terms denote agents that act to promote evacuation of the bowel; the difference between the terms is largely one of degree. The terms "cathartic" and "purgative" are frequently confused. All these terms denote agents that act to promote evacuation of the bowel; the difference between the terms is largely that of degree. The terms "cathartic" and "purgative" are often used interchangeably and are best defined as agents which quickly produce bowel evacuation and obvious alteration of stool consistency (Ref. 6). These actions in a laxative agent are less pronounced. Large doses of these laxatives may produce a cathartic effect. For purposes of simplicity and consistency only the term "laxative" will be used in this report.

Prolonged laxative use can seriously impair normal bowel function. Use of laxatives for acute abdominal pain, vomiting, and other digestive symptoms can lead to serious complications. The Panel is of the opinion that simple constipation most often results from improper diet, inadequate fluid intake, possibly in-
sufficient exercise and/or from a change of habits due to travel. There are few valid indications for the use of laxatives. Relief for simple constipation often may be achieved by proper diet, including foods with adequate fiber content, adequate fluid intake, and the prompt response to the urge to evacuate the bowels. The negative side effects between many people are using laxatives that don't need them (Refs. 4 and 5).

**References**


**D. Labeling of Laxatives**

The Panel reviewed the general and specific labeling requirements previously adopted by the Food and Drug Administration for OTC laxative preparations. These requirements provide for labeling information concerning the identity of ingredients, directions for use, and general and specific warnings. The Panel concurs that these requirements are appropriate for OTC laxative preparations and the labeling will be discussed elsewhere in this document.

After review of all labels of OTC laxative preparations submitted, the Panel recommends the following additional requirements:

1. **Indications.** The indications for use of a laxative should be simple and clearly stated. If the product is taken for specific indications such as to increase the frequency of bowel movements, to soften the stool, or to increase the bulk of the stool, or to promote frequent and continued evacuation or relief of symptoms unrelated to the bowel by increasing bulk volume and water content of the stools. Such claims are not supported by scientific evidence and thus are unacceptable. Undocumented claims that laxatives relieve symptoms such as "excessive belching," "after-meal discomfort," "headaches," or "bilioseousness" foster the notion among the laity that such symptoms are caused by constipation. Such claims are not supported by scientific evidence and thus are unacceptable. The Panel has no objection to labeling that promises general benefits in good health or well being or warns against the hazards of constipation is unproven and thus unacceptable. Undocumented claims that laxatives relieve symptoms such as "excessive belching," "after-meal discomfort," "headaches," or "bilioseousness" foster the notion that the product or ingredient is a "natural" way to induce bowel movement.

2. **Directions for use.** The label should include a clear statement of the usually effective, minimum and maximum dose per time interval, broken down by age groups, and if appropriate, may be followed by "except under the advice and supervision of a physician." It is not considered "natural" to take any laxative.

3. **Warnings.** The Panel has reviewed the current regulation (21 CFR 309.20) regarding labeling of laxatives which states:

**Warning.—Do not use when abdominal pain, nausea, or vomiting are present. Frequent or prolonged use of this preparation may result in dependence on laxatives. Mercury preparations should have added to the statement as follows: "contraindicated in the words "and serious mercury poisoning."

Phenolphthalein preparations should bear, in addition to the general warning, the following statement:

**Caution.—If skin rash appears, do not use this or any other preparation containing phenolphthalein.**

**Proposed Rules**
The Panel found it difficult to clearly define the word "dependence" as it appears in the regulation, and recommends deletion of the following warning on all laxative labels: "Frequent or prolonged use of this preparation may result in dependence on laxatives." Specific warnings concerning laxative dependency is listed within the Panel's recommendations for each class of laxative ingredient.

The Panel concluded that the warning regarding mercury is now inappropriate since the Panel has recommended removal of such preparations from OTC status. (See discussion for Calomel below in the Category II laxative active ingredient statement.) Warnings for reactions considered by the Panel to be of sufficient frequency or severity will be listed with the Panel's recommendation regarding each class of active ingredient. The warning should be accompanied by specific instructions for avoiding specific side effects (e.g., labels of bulk-forming laxatives should state "drink a full glass of liquid with each dose," and directions should a side effect occur (e.g., "stop medication at once and consult a physician").

The label must also contain a warning as follows:

If you have noticed a sudden change in bowel habits that persists over a period of 2 weeks, consult a physician before using a laxative. If the recommended use of this product for 1 week has had no effect, discontinue use and consult a physician.

The reason for this recommendation is that a sudden change in bowel habits may be due to serious disease (e.g., cancer, stricture), and the continued use of a laxative may delay diagnosis of such conditions. The Panel is of the opinion that the available scientific evidence shows that very few indications warrant the use of any laxative beyond 1 week, except under the advice of a physician.

E. DEFINITIONS AND CLASSIFICATION OF ACTIVE INGREDIENTS

The Panel adopted the definitions identified below and elected to classify the active ingredients of laxative products on the basis of the usually accepted pharmacological classes as follows:

1. Adequate liquid intake. The ingestion of a full glass (8 oz.) of liquid with each dose.

2. Age (dosage) range. Infant (not more than 2 years), child (2 years and over but not more than 12 years), and adult (12 years and over).

3. Bulk forming laxative. An agent that promotes evacuation of the bowels by increasing bulk volume and water content of the stools.


5. Hyperosmotic laxative. An agent that draws water into the bowel.

6. Laxative. Any agent used for the relief of constipation.

7. Lubricant laxative. An agent that lubricates the contents of the intestinal tract, thus promoting easier bowel movements.

8. Oral Dosage. The dosage range (minimum and maximum amounts) that is generally recognized as safe and effective by the Panel is given below.

9. Rectal Dosage. The dosage range (minimum and maximum) that is generally recognized as safe and effective by the Panel is given below.

10. Saline laxative. An agent that increases water in the intestine thereby promoting bowel movement.

11. Short-term use. Use of a laxative for no longer than 1 week.

12. Stimulant laxative. An agent that promotes bowel movement by one or more direct actions on the intestine.

13. Stool softener laxative. An agent that penetrates and softens the stool.

It is recognized that the mode of action of some ingredients is unknown or different from that described in some textbooks and old literature. For example, it is now known that at least some "stimulant" laxatives promote laxation by means other than "stimulating" peristalsis. Nevertheless, the traditional classification is used for simplicity, and the mode of action, when known, is described for each ingredient.

The Panel found that many laxative products contained more than one active ingredient. In some of these products, the amount of one or more of the active ingredients is considered irrational in that the amount of the ingredient is as little as one-tenth of the recommended effective dose. The Panel concluded that any ingredient causing laxation at an appropriate dosage is considered to be an active agent.

F. REVIEW OF ACTIVE INGREDIENTS

The Panel reviewed all claimed active ingredients which were the subject of submissions made to and accepted by the Panel. In addition, the Panel reviewed bran (dietary), calomel, laxative resins (College of American Pharmacists, jalap, and jalap) and polycarbophil. The Panel considered all pertinent data and information in arriving at its conclusions and recommendations.

1. Conditions under which laxative products are generally recognized as safe and effective and are not misbranded.

2. After carefully reviewing all data available to the Panel the following laxative ingredients identified below were classified as safe and effective and not misbranded:

   a. Bulk-forming laxatives

   b. Stimulant laxatives

   c. Hyperosmotic laxatives

   d. Lubricant laxatives

   e. Miscellaneous laxatives

   f. Released Carbon Dioxide

   g. Active ingredients classified as bulk-forming laxatives.

   h. The Panel of the opinion that bulk-forming laxatives are among the safest of laxatives. These agents are generally not absorbed from the digestive tract. They increase the frequency of bowel movements and soften stools by holding water in the stool. Most bulk-forming laxatives require the ingestion of a glassful of liquid with each dose to minimize the risk of obstruction of the digestive tract which has rarely been caused by these agents. Examples of useful labeling information describing the mode of action for purposes of labeling include "Promotes evacuation of the bowels by increasing bulk volume and water content of stools" and "Increases the frequency of bowel movements and softens stools by holding water in the stool."

   (1) Bran, dietary. The Panel concludes that bran is safe and effective in the amounts (approximately 6 to 14 grams per day) usually taken in the diet when accompanied with adequate fluid intake and believes it unnecessary to impose a specific dosage limitation at this time. Bran can be obtained from a number of sources but usually is derived from the milling of wheat. Wheat bran consists largely of hemicellulose, cellulose and...
The rationale for the use of Bulk-forming laxatives, should be clearly labeled stressing the importance of adequate fluid intake (drinking a full glass (8 oz.) of liquid with each dose). The label should also carry a warning against use of the product if the user is taking a drug containing salicylates or a prescription drug containing digitals or nitrofurantoin. The labeling should state: "This product may combine with certain other drugs. Do not take this product if you are presently taking salicylates or a prescription drug."
Malt soup extract is obtained from partially germinated grain of one or more varieties of barley containing amylolytic enzymes. The evaporated aqueous extract constitutes malt extract. The powdered malt soup extract contains 73 percent maltose, 7 percent protein, and 1.6 percent polysaccharide. In addition, there are small quantities of calcium, phosphorus, magnesium, and vitamins of the B Group and C. Although the Panel considered malt soup extract with the bulk-forming laxatives, the Panel is aware that increase in fecal volume probably is not the sole mechanism of action. Precisely how malt soup extract produces increased softness of the stool is not clearly understood. It has been well documented that reduction in stool pH has also been cited as the reason for the claimed effectiveness of malt soup extract below in the treatment of pruritus ani. (See discussion of malt soup extract below in Category III statement.)

**REFERENCES**


**LABELING**

Although reduction in stool pH has also been cited as the reason for the claimed effectiveness of malt soup extract in reducing the frequency of pruritus ani. The Panel concludes that there is insufficient evidence to support the claim that malt soup extract is effective when used alone in the treatment of pruritus ani. (See discussion of malt soup extract below in Category III statement.)

**LABELING**

Although reduction in stool pH has also been cited as the reason for the claimed effectiveness of malt soup extract in reducing the frequency of pruritus ani. The Panel concludes that there is insufficient evidence to support the claim that malt soup extract is effective when used alone in the treatment of pruritus ani. (See discussion of malt soup extract below in Category III statement.)

**REFERENCES**


(5) Active ingredients classified as stimulant laxatives. The Panel is of the opinion that the so called "stimulant" group of laxative preparations should be used only occasionally, and not more than daily for a week, for the relief of simple constipation.

**LABELING**

In addition to specific labeling requirements for the individual ingredients listed below, it must be stated on the label of this group of laxatives that:

Prolonged or continued use of this product can lead to laxative dependency and loss of normal bowel function. Serious side effects can occur and prolonged use or overdose may occur.

This product should be used only occasionally, but, in any event, no longer than daily for 1 week, except on the advice of a physician.

(1) Anthraquinones. The Panel concludes the following anthraquinones to be safe and effective in the following amounts usually taken orally in laxative products for occasional use only:

**REFERENCES**


The mucous membrane of the colon has discontinued. The demineralization is thought to be benign and large part of the drug is metabolized by the kidneys, sometimes causing metabolic acidosis. "This product may cause abdominal discomfort, faintness, rectal burning and mild cramps." Labeling for both tablets and capsules should state: "Store in a cool place at temperature not above 86° F (30° C)."

PROPOSED RULES

The Panel concludes that additional indications for professional labeling may include for use in preparation of the patient for surgery or for preparation of the colon for x-ray and endoscopic examination.

LABELING


CASTOR OIL

Cascara Sagrada Preparations

Aromatic Cascara Fluidextract

Cassia Tannin

Cassia Sagrada Bark

Cassia Sagrada Extract

Cassia Sagrada Fluidextract

The usual dose for infants under 2 years is 1/4 the adult dose and for children (2 to 12 years) 1/4 the adult dose of cascara preparations.

DANTHRON

Senna Preparations (single dose):

Senna Fluidextract

Senna Leaf Powder

Senna Pod Concentrate

Senna Fruit Extract

Senna Syrup

Senecio C & B, Crystalline

The usual childhood dose of the senna preparations is 1/4 of the adult dose for infants under 2 years, 1/4 of the adult dose for children 1 to 5 years, and 1/3 of the adult dose for children 6 to 12 years of age.

The laxative action of aloe, castor, and senna is attributed to hydroxanthraquinone derivatives that exist in the plant as glycosides and, in the case of the synthetic compound danthron, as the free antraquinone. The laxative action of the antraquinones is limited mainly to the large intestine where the glycosides in the plant derivatives arrive intact and are subsequently hydrolyzed by colonic microflora to free antraquinones. The precise mechanism by which these compounds promote bowel movement is not known. Proposal that suggest the active constituents act by a direct irritant effect on the mucosa or that they stimulate intramural nerve plexi lack experimental confirmation.

Absorption is partially absent from the upper gastrointestinal tract and a large part of the drug is metabolized by the liver. The metabolite products are excreted by the kidneys, sometimes causing a harlequin-like discoloration of the urine as occurs with all antraquinones. Antraquinone also is excreted in the milk of nursing mothers but in insufficient amounts to cause laxative in the nursing infant. Melanotic pigmentation of the mucous membrane of the colon has been observed in persons who have taken antraquinone drugs for years. This pigmentation is thought to be benign and is reversible after the medication is discontinued.

LABELING

Labeling should include statements identified above for stimulant laxatives. Professional labeling for senna preparations may also include "For the preparation of the colon for x-ray and endoscopic examination."

REFERENCES

LABELING

The label of castor oil containers must state: (1) "For the treatment of isolated bouts of constipation." (2) "Not to be used on a daily basis except under the direction of a physician." (3) "Castor oil affects the small intestine and may cause dehydration, loss of body salts, and body water, which can have debilitating effects." Professional labeling may also include "for the preparation of the colon for x-ray and endoscopic examination."

REFERENCES


LABELING

There is no evidence in support of the claim that dehydrocholic acid relieves "indigestion," "excessive belching," "after meal discomfort," or "the sensation of abdominal fullness." These claims constitute mislabeling and dehydrocholic acid is placed in Category II with respect to these claims.

REFERENCES


LABELING

The label should contain a warning concerning prolonged usage such as, "For occasional use only. Do not take longer than 1 week. Serious side effects from prolonged use or overdosage may occur." (1) Magnesium salts. The Panel concludes that these magnesia salts are safe and effective in the amounts taken orally in laxative products for occasional use only: Magnesium Sulfate—10–30 gm (61–943 mEq Mg++) or for children 2 to 5 years 5.5 to 2 g, 6 years and older 10 gm. Magnesium Hydroxide—2.4–4.8 gm (82–164 mEq Mg++) or for children 2 to 6 years 0.4 to 1.2 gm, for children 6 years and older 1.3 to 2.4 gm. Magnesium Sulfate—10–30 gm (61–943 mEq Mg++) or for children 2 to 5 years 5.5 to 2 g, 6 years and older 10 gm. Magnesium salts are one of a group of the saline laxatives classically thought to exert a laxative effect by osmotically attracting water into the intestinal lumen. Current work suggests that the mechanism of action may be due in large part to the release of the gastrointestinal hormone cholecystokinin-pancreozymin (CCK-PZ) and its subsequent stimulation of the motor and secretory activity in the gastrointestinal tract. Most studies suggest a minimally effective dose of magnesium is approximately 80 mEq, although lower doses may, in the future, be shown to be effective for activity unrelated to any osmotic action. Absorption of administered magnesium is approximately 15 to 30 percent, which may cause systemic toxicity in the presence of renal insufficiency. Anhydrous Magnesium Citrate is usually formulated in combinations of citric acid and anhydrous sodium citrate; these mixture substances are considered sequestering agents that allow magnesium to be held in solution as a soluble complex ion. Citric acid and anhydrous sodium citrate are not considered laxative agents in themselves and should not be claimed as active ingredients.
Magnesium hydroxide is occasionally promoted as both an antacid and a laxative. This dual claim is permissible owing to the activity of this compound, but the public should be aware that when used regularly as an antacid, magnesium hydroxide causes significant laxation. Claims of superior laxation on the basis of the antacid properties are not allowed because the Panel is not aware of any scientific data that establishes a relationship between acid secretion and constipation.

LABELING

For those products in which the maximal daily dose exceeds 50 milliequivalents of magnesium, the label should contain a statement such as, "Do not use this product except under the advice and supervision of a physician if you have kidney disease."

LABELING of the magnesium citrate solution should indicate the need for storage in a cold place (refrigerator temperature) to retard decomposition.

SODIUM WARNING LABEL

See laxative labeling statement (paragraph D) above for sodium warning.

REFERENCES


PROPOSED RULES

PROFESSIONAL LABELING

The labeling provided to health professionals (but not to the general public) for all phosphate laxatives should provide the total dose of sodium in mEq (mg) per standard dose. The label should carry the following warnings: "Do not use in patients with megacolon, as hyper­natremic dehydration may occur. Use with caution in patients with impaired renal function as hyperphosphatemia and hype­rcalemic may occur."

REFERENCES


PROPOSED RULES

PROFESSIONAL LABELING

The labeling provided to health professionals (but not to the general public) for all phosphate laxatives should provide the total dose of sodium in mEq (mg) per standard dose. The label should carry the following warnings: "Do not use in patients with megacolon, as hyper­natremic dehydration may occur. Use with caution in patients with impaired renal function as hyperphosphatemia and hype­rcalemic may occur."

REFERENCES


LABELING

The labeling should state: (1) "For rectal use only and adults and children. Large doses of glycerin if taken orally can lead to serious toxic effects."
(2) "Glycerin administered rectally may produce in some individuals rectal discomfort or a burning sensation."

REFERENCES


PROPOSED RULES

PROFESSIONAL LABELING

The labeling provided to health professionals (but not to the general public) for all phosphate laxatives should provide the total dose of sodium in mEq (mg) per standard dose. The label should carry the following warnings: "Do not use in patients with megacolon, as hyper­natremic dehydration may occur. Use with caution in patients with impaired renal function as hyperphosphatemia and hype­rcalemic may occur."

REFERENCES

Sorbitol is a poorly absorbed polyalcohol of the hexose sugar, sorbose. Because of its limited absorbtion, both food and gastrointestinal tract. If given orally in sufficient quantities, it promotes an osmotic diarrhea. The oral laxative minimum effective dose in man appears to be about 50 grams. This dose is used occasionally to produce laxation in patients with some complicated disease, but is not approved for use as an oral laxative in OTC products. When administered rectally as a hyperosmotic solution, it promotes defecation.

Sorbitol given orally has been shown in animals to be less irritating to the intestinal mucosa than glycerin, but the observed changes are qualitatively similar and dose and concentration dependent.

**LABELING**

**For rectal use only.**

**(a) Dioctyl sulfosuccinate preparations.** The Panel concludes that the following dioctyl sulfosuccinate preparations are safe and effective in amounts usually taken orally or rectally in laxative products.

**Usual daily dose**

- 50-300 mg/day (25 mg for infants under 2 years, 50-150 mg/day for children)
- 50-360 mg/day (250 mg/day for children)
- 50-250 mg/day (100 mg/day for children)
- 12912 PROPOSED RULES

**(b) Active ingredients classified as stool softener and lubricant laxatives.** The active ingredients of stool softener laxatives and lubricant laxatives are particularly useful when the stools are hard and dry or when disease of the anus and rectum exist that make the passage of a firm stool painful. These products should be used only occasionally or no longer than a week when taken daily as they may interfere with the absorption of a number of nutrients including some vitamins. If relief of the condition for which the product is taken is not obtained in a week, the user should consult a physician. The following ingredients are considered by the Panel, to be safe and effective when taken as directed.

**(c) Stool softener laxatives.**

<table>
<thead>
<tr>
<th>Active Ingredient</th>
<th>Route of Administration</th>
<th>Uses</th>
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<tbody>
<tr>
<td>Dioctyl calcium sulfosuccinate (oral)</td>
<td>Oral</td>
<td>Softens stool, increases water content of stool.</td>
</tr>
<tr>
<td>Dioctyl potassium sulfosuccinate (rectal)</td>
<td>Rectal</td>
<td>Softens stool, increases water content of stool.</td>
</tr>
<tr>
<td>Dioctyl sodium sulfosuccinate (oral)</td>
<td>Oral</td>
<td>Softens stool, increases water content of stool.</td>
</tr>
</tbody>
</table>

The mechanism of action of dioctyl sodium sulfosuccinate (DSS) salts is not completely understood. Published literature based on in vitro studies suggests that they act by a detergent action which lowers surface tension at the oil-water interface permitting water and softening action on fecal material. It may be enhanced by dioctyl sodium sulfosuccinate preparations.

In spite of the reported record of safety, DSS possesses potent detergent properties and the Panel recognizes that it might facilitate gastrointestinal or hepatic toxicity therefrom, thereby potentiating their activity. The absorption of mineral oil (a lubricant laxative) may be enhanced by DSS, and therefore, these agents should not be taken concurrently. The doses of DSS and dioctyl calcium sulfosuccinate (DSC) should be as small as possible to give the desired result.

Current information does not warrant a need to restrict the use of DSS, DSC, or dioctyl potassium sulfosuccinate (DPS), but reevaluation may be needed as additional data become available.

**LABELING**

Because of possible drug interaction, the label should contain a statement such as:

**Warnings.**—Do not take this product if you are presently taking a prescription drug or mineral oil.

The label should also contain a statement such as:

**Caution.**—This product should be used only occasionally, but in any event no longer than daily for 1 week.

**References**


This occurs only under conditions of

absorption, and regular use in pregnancy

may predispose to hemorrhagic disease

absorption, and there is evidence that this properly results in en-

hanced penetration of mineral oil into the fecal mass. Emulsification would theoretically enhance intestinal absorp-

tion but there is evidence of a lack of evidence that this occurs.

LABELING FOR ORAL PREPARATIONS

The Panel concludes that the labeling which applies to plain mineral oil, should also apply to mineral oil emulsion with the exception of the bedtime ingestion limitation for plain mineral oil. That limitation should be modified to permit a twice daily dosage regimen for mineral oil emulsion with the first dose taken on arising and the second dose taken at bedtime and neither dose at mealtime (adults 15 to 45 ml of mineral oil component of emulsion children over 6 years of age 0.25 to 5 ml of mineral oil component of emulsion).

Emulsification of mineral oil by magnesium hydroxide or other agents reduces the size of oil droplets, and there is evidence that this properly results in enhanced penetration of mineral oil into the fecal mass. Emulsification would theoretically enhance intestinal absorption but there is evidence of a lack of evidence that this occurs.

LABELING FOR RECTAL PREPARATIONS

The precautions listed above for oral administration do not apply to rectal administration of mineral oil.

LABELING FOR HEALTH PROFESSIONALS

Professional labeling may contain as additional indications: "For the prevention of colon for x-ray and endoscopic examination."

Labeling shall contain the following: "Side effects with the proper use of mineral oil are few. However, with chronic use and particularly with excess dosage, excessive laxation, anal leakage and dermato logic reactions may occur. Owing to its property as a lipid solvent, liquid paraffin (mineral oil) may interfere with the absorption of pro-vitamin A, vitamin A, and vitamin D leading to impairment of calcium and phosphorus metabolism. This occurs only under conditions of chronic usage. Administration of mineral oil may lower prothrombin levels, probably secondary to impaired vitamin K absorption, and regular use in pregnancy may predispose to hemorrhagic disease of the newborn. Because of possible interference with nutrition, mineral oil should not be ingested in close proximity to meals. These side effects occur very rarely and then only with chronic and abusive use."

REFERENCES


(7) Active ingredients classified as a miscellaneous laxative—(1) Released carbon dioxide from combined sodium bisphosphate anhydrous, sodium acid pyrophosphate and sodium bicarbonate. The Fagot suppository rectal suppositories which release carbon dioxide are safe and effective in the amounts usually used rectally once a day as an aid in evacuation of the bowel (no pediatric dosage for children under 12 years).

The suppository dosage form contains 1.2 gm to 1.5 gm sodium bisphosphate anhydrous, 0.01 gm to 0.05 gm sodium acid pyrophosphate and 1.0 gm to 1.5 gm sodium bicarbonate and works through the production of carbon dioxide (approximately 230 ml) in the rectum. The active ingredient, carbon dioxide, is produced by the action of water on these ingredients. The expanding gas induces a gentle pressure in the rectum thereby promoting bowel movement. The suppository should be placed under a water tap for about 30 seconds or immersed in a cup of water for at least 10 seconds prior to rectal insertion.

LABELING

The product should be labeled for rectal use only. To facilitate the release of carbon dioxide, the labeling should state: "Do not lubricate with mineral oil or petrolatum jelly, prior to rectal insertion."

In addition, the following warning should be included:

WARNING—Rectal bleeding, or failure to evacuate may indicate a serious condition and a physician should be consulted.

REFERENCES


2. Conditions under which laxative products are not generally recognized as safe and effective or are misbranded.

When carefully reviewing all data submitted, as well as additional evidence provided by the Food and Drug Administration and consultants to the Panel and the results of an extensive literature search, the Panel concluded that some OTC laxative ingredients should be removed from the market because of the lack of data supporting their safety. The Panel found no scientific basis or even sound theoretical reasons for claimed effectiveness of a number of ingredients used in OTC laxatives. In addition, certain labeling claims were considered misbranding. Statements and suggestions that improve "well being" or "promote good health" are unproven and unacceptable. "Irregularity" as an indication for use is misleading because "regularity" of bowel movement is not essential to health or well being. Laxative products are not appropriate for use solely on the basis of a lack of "regularity," because variability of frequency of bowel movements is normal within the limits referred to elsewhere in this document. All undocumented claims such as "stimulates colonic peristalsis," "acts naturally," and "promotes gentle movements" are unproven and unacceptable.

The Panel concludes that the following ingredients, labeling, and combination drugs involved should be removed from the market unless and until further scientific testing supports their use:

Active Ingredients

Colanol

Carrageenan, degraded

Fodophyllum resin (podophyllum)

Other laxative resins

Bleomethasone

Capsicum

Gum aloes

Jalap

Combinations with Nonlaxative Active Ingredients

Belladonna extract (belladonna alkaloids)

Bleomethasone membucinate

Capsicum

Gum aloes

Jalap

LABELING CLAIMS FOR SPECIFIC INGREDIENTS

Bile acids and ox bile

Dehydrocholic acid

Magnesium compounds

a. Active ingredients—(1) Calomel (mercurous chloride). The Panel concludes that calomel is unsafe and unreliable as a laxative.

b. Other laxative ingredients mentioned on the label were submitted to the Panel for review. However, a review of the presently available literature by the Panel requires classification of this compound in Category II and merits special comment, especially with regard
PROPOSED RULES

REFERENCES


(4) Podophyllin is reported to possess a high toxicologic potential (Ref. 1). For example, in one study, the oral LD₅₀ of podophyllin in mice was found to be 68 mg/kg, and the subcutaneous LD₅₀ of podophyllin in rats was determined to be 24 mg/kg (Ref. 12). Three other plant extractives whose teratogenic potential is unknown. In another case (Ref. 10), severe peripheral neuropathy and intratropical ulcers occurred in a young man who ingested a "slimming" tablet containing podophyllin (1.8 gm) in the treatment of warts.

Podophyllin is reported to possess a high toxicologic potential (Ref. 11). For example, in one study, the oral LD₅₀ of podophyllin in mice was found to be 68 mg/kg, and the subcutaneous LD₅₀ of podophyllin in rats was determined to be 24 mg/kg (Ref. 12). Three other plant extractives whose teratogenic potential is unknown. In another case (Ref. 10), severe peripheral neuropathy and intratropical ulcers occurred in a young man who ingested a "slimming" tablet containing podophyllin (1.8 gm) in the treatment of warts.

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PROPOSED RULES


(6) Other laxative resins (colocynth, elaterin, gamboge, ipomea, jalap). The Panel concludes that these plant products are unsafe for use as laxatives because of their potential toxicity.

These plant resins contain active ingredients (usually glycosides) which are readily transformed by body processes. These plant principles are profoundly irritant to the intestines and produce profuse watery stools, which may be blood-tinged, and cause considerable colic (Refs. 1 through 3).

Although these resinous laxatives are not widely used today, the Panel is aware that some OTC laxative mixtures contain these products (Ref. 4). There are no adequate clinical studies to demonstrate that there are safe and effective laxative doses of these irritant resins.

REFERENCES


b. Combinations with nonlaxative active ingredients. Some OTC laxative products contain nonlaxative ingredients which are thought to aid to laxation and in some instances, greatly increase risk of side effects. Other products contain nonlaxative active ingredients for which the Panel can find no scientific or medical rationale. The Panel concludes that the following nonlaxative active ingredients in combination with laxatives are irrational combinations and are not appropriate therapy for a significant portion of the population.

(1) Combinations containing nonlaxative active ingredients that increase the likelihood of side effects and/or reduce the safety of the product.—Belladonna extract (belladonna alkaloids). The Panel concludes that the use of belladonna agents in combination with oral laxatives constitutes irrational and unsafe therapy.

Belladonna extract, which is extracted from the leaves of Atropa belladonna, contains atropine and other anticholinergic alkaloids (Ref. 1). The usual quantity of belladonna extract contained in a unit dose of a product is 8 milligrams (equivalent to 0.1 milligram belladonna alkoid). Belladonna extract is sometimes combined with laxative mixtures containing anticholinergone compounds, seemingly to counteract potential gripping action of these laxatives (Ref. 2). However, due to short duration of action (2 to 3 hours) of belladonna extract, the use of this anticholinergic plant drug for this purpose is irrational because its antispasmodic action on the intestine will have subsided before the laxative action (18 to 24 hours) of the anticholinergic is manifest (Refs. 2 and 3).

The addition of belladonna extract to laxative products increases the risk of toxic side effects. The Panel is aware of serious poisoning in children who accidentally ingested laxatives that contain belladonna alkaloids (Ref. 4).

REFERENCES


(2) Combinations of laxative and nonlaxative ingredients for which there is no medical or scientific rationale.

(1) Bismuth Subnitrate. The Panel concludes that the use of bismuth subnitrate or other bismuth salts in combination with laxatives constitutes irrational therapy.

There is no scientific evidence to indicate that bismuth salts contribute to efficacy or safety of laxative preparations. Bismuth is considered in some textbooks as an astringent and absorbent, and is discussed by the Panel under anti diarrheals.

REFERENCES


(2) Capiscum. The Panel concludes that the addition of capiscum to laxative products is irrational therapy.

Capsicum is said to be a colonic irritant that produces a sensation of heat (Ref. 1); the agent does not produce cutaneous hyperemia. The use of capiscum as a carminative is based on subjective evidence. The Panel is unaware of any scientific data or even sound theoretical reasoning to indicate that capiscum should be considered an active laxative agent.

REFERENCES


(3) Caroid-papain. The Panel concludes that the addition of caroid-papain or other proteolytic enzymes to laxative agents is irrational therapy.

Caroid-papain, derived from Curica papaya, is a mixture of proteolytic enzymes containing papain, bromelin, and ficin, which possess the property of digesting collagen (Refs. 1 and 2). These agents are thought to be innocuous to viable tissues and hence may be considered safe. The Panel is unaware of any scientific data or even sound theoretical reasoning to indicate that caroid-papain should be considered an active laxative agent.

REFERENCES


(iv) Ginger. Ginger is a rhizome of Zingiber officinale, contains a volatile oil, a nonvolatile mixture of substances possessing pungent principles collectively termed gingerol, and an acidic resin (Refs. 1 and 2). It has been advocated for use in man as a carminative for flatulence (Refs. 2 and 3). In addition, it has been used in veterinary medicine as a carminative for atonic indigestion as well as spasmodic colic, and has been added to veterinary purgatives to prevent gripping (Ref. 1). There is no evidence of which the Panel has been made aware that ginger possesses laxative properties or is active in man.

REFERENCES


(3) Grieve, M., "Treatment of Dyspeptic Disorders with Spice Extracts," Hippocrates, 40:916, 1959 (Ger.).
The Panel concludes that the use of ipecac in any amounts in combination with laxatives constitutes irrational therapy.

Powedered ipecac, which is obtained from the plant *Cephalis ipecacuanha* contains a number of emetic alkaloids, including emetine and cephaeline (Ref. 1). Powdered ipecac is now added to some laxative mixtures that contain belladonna extract, on the assumption that the emetic will induce vomiting in the event of an overdose of the laxative mixture. The Panel concludes this is irrational therapy. Furthermore, the quantity of powdered ipecac used in OTC laxative products would not provide an emetic dose, even if 100 dosage units of the laxative product were injected (Ref. 1).

**References**


(v) *Ipecac powder.* The Panel concludes that the addition of various vitamins, minerals, including trace elements, to laxative preparations is irrational therapy and places such combinations in Category II.

An extensive review of the available literature fails to reveal any evidence to demonstrate that the addition of various vitamins, minerals, and trace elements to laxative preparations contribute to a laxative effect. The Panel does not recognize any significant target population that requires laxatives and vitamins concurrently. The Panel does not recognize the use of vitamins for purposes of laxation or the inclusion of vitamins in laxative products as adjunctives to the laxative action of the product. The Panel further concurs that constipation and vitamin needs ordinarily bear no relationship to each other. The rationale of addition of vitamins and minerals intended as adjunctives to the laxative preparations in OTC laxative products is now added to some laxative mixtures that contain belladonna extract, on the assumption that the emetic will induce vomiting in the event of an overdose of the laxative mixture. The Panel concludes this is irrational therapy. Furthermore, the quantity of powdered ipecac used in OTC laxative products would not provide an emetic dose, even if 100 dosage units of the laxative product were injected (Ref. 1).

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**References**

be determined. (See paragraph I below for data pertinent for laxative ingredient evaluation.)

REFERENCES


(2) OTC Volumes 090084.*

(3) Carrageenan, native (Chondrus crispus, Irish moss). The Panel concludes that although native carrageenan is safe in amounts not exceeding 3.5 grams per day, definitive evidence is lacking with respect to laxative action in man.

Carrageenan is a macromolecular hydrocolloid obtained from red algae, generally from Chondrus crispus. Material with similar composition and physical properties has been isolated from other genera of red seaweed such as Eucheuma and Glycerina. The carrageenans from such source differ slightly as to their properties. These properties are related to the amount of the two major components (designated kappa and lambda), that are separable on the basis of selective solubility in potassium chloride solutions and pro-

portions of galactose, anhydrogalactose and sulphated galactose units.

Native carrageenan is widely used in the food industry because of its ability to combine with protein and is used as a stabilizer and as a thickening agent for its gelling properties. Food and Agriculture Organization/World Health Organization recommendations allow up to 50 mg/kg as the acceptable daily intake (ADI) in man (Ref. 1).

DATA PERTINENT FOR SAFETY AND EFFECTIVENESS

Well designed and carefully controlled clinical trials are needed to demonstrate that carrageenan is a safe and effective bulk forming laxative. It would be helpful to compare carrageenan to a known effective bulk former and determine the oral dose required to produce significant changes in stool weight, volume, consistency, and water content. Regarding safety, fluid intake required to prevent obstruction of or impaction in the digestive tract should be determined. (See paragraph I below for data pertinent for laxative ingredient evaluation.)

REFERENCES


DATA PERTINENT FOR SAFETY AND EFFECTIVENESS

Well-designed and carefully controlled clinical trials are needed to demonstrate that Guar Gum is a safe and effective bulk-forming laxative. It would be helpful to compare Guar Gum to a known effective bulk former and determine the oral dose required to produce significant changes in stool weight, volume, consistency, and water content. Regarding safety, fluid intake required to prevent obstruction of the digestive tract should be determined. (See paragraph I below for data pertinent for laxative ingredient evaluation.)

REFERENCES


(2) OTC Volumes 090094.*


b. Claimed active ingredients classified as stimulant laxatives.—(1) Aloe. The Panel concludes that there are insufficient clinical data to establish an effective and safe laxative dose for aloe.

Aloe is a microncrystalline powder consisting of a mixture of active principles, chiefly barbaloin and isoiberalin, obtained from aloe. The drug may vary in chemical composition according to the variety of aloe from which it is obtained (Ref. 1). Although a method for the bioassay of aloe in rats has been reported (Ref. 2), there is no published information on methods presently used by manufacturers to standardize aloe for laxative action.

Aloe is usually used in combination with other laxative ingredients such as phenolphthalein, cascara sagrada (Ref. 3), and thus, there is a paucity of clinical data concerning its effectiveness as a laxative when used alone.

DATA PERTINENT FOR SAFETY AND EFFECTIVENESS

In addition to the general requirements outlined elsewhere, appropriate dose-related studies in animals are needed that will clearly establish an effective and safe laxative dose for this plant extract. It would be helpful to compare aloe with another known effective stimulant laxa-
tive to determine if the incidence and severity of undesirable side effects such as cramping and gripping is greater with aloin. (See paragraph 1 below for data pertinent for laxative ingredient evaluation.)

REFERENCES


(2) Bile salts (acids) and ox bile. The Panel concludes that there is insufficient evidence that natural bile acids taken orally as a laxative are effective and safe. While diarrhea is a desirable result in the treatment of constipation, escape reabsorption at the terminal ileum and reach the colon in sufficient concentrations. Deoxycholic acid inhibits the absorption of water and sodium by the colon of the rat, and colonic perfusion with the dihydroxy bile acids, deoxycholic and chenodeoxycholic acid in man induces secretion of sodium and water (Ref. 1). Recent studies with the feeding of cholic acids and chenodeoxycholic acid in attempts to dissolve cholesterol gallstones in man disclosed that diarrhea was common when either agent was ingested in amounts exceeding 1.5 grams daily but did not follow doses below 0.5 grams daily (Refs. 2 through 4). These studies indicate that bile acids in sufficient quantities can cause diarrhea, which is not necessarily equivalent to the conclusion that smaller or equal doses are effective in relieving constipation.

One limited controlled study demonstrated that cholic acid, 0.25 gram three times daily, but not placebo or bisacodyl, significantly and significantly reduced frequency in five subjects with chronic constipation (Ref. 5).

The composition of ox bile resembles that of human bile. The only preparation submitted for review contains only 51 mg of ox bile per dose. This quantity of ox bile is far below the quantity of bile acids known to produce diarrhea following the ingestion of cholic acid or chenodeoxycholic acid (more than 0.5 gram daily).

It is anticipated that the question of safety of chronic administration of chenodeoxycholic acid at two dose levels will be settled by the National Cooperative Gallstone Study. This study, supported by the National Institutes of Health, will provide data, collected over a 3-year period from 900 patients in 10 Medical Centers, to determine the safety and effectiveness of chenodeoxycholic acid in dissolving gallstones in man. Additional studies are needed to document effectiveness of bile acids in constipated subjects.

### DATA PERTINENT FOR SAFETY AND EFFECTIVENESS

In the case of bile acids, carefully controlled, double-blind studies are especially needed to show that bile acid administration significantly increases the frequency of bowel movements and stool water content. Since ox bile contains significant quantities of lithocholic acid, doses which might be shown to be effective must also be shown to be safe. (See data pertinent below for laxative ingredient evaluation.)

### LABELING

Claims that these agents will relieve headaches and "biliousness" due to constipation are misleading and undocumented. Bile acids and ox bile are placed in Category II for these claims.

### REFERENCES

(3) Thistle, J. L. Personal Communication, 1974, included in OTC Volume 090134.1.
(11) "Six Month Oral Toxicity Study in Rhesus Monkeys with Chenodeoxycholic Acid," Performed at Huntington Research Center for Welddel Pharmaceuticals Limited, England, FDA Files.
(12) "Acute and Subacute Oral Toxicity Studies in Animals with Chenodeoxycholic Acid," Conducted at International Research and Development Corp. for the National Cooperative Gallstone Study, FDA Files.

(3) d-Calcium pantothenate. The Panel concludes that d-calcium pantothenate is safe in amounts usually taken orally, but the evidence currently available with respect to laxative action is contradictory and additional studies are necessary to evaluate its laxative potential.

While d-calcium pantothenate serves a number of important metabolic functions, the full import of this substance in functional gastrointestinal tract has not been fully elucidated. The addition of pantothenic acid to diets fed to panthenolic acid deficient dogs corrected the 50 percent decrease observed in gastrointestinal motility and the 40 to 60 percent decreases demonstrated in carbohydrate and protein digestion and absorption (Ref. 1). There is no evidence currently available supporting the concept that these functions would be enhanced in subjects with normal panthenolic acid levels. The therapeutic use of pantothenate is not recommended as being of no value while others observed that 50 milligrams of pantothenate i.m. 1 to 3 times daily improved post-operative ileus (Ref. 2). There are no carefully controlled clinical trials that demonstrate the effectiveness of d-calcium pantothenate as a laxative (Refs. 3 through 5).

### REFERENCES


(4) Frangula. The Panel concludes that there are insufficient clinical data to establish an effective and safe laxative dose for frangula.

Frangula is the dried bark of Rham­nus frangula and contains hydroxy­methylanthraquinone derivative which resemble the anthraquinones found in aloe, cascara sagrada, and senna. The chief constituent in frangula is the hydroxyfrangulin which consists of an anthraquinone (emodin) in combination with a sugar (frangosaccharides) (Refs. 1 and 2). There is no published information on how frangula bark preparations are standardized for laxative action.

Frangula bark is used in OTC laxative products in combination with other
laxative ingredients, usually a bulk forming agent such as sterculia gum or psyllium. References

DATA PERTINENT FOR SAFETY AND EFFECTIVENESS

There are no clinical studies with frangula bark that provide sufficient evidence to establish an effective and safe laxative dose for this plant product. Appropriate dose-response studies in man are needed to determine a dosage range of frangula bark that produces effective laxation with minimal side effects. In addition, evidence should be provided that the laxative potency of frangula bark can be standardized so that a reproducible degree of laxation will be produced by different batches of frangula bark.

Data regarding safety are needed as outlined elsewhere in this report. (See paragraph I below for data pertinent for laxative ingredient evaluation).

REFERENCES

(5) Prune concentrate dehydrate and prune powder. The Panel does not challenge the general belief that prunes exert a laxative effect but concludes there is insufficient evidence to document effectiveness of prune concentrate and prune powder when used alone at any dose. The chemical nature and mechanism of action of laxative ingredients in prunes, including prune concentrate dehydrate and prune powder, are unknown. An initial claim that prune juice contains diphenylisatin (Ref. 1), which is chemically related to oxyphenisatin, has not been confirmed by other investigations (Ref. 2).

DATA PERTINENT FOR SAFETY AND EFFECTIVENESS

There are no clinical studies with prune concentrate dehydrate and prune powder that provide sufficient evidence to establish an effective laxative dose for this plant product. Appropriate dose-response studies in man are needed to determine a dosage range of prune concentrate dehydrate and prune powder that produces effective laxation.

In addition, evidence should be provided that the laxative potency of prune concentrate dehydrate and prune powder can be standardized so that a reproducible degree of laxation will be achieved by differing batches of prune concentrate dehydrate and prune powder. (See paragraph I below for data pertinent for laxative ingredient evaluation.)

REFERENCES

(6) Rhubarb, Chinese. The Panel recognizes that Chinese rhubarb (Rheum officinale) contains derivatives which are related to active laxative agents but concludes that there is insufficient reliable scientific evidence to permit final classification of this plant product.

Chinese Rhubarb contains several hydroxymethylanthraquinones derivatives which are chemically similar to those found in aloe, cascara sagrada, and senna. In contrast to these anthraquinone-type laxatives, rhubarb contains astringent ingredients such as rheotannic acid and gallic acid. The Panel found no reliable scientific data that evaluated the influence of these astringents on the anthraquinone ingredients (Refs. 1 and 2). Moreover, there are no dose response studies in man that establish an effective and safe dose for Chinese Rhubarb. In the case of Chinese Rhubarb, the Panel's concern with safety relates only to the known side effects common with all anthraquinones; American Rhubarb, which is used extensively in foods, is devoid of anthraquinone derivatives. (Ref. 1).

DATA PERTINENT FOR SAFETY AND EFFECTIVENESS

There are no clinical studies with Chinese Rhubarb that provide sufficient evidence to establish an effective and safe laxative dose for this plant product. Appropriate dose-response studies in man are needed to determine a dosage range of Chinese Rhubarb that produces effective laxation with minimal side effects.

In addition, evidence should be provided that the laxative potency of Chinese Rhubarb can be standardized so that a reproducible degree of laxation will be achieved by differing batches.

Data regarding safety are needed as outlined elsewhere in this report. (See paragraph I below for data pertinent for laxative ingredient evaluation.)

REFERENCES

(2) Kowalski, K., "Effect of Prolonged Intravenous Infusion of Oleate Sodium on Spontaneous and Histamine Stimulated Gastric Secretion in Rats," Archives Internationales de Physiologie et de Biochimie, 78:971-977, 1970.
(c) Claimed active ingredients classified as saline and hypertonic laxatives—(1) Tartaric acid and tartrate preparations. The Panel concludes that there are insufficient data to establish a safe and effective dose for the tartrates.

The laxative action of the tartrates is purportedly due to the slow absorption of sodium tartrate and resulting osmotic retention of water in the intestine, but recent experiments with the saline laxatives would indicate potentially more complex mechanisms of action. The Panel was concerned that information on the metabolic fate of tartrates, as well as data on the mechanism of action, is lacking. Although 20 percent of an oral dose may appear in urine, the remaining 80 percent has not been demonstrated in the feces, and no definitive work on the fate of tartrate in the body has been done (Refs. 1, 4, and 5). Evidence exists concerning a dose-response relationship of tartrates of nephrotoxicity. Up to 1.2 percent of tartrate in the diet of rats for 2 years apparently was not harmful, but 1.5 percent was toxic. Toxicity in rabbits, "Inhibits of Gastric Acid, 250 mg/kg, and in dogs ingesting 0.9 mg/kg per day (Refs. 1 and 2). Tartrates are ubiquitous in the human diet which would suggest safety. However, a death has been reported following the oral ingestion of 30 grams of tartaric acid (Ref. 6).

The Food and Agriculture Organiza...
tion/World Health Organization Expert Committee on Food Additives in its eighth report recommended a conditional limit of 6-50 mg/kg/day of tartraric acid. (Ref. 3.)

DATA PERTINENT FOR SAFETY AND EFFECTIVENESS

The Panel knows of no studies that use modern tracer methods to determine the absorption, metabolism, and excretion of these compounds, or any quantitative measure of their systemic effects and implications for renal functions. Such data are required to determine the safety of tartrates. The Panel concludes that the usual daily dose of tartrate preparations is probably safe, but in order to justify an additional exposure for the public to tartrates in the form of a laxative, definitive, well designed studies of effectiveness and establishment of safety are necessary. (See paragraph I below for data pertinent for laxative ingredient evaluation.)

REFERENCES


d. Claimed active ingredients classified as soil softeners or lubricants—(1) Poloxalcol (Polykol). The Panel concludes that while evidence is available suggestive of low toxicity (Ref. 1); however, it may increase the absorption of mineral oil and the possibility of untoward effects. While the wetting properties of poloxalcol make it potentially useful as a stool softener (Ref. 2), the action is usually slow and may require several days before an effect becomes apparent.

The drug has been clinically evaluated in children (Refs. 3 and 4), young adults with serious neurologic disorders enforcing nonanobamb (Ref. 5), and elderly nursing home patients (Ref. 6). The administration of the medication showed a 3-to-5 day latency and apparent effect, and was well tolerated with few side effects (Ref. 5 and 7). Several clinical evaluations of poloxalcol in patients failed to include the use of placebos, were poorly controlled, relied almost exclusively on subjective appraisal, or involved the testing of combination products (Refs. 1 and 5 through 7).

DATA PERTINENT FOR EFFECTIVENESS

While the product appears to be safe based on animal studies and limited clinical evaluations, well-controlled, double-blind studies utilizing objective measurements in addition to subjective appraisals are necessary to establish unequivocally that this is a stool softener in man. Owing to the low toxicity and potential usefulness of this medication in man, the Panel urges that such definitive studies be undertaken. (See paragraph I below for data pertinent for laxative ingredient evaluation.)

REFERENCES


PROPOSED RULES

G. PRODUCTS COMBINING MULTIPLE LAXATIVE INGREDIENTS

1. General statements. a. The Panel has followed the regulation (21 CFR 330-10a (4)-(4)(v)) which states: An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients, and when the combination, when used under adequate direction for use and warnings against unsafe or irrational use, proves the prophylactic concurrent therapy for a significant proportion of the target population.

b. The Panel concludes that, in general, the fewer the ingredients, the safer and more rational the therapy. The Panel believes that the interests of the consumer are best served by the user of OTC drugs to the fewest ingredients possible at the lowest possible dose. Each active ingredient would make a satisfactory level of effectiveness.

c. The Panel concludes that OTC drugs should contain only such inactive ingredients as are necessary for pharmacologic formulation. The Panel has determined that each ingredient in the combination must make a significant contribution to the efficacy of the drug. When the absence of data showing the minimum dose necessary to achieve the intended laxative effect, the amount of ingredient present in laxative products must be shown to be the currently accepted minimum dose level for such active ingredients as set forth elsewhere in this document.

The Panel found it impossible to develop a formula for establishing a level, below the minimum effective dose level for an ingredient as a single entity, at which it could reliably be stated that the ingredient contributed to the effectiveness of a combination drug product. This may be possible with other agents such as antacid combination products where the contribution of each antacid can be determined by chemical titration. Laxatives are believed to have a minimum effective dose level below which there are few measurable responses. The Panel recognizes that it is possible that some ingredients may contribute to the effectiveness of a combination product in amounts below the generally recognized minimum effective daily dose. However, because of the numerous variables involved (e.g., different laxative categories, differing modes of action, etc.), the Panel could not select one lower level of an active ingredient which may be assumed to be effective in a combination product.

Moreover, the Panel could not establish the percent of contribution that an active ingredient must make to the effectiveness of the product in order for that ingredient to be considered "significant." The Panel concluded that where a combination product is permitted, as discussed below, it is sufficient to demonstrate in well-controlled clinical trials that each of the ingredients makes a statistically significant contribution to the claimed effect. As long as this "statistical significance" is shown, the Panel concludes that the contribution toward laxa-
PROPOSED RULES

1. Definitions. The Panel recognizes that combining 2 active ingredients may in some circumstances be desirable. For example, in an individual whose bowel movements are both painful and infrequent a product combining a stimulant laxative with a stool softener may be rational.

On the basis of the ingredients reviewed, the Panel could find no medical justification for combining 3 or more active laxative ingredients in a single product.

The Panel states its concern that even if situations are identified that suggest using 3 active ingredients, the benefit-to-risk ratio might be narrowed, and this is not in the best interest of the consumer of OTC laxatives. Therefore, products containing more than 2 active laxative ingredients are classified as Category II products and would require submission through the new drug procedures.

2. Safety. In its consideration of active ingredients, the Panel reviewed the safety and effectiveness of all the combinations submitted. All combinations that met the criteria for Category I as set forth below, are considered safe.

Any combination of dioctyl sodium sulfosuccinate and mineral oil is considered unsafe and is assigned to Category II because absorption of mineral oil may be enhanced by dioctyl sodium sulfosuccinate.

3. Effectiveness. Combination products are regarded as effective if each active ingredient is present in the product within the dosage range set by the Panel for each Category I active laxative ingredient, as set forth elsewhere in this document. If the quantity of active ingredient is below the recognized effective dose range, the product containing the ingredient(s) is placed in Category III and testing is required for effectiveness.

The Panel considers it important that the minimum effective dose be established for each ingredient in a combination product. Such data should be developed by appropriate well-controlled clinical studies to demonstrate the effectiveness as a laxative of a dosage level for any ingredient that is below the minimum set forth by the Panel for that ingredient when used alone.

Where the ingredients and the dosages are the same as those of the combination products this Panel has classified in Category I, further testing will not be required. Where the ingredients are different from those that have already been found safe, such testing will be required.

4. Single active ingredients. OTC drugs containing safe and effective single ingredients are preferred to those having multiple active ingredients because of the reduced risks of toxic effects, synergistic effects, allergic and/or idiosyncratic reactions, and undesirable drug interaction(s).

It is an established medical principle to give only those medications, preferably as a single agent, as necessary for the treatment of the patient. This principle applies equally to self-medication. To add needlessly to the patient's medication increases the risk of adverse reactions.

5. Limitation of ingredients in combination products. The Panel recognizes that combining 2 active ingredients may in some circumstances be desirable. For example, in an individual whose bowel movements are both painful and infrequent a product combining a stimulant laxative with a stool softener may be rational.

6. Safety and effectiveness. The Panel recognizes that combining 2 active ingredients may in some circumstances be desirable. For example, in an individual whose bowel movements are both painful and infrequent a product combining a stimulant laxative with a stool softener may be rational.

The Panel states its concern that even if situations are identified that suggest using 3 active ingredients, the benefit-to-risk ratio might be narrowed, and this is not in the best interest of the consumer of OTC laxatives. Therefore, products containing more than 2 active laxative ingredients are classified as Category II products and would require submission through the new drug procedures.

7. Active ingredients not reviewed by the Panel. Each claimed active ingredient in ingredients that has must be reviewed by the Panel. If a product contains an active ingredient that has not been reviewed by the Panel and consequently not found in this document, such ingredient is automatically classified as a Category II ingredient, i.e., it is not generally recognized as safe and/or effective. Appropriate animal and human testing and prior approval by the Food and Drug Administration is required before a product containing such an ingredient may be marketed.

8. Review of submitted combination products. The Panel considered only those combination products submitted to the notice published in the Federal Register of February 8, 1973 (38 FR 3614) and included above in paragraph A. The Panel recognizes that other combination products may be in the market place but it has either no knowledge of such products, or insufficient data with respect to such products to make a reliable judgment of safety and/or effectiveness.

Accordingly, the Panel recommends that any new combination, or any presently marketed combination not submitted to the Panel, which is not within the combinations recognized by the Panel as safe as set forth below, be evaluated through the new drug procedures, or be the subject of an appropriate petition to the Commissioner to review or amend the OTC laxative monograph.

9. Combinations containing nonlaxative ingredients. Products combining laxative ingredient(s) with other ingredients are classified as Category II combinations, which is the minimum effective dosage range set by the Panel and EDR (max) is the maximum effective dosage range set by the Panel. The Panel developed the following concept as a reasonable means of expressing the sum of the percentage amounts of the effective dosage range of each active ingredient which must not exceed 100% as calculated by the following formula:

\[ L \times 100 = \% \text{ EDR of each ingredient} \]

where: \( L \) is the labeled maximum daily dosage obtained from the labeling information for the product, EDR (min) is the minimum effective dosage range set by the Panel and EDR (max) is the maximum effective dosage range set by the Panel.

The purpose of the above formula is two-fold:

1. to assist the manufacturer in determining which combination products require reformulation and/or testing;

2. to encourage the use of ingredients in amounts at the minimum end of the dosage range rather than at the maximum effective range dosage.

### Category I Combinations

- **A. Glycerin and dioctyl potassium sulfosuccinate.**
- **B. Sorbitol and dioctyl potassium sulfosuccinate.**
- **C. Dioctyl sodium sulfosuccinate and danthron.**
- **D. Dioctyl sodium sulfosuccinate and magharmal.**
- **E. Cascara sagrada and aloes.**
- **F. Cascara sagrada and magnesium hydroxide.**
- **G. Cascara sagrada and phenolphthalein.**
- **H. Malt extract and blond psyllium seed husks.**
- **J. Mineral oil and casanthranol.**
- **K. Mineral oil and cassarag.**
- **L. Mineral oil and cascarag fluid extract.**
- **M. Mineral oil, emulsified and magnesium hydroxide.**
- **N. Mineral oil and phenolphthalein.**
- **O. Mineral oil and psyllium seed.**
- **P. Plantago ovata husk and methyl cellulose.**
- **Q. Phyllium and senna concentrate.**
- **R. Senna concentrate and dioctyl sodium sulfosuccinate.**
- **S. Sodium carboxymethylcellulose and dioctyl sodium sulfosuccinate.**

### Category II Combinations

- **A. Glycerin and dioctyl potassium sulfosuccinate.**
- **B. Sorbitol and dioctyl potassium sulfosuccinate.**
- **C. Dioctyl sodium sulfosuccinate and danthron.**
- **D. Dioctyl sodium sulfosuccinate and magharmal.**
- **E. Cascara sagrada and aloes.**
- **F. Cascara sagrada and magnesium hydroxide.**
- **G. Cascara sagrada and phenolphthalein.**
- **H. Malt extract and blond psyllium seed husks.**
- **I. Mineral oil and casanthranol.**
- **J. Mineral oil and cassarag.**
- **K. Mineral oil and cascarag fluid extract.**
- **L. Mineral oil, emulsified and magnesium hydroxide.**
- **M. Mineral oil and phenolphthalein.**
- **N. Mineral oil and psyllium seed.**
- **O. Mineral oil and cascarag.**
- **P. Plantago ovata husk and methyl cellulose.**
- **Q. Phyllium and senna concentrate.**
- **R. Senna concentrate and dioctyl sodium sulfosuccinate.**
- **S. Sodium carboxymethylcellulose and dioctyl sodium sulfosuccinate.**

The Panel recognizes the particular combinations set forth below as safe and effective combinations and bases its opinion on the submitted material, and the Panel's expertise. Based on the combinations submitted and within the categories defined by the Panel the following are allowed, pursuant to the criteria developed by the Panel for determining Category I combinations, which combinations are set forth below:

### Category III Combinations

- **A. Dioctyl calcium sulfosuccinate and danthron.**
- **B. Dioctyl sodium sulfosuccinate and casanthranol.**
- **C. Dioctyl sodium sulfosuccinate and danthron.**
- **D. Dioctyl sodium sulfosuccinate and phenolphthalein.**
- **E. Cascara sagrada and aloes.**
- **F. Cascara sagrada and magnesium hydroxide.**
- **G. Cascara sagrada and phenolphthalein.**
- **H. Malt extract and blond psyllium seed husks.**
- **I. Mineral oil and casanthranol.**
- **J. Mineral oil and cassarag.**
- **K. Mineral oil and cascarag fluid extract.**
- **L. Mineral oil, emulsified and magnesium hydroxide.**
- **M. Mineral oil and phenolphthalein.**
- **N. Mineral oil and psyllium seed.**
- **O. Mineral oil and cascarag.**
- **P. Plantago ovata husk and methyl cellulose.**
- **Q. Phyllium and senna concentrate.**
- **R. Senna concentrate and dioctyl sodium sulfosuccinate.**
- **S. Sodium carboxymethylcellulose and dioctyl sodium sulfosuccinate.**

### Category IV Combinations

- **A. Glycerin and dioctyl potassium sulfosuccinate.**
- **B. Sorbitol and dioctyl potassium sulfosuccinate.**
- **C. Dioctyl sodium sulfosuccinate and danthron.**
- **D. Dioctyl sodium sulfosuccinate and magharmal.**
- **E. Cascara sagrada and aloes.**
- **F. Cascara sagrada and magnesium hydroxide.**
- **G. Cascara sagrada and phenolphthalein.**
- **H. Malt extract and blond psyllium seed husks.**
- **I. Mineral oil and casanthranol.**
- **J. Mineral oil and cassarag.**
- **K. Mineral oil and cascarag fluid extract.**
- **L. Mineral oil, emulsified and magnesium hydroxide.**
- **M. Mineral oil and phenolphthalein.**
- **N. Mineral oil and psyllium seed.**
- **O. Mineral oil and cascarag.**
- **P. Plantago ovata husk and methyl cellulose.**
- **Q. Phyllium and senna concentrate.**
- **R. Senna concentrate and dioctyl sodium sulfosuccinate.**
- **S. Sodium carboxymethylcellulose and dioctyl sodium sulfosuccinate.**
Example: A liquid oral dosage form, laxative combination containing a stimulant laxative (326 mg. sena concentrate per teaspoonful), and a bulking agent (1.0 grams psyllium per teaspoonful), having a label dosage of 1 or 2 teaspoonfuls 2 times a day.

I. Maximum daily dosage obtained from labeling for:
   (1) sena concentrate—(326 mg x 2) as 652 mg
   (2) psyllium—(1.0 gm x 2) x 2 = 4.0 gm

II. Daily dose range for each Category I ingredient set by panel:
   sena concentrate—1 to 4 gm daily
   psyllium—25 to 30 gm daily

III. Calculation of percentage amount of:
   sena concentrate
   1.3 — 1.8
   -------
   9
   100 = 14%
   -------
   psyllium
   4 — 25
   -------
   25.7
   100 = 6.54%

Conclusion: The sum of the EDR percentages does not exceed 100 percent and therefore the combination is in Category I.

12. Criteria for Category II combination products. A combination is classified by the Panel as a Category II product, i.e., one that is not generally recognized as safe and or not generally recognized as effective, if any of the following apply:
   a. The combination contains 3 or more active laxative ingredients, e.g., mineral oil, phenolphthalein, plantago seed; sodium sulfosuccinate, casanthranol.
   b. The combination contains 2 active laxative ingredients each of which is safe and effective when used alone, but in combination is found to be not safe e.g., mineral oil and dioctyl sodium sulfosuccinate.
   c. The combination contains any ingredient that is listed elsewhere in this document as a Category II ingredient.
   d. The combination contains any ingredient in an amount equal to the maximum dosage set by the Panel for such ingredient. This must be calculated in an amount above the minimum dosage set by the Panel for such other ingredient.
   e. The combination is such that the sum of the percentage amounts of each ingredient exceeds 100 percent. (See "Criteria for determining Category I combinations" above, for an explanation of the method for calculating the percentage amount of each ingredient).
   f. The combination contains any active ingredient that has not been reviewed by the Panel and accordingly not listed in this document.

13. Criteria for Category III combination products. A combination is classified by a Category III combination if any of the following apply:
   a. If any of the Category I ingredient(s) fall below the minimum dosage set for each respective ingredient.
   b. If one or both ingredients are Category III ingredients, as set forth elsewhere in this document for single active laxative ingredients.

14. Criteria for reclassification of Category III combinations to Category I combinations. a. For any combination found in paragraph 10, "... combinations allowable as Category I..." where one or both ingredients fall below the minimum effective level as set forth elsewhere in this document for such respective ingredient(s), tests must be performed to substantiate the effectiveness of any such ingredient alone and in the respective combination.

The Panel recommends that such testing be performed and evaluated through the new drug procedures or suitable petition to the Food and Drug Administration for appropriate modification of the monograph to permit such lower dosage level(s) of ingredient(s) present in an allowable combination.

b. (1) Any combination that contains one or both ingredients in Category III, as set forth elsewhere in this document, must be tested to satisfy Category I requirements for such ingredient(s).

(2) Two Category I ingredients in a combination not found in paragraph 10, "... combinations allowable as Category I..." must petition the Commissioner for the appropriate amendment to the monograph or proceed through the NDA procedures.

REFERENCES

II. INACTIVE INGREDIENT IN LAXATIVES

Laxative products frequently contain a number of inactive laxative ingredients, some of which are used in the formulation of the preparation. The Panel recommends that inactive ingredients be listed on the label with or without the amounts contained in a recommended dose. The availability of sodium, potassium, and magnesium in the maximum recommended daily dose should be stated on the label.

Special warnings on the label should be provided for patients with heart disease and renal disease.

The inactive ingredients identified below are added to laxative preparations to enhance their formulation or to contribute to the expected qualities of some preparations and should not be listed as an active laxative ingredient.

Calcium, Potassium, and Sodium Salts
   Calcium hydroxide
   Potassium carbonate
   Sodium acid pyrophosphate
   Sodium bicaarbonate
   Sodium bisulfite, anhydrous
   Sodium carbonate
   Sodium citrate

I. DATA PERTINENT FOR LAXATIVE INGREDIENT EVALUATION

The Panel has given considerable thought to the problem of demonstrating that a laxative is safe and effective. When a drug is available for widespread use, as in OTC products, its safety and effectiveness must be well documented by toxicological data, data on the absorption, distribution, fate and excretion of the drug, the pharmacological effects of the drug, and the mechanism of action. The drug must also meet certain effectiveness standards.

The Panel recommends that information such as the following be obtained when investigating and testing the drug under study: standardization of plant derivative, toxicologic data, absorption, distribution, fate, and excretion (ADPE) data, mechanism of action, and effectiveness standards.

1. Standardization of plant derivative laxatives. The Panel reviewed several ingredients which are plant derivatives of varying degrees of refinement. In some cases, the crude product was a known, accepted laxative agent, but the degree to which any extracted derivatives were active was unknown (e.g., prune powder and prune concentrate). In other cases, the Panel could assume some measure of activity for the refined extract, but data were unavailable to establish effectiveness and safety.

The Panel adopts the position that an extract or derivative of a well-established crude laxative product is not efficacious or safe ipso facto. The Panel requires evidence of effectiveness and safety for the crude as well as the refined product, and data sufficient to establish dosing parameters.

The Panel recommends that the following additional information be submitted to ensure standardization of plant derivative ingredients:
   a. A description of the source of material used for extraction and any refining process it may have undergone.
   b. An outline of the extraction procedure and the analyses used to establish the identity of the products.
   c. Controlled clinical trials establishing effectiveness and safety and appropriate dosing regimen of the crude as well as the extracted ingredient alone.

2. Toxicological data. A variety of toxicological data can be obtained to demonstrate that a laxative is safe. Manufacturers are expected to obtain all of the following data, but are expected to obtain those data relevant to the unanswered questions regarding the safety of their product. The Panel recommends that data such as the following be obtained in animal studies and in clinical studies in man. Certain data on human subjects, such as lethal doses and chronic toxicity, will only be available from poison control centers, hospitals, or medical centers, or medical examiners. However, the Panel considers such data important and attempts should be made to obtain them.
   a. Preclinical Animal Studies. (1) The oral LD50 established in no less than two animal species.
   (2) Determinations of histologic and biochemical alterations in animals given lethal doses acutely or low doses chronically.
   (3) Studies of effects on fertility, teratogenicity and embryolethality, delivery, and nursing offspring may also be indicated.
   b. Clinical studies in man. (1) Biochemical tests of liver and renal func-
tion and measurement of serum electrolytes after a therapeutic dose.

3. Chronic toxicity studies in man, especially in relation to altered function and cytological changes of the mucosa of intestinal tract of man.

4. Adverse drug reactions should be well documented. Substantial effort should be made to have physicians document side effects, especially those of a serious nature as allergic reactions, intestinal obstruction or impaction, syncope, etc.

5. Minimal lethal dose by single oral ingestion, or divided multiple oral ingestions, when such data are available from accidental or deliberate overdosing.

6. Maximal tolerated dose from single oral ingestion, or divided multiple oral ingestions, when such data are available from accidental or deliberate overdosing.

3. Absorption, distribution, fate and excretion (ADFE) as determined by currently accepted methods. Many laxatives claimed to escape intestinal absorption have been found subsequently to be absorbed and excreted in substantial quantities. Since ADFE bears directly on the mechanism of action of laxatives, appropriate data should be provided for all active ingredients and their active metabolic products. The methods for obtaining these data are established and are not different from those used in the study of ADFE of other drugs. Data such as the following be obtained. Manufacturers are not expected to obtain all of the following data, but are expected to obtain those data relevant to the unanswered questions regarding ADFE of the products:

a. The percentages of various oral doses of the drug which are absorbed in man.

b. The percentages of various oral doses which are excreted in the urine in man.

c. The percentages of various oral doses of the drug which are excreted in breast milk.

d. The metabolite fate in man of absorbed but unexcreted drug.

e. The fate of unabsorbed drug in man.

f. The net bioavailability of the drug in man.

g. The ingredients and metabolic products associated with fecally excreted drug and/or its unabsorbed intraluminal biotransformation products.

h. The ingredients and metabolic products associated with reanalysed drug and/or its reanalysed biotransformation product.

4. Effects. Effectiveness requires that the desired pharmacologic effect of the drug under study be laxation. The Panel recognizes that the mechanism of action of many safe and effective drugs is unknown. Nevertheless, for laxatives, a number of excellent models exist that can be used in such studies. For example, in vitro studies of water incorporated into colloid laxatives demonstrates the hydrophilic properties of such laxatives—a property easily confirmed in man by demonstrating that stools contain the colloid and a significant percentage of water. The perfused animal intestine and exerted intestinal loop preparations can be employed to demonstrate alterations in intestinal absorption and secretion. The methods that can be employed in vivo are: a) Inhibition of sodium and potassium adenosine triphosphatase activity in animal intestinal preparations. Similarly, preparations are available for measuring the efficacy of smooth muscle contractility. In man it is also feasible to measure alterations in intestinal absorption and secretion associated with laxative use and to demonstrate alterations in smooth muscle contractility. These are only a few of the methods that can be employed to clarify the mechanism of action of laxatives. It is recommended that data such as the following be obtained. Manufacturers are not expected to obtain all of the following data, but are expected to obtain those data relevant to the unanswered questions regarding the effectiveness of their products:

a. Effects of oral drug on jejunal secretion and the flux of ions and water at the levels of the jejunum, ileum, proximal and distal colon.

b. Effects of oral drug on the absorption of actively transported ions, sugars, and amino acids.

c. Effects of the oral drug on absorption of carbohydrate, protein, lipids and fat-emulsifying agents.

d. Effects of the oral drug on the absorption of other drugs.

e. Effects of the oral drug on secretion of gastrointestinal enzymes, gastrointestinal hormones, gastrointestinal mucus, and the biliary secretion of bile, bile acids, and cholesterol.

f. Effects on intestinal smooth muscle such as contractility and electromyographic changes.

5. Effectiveness standards. Clinical studies in humans should usually be done in both normal and constipated persons with specific indications and specific target populations such as bedfast persons, postpartum and postoperative subjects, etc. Acceptable clinical criteria of effectiveness would be well-controlled clinical trials using randomized subjects in a double-blind, cross-over technique. "Before treatment" data should be obtained for each subject, besides basic demographic characteristics. These should include information on:

(a) Diet, (b) Other medications, (c) Any other pre-existing conditions which would bias analyses and (d) Pretreatment stool frequency, weight, volume, water content, transit time, etc.

One treatment group should receive a placebo for comparison purposes. If the identity of the drug cannot be masked or a suitable placebo cannot be devised, controlled methods should be of sufficient duration to allow the subject or patient to serve as his/her own control. Ingredients should be tested alone and in appropriate combinations. Appropriate statistical evaluations of observed efficacy are necessary. In addition to frequency and consistency, there are many other appropriate parameters that can be measured quantitatively to assess laxative effectiveness. Some of these parameters are more appropriate for one type of laxative than another. Thus, for a bulk-forming laxative, the following parameters would be appropriate:

d. The volume, weight, percent water content, consistency, fecal solids, and bulk density. For stimulant laxatives, it would be more appropriate to quantitate transit time, frequency, electrolytes, stool bile salt content, fecal excretion rate and stool water.

The Panel concurs that the following parameters of laxation, determined quantitatively, are appropriate for evaluating the effectiveness of drugs to produce laxation. Manufacturers are not expected to obtain all of the following data, but are expected to obtain those data relevant to the unanswered questions regarding the effectiveness of their products:

a. Frequency. The Panel recognizes that frequency of stool evacuation is qualitatively variable among individuals and may range from three bowel movements per day to three per week. Frequency should be expressed in number of evacuations per unit time such as hours or proportion of the total stool weight, the Panel recommends a quantitative determination of consistency. There are few rheologic studies of colonic content (Ref. 1), but instrumentation used to quantitate the consistency of compounds, such as bread doughs, various pastes, and soils might be appropriate. If a tube viscometer is used, consistency is expressed in terms of shear rate and if a penetrometer is used, consistency is expressed in terms of kilogram per square centimeter.

c. Volume. The volume of stool evacuated during a unit time period is easy to determine and is usually expressed in milliliters or cubic centimeters per 24 hours or other time period. Average normal is 150 ml/24 hours.

d. Weight. Weight is expressed in grams per 24 hours or other unit time period. Weight is independent of consistency and important in determining the effectiveness of bulk-forming laxatives. Average normal is 116 to 130 grams per 24 hours.

e. Water content. Water content of the feces is usually expressed as percent water. This parameter is important in determining the effectiveness of stimulant and osmotic saline laxatives. Average normal is 60 to 85 percent.

f. Fecal solids. Fecal solids are usually expressed in grams per 24 hours. Average normal is 25 grams/24 hours.

g. Bulk density. Bulk density is expressed as unit weight per unit volume.
for complete transit of the digestive tract. Bile salts may be an appropriate parameter to measure in evaluating laxative agents. Average normal is 40 to 60 hours for complete transit of the digestive tract.

**REFERENCES**


**B. Labeled Ingredients Contained in Marketed Products**

<table>
<thead>
<tr>
<th>Firm</th>
<th>Marketed products</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. H. Robins Co., Richmond, VA 23229</td>
<td>Donanest, Donanest-PQ, Paraseptol.</td>
</tr>
<tr>
<td>The Upjohn Co., Kalamazoo, MI 49001</td>
<td>Kao-Con, Kaopeciate, Bacid.</td>
</tr>
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</table>

**III. ANTIDIARRHEALS**

Pursuant to the notice published in the Federal Register of February 8, 1973 (38 FR 3431), requesting the submission of data and information on OTC antidiarrheal drugs, the following firms made submissions relating to the indicated products:

**A. DATA AND INFORMATION OF SUBMISSIONS**

**Firm**

| Engeletaria Medicine Co., Inc., of Puerto Rico, San Juan, PA 00907 | Kao-Gest. |
| Hynson, Westcott and Dunning, Inc., Baltimore, MD 21201 | Dio-Que. |
| International Pharmaceutical Corp., Warrington, PA 18976 | |
| Lacto Products Co., Mil-Waukee, WI 53218 | Acidophilus Concentrate. |
| Merrick Medicine Co., Waco, TX 77073 | Pepsio-Bismol Chewable Tablets. |
| Norwich Pharmaceutical Co., Norwich, NY 13816 | Pepsio, Bismol, Chews. |
| Parke, Davis and Co., Detroit, MI 48232 | Paragel. |
| Purdue Frederick Co., Paralax Liquid. Norwalk, CO 06856.|

**D. LABELING OF ANTIDIARRHEAL PRODUCTS**

**1. Indications.** The indications for use of an antidiarrheal should be simple and clearly stated. If the product is taken for specific indications such as to decrease the frequency of bowel movements, or to increase bulk of the stool, the label should so state. The directions for use should be clear and provide the user a reasonable expectation of the results anticipated from use of the product. Statements of indications for use should be specific and confined to the conditions for which the product is recommended. No reference should be made, or implied, regarding the alleviation or relief of symptoms unrelated to the condition that is an indication for use of the product.

**2. Ingredients.** The label should state in metric units the quantity of each active ingredient contained in the recommended dose, e.g., teaspoonfuls, tablets, etc.

A product containing more than 1.0 mEq (23 mg) sodium per maximum daily dose should be labeled with the sodium content per dosage unit. Furthermore, if the product contains more than 16 mEq (345 mg) sodium in the maximum recommended daily dose, the label should state:

B. Labeled Ingredients Contained in Marketed Products

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<td>Kao-Con, Kaopeciate, Bacid.</td>
</tr>
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</table>
Do not use this product except under the advice and supervision of a physician if you have kidney disease.

If the product contains more than 25 mg potassium (975 mg) in the maximum recommended daily dose, labeling should state: “Do not use this product except under the advice and supervision of a physician if you have kidney disease.”

If the product contains more than 50 mg (600 mg) magnesium in the maximum recommended daily dose, the labeling should state: “Do not use this product except under the advice and supervision of a physician if you have kidney disease.”

The Panel strongly recommends that all inactive ingredients be listed with or without a statement of their quantity.

Directions for use. The label should contain a clear statement of the usually effective, minimal and maximal dose per time interval broken down by age groups, and if appropriate, may be followed by the statement “except under the advice and supervision of a physician.”

Warnings. The Panel concurs with the regulation (21 CFR 329.20(a)) containing the general warning statement for diarrhea preparations which states:

“Warnings—Do not use for more than 2 days or in the presence of high fever or in infants or areas under 3 years of age unless directed by a physician.”

In addition, the label of antidiarrheal products containing belladonna preparations and preparations of its alkaloids shall also contain the specific warnings for these agents as discussed below for anticholinergics in Category III as antidiarrheals.

Opium—paregoric and other habit-forming drugs should contain the labeling requirements as provided in the regulation (21 CFR 329.20(a)) as discussed below for opiates in Category I as antidiarrheals. The label should clearly state that if diarrhea is associated with high fever, the patient should see a physician.

E. Classification of Active Ingredients

The Panel reviewed all active ingredients which were the subject of submissions made to the Panel. Additionally, the Panel reviewed polycarbophil brought to their attention by the Food and Drug Administration. The Panel considered all pertinent data and information in arriving at its conclusions and recommendations.

In accordance with the regulation (21 CFR 330.10), the Panel’s findings with respect to these ingredients are set forth in the following:

I. Conditions under which antidiarrheal products are generally recognized as safe and effective and are not misbranded.

II. Conditions under which antidiarrheal 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.

The Panel recommends the following for each category of drugs:

1. That the monograph (Category I) be effective for 6 months 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’s 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 antidiarrheal 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 by the Panel’s classification at this time.

The Panel concludes that opiates are safe and effective in the amounts usually taken orally: adults 0.5 to 6.0 milligrams opium per unit dose or adults 1.5 to 3.0 milligrams of morphine per unit dose; children (6 to 12 years) 1.0 to 1.5 milligrams opium or 3.0 to 4.5 milligrams of morphine per unit dose. The Panel concludes that morphine is a safe and effective substitute for opium.

The Panel concludes that opiate-containing products are generally recognized as safe and effective and are not misbranded.

a. Active ingredients classified as opiates—(1) Opium powder, tincture of opium, paregoric (camphorated tincture of opium). The Panel concludes that opiates are safe and effective in the amounts usually taken orally: adults 0.5 to 6.0 milligrams of opium per unit dose or adults 1.5 to 3.0 milligrams of morphine per unit dose; children (6 to 12 years) 0.25 to 1.5 milligrams of opium per unit dose or adults 0.5 to 1.5 milligrams of morphine per unit dose; children (6 to 12 years) 0.2 to 1.0 milligrams of opium per unit dose or adults 0.5 to 0.75 milligrams of morphine per unit dose.
organic solvents. It has a marked capacity for binding water and absorbs about 60 times its original weight. This property is the basis for its use as an internal hydroscopic agent.

The clinical utilization of this hydroscopic agent in the treatment of both diarrhea and constipation is based on its modifying effect on abnormal fecal consistency. In diarrheal states, the hydrophilic agent absorbs free fecal water forming a gel in the lumen of the intestine that is incapable of absorbing water at normal rates, and produces formed stools, in constipation, the agent retains water intraluminally and opposes dehydrating forces in the bowel. The water-retaining capacity of polycarbophil is considerably greater than that of methylcellulose or psyllium muciloid. The degree of hydrophilia (cc/gm) of polycarbophil in synthetic intestinal juice is about 120 while for psyllium, methylcellulose, agar-agar, and carboxymethylcellulose the values are 30, 36, 14, and 22, respectively.

In animal studies, polycarbophil has been shown to be free of toxicity, to be nonabsorbable, to have no effect on digestive enzymes, to have no influence on nutritional status, and to be metabolically inactive. Clinical studies in patients with both acute and chronic diarrhea have demonstrated the effectiveness of polycarbophil as an antidiarrheal.

**COMMENT**

The Panel is of the opinion that there is a great need for more categories of antidiarrheal ingredients and urges industry to develop additional safe and effective antidiarrheal agents.

**REFERENCES**


**2. Conditions under which antidiarrheal products are not generally recognized as safe and effective or are misbranded.** After careful review of all data submitted as additional evidence provided by the Food and Drug Administration and the results of a literature search, the Panel found there is no scientific or sound theoretical basis for the claimed efficacy of a number of ingredients used in OTC antidiarrheal preparations. The Panel concludes that the ingredients, labeling, and combination drugs involved should be removed from the market unless further scientific testing supports their use. In addition, the Panel concludes that it is neither truthful nor accurate to make claims regarding multiple indications for some single ingredients or to claim enhanced effect and for safety in some combinations of ingredients.

The Panel concludes that the following ingredients, labeling, and combination drugs involved should be removed from the market as antidiarrheals unless and until further scientific testing supports their use:

**ASTRINGENT**

Rhubarb fluidextract

**OTHER CLAIMED ACTIVE INGREDIENTS**

Aminoacetic acid (glucose)

Potassium carbonate

Scopolamine hydrobromide (hyoscine hydrobromide)

**LABELING CLAIMS FOR SPECIFIC COMBINATIONS**

**Antihistamines**

Antacid

a. Claimed active ingredient classified as an astringent—(1) Rhubarb Fluidextract. The Panel concluded that Chinese rhubarb (Rheum officinale) contains derivatives which are related to active laxative agents, but concludes there is no reliable scientific evidence to permit classification of this plant derivative as an antidiarrheal.

Chinese rhubarb contains several hydroxymethyl-anthraquinone derivatives which are chemically similar to those found in aloe, cascara sagrada, and semilla. In addition to these anthraquinone type compounds, rhubarb also contains astringent ingredients such as rhoeotic acid and gallic acid. The Panel found no reliable scientific data that evaluated the influence of these astringents on the laxative action of the anthraquinone ingredients (Refs. 1 and 2). Moreover, there are no dose response studies in man that establish an effective and safe dose for Chinese rhubarb. It is the Panel’s opinion that the claim of rhubarb as an antidiarrheal ingredient, it is the Panel's opinion that potassium carbonate is an inactive ingredient and should be so regarded. The Panel is unaware of any evidence indicating potassium carbonate has antidiarrheal properties. Products containing potassium carbonate should list on the label the available potassium in some recommended dose of the product. If significant amounts are present, specific warnings should be made for patients with renal disease.

**REFERENCES**

5. (Potassium carbonate. The Panel concludes that potassium carbonate is safe in amounts usually taken orally in antidiarrheal preparations (2 to 6 grams per day), but there is no evidence that it possesses an antidiarrheal effect.

Although claimed as an active antidiarrheal ingredient, it is the Panel’s opinion that potassium carbonate is an inactive ingredient and should be so regarded. The Panel is unaware of any evidence indicating potassium carbonate has antidiarrheal properties. Products containing potassium carbonate should list on the label the available potassium in some recommended dose of the product. If significant amounts are present, specific warnings should be made for patients with renal disease.

**REFERENCES**

1. OTC Volume 00005-

2. (Scopolamine hydrobromide (hyoscine hydrobromide). The Panel concludes there is insufficient evidence that scopolamine hydrobromide exerts an antidiarrheal effect.

Scopolamine hydrobromide differs quantitatively from atropine in its antimuscarinic action. Scopolamine has no pronounced effects on the central nervous system, ciliary body, iris and various secretory glands while atropine is more active in modifying intestinal tone and motility (Ref. 1). There is, therefore, little or no rationale for the use of scopolamine in the treatment of diarrhea. The use of the related anticholinergic compounds, atropine, homatropine methylbromide, and hyoscyamine sulfate is discussed below.
The fact that these agents may cause inadequate doses for antacid therapy includes that adequate and reliable scientific at this time. Not rational concurrent therapy for a there is no known relationship between antispasmodic therapy and constipation when used in antacid therapy, does not constitute a rational basis for inclusion of the inactive ingredients. The Panel concludes that for partial suppression of the increased gastric secretion and constipation. Thus, the Panel recognizes that attapulgite is safe in the amounts taken orally (e.g., 6 to 9 grams per 24 hour period) but there is insufficient evidence to classify it as an effective antiarrhythmic. Attapulgite is apparently due to its adsorption properties (Ref. 4). The claimed action of attapulgite is apparently due to its adsorption properties (Ref. 4).

**DATA PERTINENT FOR EFFECTIVENESS**

The Panel recognizes that attapulgite is generally recognized as safe in the amounts taken orally, but adequate data to establish effectiveness are lacking. Additional in vivo and in vitro studies are needed to establish that the primary mechanism of action is that of adsorption. Additionally, well-designed and carefully controlled clinical studies are necessary to establish the effectiveness of attapulgite when compared to placebo and/or an effective antiarrhythmic. (See paragraph I below for data pertinent for antiarrhythmic ingredient evaluation.)

**REFERENCES**

prove useful in the treatment of acute hepatic failure (Ref. 2). In regard to its use as an antidote, the adsorbent has been amply demonstrated to bind a number of chemicals within the gastrointestinal tract, and thus, prevent their absorption (Ref. 1). Since activated charcoal in the form of tablets or capsules is sometimes recommended for the management of various gastrointestinal disorders such as flatulence and diarrhea (Ref. 3), it is significant to point out that activated charcoal powder has been demonstrated to be much more effective as an antidote than activated charcoal tablets (Ref. 4).

DATA PERTINENT FOR SAFETY AND EFFECTIVENESS

The Panel concurs that activated charcoal is a potent adsorptive agent but there are no partially controlled or controlled clinical studies to establish the effectiveness of activated charcoal as an antidiarrheal agent. Effectiveness should be tested in well-controlled clinical trials comparing activated charcoal with a placebo and/or a known effective antidiarrheal agent. Differences observed between the dose of active ingredient used was comparable to that recommended for adult humans and based on milliliters per square meter of body surface area. Thus, the dose for a 30-kg child would be 112 ml/kg (Ref. 4). A recent unpublished study submitted to the Panel provided data on the effectiveness of kaolin, pectin, the combination of both, and placebo (water) on a variety of diarrheagenic models in squirrel monkeys (Ref. 5). The dose of active ingredient used was comparable to that recommended for adults (Ref. 5). The daily dose on the basis of the composition of the stool (Ref. 6). The dose of active ingredient used was comparable to that recommended for adults (Ref. 5).

REFERENCES

(5) Kaolin. The Panel concludes that kaolin is safe in the amounts taken orally (e.g. 12 to 24 grams per dose), but there is insufficient evidence to classify it as an antidiarrheal agent at this time. Although kaolin reduces the number of loose stools but the number of loose and liquid stools was increased. In the experimental studies, it was shown that kaolin, pectin, or the combination of both was more effective in reducing the total number of stools than the placebo. The consistency of the stools was normal in 5 of 10 patients and 4 of the 10 patients with kaolin pectin mixture had been reported to interfere with the gastrointestinal absorption of the antibiotic trimethoprim (Ref. 6). A recent unpublished study submitted to the Panel provided data on the effectiveness of kaolin alone or in combination with pectin are not available. It is considered that kaolin adsorbs some toxins, bacteria, and viruses and is usually provided as a protective coating for the intestinal mucosa (Ref. 2). In addition to adsorbing bacteria and various toxins, kaolin may act to increase the resistance of flow by isolating the enterohepatic cycle, although this has not been demonstrated. As with the absorption of some drugs, and with vitamins such as thiamine, thus prolonged use may not be advisable (Ref. 3).

The Panel finds insufficient evidence to classify it as an adsorbent and protective agent. This claim should be tested in man using kaolin alone and compared to other known adsorbents. Clinical effectiveness in treatment of diarrhea should be documented by well-designed and controlled clinical trials to test the effectiveness of kaolin alone and comparisons made with placebo and/or a known effective antidiarrheal. Additional information is needed regarding the interaction of kaolin with other drugs such as diac glycosides, antibiotics, alcohols and vitamins. (See paragraph I below for data pertinent for effectiveness evaluation.)

DATA PERTINENT FOR EFFECTIVENESS

The claim that pectin acts as an adsorbent and protective agent can be tested in man using kaolin alone and compared to other known adsorbents. Clinical effectiveness in treatment of diarrhea should be documented by well-designed and controlled clinical trials to test the effectiveness of pectin alone and comparisons made with placebo and/or a known effective antidiarrheal. Additional information is needed regarding the interaction of pectin with other drugs such as cardiac glycosides, antibiotics, alcohols and vitamins. (See paragraph I below for data pertinent for effectiveness evaluation.)

REFERENCES

(6) OTIC Volume 0003121.
(7) Pectin. The Panel concludes pectin is safe in amounts taken orally (e.g. 300 milligrams, 3 to 4 times per day), but there are no partially controlled or controlled clinical trials to test the establishment of its effectiveness, nor are there data to establish a dose response relationship.

Pectin is a purified carbohydrate product derived from the diurate acid extract of the inner portion of the rind of citrus fruits or from apple pomace. It consists chiefly of partially methoxylated polygalacturonic acids. Pectin yields not less than 77 percent of methoxy groups and not less than 74 percent of galacturonic acid calculated on a dried basis. Pectin dissolves in 20 parts of water; the resulting colloidal solution is viscous and opalescent (Refs. 1 and 2).

The mechanism of action of pectin in diarrhea is unknown (Ref. 3). It has been claimed that pectin produces beneficial results because it is an adsorbent and protective agent (Ref. 4). This claim should be tested in man using kaolin alone and compared to other known adsorbents. Clinical effectiveness in treatment of diarrhea should be documented by well-designed and controlled clinical trials to test the effectiveness of pectin alone and comparisons made with placebo and/or a known effective antidiarrheal. Additional information is needed regarding the interaction of pectin with other drugs such as diac glycosides, antibiotics, alcohols and vitamins. (See paragraph I below for data pertinent for effectiveness evaluation.)

DATA PERTINENT FOR SAFETY AND EFFECTIVENESS

The Panel finds insufficient evidence to establish the claimed mechanism of action of pectin as an adsorbent and protective agent, i.e. an adsorbent and protective agent. This claim should be tested in man. The effect of pectin on intraluminal pH has not been well documented. There are no partially controlled clinical trials substantiating the effectiveness of pectin alone in the treatment of diarrhea in man. Pectin is usually given in combination with
kaolin or other antidiarrheal agents. Effectiveness of pectin should be tested against a placebo in well-controlled clinical trials. A comparison should also be made with a known effective antidiarrheal. If pectin acts by physically altering the suspension of kaolin or otherwise enhancing the effect of other antidiarrheals, it should be documented and the dose-ratio established. (See paragraph I below for data pertinent for antidiarrheal ingredient evaluation.)

REFERENCES

The Panel concludes that there is insufficient evidence to establish the safety and effectiveness of homatropine methylbromide at this time.

Homatropine methylbromide is a quaternary ammonium derivative of belladonna alkaloid which possesses most of the pharmacologic and toxic properties of atropine (Ref. 1, 4, 5, and 9). It is approximately 1/2 as potent as atropine, and it is claimed to be only 1/6 as toxic as atropine (Ref. 1), although this claim is not well documented (Ref. 1).

(3) Homatropine methylbromide. The Panel concludes there is insufficient evidence to establish the safety and efficacy of homatropine methylbromide.

Atropine is a racemic mixture of equal parts of d- and l-hyoscymine. The l-form is more potent than d-hyoscymine. Hyoscymine sulfate is entirely in the l-form and is, therefore, nearly twice as potent as atropine sulfate in its antimuscarinic effects (Ref. 1).

The Panel concurs with the required warning statements for belladonna preparations in the regulations (21 CFR 309.20) which states in part:

WARNING:—Not to be used by persons having glaucoma or excessive pressure within the eye, or by elderly persons (who may have an undiagnosed or untreated form of glaucoma), or by children under 6 years of age, unless directed by a physician. Discontinue use if blurring of vision, rapid pulse, or dizziness occurs. Do not exceed recommended dosage. (c)

Labeling
The Panel concurs with the required warning statements for belladonna preparations in the regulations (21 CFR 309.20) which states in part:

WARNING:—Not to be used by persons having glaucoma or excessive pressure within the eye, or by elderly persons (who may have an undiagnosed or untreated form of glaucoma), or by children under 6 years of age, unless directed by a physician. Discontinue use if blurring of vision, rapid pulse, or dizziness occurs. Do not exceed recommended dosage. (c)

The fact that hydrated alumina powder sometimes causes constipation when used in adequate doses in antacid therapy sometimes cause constipation (Ref. 2).

Because of occurrence of severe antitonic poisoning in young children, belladonna preparations for OTC use should not contain more than 0.5 milligrams atropine equivalent per 15 milliliters or per 15 grams of final preparation.

DATA PERTINENT FOR SAFETY AND EFFECTIVENESS

The Panel concurs that anticholinergic drugs can be effective in the treatment of diarrhea when administered under the supervision of a physician. The Panel's primary concern is that of safety when anticholinergic drugs are included in OTC antidiarrheal products in quantities that contribute to the antidiarrheal effect of the product. Accordingly, if the safety and effectiveness is not satisfactorily established for OTC use, the Panel recommends that antidiarrheal products containing anticholinergics be available only by prescription. It must be demonstrated by carefully controlled clinical trials that anticholinergic drugs used in OTC antidiarrheals are safe and contribute to the effectiveness of the combination products. (See paragraph I below for data pertinent for antidiarrheal ingredient evaluation.)

REFERENCES

(c) Claimed active ingredients classified as astringents. Astringents are locally acting drugs that precipitate protein. They are thought to act by reducing cell membrane permeability without cell destruction. A number of organic chemicals and certain metallic ions such as those of zinc and aluminum are said to have astringent properties in high dilution. Many antidiarrheal drugs are claimed to have an astringent action. The Panel was unable to support this claim or to demonstrate that astringent properties confer effectiveness in diarrhea.

(1) Alumina powder, hydrated. The Panel concurs with the OTC antacid Panel that hydrated alumina powder is safe in the amounts usually taken orally for antacid therapy (Ref. 1). Doses used for antacid therapy sometimes cause constipation (Ref. 2).
justify the claim that it is an active ingredient.

DATA PERTINENT FOR EFFECTIVENESS

It must be demonstrated in man that alumina powder is an effective antidiarrheal by well-controlled clinical comparisons made with a known effective and a placebo. If found effective, dose-response data should be obtained. (See paragraph 1 below for data pertinent for antidiarrheal ingredient evaluation.)

REFERENCES


(2) Bismuth salts (Bismuth subsalicylate, bismuth subsalicylate). The Panel concludes that the bismuth subsalicylate is safe in amounts taken orally (0.6 to 2.0 grams of bismuth subsalicylate, 3 to 4 times per day) but there is insufficient evidence to establish effectiveness at this time. There is some question of the safety of bismuth subsalicylate. The manufacturer's maximum recommended dose would provide about 5.6 grams for adults and 0.478 gram for children (3 to 6 years old) in 4 hours. Methemoglobinemia in infants has been reported in the literature due to the absorption of nitrates from bismuth subsalicylate (Refs. 1 and 2) contraindicating its use in children under 2 years.

Bismuth salts appear to be poorly absorbed from the gastrointestinal tract; several studies report the absence of detectable bismuth in the urine of human subjects given high doses or used over long periods of time. The ingestion of 30 to 45 milliliters of a liquid bismuth subsalicylate preparation (equivalent to ingesting 5.5 to 8.25 grams (349 to 532.5 mg) of salicylic acid) yielded blood salicylate levels that ranged from barely detectable to 2.2 mg percent.

Data supporting the effectiveness of bismuth in diarrhea are questionable. A ligated calf intestine model was used to study the effect of one bismuth compound on fluid flow by E. coli. Fluid production in the intestinal segment with E. coli and drug was less than with E. coli alone, but the relationship of this model to common diarrhea in humans is unclear. When the drug was administered in vivo to calves with diarrhea, the results indicated that the drug was not effective.

The products are said to provide a coating action. However, two unpublished studies using animals and two using a "gastro-camera" on human subjects failed to demonstrate any clear evidence of a coating action on the mucosa. Reports attempting to document a coating action for bismuth utilizing a technique of pretreatment with bismuth probably are not applicable, as it can be postulated that the majority of consumers do not use bismuth compounds "prophylactically."

PROPOSED RULES

Several clinical trials attempted to document effectiveness of the bismuth compounds in diarrhea. One clinical trial evaluated a bismuth compound with a control drug in patients suffering from diarrhea secondary to foreign travel. However, the outcome measurements were based on the patient's subjective opinions of relief (good, excellent, poor, none) with no attempt to standardize the criteria for these responses. Interpretation of the results was difficult. Objective parameters as stool frequency and consistency before and after treatment were not carefully measured (Ref. 3).

LABELING

Special labeling should indicate that stools may become dark with use of any bismuth compound.

Bismuth subsalicylate is contraindicated for use in MD, p. 54, 1969, because of the known risk of methemoglobinemia.

DATA PERTINENT FOR EFFECTIVENESS

Data to date suggest bismuth salts may be effective in mild diarrhea, but the claim needs confirmation by testing in a well-controlled clinical trial using objective parameters to indicate response (e.g., parameters as stool frequency and consistency). Data to date do not confirm that bismuth salts should be compared to non-saliclylate containing bismuth salts in order to determine the contribution of salicylate to effectiveness. (See paragraph 1 below for data pertinent for antidiarrheal ingredient evaluation.)

REFERENCES


(3) Calcium hydroxide. The Panel concludes that calcium hydroxide is safe in the amounts taken orally in antidiarrheal preparations, but there is no evidence of its effectiveness as an antidiarrheal agent.

Calcium hydroxide solution, commonly known as lime water, is claimed useful for its antacid properties and for buffering purposes (Ref. 1). The constraining effects of calcium when used as an anti- acid in moderate doses are well known. However, there is no evidence of effectiveness in the treatment of diarrhea. Calcium hydroxide has been included in multiple ingredient antidiarrheal preparations to provide "temporary relief of abdominal discomfort due to overeating and other dietary indiscretions." The Panel is of the opinion that it is not rational concurrent therapy for a significant portion of the population for the label to claim both antacid and antidiarrheal activity if the antidiarrheal claim is supported by a nonantidiarrheal antacid ingredient. (See discussion above for Category II claims.)

DATA PERTINENT FOR EFFECTIVENESS

Data are needed on mechanism(s) of action and a dose-response relationship. Effectiveness should be tested in well-controlled clinical trials comparing calcium hydroxide with placebo. Comparison should also be made with a known effective antidiarrheal. (See paragraph 1 below for data pertinent for antidiarrheal ingredient evaluation.)

REFERENCES


(4) Phenyl salicylate (salol). The Panel concludes that phenyl salicylate is safe in the small amounts taken orally in antidiarrheal preparations. There is no evidence that it is an effective antidiarrheal.

Phenyl salicylate is no longer listed in the United States Pharmacopeia or National Formulary. The antiseptic utility of salol depends largely on its hydrolysis to phenol and salicylic acid (Ref. 1). However, the decomposition is uncertain or very slow and the absorption of phenol in the alimentary tract is questionable (Ref. 2). The amount of phenol available in salol antidiarrheal preparations is considerably below the 1 to 2 percent phenol solution accepted as bacteriostatic. Giving larger doses of salol could possibly result in phenol poisoning (Ref. 3).

DATA PERTINENT FOR EFFECTIVENESS

Data are needed on mechanism(s) of action and a dose-response relationship. Effectiveness should be tested in well-controlled clinical trials comparing calcium hydroxide with placebo. Comparison should also be made with a known effective antidiarrheal. (See paragraph 1 below for data pertinent for antidiarrheal ingredient evaluation.)

REFERENCES


(2) OTC Volume 09003.3.


(3) Zinc phenolsulfonate. The Panel concludes that zinc phenolsulfonate is safe in the small amounts usually taken in antidiarrheal preparations, but no evidence exists to establish effectiveness.

The maximal daily adult dose of zinc phenolsulfonate in antidiarrheal products is approximately 400 milligrams. If all of the phenol from zinc phenolsulfonate in antidiarrheal products were absorbed, the amount would be approximately 1.5 grains, or maximum daily adult dose. This figure is well below the reported fatal dose of 1.5 grains (Ref. 1). Therefore, the ingredient seems safe in the small amounts used in antidiarrheal products.
There is no evidence in the scientific literature or modern standard reference texts to establish the effectiveness of zinc phenolsulfonate in the treatment of diarrhea. The sparse information about zinc phenolsulfonate in older editions of textbooks describes the compound as an astringent for topical application to indolent ulcers and subacute inflammation of the nasopharynx or vagina (Ref. 2).

DATA PERTINENT FOR EFFECTIVENESS

The Panel finds zinc phenolsulfonate safe in the amounts usually taken orally. Effectiveness should be tested in well-controlled, double-blind clinical trials of the antidiarrheal effect of zinc phenolsulfonate alone and, if desired, in combination with placebo. Comparison should also be made with a known effective antidiarrheal ingredient—bismuth subsalicylate. The Panel concludes that bismuth subsalicylate is safe in the amounts taken orally in antidiarrheal preparations, and finds inadequate evidence to support their effectiveness as antidiarrheal agents. (See paragraph I below for data pertinent for antidiarrheal ingredient evaluation.)

REFERENCES

(e) Labeling claims for specific ingredient—Bismuth subsalicylate. The Panel concludes that claims that bismuth produces a protective coating that corrects the symptoms of upset stomach, indigestion, and nausea are unfounded. The use of a single ingredient for dual or multiple symptoms must be appropriate and rational therapy for a significant proportion of the population. In the case of bismuth subsalicylate, claims of effectiveness for the treatment of a number of symptoms such as nausea, indigestion, upset stomach, etc., in addition to the primary claim as an antidiarrheal, may be rational provided the medication is proven to be effective against each symptom, and there is a significant target population having such concurrent symptoms to justify its use, as for example individuals suffering from travel related symptoms such as those commonly occurring in the "Turista" syndrome.

DATA PERTINENT FOR EFFECTIVENESS EVALUATION

The Panel concurs with the conclusions of the OTC Antacid Panel in a proposal published in the Federal Register of April 5, 1973 (38 FR 8714) that such claims (nausea, indigestion, upset stomach, etc.) "provide evidence of clent evidence to establish effectiveness as an antidiarrheal agent.

Sodium carboxymethylcellulose is a semisynthetic cellulose derivative which was previously evaluated as a bulk laxative. It is categorized in several texts as a thickening agent to increase the viscosity of various solutions (Refs. 1 and 2). The Panel surmises that increase in the viscosity of the diarrheal fluid and the possible adsorptive qualities might be the rationale for inclusion in an antidiarrheal product. However, the Panel was unable to locate any studies substantiating the effectiveness of carboxymethylcellulose in the treatment of diarrhea at any dose.

DATA PERTINENT FOR EFFECTIVENESS

The Panel finds sodium carboxymethylcellulose safe in the amounts usually taken orally and would encourage studies to determine effectiveness of a potentially useful antidiarrheal preparation. Effectiveness should be tested in well-controlled clinical trials comparing sodium carboxymethylcellulose with placebo. Comparison should also be made with a known effective antidiarrheal ingredient. In addition, data are needed on mechanism(s) of action and dose-response relationship. (See paragraph I below for data pertinent for antidiarrheal ingredient evaluation.)

REFERENCES

(e) Labeling claims for specific ingredient—Bismuth subsalicylate. The Panel concludes that claims that bismuth produces a protective coating that corrects the symptoms of upset stomach, indigestion, and nausea are unfounded. The use of a single ingredient for dual or multiple symptoms must be appropriate and rational therapy for a significant proportion of the population. In the case of bismuth subsalicylate, claims of effectiveness for the treatment of a number of symptoms such as nausea, indigestion, upset stomach, etc., in addition to the primary claim as an antidiarrheal, may be rational provided the medication is proven to be effective against each symptom, and there is a significant target population having such concurrent symptoms to justify its use, as for example individuals suffering from travel related symptoms such as those commonly occurring in the "Turista" syndrome.

DATA PERTINENT FOR EFFECTIVENESS EVALUATION

The Panel concurs with the conclusions of the OTC Antacid Panel in a proposal published in the Federal Register of April 5, 1973 (38 FR 8714) that such claims (nausea, indigestion, upset stomach, etc.) "provide evidence of
effectiveness consisting of statistically valid clinical trials in relieving each of these symptoms for which a claim is made." (See paragraph I below for data pertinent for anti-diarrheal ingredient evaluation.)

G. Products Containing Multiple Antidiarrheal Ingredients

1. General Statements
   a. The Panel has followed the regulation (21 CFR 350.19(a) (4) (iv)) which states: "An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s). When combining active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients, and when the combination, when used under adequate directions for use, does not increase the risk of adverse reactions, provides rational concurrent therapy for a significant proportion of the target population."
   b. The Panel concludes that, in general, the fewer the ingredients, the safer and more rational the therapy. The Panel believes that the interests of the consumer are best served by exposing the user of OTC drugs to the fewest in-ingredients possible at the lowest possible dosage regimen consistent with a satisfactory level of effectiveness.
   c. The Panel concludes that OTC drugs should contain only such inactive ingredients as are necessary for pharmaceutical formulation.

2. Requirement of significant contribution.
   a. The Panel has determined that each claimed active ingredient must make a significant contribution to the claimed effect. In the absence of data showing the minimum dose necessary to achieve the intended antidiarrheal effect, the Panel has assumed that the minimum dose possible at the lowest possible dosage regimen consistent with a satisfactory level of effectiveness.
   b. The Panel concludes that OTC drugs should contain only such inactive ingredients as are necessary for pharmaceutical formulation.

3. Safety and effectiveness. In its consideration of active ingredients the Panel reviewed the safety and effectiveness of all the combinations submitted. Where in this document.

4. Single active ingredients. OTC drugs containing safe and effective single ingredients are preferred to those having multiple active ingredients because the potential for toxic effects, synergistic effects, allergic and/or idio-syncratic reactions, and possible unrecognized and undesirable drug interactions is greater. It is an established medical principle to give only those medications, preferably as single entities, necessary for the safe and effective treatment of the patient. This principle is equally applied to self-medication. To add needlessly to the patient's medication increases the risk of adverse reactions.

5. Limitation of ingredients in anti-diarrheal combinations. Given the paucity of effective anti-diarrheal agents and the multiplicity of pathologic mechanisms causing common diarrhea, the Panel finds it difficult to define or restrict the number of ingredients. However, in keeping with its conclusion that the fewer the ingredients the safer the combination, Category I combinations will be limited to 2 ingredients.

6. Active ingredients not reviewed by the Panel. Each claimed active ingredient must be an ingredient that has been reviewed by the Panel. If a product contains an active ingredient that has not been reviewed by the Panel and consequently not found in this document, such ingredient is automatically classified as a Category II ingredient, i.e., it is not generally recognized as safe and effective. Appropriate animal and human testing and prior approval by the Food and Drug Administration is required before a product containing such an ingredient may be marketed.

7. Review of submitted combination products. The Panel considered only those combination products submitted pursuant to the notice published in the Federal Register of February 8, 1973 (38 FR 5141) and included above in paragraph A. The Panel recognizes that other combination products may be in the market place, but it has either no knowledge of such product or insufficient data with respect to such products to make a reasonable judgment of safety and/or effectiveness.

Accordingly, the Panel recommends that new combinations, or any presently marketed combination not submitted to this Panel be evaluated through the new drug procedures, or be the subject of an appropriate petition to the Commissioner to review or amend the OTC antidiarrheal monograph.

8. Combinations containing nonantidiarrheal ingredients. Products containing antidiarrheal ingredient(s) with other ingredients having nonantidiarrheal pharmacologic effects are considered irrational, unless it can be shown that there is a significant target population requiring concurrent treatment of symptoms that require antidiarrheal(s) and nonantidiarrheal(s) in combination. The common symptoms of gastroenteritis would support the rationale of combining an antidiarrheal with an anti-emetic agent for the treatment of gastritis, but no such effective combination has been found.

Nonantidiarrheal ingredient(s) may be present as inactive ingredients in antidiarrheal products as an aid to formulation or to palatability. However, the presence of such ingredient(s) must not be emphasized or identified as active ingredient(s) in the advertisement of such product(s).

Oral Doseage Forms

Category I combinations

None yet designated.

Category II combinations

a. Bismuth subsalicylate, phenyl salicylate (sabol), and salicylic acid.

b. Bismuth subsalicylate, precipitated calcium carbonate, and ascorbic acid (gycine, glyeod).

c. Lactic bacillus, pectin, tyrosine sulfite, atropine sulfate, pectosolamine (yosine) hydrobromide, and powdered opium.

d. Kaolin, pectin, tyrosine sulfite, atropine sulfate, and pectosolamine (yosine) hydrobromide.

e. Bismuth subnitrate, rubarb fluidextract, sodium acetate, and calcium hydroxide.

f. Activated attapuget, pectin, and hydrate alumina powder.

g. Pepsone, pectin, and kaolin.

h. Kaolin, hydrated alumina powder, and pectin.

i. Tincture of opium, homatropine methylbromide, and pectin.

Category III combinations

a. Lactobacillus acidophilus and sodium carbonate.

b. Lactobacillus acidophilus and lactic acid bacillus bulgaricus.

c. Activated attapuget and pectin.

d. Kaolin powder.

e. Tincture of opium and pectin.

f. Kaolin and hydrated alumina powder.

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PROPOSED RULES

RETAIL DOSAGE FORMS

None yet designated.

10. Ingredients included in Category I combinations. Since there are presently no acceptable Category I combinations the Panel recommends that each combination, where present and future Category I ingredients may reasonably be considered for a Category I combination. The Panel recommends:

a. The combination be limited to 2 Category I active antidiarrheal ingredients.

b. Each ingredient in the subject combination must be present within the dosage range for a Category I antidiarrheal ingredient. As set forth elsewhere in this document, the Panel recommends that the Food and Drug Administration designate additional Category I antidiarrheal agents as appropriate safety and efficacy data become available.

c. The specific combination of ingredients must be an approved Category I combination. Since there are no Category I combinations presently designated, the Panel recommends that the Food and Drug Administration designate such combinations as appropriate safety and efficacy data become available.

11. Criteria for Category II combination products. A combination is classified by the Panel as a Category II product, i.e., one that is not generally recognized as safe and effective, if any of the following apply:

a. The combination contains 3 or more active antidiarrheal ingredients.

b. Each ingredient in the subject combination must be present within the dosage range for an antidiarrheal ingredient that is above the maximum dosage set for such agent as listed elsewhere in this document. The Panel recommends that the Food and Drug Administration designate such combinations as appropriate safety and efficacy data become available.

c. The combination contains any active antidiarrheal ingredient that has not been reviewed by the Panel and accordingly not listed in this document or in the NDA procedures designated by the Food and Drug Administration.

12. Criteria for Category III combination products. A combination is classified as a Category II combination if any of the following apply:

a. If any Category I ingredient is below the minimum dosage range set by the Panel elsewhere in this document for such ingredient.

b. If 1 or more ingredients are Category III ingredients, as set forth elsewhere in this document for single active antidiarrheal ingredients.

13. Reclassification requirements for Category III combinations to Category I combinations. a. For any Category III combination found in paragraph 9 where one or both ingredients fall below the minimum effective level as set forth elsewhere in this document for such individual ingredient(s), tests must be performed to substantiate the effectiveness of any such ingredient. The Panel recommends that such testing be pursued under the NDA procedures or petition to the Agency for appropriate modification of the monograph to permit such lower dosages.

b. (1) A combination that contains one or both ingredients in Category III, as set forth elsewhere in this document, must be tested to satisfy Category I requirements for each such ingredient.

(2) Two Category I ingredients in a combination not found in paragraph 9 must be petitioned to the Agency for an appropriate amendment to the monograph or proceed through the NDA procedures.

14. Combinations containing nonantidiarrheal ingredients. Products combining antidiarrheal ingredient(s) with other ingredients having nonantidiarrheal pharmacologic effects are considered irrational, unless it can be shown that there is a significant target population requiring concurrent treatment of symptoms that require antidiarrheal(s) and nonantidiarrheal(s) in combination.

Nonantidiarrheal ingredient(s) may be present as inactive ingredient in antidiarrheal product as an aid to formulation. However, the presence of such ingredient(s) must not be emphasized or identified as active ingredients in the labeling or in the advertisement of such product(s).

H. INACTIVE INGREDIENTS

When antidiarrheal products contain inactive ingredients, the Panel recommends that ingredients be listed on the label with or without the amounts contained in a recommended dose. The availability of sodium, potassium, and magnesium in the maximum recommended daily doses should be stated on the label. (See labeling discussion above for antidiarrheal products.) If significant amounts are present, special warnings on the label should be provided (as indicated previously in this document) for patients with heart disease and renal disease or those on a low salt diet.

I. DATA FERTILE FOR ANTIDIARRHEAL INGREDIENT EVALUATION

The Panel has given considerable thought to the problem of demonstrating that an antidiarrheal is safe and effective. When a drug is available for widespread use, as in OTC products, its safety and effectiveness must be well documented by toxicological data, data on the absorption, distribution, fate, and excretion of the drug, the pharmacological effects of the drug, and the mechanism of action. The drug should also meet certain effectiveness standards.

The Panel recommends that information such as the following be obtained in the categories of data where relevant:

1. Toxicological data. A variety of toxicological data can be obtained to demonstrate that an antidiarrheal is safe.

2. Absorption, distribution, fate, and excretion (ADFE) as determined by currently accepted methods. ADEP bears directly on the safety of drugs and occasionally on the mechanism of action of antidiarrheals, appropriate data should be provided for all active ingredients and their active pharmaceutical products. The methods for obtaining these data are established and are not different from those used in the study of ADPE of other drugs. Data such as the following would provide sufficient information regarding ADPE. Manufacturers are not expected to obtain all of the following data, but are expected to obtain data on relevant, fully answered questions regarding ADPE of their products:

a. The percentages of various oral doses of the drug which are absorbed in man.

b. The percentages of various oral doses of the drug which are excreted in the urine in man.

c. The percentages of various oral doses of the drug which are excreted in breast milk.

d. The metabolic fate in man of absorbed but unexcreted drug.

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The ingredients and metabolic products associated with fecally excreted drug and/or its unabsorbed enteral nutritional products.

The ingredients and metabolic products associated with renally excreted drug and/or its unabsorbed enteral nutritional products.

The Panel recognizes that the mechanism of action of many safe and effective drugs is unknown. Nevertheless, data should be provided which will demonstrate the effects of the agent. For an antidiarrheal agent, the following parameters would be considered appropriate for assessing the effectiveness of the agent. Manufacturers are not expected to obtain all of these data, but are expected to obtain those data relevant to the unanswered questions regarding the mode of action of their products:

a. Effects of oral drug on jejunal secretion and the flux of ions and water at the levels of jejunum, ileum, proximal and distal colon.
b. Effects of the oral drug on the absorption of actively transported ions, sugars, and amino acids.
c. Effects of the oral drug on the absorption of carbohydrates, protein, lipids and fat-soluble vitamins.
d. Effects of the oral drug on the absorption of other drugs.
e. Effects of the oral drug on secretion of gastrointestinal enzymes and hormones.
f. Effects on intestinal smooth muscle such as contractility and electromyographic changes.

4. Effectiveness standards. The effectiveness of antidiarrheal agents can be tested using patients with diarrheal disorders as occur in travel and commonly referred to as "Turista", or in institutionalized patients where periodic epidemic mild diarrhea may occur, or in outpatient clinics and pharmacies where pediatric and adult patients are frequently seen with diarrheal problems and in specific situations such as radiation diarrhea. Although antidiarrheal agents can be tested in both human and animal models where diarrhea has been induced, i.e., cholera model, the Panel questions the relevance of these to human disease states as related to nonspecific common diarrhea. Antidiarrheals may be of a number of different types. When the antidiarrheal product contains more than one active ingredient, the effectiveness standard design is particularly suited for testing the effectiveness of individual ingredients as well as comparing their effects against that of placebo. When it is impractical or impractical to use an acceptable placebo, the antidiarrheal ingredient may be compared with another acceptable agent and studied in groups. When experimental models of induced diarrhea are used, each subject can serve as his own control, but the period of study should be sufficiently long to clearly demonstrate differences.

Specific parameters that can be measured quantitatively to determine the effectiveness of an antidiarrheal agent include many of those used for determining the fecal selectivity of a laxative agent. For an antidiarrheal agent, the following parameters would be considered appropriate for assessing the effectiveness of the agent. Manufacturers are not expected to obtain all of the following data, but are expected to obtain those data relevant to the unanswered questions regarding the effectiveness of their products:

a. Frequency. The Panel recognizes that frequency of stool evacuation is quite variable among normal, healthy individuals and may range from three bowel movements a week to over ten per week. Frequency should be expressed in number of evacuations per unit time such as 24 hours or per week, etc.
b. Volume. The volume of stool evacuated during a unit time period is easy to determine and is usually expressed in milliliters or cubic centimeters per 24 hours or other time period. Average normal is 150 ml/24 hours.
c. Weight. Weight of stool is expressed in grams per 24 hours or other time period. Average normal is 150 to 190 grams per 24 hours.
d. Water content. Water content of the feces is usually expressed as percent water. Excess water excretion is the hallmark of diarrhea and important in evaluating the effectiveness of antidiarrheals. Average normal is 110 to 130 grams per 24 hours.
e. Consistency. Consistency of the feces may be determined using a penetrometer, or a tube viscometer. Consistency is expressed in terms of shear rate and if a penetrometer is used, consistency is expressed in terms of kilogram per square centimeter. Average normal is 0.15 to 0.18 gm/cm².
f. Transit time. Transit time may be expressed by either the "time method" or the "distance method" by use of nonabsorbable markers such as polyethylene glycol, nonabsorbable radioactive materials such as chromium. In addition, inert colored plastic beads have been used as a marker to determine transit time. The use of some markers, such as carmine dye, is associated with considerable "streaming" and should be taken into account when markers are used to separate treatment periods. Average normal is 40 to 60 hours for complete transit of the digestive tract.
g. Fecal excretion rate. Fecal excretion rate is expressed in grams per unit time and usually grams per hour. Average normal fecal excretion rate is 6 grams per hour.
h. Stool electrolytes, bile salts, etc. Feces contain a number of substances that might be appropriate to measure in evaluating antidiarrheal agents. Stool electrolytes, particularly sodium, potassium, and chloride, may be markedly altered by diarrhea and losses may be actually increased by antidiarrheals such as hydrophilic agents.

REFERENCES


III. ANTIMETICS

Pursuant to the notice published in the Federal Register of February 8, 1973 (38 FR 3614) requesting the submission of data and information on OTC antimetic drugs, the following firm-made submissions relating to the indicated products:

<table>
<thead>
<tr>
<th>A &amp; D Information Submissions</th>
<th>MARKETED PRODUCTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Searle Laboratories, Chicago, IL 60666.</td>
<td>Dramamine, Dramamine Liquid.</td>
</tr>
</tbody>
</table>
B. THE LABELS: INGREDIENTS CONTAINED IN SUBMITTED PRODUCTS

Aminoacidic acid (glycine, glycocol)
Bismuth subsalicylate
Dimethadrinhiate
Meclizine hydrochloride
Orthophosphoric acid
Phenylsalicylate (salol)
Sodium bicarbonate
Zinc phenol sulfinapate

The Panel also undertook a review of the following:

C. EMESIS AND THE USE OF OTC ANTIEMETICS

Severe nausea, and the realization that one is about to vomit, is one of the more dreadful conditions suffered by man. Motion sickness accompanied by nausea and vomiting is not unusual and may be prevented effectively by a number of antihistamine-like drugs available in OTC antihistamine products. Motion sickness occurs when visual and vestibular stimuli are not in accord, particularly when the head rotates in two axes simultaneously. Some individuals are more resistant to motion sickness than others, but none is immune. Travel abroad, in airplanes, or even in automobiles may induce motion sickness which is not relieved by antihistamines. Antihistamines are also needed for other causes of nausea and vomiting as in patients undergoing chemotherapy or radiation therapy for malignancy, and episodic vomiting of childhood.

D. CLASSIFICATION OF ACTIVE INGREDIENTS

The Panel reviewed all active ingredients which were the subject of submissions to the Panel pursuant to the standards for safety, effectiveness, and truthful labeling. In accordance with the regulation (21 CFR 330.10), the Panel's findings with respect to these ingredients are set forth in three categories:

I. Conditions under which antihistamine products are generally recognized as safe and effective or are misbranded. Conditions under which antihistamines are not generally recognized as safe and effective or are misbranded.

II. Conditions under which antihistamine products are generally recognized as safe and effective or are misbranded.

III. Conditions for which the available data are considered insufficient to classify at this time.

The Panel recommends for each class of drugs:

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's 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 2 years 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 finds them appropriate to satisfy the reasons raised with respect to the particular condition by the Panel.

E. REVIEW OF ACTIVE INGREDIENTS

All active ingredients which were the subject of submissions made to the Panel were carefully reviewed. The Panel considered all available data and information available to the Panel in arriving at its conclusions and recommendations.

1. Conditions under which antihistamine products are generally recognized as safe and effective and are not misbranded.

The following antihistamine ingredients were classified as safe and effective and not misbranded:

<table>
<thead>
<tr>
<th>BENZYLDRYL PIPERAZINE ANTIEMETICS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cyclizine</td>
</tr>
<tr>
<td>Meclizine</td>
</tr>
</tbody>
</table>

D. DIMEMETRONATE

(a) Benzyl piperazine antihistamines—(1) Cyclizine and Meclizine. The Panel concludes that cyclizine and meclizine are safe and effective in the amounts taken orally (meclizine, for adults 40 to 50 milligrams once daily; and cyclizine, 50 milligrams up to 3 times daily and for children 6 to 12 years 28 mg up to 3 times daily) in antihistamine products for the treatment of nausea and vomiting of motion sickness.

Meclizine is a member of the benzyl piperazine group of antihistamine compounds which also includes cyclizine. Chemically, these compounds differ from other antihistamines in that the alkylamino group exists as a ring structure.

An extensive literature is available to support the conclusion that meclizine is effective and safe in the management of motion sickness (Refs. 1 through 4). The drug has a relatively free of side effects when administered in therapeutic doses, although sedation (drowsiness) sometimes occurs and may be troublesome in those persons who drive automobiles or operate other machinery. Containers of OTC meclizine tablets are labeled to warn of this potential hazard.

In 1958, the Food and Drug Administration, not long after recommendation of an Ad Hoc Advisory Committee, required relabeling of the OTC products containing cyclizine and cyclizine to include the following warning:

For use by women who are pregnant or are not nursing their young, and by persons taking it should not be used by children under 6 years of age except under the advice and supervision of a physician.

For meclizine, the label should also contain the following warning:

Do not give to children under 6 years of age except under the advice and supervision of a physician.

REFERENCES


(4) Chinn, H. I., S. W. Handford, P. E. Smith, T. E. Cone, Jr., R. F. Redmond, J. V. Maloney and C. M. Smythe, "Evaluation of
**PROPOSED RULES**

1. **INDIVIDUAL ACTIVE INGREDIENT**

Aminoacetic acid (glycine, glycocol)

2. **Other active ingredient—Dimenhydrinate**

The Panel concludes that 50 to 100 milligrams dimenhydrinate is safe and effective in the amounts usually taken orally in antiemetic products (200 mg to 400 milligrams). The document does not provide specific dosage guidance for children.

3. **Proposed rules—Dimenhydrinate**

- **Labeling**
- **Conditions under which antiepileptic products are not generally recognized as safe and effective**

4. **References**


5. **Conditions under which antiepileptic products are not generally recognized as safe and effective**

- **Specific labeling should also cite its anticholinergic action and patients with glaucoma or enlargement of the prostate gland should be cautioned regarding taking this OTC product other than under the direction of a physician.**

6. **Labeling**

- **Special labeling should indicate that symptoms may become dark with use of any bismuth compound.**

7. **DATE PERTINENT FOR EFFECTIVENESS**

Bismuth is not promoted as an antiepileptic agent. Therefore, the antiepileptic effectiveness models would not be appropriate for this agent.

8. **Vomiting induced by the oral administration of ipecac, pepper sauce, mustard, and other similar products.**

The investigator using these models should ensure that patients not be pretreated with bismuth.
A motel must be developed that app­proaches, published in the Federal Register of April 5, 1973 (38 FR 6714) that such claims provide evidence of ef­fectiveness. The evidence should consist of statistically valid clinical trials to support each of the respective claims. (See paragraph G below for data pertinent to antientic ingredient evauation.)

REFERENCES

(1) OTC Volume 090123.

(b) Phenyl salicylate (salol). The Panel concludes that salol is safe in the amounts usually taken orally in OTC products, but there is no evidence to support its effectiveness as an antientic agent.

The Panel can find no evidence to support the claim that salol alone or in combination is an effective antiemetic or antinauseant. The claim that phenyl salicylate is effective for the relief of "nausea," "indigestion," "gas," "fulness," "bloating," "pressure," and "upset stomach" is not supported by any carefully controlled clinical studies.

DATA PERTINENT FOR EFFECTIVENESS

Well-controlled, double-blind clinical trials are needed to compare the antiemetic effect of phensalicylate, alone and if desired in combination, as compared with placebo and with an effective antiemetic agent.

The Panel can find no evidence to support the claim that salol alone or in combination is an effective antiemetic agent.

The Panel concludes that salol is safe in the amounts usually taken orally in OTC products, but there is no evidence to support its effectiveness as an antiemetic agent.

The Panel concludes that the high osmotic pressure exerted by concentrated solutions of simple sugars (monoosaccharides) inhibits gastric emptying through an action on diodenem receptors which are sensitive to high osmotic pressures (Ref. 1). However, a positive correlation between an increase in gastric emptying time and relief of nausea and vomiting has not been established.

Only a few clinical studies have been reported on the use of a carbohydrate-phosphoric acid preparation for the management of nausea and vomiting. Most of these were either uncontrolled or partially controlled investigations (Refs. 2 through 4). In the only double-blind clinical investigation, the study was poorly designed (Ref. 9).

DATA PERTINENT FOR EFFECTIVENESS

The Panel concludes that well-con­trolled, properly designed clinical studies are needed to establish the effectiveness of a carbohydrate-phosphoric acid solution for the control of nausea or vomiting. (See paragraph G below for data pertinent to anti-emetic ingredient evaluation.)

REFERENCES


(b) Zinc phenolsulfonate. The Panel concludes that zinc phenolsulfonate is safe in amounts usually taken orally in OTC products, but there is no evidence to support its effectiveness as an anti­emetic agent.

The Panel can find no evidence to support the claim that zinc phenolsulfonate alone or in combination in OTC products is an effective antinauseant or antinauseant. The claim that zinc phenolsulfonate is effective for the relief of "nausea," "indigestion," "gas," "fulness," "bloating," "pressure," and "upset stomach" is not supported by any carefully controlled clinical studies.

DATA PERTINENT FOR EFFECTIVENESS

Well-controlled, double-blind clinical trials are needed to compare the antiemetic effect of zinc phenolsulfonate, alone and if desired in combination, as compared with placebo and with an effective antiemetic agent.

The response should be evaluated by objective changes in frequency of vomiting. Careful experimental design, definition of terms and matching of subjects when combining of the active ingredients may be proved to contribute to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active in­gredients, and when the combination, when used under adequate direction for use, and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

The Panel concludes that, in gen­eral, the fewer the ingredients, the safer and more rational the therapy. The Panel believes that the interests of the consumer are best served by exposing the user of OTC drugs to the fewest ing­redients possible at the lowest possible dosage regimen consistent with a satisfactory level of effectiveness.

The Panel concludes that OTC drugs should contain only such in­active ingredients that are necessary for pharmaceutical formulation.

2. Requirement of significant contribution. The Panel has determined that each claimed active ingredient in the combination must make a significant contribution to the claimed effect. In the absence of data showing the minimum dose, which may be achieved by the combination, when used under adequate direction for use, the intended antiemetic effect, the amount of ingredient present in anti­emetic products must be at least equal to the currently accepted minimum dose range for each ingredient, as set forth elsewhere in this document.

The Panel found it difficult to quanti­tate the contribution of each antiemetic ingredient in combination, as is possible with antacid combination products, for example, where the contribution of each antacid can be determined by chemical titration. Further, the minimum effective dose may vary considerably with the cause of the vomiting. The Panel recog­nizes that it is possible that some in­gredients may be proved to contribute to the effectiveness of a combination prod­uct in amounts below the generally rec­ognized minimum effective daily dose.

The Panel concluded that where a combination product is permitted, it is sufficient to demonstrate in well-con­trolled clinical trials that each of the ingredients makes a statistically signifi­cant contribution to the claimed effect.
As long as "statistical significance" is shown, the Panel concludes that a contribution toward antiemesis will also have been shown.

3. Single active ingredients. OTC drugs containing safe and effective single ingredients are preferred to those containing multiple active ingredients because of the reduced risks of toxic effects, synergistic effects, allergic and/or idiosyncratic reactions, and possible unrecognized and undesirable drug interactions.

It is an established medical principle to give only those medications, preferably as single entities, necessary for the safety and effective treatment of the patient. This principle applies equally to self-medication. To add needlessly to the patient's medication increases the risk of adverse reactions.

4. Active ingredients not reviewed by the Panel. Each claimed active ingredient must be an ingredient that has been reviewed by the Panel. If a product contains an active ingredient that has not been reviewed by the Panel and consequently not found in this document, such ingredient is automatically classified as a Category II ingredient, i.e., it is not generally recognized as safe and/or effective. Appropriate animal and human testing and prior approval by the Food and Drug Administration is required before a product containing such an ingredient may be marketed.

5. Review of submitted combination products. The Panel considered only those combination products submitted pursuant to the notice published in the Federal Register on February 8, 1973 (38 FR 3614) and included above in paragraph 1. The Panel recognizes that other combination products may be in the marketplace but it has either no knowledge of such products, or insufficient data with respect to such products to make a reasonable judgment of safety and/or effectiveness.

Accordingly, the Panel recommends that such products, or any presently marketed combination not submitted to this Panel be evaluated through the new drug procedures, or be the subject of an appropriate petition to the Commissioner to review or amend the OTC antiemetic monograph.

6. Category II combination product. The Panel concludes that combinations of bismuth subsalicylate, aminoacetic acid, and tranquilizer, and zinc phenolsulfonate are safe in the amounts usually taken orally in OTC combination products, but there is no evidence that each of these four ingredients makes a significant contribution to the claimed antiemetic action of such combination.

Further, because any combination containing a Category II ingredient is classified as a Category II combination, the above combination is deemed a Category II product.

G. DATA PERTINENT FOR ANTIEMETIC INGREDIENT EVALUATION

When a drug is available for widespread use, as in OTC products, its safety and effectiveness must be well documented by toxicological data, data on the absorption, distribution, fate, and excretion of the drug, the pharmacological effects of the drug, and the mechanism of action. The drug should also meet certain effectiveness standards. Thus, the following are rules of the pharmacological effects and effectiveness standards.

1. Toxicological data. A variety of toxicological data can be obtained to demonstrate that an antiemetic is safe. Manufacturers are not expected to obtain all of the following data, but are expected to obtain data relevant to the unanswered questions regarding the safety of their products. The Panel recommends that data such as the following be required in preclinical animal studies and in clinical studies in man. Certain data on humans, such as lethal doses and chronic toxicity, will only be available from poison control centers, hospitals, medical centers, or medical examiners. However, the Panel considers such data important and attempts should be made to obtain them.

(a) Preclinical animal studies. (1) The oral L.D₅₀ should be established in several animal species.

(2) Determinations must be made to elucidate the pharmacologic effects of antiemetic agents. The Panel recommends that data such as the following be obtained. Manufacturers are not expected to obtain all of the following data, but are expected to obtain those data relevant to the unanswered questions regarding pharmacologic effects of their products:

a. Effects of oral drug on nausea and vomiting.

b. Effects of oral drug on cardiovascular system (blood pressure and heart rate).

c. Effects of oral drug on autonomic nervous system.

d. Duration of oral drug effects.

e. Effects on drowsiness and the central nervous system.

2. Effectiveness standards. Motion sickness, which may occur when visual and vestibular stimuli are not in accord, may be induced by a number of techniques. Unusual motion patterns in which the head is related in two axes off center will produce motion sickness in anyone; some individuals are more resistant than others, but none is immune. Motion sickness may also be induced when the body is stationary and the individual looks at a motion picture film as seen from an airplane doing acrobatics or a roller coaster ride (Ref. 1). Thus, a number of experimental models are available to test the efficacy of antiemetics or to assess the pharmacologic effects of antiemetic agents rated for nausea and vomiting resulting from motion sickness. Both normal individuals and subjects with known susceptibility to motion sickness will be used.

The threshold of stimulus (duration in time, rotation rate in r.p.m., and acceleration rate) to induce motion sickness should be determined before and after the test drug is administered to determine degree of effectiveness and duration of time of protection from motion sickness. Comparisons should be made

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using the double-blind technique, with placebo and a known effective agent such as scopolamine. Manufacturers are not expected to obtain all of the data listed above, but are expected to obtain those data relevant to the unanswered question of the effectiveness of their products. The effectiveness of drugs in vomiting due to causes other than motion sickness requires well-controlled clinical trials in homogenous groups of subjects with vomiting of relatively specific types such as that of radiation sickness, epidemic food or chemical poisoning, post-operative vomiting, epidemic gastroenteritis, etc.

The experimental design for testing effectiveness of antiemetic may be of a number of different types. When the antiemetic product contains more than one active ingredient, the double-blind, Latin square, cross-over design is particularly suited for testing the effectiveness of individual ingredients as well as comparing their effect against that of placebo. When it is impossible or impractical to devise an acceptable placebo, the antiemetic ingredient may be compared with another acceptable agent and studied in parallel groups. When experimental models of induced diarrhea are used, each subject can serve as his own control, but the period of study should be sufficiently long to clearly demonstrate differences.

References


IV. EMETICS

Pursuant to the notice published in the Federal Register of February 8, 1973 (38 FR 3614) requesting the submission of data and information on OTC emetic drugs, no submissions were made. Although the Panel received no submissions from the pharmaceutical industry or other source, it elected to review ipecac syrup as an OTC emetic drug.

A. CLASSIFICATION OF ACTIVE INGREDIENTS

The Panel reviewed one ingredient pursuant to the standards for safety, effectiveness and truthful labeling. In accordance with the regulations (21 CFR 330.10), the Panel's findings are set forth below:

B. REVIEW OF ACTIVE INGREDIENT

1. Conditions under which emetic products are generally recognized as safe and effective and not misbranded.

IPECAC SYRUP

The Panel concludes that ipecac syrup is safe and effective when used in the recommended dose of 15 milliliters in persons over 1 year of age and 6 to a maximum of 10 milliliters in infants under 1 year. An emetic is often used to induce vomiting in poisoning victims, who ingest systemic poisons, in order to prevent ab-
Proposed Rules

§ 334.10 Bulk forming laxatives.

The active ingredients of the product consist of the following when used within the dosage limit established for each ingredient:

(a) Glycerin. Adult rectal dosage is 3 gm suppository or 5 ml to 15 ml enema. Children under 6 years rectal dosage is 1 gm to 1.5 gm suppository or 2 ml to 5 ml enema.

(b) Sorbitol. Adult rectal dosage is 120 ml as a 25 to 30 percent weight/volume solution. Children 2 years and older rectal dosage is 30 ml to 60 ml as a 25 to 30 percent weight/volume solution.

§ 334.12 Hyperosmotic laxatives.

The active ingredients of the product consists of the following when used within the dosage limit established for each ingredient:

(a) Glycerin. Adult oral dosage is 120 ml and children 3 years and older rectal dose is 60 ml.

(b) Mineral oil, emulsion. Adult oral dosage is 15 ml to 45 ml of mineral oil component of emulsion administered orally twice daily with the first dose taken on arising and the second dose taken at bedtime and neither dose at mealtime; and children over 6 years oral dosage is 0.35 ml and 5 ml of mineral oil component of emulsion administered orally twice daily with the first dose taken on arising and the second dose taken at bedtime and neither dose at mealtime.

§ 334.16 Saline laxatives.

The active ingredients of the product consists of the following when used within the dosage limit established for each ingredient:

(a) Magnesium citrate. (1) Adult oral daily dosage taken in divided doses is 11 gm to 18 gm (77 to 126 mEq magnesium ion). Children 2 to 5 years oral daily dosage is 2.5 gm and children 6 years and older oral daily dosage is 5 gm to 10 gm taken in divided doses.

(2) Magnesium citrate products may be formulated in combinations with anhydrous magnesium sulfate, anhydrous sodium carbonate, and anhydrous sodium citrate, to allow magnesium to be held in solution as a complex. Citric acid and anhydrous sodium citrate are not laxative agents and shall not be claimed as active ingredients on the labeling.

(b) Magnesium hydroxide. Adult oral daily dosage taken in divided doses is 2.4 gm to 4.8 gm (62 to 164 mEq magnesium ion). Children 2 to 5 years oral daily dosage is 0.6 gm to 1.2 gm and children 6 years and older oral daily dosage is 1.2 gm to 2.4 gm taken in divided doses.

(c) Magnesium sulfate. Adult oral daily dosage taken in divided doses is 10 gm to 30 gm (81 to 243 mEq magnesium ion). Children 2 to 5 years oral daily dosage is 2.5 gm to 5 gm and children 6 years and older oral daily dosage is 5 gm to 10 gm taken in divided doses.

(d) Phosphate salts (combined sodium biphosphate, sodium phosphate, disodium phosphate and monosodium phosphate). Total oral daily combined amount is 9.6 gm to 19.2 gm (210 to 420 mEq (biphasic ion)) sodium biphosphate, 3.8 gm to 7.6 gm (40 to 80 mEq (phosphate ion)) sodium phosphate, 3.9 gm to 7.8 gm (40 to 80 mEq (phosphate ion)) disodium phosphate, and 8.3 gm to 16.6 gm (208 to 415 mEq (phosphate ion)) monosodium phosphate. Total adult rectal single combined amount is 19.2 gm (420 mEq (biphasic ion)) sodium biphosphate, 7.8 gm (168 mEq (phosphate ion)) sodium phosphate, 3.8 gm (80 mEq (phosphate ion)) disodium phosphate and 16.8 gm (415 mEq (phosphate ion)) monosodium phosphate. The usual oral dosage for children 5 to 10 years of age is 1/4 adult dosage of phosphate salts; for children over 10 years usual oral dosage is 1/2 adult dosage of phosphate salts. The usual rectal dosage for children over 2 years is 1/4 adult dosage of phosphate salts.

§ 334.18 Stimulant laxatives.

The active ingredients of the product consists of the following when used within the dosage limit established for each ingredient:

(a) Aloe. Adult oral dosage is 120 mg to 250 mg daily. Children 6 to 8 years oral dosage is 40 mg to 80 mg daily. Adolescents 13 to 15 years oral dosage is 80 mg to 120 mg daily. No pediatric dosage under 6 years.

(b) Bisacodyl. Adult oral dosage is 5 mg to 15 mg and children over 3 years oral dose is 5 mg at bedtime in enteric coated dosage form. Adult rectal suppository dosage is 10 mg and children under 2 years 5 mg.

(c) Cascara sagrada preparations (aromatic cascara fluidextract, cascara sagrada bark, cascara sagrada fluidextract, cascara sagrada extract, casanthal). (1) Adult oral daily dosage of aromatic cascara fluidextract is 2 ml to 6 ml. Infants (not more than 2 years) oral daily dosage is 1 ml to 2 ml.

(2) Adult oral daily dosage of cascara sagrada bark is 300 mg to 1.0 gm.

(3) Adult oral daily dosage of cascara sagrada fluidextract is 0.5 ml to 1.5 ml. Children 6 years and over but not more than 12 years oral dosage is 5 ml to 15 ml in a single dose.

(4) Adult oral daily dosage of cascara sagrada extract is 200 mg to 400 mg.

(5) Adult oral daily dosage of casanthal is 30 mg to 90 mg.

(6) For all Cascara sagrada preparations the usual infant dose is 1/4 adult dose; usual childhood dose is 1/2 adult dose.

(d) Castor oil. Adult oral dosage is 15 ml to 60 ml in a single dose. Infants not more than 2 years oral dosage is 1 ml to 5 ml in a single dose. Children 2 years and over but not more than 12 years oral dosage is 5 ml to 15 ml in a single dose.

(e) Dextrothran. Adult oral dosage is 15 mg to 30 mg taken in single or divided doses. Children 6 years to 12 years oral dosage is 15 mg to 30 mg in single or divided dose. Children 6 years to 12 years oral dosage is 30 mg to 60 mg in single or divided dose.

(f) Dehydrochloric acid. Adult oral dosage is 75 mg to 900 mg daily in divided doses. No pediatric dosage for children under 12 years.

(g) Phenolphthalein (white phenolphthalein, yellow phenolphthalein). Adult oral dosage is 30 mg to 270 mg daily in single or divided doses. Children 6 years to 12 years oral dosage is 30 mg to 60 mg in single or divided dose. Children 6 years to 12 years oral dosage is 30 mg to 60 mg in single or divided dose.

(h) Senna preparations (senna leaf powder, senna fluidextract, senna fruit extract, senna syrups, sennasides A & B crystalline, senna pod concentrate). (1) Adult oral daily dosage of senna leaf powder is 2 gm in a single dose.

(2) Adult oral daily dosage of senna fluidextract is 2 ml in a single dose.

(i) Adult oral daily dosage of senna fruit extract is 3.4 mg to 4.5 mg in a single dose.

(4) Adult oral daily dosage of senna syrups is 8 ml in a single dose.

(5) Adult oral daily dosage of sennasides A and B is 12 mg to 36 mg in a single dose.
(6) Adult oral dosage of senna pod concentrate is 0.6 gm to 1.0 gm per dose 1 to 4 times daily.
(7) The usual childhood dose of senna preparations is ¼ adult dose for infants (not more than 2 years), ½ adult dose for children 1 to 5 years, and ⅓ adult dose for children 6 to 12 years.

§ 334.20 Stool softener laxatives.

The active ingredients of the product consist of the following when used within the dosage limit established for each ingredient:

(a) Dioctyl calcium sulfosuccinate. Adult oral dosage is 50 mg to 360 mg daily. Infants (not more than 2 years) oral dosage is 25 mg daily. Children 2 years and over but not more than 12 years oral dosage is 50 to 150 mg daily.
(b) Dioctyl potassium sulfosuccinate. Adult rectal dosage is 50 mg to 250 mg daily. Children 2 years and over but not more than 12 years rectal dosage is 100 mg daily.
(c) Dioctyl sodium sulfosuccinate. Adult oral dosage is 50 mg to 360 mg daily. Infants (not more than 2 years) oral dosage is 20 to 25 mg daily. Children 2 years and over but not more than 12 years oral dosage is 50 to 125 mg daily.

§ 334.22 Miscellaneous laxative.

The active ingredient of the product consists of the following when used within the dosage limit established: (a) Resealed carbon dioxide from combined sodium biphosphate anhydrous, sodium acid pyrophosphate and sodium bicarbonate. Adult rectal dose is 1.2 gm to 1.5 gm sodium biphosphate anhydrous, 0.04 gm sodium acid pyrophosphate and 1.0 gm to 1.5 gm sodium bicarbonate releasing approximately 220 ml carbon dioxide per moistened suppository. No pediatric dosage for children under 12 years. The suppository is moistened by placing under a water tap for about 30 seconds or by immersing in a cup of water for at least 10 seconds prior to rectal insertion.

§ 334.30 Combinations of active laxative ingredients.

The active laxative ingredients of the product consist of the combination of ingredients permitted in § 334.32 within the dosage range for such active ingredients established in § 334.30, 334.12, 334.14, 334.16, 334.18 or § 334.20 and meet the laxative combination criteria established in § 334.31.

§ 334.31 Laxative combination criteria.

(a) The sum of the percentages of the effective range dosage (EDR) determined in paragraph (b) of this section for each active ingredient in the combinations permitted in § 334.32 shall not exceed 100 percent.
(b) The method used for determining the EDR percentage value of each active ingredient is as follows:

\[ \frac{L \text{ max} \times \text{EDR (min)}}{\text{EDR (max) - EDR (min)}} \times 100 = \% \text{EDR of each ingredient} \]

where:
(1) L max d is the labeled maximum daily dosage for the product.
(2) EDR (min) is the effective range dosage minimum of the monograph, and EDR (max) is the effective range dosage maximum of the monograph for the active ingredient established in this Subpart B of such ingredient established in §§ 334.10, 334.12, 334.14, 334.16, 334.18 or 334.20.

§ 334.32 Permitted active ingredient combinations.

(a) Oral dosage forms. (1) Dioctyl calcium sulfosuccinate and danthron.
(2) Dioctyl sodium sulfosuccinate and casanthranol.
(3) Dioctyl sodium sulfosuccinate and diethanthon.
(4) Dioctyl sodium sulfosuccinate and phenolphthalein.
(5) Cascara sagrada and aloe.
(6) Cascara sagrada and magnesium hydroxide.
(7) Cascara sagrada and phenolphthalein.
(8) Malt soup extract and bland psyllium seed.
(9) Malt soup extract and bland psyllium seed husks.
(10) Mineral oil and casanthranol.
(11) Mineral oil and cascara sagrada.
(12) Mineral oil and cascara sagrada fluid extract.
(13) Mineral oil (emulsified) and magnesium hydroxide.

(b) Rectal dosage forms. (1) Glycerin and dioctyl sodium sulfosuccinate.
(2) Sorbitol and dioctyl potassium sulfosuccinate.

§ 334.35 Combinations with nonlaxative active ingredients.

(a) The antacid ingredient, sodium bicarbonate, identified in § 331.11(k) of this chapter may be combined with sodium acid pyrophosphate identified in § 334.16(c) for purposes of product formulation (effervescence) but is not an active ingredient when used for this purpose.

Subpart C—[Reserved]

Subpart D—Labeling

§ 334.50 Labeling of laxative products.

(a) Indications. (1) The labeling shall identify the product as a "laxative" for the "short-term relief of constipation." The appropriate definition(s) describing the action of the active ingredient(s) as set forth in § 334.3 shall appear on the label. Products containing 2 laxative ingredients with differing modes of action shall identify both modes of action in the labeling of the product.

(b) Products containing magnesium hydroxide may be labeled as both an antacid and a laxative. No claims of superior laxation on the basis of the antacid properties shall be permitted.

(c) Rectal suppository products releasing carbon dioxide shall describe the mode of action as a gentle pressure in the rectum from expanding gas thereby promoting bowel movement.

(d) Directions for use. The labeling of the product contains the recommended dosage and appropriate directions identified under §§ 334.10, 334.12, 334.14, 334.16, 334.18, 334.20 or 334.22, under the heading "Directions," per time interval, e.g., every 4 hours, or other time period, e.g., once daily or at bedtime broken down by age groups if appropriate followed by "or as directed by a physician."

(e) Warnings. The labeling of the product contains the appropriate warning(s) under §§ 334.52, 334.54, 334.56, 334.58, 334.60, 334.62, or 334.64 and the following general statement under the heading "Warnings," which may be combined with warnings for specific ingredients to eliminate duplicative words or phrases so the resulting warning is clear and understandable:

(1) "Do not use this product when abdominal pain, nausea, or vomiting are present."
(2) "If you have noticed a sudden change in bowel habits that persist over a period of 2 weeks, consult a physician before using a laxative."
(3) "This product should not be used for a period of longer than 1 week except under the advice and supervision of a physician."
(4) For products containing more than 15 mEq (345 mg) sodium in the maximum recommended daily dose:
(i) "Do not use this product except under the advice and supervision of a physician if you are on a low salt diet."
(ii) "Do not use this product except under the advice and supervision of a physician if you have kidney disease."
(5) For products containing more than 25 mEq (975 mg) potassium in the maximum recommended daily dose: "Do not use this product except under the advice and supervision of a physician if you have kidney disease."
(6) For products containing more 50 mEq (600 mg) magnesium in the maximum recommended daily dose: "Do not use this product except under the advice and supervision of a physician if you have kidney disease."
"Drug interaction precautions. The labeling of the product, where appropriate under §§ 334.52, 334.56 or 334.62, contains drug interaction precautions, under the heading "Drug Interaction Precautions."

(e) Statement of sodium content. A product containing more than 1.0 mEq (23 mg) sodium per maximum daily dose shall be labeled as to the sodium content per dosage unit.
§ 334.52 Bulk forming laxatives.
(a) Warnings. The labeling of the product contains the following warnings, under the heading "Warnings":
(1) "Caution: Drink a full glass (8 oz.) of liquid with each dose.
(2) For products containing castor oil:
(a) For rectal use only and not for oral use. Large doses of castor oil may lead to serious toxic effects.
(b) "Do not take this product if you are presently taking salicylates or a prescription drug."
(3) For oral preparations: "Do not give to children under 6 years of age except under the advice and supervision of a physician."
(b) Drug interaction precaution. For products containing cellulose derivatives: "This product may combine with certain other drugs. Do not take this product if you are presently taking salicylates or a prescription drug."

§ 334.54 Hyperosmotic laxatives.
The labeling of the product contains the following warnings under the heading "Warnings":
(a) For products containing glycerin:
(1) "For rectal use only and not for oral use. Large doses of glycerin if taken orally can lead to serious toxic effects.
(2) "Caution: Glycerin administered rectally may produce in some individuals rectal discomfort or a burning sensation."
(b) For products containing sorbitol:
"For rectal use only."

§ 334.56 Lubricant laxatives.
The labeling of the product contains the following warnings under the heading "Warnings":
(a) For products containing mineral oil:
(1) "For rectal use only and not for oral use. Large doses of mineral oil if taken orally can lead to serious toxic effects.
(2) "Caution: Mineral oil administered rectally may produce in some individuals rectal discomfort or a burning sensation."
(b) Drug interaction precaution. For products containing cellulose derivatives: "This product may combine with certain other drugs. Do not take this product if you are presently taking salicylates or a prescription drug."

§ 334.58 Saline laxatives.
The labeling of the product contains the following warnings under the heading "Warnings":
(a) For oral preparations:
(1) "Do not give to children under 6 years of age except under the advice and supervision of a physician."
(2) For rectal preparations:
"Do not give to children under 6 years of age except under the advice and supervision of a physician."

§ 334.60 Stimulant laxatives.
The labeling of the product contains the following warnings, under the heading "Warnings":
(a) For all products containing stimulant laxatives:
(1) "Caution: Prolonged or continued use of this product can lead to laxative dependency and loss of normal bowel function."
(2) "Serious side effects from prolonged use or overdose can occur.
(3) "This product should be used only occasionally, but in any event no longer than daily for 1 week, except on the advice of a physician."
(b) For products containing bisacodyl:
(1) "Do not give to children under 3 years of age or to persons who cannot swallow without chewing."
(2) "Do not give to children under 3 years of age or to persons who cannot swallow without chewing."
(3) "Caution—Do not take this product within 1 hour after taking an antacid and/or milk."
(4) "This product may cause abdominal discomfort, faintness, rectal burning and mild cramps."
(5) "Store in a cool place at temperatures not above 86° F (30° C)."
(c) For products containing castor oil:
(1) "For the treatment of isolated episodes of constipation."
(2) "Do not take this product on a daily basis except under the advice and supervision of a physician."
(3) "Caution: Castor oil affects the small intestine and regular use may cause excessive loss of water, and body salts, which can have debilitating effects."
(d) For products containing pheosphphetamine: "Caution: If a skin rash appears, do not use this product or any other preparation containing pheosphosphate."

§ 334.62 Stool softener laxatives.
(a) For all products containing stool softener laxatives:
(1) "Warnings: Rare cases of allergic reactions and urticaria caused by karaya have been reported."
(2) "Inadequate fluid intake may cause large bowel obstructions."
(b) For products containing senna:
May contain as an additional indication, "For the preparation of the colon for x-ray and endoscopic examination."
(c) For products containing bisacodyl:
May contain as an additional indication, "For the preparation of the colon for x-ray and endoscopic examination."
(d) For products containing karaya (sterculia gum):
(1) "Warnings: Rare cases of allergic reactions and urticaria caused by karaya have been reported."
(2) "Inadequate fluid intake may cause large bowel obstructions."

§ 334.64 Miscellaneous laxative.
For products providing for release of carbon dioxide from a rectal suppository or enema, the labeling of the product contains the following warnings under the heading "Warnings":
(a) "For rectal use only."
(b) "Do not lubricate with mineral oil or petrolatum jelly prior to rectal insertion."

§ 338.90 Professional labeling.
The labeling of the product provided to health professionals (but not to the general public):
(a) For products containing phosphates:
(1) "Do not use in patients with megacolon, as hypematremic dehydration may occur. Use with caution in patients with impaired renal functions as hyperphosphatemia and hypocalcemia may occur.
(2) Shall provide the total dose of sodium in mEq (mg) per standard dose.
(b) For products containing mineral oil:
(1) May contain as an additional indication, "For the preparation of the colon for x-ray and endoscopic examination."
(2) Shall contain the following: "Side effects with the proper use of mineral oil are few. However, with chronic use and particularly with excess dosage, laxation, anal leakage and dermatologic reactions may occur. Occlusion of the colon by its property as a lipid solvent, liquid paraffin (mineral oil) may interfere with the absorption of pro-vitamin A, vitamin A, and vitamin D leading to impairment of calcium and phosphorus metabolism. This occurs only under conditions of chronic usage. Administration of mineral oil may lower prothrombin levels, probably secondary to impaired vitamin K absorption, and regular use in pregnancy may predispose to hemorrhagic disease of the newborn. Because of possible interference with nutrition, mineral oil should not be ingested in close proximity to meals. These side effects occur very rarely and then only with chronic and abusive use."
(c) For products containing castor oil:
May contain as an additional indication, "For the preparation of the colon for x-ray and endoscopic examination."
(d) For products containing karaya (sterculia gum):
(1) "Warnings: Rare cases of allergic reactions and urticaria caused by karaya have been reported."
(2) "Inadequate fluid intake may cause large bowel obstructions."
(f) For products containing bisacodyl:
May contain additional indications, "For use in preparation of the patient for surgery or for preparation of the colon for x-ray and endoscopic examination."

PART 335—ANTI-DIARRHEAL PRODUCTS FOR OVER-THE-COUNTER HUMAN USE
Subpart A—General Provisions
Sec. 335.1 Scope.
335.3 Definitions.
Subpart B—Active ingredients
335.10 Anti-diarrheal active ingredients.
Proposed Rules

335.50 Labeling for antidiarrheal products.


Subpart A—General Provisions

§335.1 Scope.

An over-the-counter antidiarrheal product in a form suitable for oral administration 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.

§335.3 Definitions.

As used in this part:

(a) Diarrhea. The abnormally frequent passage of watery stools, self-limiting (24-48 hours) usually with no identifiable cause.

(b) Antidiarrheal. An agent that is effective for the treatment of diarrhea.

Subpart B—Active Ingredients

§335.10 Antidiarrheal active ingredients.

The active ingredient of the product consists of the following when used within the dosage limit established for each ingredient:

(1) Opium—opium powder, tincture of opium, paregoric (camphorated tincture of opium). (1) Adult oral dosage is 1.5 gm to 3.0 gm if appropriate, followed by "except under the advice or supervision of a physician if you have kidney disease.

(2) "Do not use this product except under the advice and supervision of a physician if you have kidney disease.

(3) For products containing more than 50 mEq (600 mg) magnesium in the maximum recommended daily dose: "Do not use this product except under the advice and supervision of a physician if you have kidney disease.

(c) Statement of sodium content. A product containing more than 1.0 mEq (23 mg) sodium per maximum daily dose shall be labeled as to the sodium content per dosage unit.

PART 336—ANTIMETIC PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec. 336.1 Scope.

Subpart B—Active Ingredients

336.10 Antimetih active ingredients.

Subpart C—(Reserved)

Subpart D—Labeling

336.50 Labeling for antihemetic products.


Subpart A—General Provisions

§336.1 Scope.

An over-the-counter antiemetic product in a form suitable for oral administration 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.

Subpart B—Active Ingredients

§336.10 Antiemetic active ingredients.

The active ingredients of the product consists of the following when used within the dosage limit established for each ingredient:

(a) Cyclizine. Adult oral dosage is 50 mg to 200 mg daily. Children: 6 to 12 years oral dosage is 25 mg up to 3 times daily.

(b) Dimenhydrinate. Adult oral dosage is 250 mg to 400 mg daily in 4 divided doses. Children 2 to 6 years oral dosage is 12.5 mg to 25 mg up to 3 times daily and children over 6 years oral dosage is 25 mg up to 3 times daily.

(c) Meclizine. Adult oral dosage is 25 mg to 50 mg once daily.

Subpart C—(Reserved)

Subpart D—Labeling

§336.50 Labeling for antiemetic products.

(a) Indications. The labeling shall identify the product as a "antiemetic" for the "treatment of nausea and vomiting associated with motion sickness."

(b) Directions for Use. The labeling of the product contains the recommended dosage and appropriate directions identified under §336.10, under the heading "Directions", per time interval or other time period, (e.g., 4 times daily), broken down by age groups if appropriate, followed by "except under the advice or supervision of a physician."

(c) Warnings. The labeling of the product contains the following warning(s) under the heading "Warnings":

(1) "Drowsiness sometimes occurs while taking this product." "Do not operate motor vehicles or other machinery while taking this product."

(2) "Do not take this product in the presence of glaucoma or enlargement of the prostate gland, except under the advice and supervision of a physician."

(3) For products containing cyclizine: "Do not give to children under 6 years of age except under the advice and supervision of a physician.

(4) For products containing meclizine: "Do not give to children under 12 years of age except under the advice and supervision of a physician."

PART 337—EMETIC PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec. 337.1 Scope.

Subpart B—Active Ingredient

337.10 Emetic active ingredient.

Subpart C—(Reserved)

Subpart D—Labeling

337.50 Labeling for emetic products.


Subpart A—General Provisions

§337.1 Scope.

An over-the-counter emetic product in a form suitable for oral administration 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.

Subpart B—Active Ingredients

§337.10 Emetic active ingredient.

The active ingredient of the product consists of the following when used within the dosage limit established:
PROPOSED RULES

(a) *Ipecac syrup.* (1) Oral dosage is 15 ml above 1 year of age. Infants under 1 year of age oral dosage is 5 ml to maximum 10 ml. If emesis (vomiting) does not occur within 20 minutes, a similar dose is repeated once.

(2) The OTC product container shall not contain more than 30 ml of ipecac syrup.

Subpart C—[Reserved]

Subpart D—Labeling

§ 337.50 Labeling of emetic products.

(a) **Indications.** The labeling shall identify the product as an “emetic” to “induce vomiting (emesis) in case of poisoning.”

(b) **Directions for use.** The labeling of the product contains the recommended dosage and appropriate directions identified under § 336.10, under the heading “Directions”, followed by “except under the advice or supervision of a physician”.

(c) **Warnings.** The labeling of the product contains the following warnings, under the heading “Warnings”:

(1) “Before using, call physician, Poison Control Center, or hospital emergency room for advice.”

(2) “Do not use in unconscious persons.”

(3) “Caution: If vomiting (emesis) does not occur after a repeated dose or after the first dose if a second dose is not given the ipecac should be recovered by gastric lavage.”

(4) “Ordinarily, this drug should not be used if strychnine, corrosives such as alkalies (lye) and strong acids, or petroleum distillates such as kerosene, gasoline, paint thinner, or cleaning fluid have been ingested.”

Interested persons are invited to submit their comments in writing (preferably in quintuplicate) regarding this proposal on or before June 19, 1975. 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 June 19, 1975. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 11, 1975.

A. M. Schmidt,
Commissioner of Food and Drugs.
DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions
Note and public procedures described therein, which are dependent upon determinations made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (40 Stat. 1494, as amended (40 U.S.C. 76a)), and provisions for the payment of wages which are dependent upon determinations made by the Secretary of Labor pursuant to 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 Precedetermination 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 determinations 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 (40 Stat. 1494, as amended (40 U.S.C. 76a)), and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these determinations 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.

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 DECISION
STATE: Pennsylvania
COUNTIES: Cameron, Clarion, Clearfield, Jefferson

DESCRIPTION OF WORK: Building Construction

EXEMPTIONS OR WORKS: Building Construction

DATE: Date of Publication (excluding single family homes and garden type apartments up to and including 4 stories)

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**LABORERS (CONT'D)**

- Rod carrier, scaffold builder, ball & bottom man on furnaces & stacks, motor mixer, motor mixing machine (regardless of power used, for starting & stopping), grout machine feeder & pump operator
- Concrete saw operators
- Demolition workmen
- Blaster & wage drill operators

**LINE CONSTRUCTION**

- Cameron County
  - Lineman, dynamite man, heavy equipment operator
- Groundman-Truck Driver
- Remaining Counties:
  - Lineman
  - Winch truck operator

**MILLWRIGHTS**

- Jefferson County
  - Brookway
  - Spray
  - Beaver, Kingsley, and Porter Co.

**PAINTERS**

- Commercial Brush
- Industrial Brush
- Industrial Spray
- Remaining of Counties plus Remaining Twps in Jefferson County

**PILEDRIVERMEN**

- Clarion County
- Clearfield and Jefferson Co

**PLASTERERS**

<table>
<thead>
<tr>
<th>Basic Hourly Rate</th>
<th>Basic Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Basic Hourly Rate</td>
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**NOTICES**

FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975
<table>
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<tr>
<th>CLASS</th>
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<th>Fringe Benefits Payments</th>
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Class 1: Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cable-lay, caisson drill, central, mix plan, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick travel (self-propelled), derrick (all types), derrick booms, dragline, dredge, engineer-maintenance framer or similar type, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes, hi-lift 4 1/2 ton or over, hoist-box (2 cages up to 10 floors), hoist-singel cage with Chicago boom attached, hoist (in 10 floors or over), hoist to or similar type with 150 swing, hop-to or similar type with 360 swing, loco, hoist, hoist (50 ft. or over), low-lift 1 yard or over, hoist-hod (2 cages up to 10 floors), hoist (10 floors or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing.

Class 1A: Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure).

Class 1B: Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead.

Class 1C: Cranes (boom or mast over 200 ft.)

Class 2: Asphalt plant op., athey loader, super-truck, truck or tractor mounted, back-filling machine, boat-mixed or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sandblasting machine (combination). concrete bolt placer, crane, overhead, crushing and screening plants, drillers (truck or skid mounted), drill sore (boom truck or similar type), drill- well & bore (truck mounted), elevator world hoist, excavator equipment (all other), grader, grader-elevating, grader-equipment (hoist), hi-lift less than 1 yard, hoist-one drum (1 floor or over), hoist-box (10 floors or over), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving machine, pipe cleaning machine, refrigerator plant, rock carrier or similar type, scoop (single bowl) self-powered tractor, spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over), pump spreader machine op., (stationary), tire repairman, welder (repairman).

Class 2A: Conveyors & units or more

Class 2B: Other, compactor (ridden or self-propelled) concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well and horizontal (self-propelled and self-contained), elevator, forklifts (ridden or self-propelled), hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller saw concrete, soil stabilizer (pump type), stone crusher, stone spreader, self-propelled tractor (when used for paving and grading), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other equipment.
CLASS 4: Ballast regulator, boring machines, broom power (except push type), compressor-single (regardless of power used), conveyor-1 and up to 3 units (regardless of power used), form line machine, generator (over 5000 kW), hoist monorail (regardless of power used), hoist roof (regardless of power used), hunk machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used), pump (over 1-1/2" discharge, regardless of power used), spray cure machine (power driven) steam syphon (or similar type), syphon steam or air, welding machine single (300 Amp or over), plant, private or industrial air or stream valve.

CLASS 5: Compressor-65 c.f. or under (regardless of power used), conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump-1" discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping), water blaster, oilertruck crane 50 ton or over.

CLASS 6: Brake man, deck hand, helicopter, signalman,mailer, mechanical helper

CLASS 6A: Crane truck oiler and fireman

CLASS 6B: Oilier - truck crane 50 ton or over

---

<table>
<thead>
<tr>
<th>FLUMBERS &amp; SEWAGE FITTERS</th>
<th>ROOFERS COMPOSITION</th>
<th>SHEET METAL WORKERS</th>
<th>SPRINKLER FITTERS</th>
<th>TRUCK COUNTY</th>
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<tr>
<td>Clarion County</td>
<td>Remaining Counties</td>
<td>Cameron and Clearfield Cos.</td>
<td>Remaining Counties</td>
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<td>Warehousemen, service trucks (pick-up, comp, station wagon, panel truck)</td>
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<tr>
<td>Dumps and flat tops</td>
<td>Transit-truck, tri-axle, single axle</td>
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<td>Distributed truck over 3000 lbs</td>
<td>Distributed truck up to 3,000 lbs</td>
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<tr>
<td>Transit-truck, tandem</td>
<td>Distributed truck over 3000 lbs</td>
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<td>Heavy duty trailers with high bed, 5 wheels</td>
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<tr>
<td>Heavy duty trailers with low bed, 6 to 10 wheels</td>
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<tr>
<td>Trucks with dolly</td>
<td>Nuclid or equivalent</td>
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<td>Truck with pump trailers or tandems</td>
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<tr>
<td>Winch trucks</td>
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<tr>
<td>Towing equipment off job site</td>
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<tr>
<td>Cameron County</td>
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<tr>
<td>Trucks up to 30,000 lbs.</td>
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<td>(includes pickup, fuel and water trucks), warehousesmen</td>
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<tr>
<td>Trucks over 30,000 lbs.</td>
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<tr>
<td>(includes fuel and water trucks)</td>
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<td>Trl-Axle Trucks over 30,000 lbs.</td>
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<td>(includes fuel and water tri-trucks)</td>
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<tr>
<td>Low Boy</td>
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<tr>
<td>Concrete Mixer Trucks</td>
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<td>Concrete Mixer Trucks (Tri-Axle)</td>
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<tr>
<td>Semi-Trailer</td>
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### Earth Moving Equipment

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<tr>
<th>Capacity</th>
<th>Rate</th>
<th>H &amp; F</th>
<th>Person</th>
<th>Vacation</th>
<th>App</th>
<th>Tr.</th>
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<tbody>
<tr>
<td>0-35 Ton (Belly Dump, Side Dump, End Dump, etc.)</td>
<td>$7.70</td>
<td>$20</td>
<td>$20</td>
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<td>50</td>
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<tr>
<td>35 Ton (Belly Dump, Side Dump, End Dump, etc.)</td>
<td>$7.60</td>
<td>$20</td>
<td>$20</td>
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<td>50</td>
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<tr>
<td>A-Frame and Winch Trucks (when used for hauling material on bed of truck)</td>
<td>$7.40</td>
<td>$20</td>
<td>$20</td>
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<tr>
<td>Distributor Truck (Oil, Tar, Asphalt, etc.)</td>
<td>$7.70</td>
<td>$20</td>
<td>$20</td>
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<tr>
<td>Clearfield and Jefferson: Service, dump, flat top, Jeep, fuel and water</td>
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<td>g</td>
<td>h</td>
<td>50</td>
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<tr>
<td>Transit mix, dump trailer, winch truck</td>
<td>$5.20</td>
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<td>h</td>
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<td>Bulldozer, &amp; tractor trailer</td>
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Welders receive rates prescribed for craft performing operation to which welding is incidental.

### 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.** Employer contributes $5.00 per year.
- **b.** Employer contributes 50% of basic hourly rate for 5 years or more of service or 25% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- **c.** Paid holidays: A through F.
- **d.** Nine paid holidays: A through F and Washington’s Birthday; Good Friday and Christmas Eve provided the employee has worked 40 full days for the employer during the 100 days prior to the holiday and is available for work the days preceding and following the holidays.
- **e.** Paid holiday Labor Day provided the employee has worked six calendar months and appears on the payroll during the pay period in which the holiday occurs.
- **f.** Paid Holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.
- **h.** $8.00 per week.
## STATE: South Carolina
## COUNTY: Greenville
## DECISION NUMBER: SC75-1038
## DATE: Date of Publication

### DESCRIPTION OF WORK:
Building Construction (excluding single family homes and garden type apartments up to and including 8 stories).

### Basic Fringe Benefits Payments

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<th>Occupation</th>
<th>Basic Rate</th>
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<td>Carpenters</td>
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### MODIFICATIONS P. 2

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<tr>
<th>DECISION #FL75-1009 - Mod. #1</th>
<th>DECISION #FL75-1010 - Mod. #1</th>
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<td>Orange County, Florida</td>
<td>Hillsborough County, Florida</td>
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</table>

**Changes:**

- **Asbestos workers**: 8.91 \( \times \) 30 \( \times \) 0.06
- **Boilermakers**: 8.20 \( \times \) 60 \( \times \) 0.01
- **Bricklayers & Stonemasons**: 8.05 \( \times \) 35 \( \times \) 0.02
- **Marble Mason & Plasterers**: 8.05 \( \times \) 35 \( \times \) 0.02
- **Cement Masons**: 8.00 \( \times \) 35 \( \times \) 0.02
- **Roofer**: 7.00 \( \times \) 35 \( \times \) 0.02
- **Kettlemen**: 5.50 \( \times \) 35 \( \times \) 0.02
- **Helpers**: 4.90 \( \times \) 35 \( \times \) 0.02
- **Sheet Metal Workers**: 8.11 \( \times \) 30 \( \times \) 0.06
- **Terrazzo Workers**: 8.05 \( \times \) 30 \( \times \) 0.06
- **Tile Settlers**: 5.05 \( \times \) 25 \( \times \) 0.02

### MODIFICATIONS P. 3

<table>
<thead>
<tr>
<th>DECISION #FL75-1011 - Mod. #2</th>
<th>DECISION #FL75-1016 - Mod. #1</th>
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<tbody>
<tr>
<td>Broward County, Florida</td>
<td>Duval County, Florida</td>
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</table>

**Changes:**

- **Asbestos workers**: 8.81 \( \times \) 30 \( \times \) 0.04
- **Boilermakers-Blacksmith**: 8.20 \( \times \) 60 \( \times \) 0.02
- **Carpenters and Soft Floor Layers**: 7.42 \( \times \) 30 \( \times \) 0.03
- **Electricians**: 8.50 \( \times \) 30 \( \times \) 0.04
- **File Drivermen and Acoustical Workers**: 7.42 \( \times \) 30 \( \times \) 0.03
- **Plumbers and Steamfitters**: 9.23 \( \times \) 40 \( \times \) 0.06

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FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975
**MODIFICATIONS P. 4**

**DECISION #PH75-1001 - Mod. #1**  
(60 FR 7801 - February 21, 1975)  
Escambia, Okaloosa, Santa Rosa & Walton Counties, Florida

<table>
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<td>Boilermakers</td>
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<td>Bricklayers &amp; stoneasons</td>
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<td>Marbel makers, terrazzo workers &amp; tile setters</td>
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<td>Linemen</td>
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<td>.30</td>
<td>.05</td>
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<td>Plumbers &amp; Steamfitters: Remaining Counties &amp; Walton Co., W. of Rte. 332 incl.</td>
<td>10.10</td>
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**DECISION #PH75-5023 - Mod. #2**  
(60 FR 7803 - February 21, 1975)  
Statewide, Idaho

<table>
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<td>.25</td>
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<td>Elevator Constructors: Remainder of Counties and Idaho County (South of 46th Parallel)</td>
<td>8.60</td>
<td>.45</td>
<td>.29</td>
<td>.35</td>
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<tr>
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<td>.45</td>
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<td>Elevator Constructors’ Helpers</td>
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<tr>
<td>Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Clark, Franklin, Freemont, Jefferson, Madison, Oneida, Power, Teton Co.</td>
<td>8.00</td>
<td>.32</td>
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</table>

**MODIFICATIONS P. 5**

**DECISION #IN75-2024 - Mod. #1**  
(40 FR 7824 - February 21, 1975)  
Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union & Wayne Counties, Indiana

<table>
<thead>
<tr>
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</table>

FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975
DECISION at 475-6037—MOD. 62
(40-3R-4831—January 31, 1975)
Burlington County (City of Burlington & abutting municipalities), Iowa

CHANCE:
Heavy & Highway Construction:

Power Equipment Operators:

<table>
<thead>
<tr>
<th>Group</th>
<th>Basic Hourly Rate</th>
<th>Fringe Benefit Rates</th>
<th>Payroll Base</th>
<th>App. Tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>6.60</td>
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<td>.40</td>
<td>.03</td>
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<td>.40</td>
<td>.40</td>
<td>.03</td>
</tr>
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<td>Group 3</td>
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<td>Group 4</td>
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<td>.03</td>
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<td>Group 5</td>
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<tr>
<td>Group 6</td>
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<td>.40</td>
<td>.40</td>
<td>.03</td>
</tr>
</tbody>
</table>

CLASSIFICATIONS DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1—Power shovel, crane, backhoe, dragline; Central mix plant op.; Dredge engineer; Dredge leverman; Power or spreader op.; Holistic engineer (steel erection); Motor Patrol; Pile driver machine op.; Concrete mixer; Tow or push boat op.; Motor Mechanic.

GROUP 2—C.M.I. paver; C.M.I. subgrader (or equivalent); Asphalt plant op.; Front end loader op.; Scraper op.; Bull Dozer; Excavator; Tractor pulling scraper; Sideboom tractor; Curb or rotary drill; Trenching machine (Cleveland 80 or similar capacity); Asphalt laydown op.; Asphalt screed op.; Asphalt heater-planer unit; Asphalt roller op.; Self-propelled elevating grader or similar machine; Spreader op.; Concrete placer; Concrete pump.

GROUP 3—Concrete curb breaker machine; Concrete widening machine op.; Paving breaker op.; Barber-Green; Sidewinder; loader or similar machine; Tractor pulling ripper, disc, shearfoot or flat roller; Self-propelled shearfoot roller.

GROUP 4—Self-propelled roller op. (other than asphalt); Distributor op.; Screening & washing plant op.; Self-propelled vibratory compactor; Trenching machine op. (other than above); Steel placing machine op.; Concrete mixer; Finishing machine op. (for concrete); Flexplane op.; Pull float op.; Form Gracer op.

GROUP 5—Boiler op.; Mechanical broom op.; Oilier or mechanics helper or group grease helper; Farm-type tractor (pulling disc, harrow or roller); Welding machine op.; Pump op. (other than dredge) – Boom & winch truck op.; Pump op. (other than dredge); Boom & winch truck op.; Dealer or mechanics helper or group grease helper; Farm-type tractor (pulling disc, harrow or roller); Welding machine op.; Pump op. (other than dredge) – Boom & winch truck op.; Compressor op.; Tank car heater (combination boiler & heater); Pumps on wellpoints & dewatering; Truck crane combination driver-operators; Concrete curing machine op.; Safety boat op.

GROUP 6—Batch plant op.—Dry.

FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975
### Pottawattamie County

**Change:**
- **Building Construction:**
  - Asbestos Workers: $10.00

### Black Hawk County

**Change:**
- **Building Construction:**
  - Carpenters: 6.97
  - Sheet Metal Workers: 8.41

### Statewide Louisiana

**Description:**
- **Building (including Residential in Bossier, Caddo, & Calcasieu Parishes only) Construction and Construction of Highways, Roads, Streets and Parking Areas (except in St. Mary Parish and those let with a building contract)**
  - **Lathers:**
    - Zone 2: 8.275
  - **Painters:**
    - Zone 8:
      - Group 1: 6.05
      - Group 2: 7.05
      - Group 3: 6.55
    - Sheet Metal Workers Zone 2: 8.56

### Clark County, Nevada (Excluding the Nevada Test Site)

**Change:**
- **Carpenters:**
  - Group 1: 8.13
  - Group 2: 8.39
  - Group 3: 8.64
  - Group 4: 8.78
  - Group 5: 8.96
  - Group 6: 9.06
  - Group 7: 9.17
  - Group 8: 9.32
  - Group 9: 9.43

### Washoe County, Nevada

**Change:**
- **Carpenters:**
  - Group 1: 8.13
  - Group 2: 8.39
  - Group 3: 8.64
  - Group 4: 8.78
  - Group 5: 8.96
  - Group 6: 9.06
  - Group 7: 9.17
  - Group 8: 9.32
  - Group 9: 9.43
### Decision AQ-2081 - Mod. #6
(39 FR 11805 - March 29, 1974)
Cambria County, Pennsylvania

<table>
<thead>
<tr>
<th>Change</th>
<th>Electricians</th>
<th>Line Construction:</th>
<th>Plasterers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$10.10</td>
<td>$10.40</td>
<td>$10.30</td>
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<td>.05</td>
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<td>.05</td>
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### Decision #TX75-4007 - Mod. #2
(40 FR 3165 - January 17, 1975)
Cameron, Hidalgo, Starr & Willacy Counties, Texas

<table>
<thead>
<tr>
<th>Change</th>
<th>Linemen</th>
<th>Groundmen, 1st 6 mos.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$6.41</td>
<td>7.70</td>
</tr>
<tr>
<td></td>
<td>.28</td>
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<td>1%</td>
<td>1%</td>
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<tr>
<td></td>
<td>1/2%</td>
<td>1/2%</td>
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</tbody>
</table>

### Decision #TX75-4020 - Mod. #4
(40 FR 3922 - January 24, 1975)

<table>
<thead>
<tr>
<th>Change</th>
<th>Lathers</th>
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<tbody>
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<td></td>
<td>7.75</td>
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<td>.01</td>
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### Decision #TX75-4022 - Mod. #2
(40 FR 3927 - January 24, 1975)
Bexar, Bosque, Burleson, Falls, Hill & McLennan Counties, Texas

<table>
<thead>
<tr>
<th>Change</th>
<th>Building Construction: Glaziers</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>5.90</td>
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### DECISION NO. TX75-4025 - Mod. #4

(40 FR 3933 - January 24, 1975)

Skeletal and Harris Counties, Texas

<table>
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<th>Change:</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>H &amp; W</td>
</tr>
<tr>
<td>Bricklayers &amp; Stonemasons</td>
<td>$8.69</td>
<td>.325</td>
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</table>

### DECISION NO. TX75-4029 - Mod. #3

(40 FR 3940 - January 24, 1975)

Lubbock County, Texas

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<th>Change:</th>
<th>Basic Hourly Rates</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>H &amp; W</td>
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<tr>
<td>Cement Masons</td>
<td>$6.25</td>
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### DECISION NO. TX75-4047 - Mod. #2

(40 FR 5969 - February 7, 1975)

Brazos County, Texas

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<tbody>
<tr>
<td></td>
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<td>H &amp; W</td>
</tr>
<tr>
<td>Bricklayers</td>
<td>$8.69</td>
<td>.325</td>
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### DECISION NO. TX75-4056 - Mod. #2

(40 FR 8755 - February 28, 1975)

Wichita County, Texas

<table>
<thead>
<tr>
<th>Change:</th>
<th>Basic Hourly Rates</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>H &amp; W</td>
</tr>
</tbody>
</table>
| Plumbers-Pipefitters:  
  Zone 1  | $8.05 | .25 | .35 | .02 |
| Zone 2  | $8.15 | .25 | .35 | .02 |
| Zone 3  | $8.30 | .25 | .35 | .02 |
| Zone 4  | $9.15 | .25 | .35 | .02 |
| Zone 5  | $9.45 | .25 | .35 | .02 |

### DECISION NO. MD75-R20 - Mod. #1

(40 FR 937 - January 3, 1975)

Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the city of Alexandria and Dulles International Airport, Virginia.

<table>
<thead>
<tr>
<th>Change:</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>H &amp; W</td>
</tr>
</tbody>
</table>
| Ironworkers:  
  Structural, Ornamental and Chain Link Fence | $9.65 | .50 | .60 |
<p>| Reinforcing | $9.55 | .50 | .60 | .05 |
| Lineman, Cable Splicers, Equipment Operators | $10.11 | .35 | .75 |
| Truck With Winch, Truck Pole or Steel Handling | $7.13 | .35 | .75 |
| Groundmen (0 to 1 year) | $5.71 | .35 | .75 |
| Groundmen (1 to 2 years) | $6.40 | .35 | .75 |
| Groundmen (over 2 years) | $6.97 | .35 | .75 |
| Terrazzo and Mosaic Workers | $9.33 | .40 | .30 |
| Terrazzo Workers' Helpers | $8.05 | .40 | .30 |
| Tile Setters | $9.33 | .40 | .30 |
| Tile Setters' Helpers | $8.05 | .40 | .30 |</p>
<table>
<thead>
<tr>
<th></th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>H &amp; W</td>
</tr>
<tr>
<td>Cement Masons:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties</td>
<td>8.23</td>
<td>.45</td>
</tr>
<tr>
<td>Lewis, Pierce, Thurston Cos., and the City of Auburn in King County</td>
<td>8.25</td>
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<tr>
<td>Electricians:</td>
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<tr>
<td>Chelan, Douglas, Grant, and Okanogan Counties</td>
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<tr>
<td>Electricians</td>
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<td>.35</td>
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<tr>
<td>Cable Splicers</td>
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<td>.35</td>
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<tr>
<td>Laborers (Area 1):</td>
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<tr>
<td>(All counties and portions of counties East of the 120th Meridian)</td>
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<tr>
<td>Group 1</td>
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<td>Group 3</td>
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<tr>
<td>Class B</td>
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<tr>
<td>Class C</td>
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<tr>
<td>Class D</td>
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SUPERScedes DECISION

STATE: Alabama
COUNTY: Madison

DECISION NO.: AL75-1032
DATE: Date of Publication

Supersedes Decision No. AL75-1028 dated February 28, 1975 in LO 75-1032

DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories)

<table>
<thead>
<tr>
<th>Basic Hourly Rate</th>
<th>Basic Hourly Rate</th>
<th>Fringe Benefit Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>H &amp; H</td>
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<tr>
<td>Asbestos workers</td>
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<tr>
<td>Boilermakers</td>
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<tr>
<td>Bricklayers</td>
<td>8.20</td>
<td>.30</td>
</tr>
<tr>
<td>Carpenters</td>
<td>7.19</td>
<td>.30</td>
</tr>
<tr>
<td>Cement Masons</td>
<td>6.75</td>
<td>.30</td>
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<tr>
<td>Electricians: Linemen</td>
<td>8.55</td>
<td>.30</td>
</tr>
<tr>
<td>Glazers</td>
<td>6.00</td>
<td>.30</td>
</tr>
<tr>
<td>Ironworkers:</td>
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<td></td>
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<tr>
<td>Reinforcing</td>
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<td>.10</td>
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<tr>
<td>Structural</td>
<td>7.605</td>
<td>.10</td>
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<tr>
<td>Laborers: Mason tenders</td>
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<tr>
<td>Air tool op. (jackhammer, vibrator)</td>
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<td>.15</td>
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<tr>
<td>Millwrights</td>
<td>6.18</td>
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<tr>
<td>Painters:</td>
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<tr>
<td>Commercial</td>
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<tr>
<td>Industrial</td>
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<tr>
<td>Plumbers: Firefighters</td>
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<td>.35</td>
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<tr>
<td>Roofers</td>
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<td>.35</td>
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<tr>
<td>Sheet metal workers</td>
<td>9.90</td>
<td>.45</td>
</tr>
<tr>
<td>Truck Drivers</td>
<td>5.47</td>
<td>.45</td>
</tr>
</tbody>
</table>

POWER EQUIPMENT OPERATORS:

|                   |                   | H & H | Pensions | Vacation | App. Tr. |
|                   |                   |       |          |          |          |
| Mechanic          | 8.13              | .25   | .25      | .25      |
| Electrician       | 8.13              | .25   | .25      | .25      |
| Bulldozers       | 8.13              | .25   | .25      | .25      |
| Motor Patrol      | 8.13              | .25   | .25      | .25      |
| Crane             | 8.13              | .25   | .25      | .25      |
| Scraper           | 8.13              | .25   | .25      | .25      |
| Tractor           | 7.16              | .25   | .25      | .25      |
| Front End Loader  | 8.13              | .25   | .25      | .25      |
| Oilser            | 6.18              | .25   | .25      | .25      |
| Air Compressor    | 6.18              | .25   | .25      | .25      |

FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975
## SUPERSEDES DECISION

**STATE:** Arizona  
**COUNTY:** Maricopa  
**DATE:** Date of Publication  
**SUPERSEDES DECISION No. AR-1009 dated August 9, 1974, in 39 FR 28781.**

**DESCRIPTION OF WORK:** Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

### ASBESTOS WORKERS

<table>
<thead>
<tr>
<th>Rate 1</th>
<th>Rate 2</th>
<th>Rate 3</th>
<th>Rate 4</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>$9.89</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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</table>

### BOILERMAKERS

<table>
<thead>
<tr>
<th>Zone</th>
<th>Rate 1</th>
<th>Rate 2</th>
<th>Rate 3</th>
<th>Rate 4</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>9.95</td>
<td>0.65</td>
<td>1.00</td>
<td>0.50</td>
<td>0.02</td>
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<tr>
<td>B</td>
<td>9.52</td>
<td>0.65</td>
<td>0.65</td>
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<tr>
<td>C</td>
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<td>0.65</td>
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### BRICKLAYERS; Stonemasons:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Rate 1</th>
<th>Rate 2</th>
<th>Rate 3</th>
<th>Rate 4</th>
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<tbody>
<tr>
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### CARPENTERS:

<table>
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<tr>
<th>Type</th>
<th>Rate 1</th>
<th>Rate 2</th>
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<tbody>
<tr>
<td>A</td>
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### CEMENT MASONS

<table>
<thead>
<tr>
<th>Rate 1</th>
<th>Rate 2</th>
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### DRYWALL:

<table>
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<th>Zone</th>
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<tr>
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</table>

### ELECTRICIANS:

| Zone A (Beginning at the northwes' corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKellips Road to a point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; southeard to Baseline Road West on Baseline Road to the intersection Baseline Road and Ellsworth Road; south on Ellsworth Road to Hunt Highway; west on Hunt Highway to Pavers Road; a line extending southward to Pavers Road five miles, then extending straight west to a point five miles west of Interstate 20, then northward on a line parallel with Interstate 10 to intersect with Pecos Road, west on Pecos Road to intersect with Cotton Lane, north on Cotton Lane to Beloat Road; west on Beloat Road to Airport Road; north on Airport Road to a straight line to intersect Waddell Road; east on Waddell Road to intersect with Cotton Lane; north on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersection with Hunt Highway and including Luke and Williams Air Force Bases.) |

<table>
<thead>
<tr>
<th>Electricians</th>
<th>Rate 1</th>
<th>Rate 2</th>
<th>Rate 3</th>
<th>Fringe Benefits Payments</th>
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<td>Lamp Splicers</td>
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**MARCH 21 1975**

FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975
<table>
<thead>
<tr>
<th>Zone</th>
<th>Electricians</th>
<th>Cable Splicers</th>
<th>Zone C (Outside edge of Zone B and extend to the outside limits of the Union's Jurisdiction.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone B</td>
<td></td>
<td></td>
<td>Zone C (Outside edge of Zone A and bounded by a line formed by measuring sixteen (16) road miles from the outer boundaries of an area enclosed by the following boundaries: Powers Road on the east from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the north. One mile south of Pinnacle Peak Road to Cotton Lane on the west. Cotton Lane to Pecos Road on the south. Pecos Road to Price Road and from Price Road to Hunt Highway on the south. Hunt Highway to Powers Road on the east.)</td>
</tr>
<tr>
<td></td>
<td>12.28</td>
<td>12.89</td>
<td>12.09</td>
</tr>
<tr>
<td></td>
<td>12.28</td>
<td>12.89</td>
<td>12.09</td>
</tr>
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</table>

**PLUMBERS; Steamfitters:**

| Zone A (0-30 miles from Phoenix) | 8.495 | 0.35 | 0.65 | 0.035 |
| Zone B (30-40 miles from Phoenix) | 8.995 | 0.35 | 0.65 | 0.035 |
| Zone C (40-50 miles from Phoenix) | 9.245 | 0.35 | 0.65 | 0.035 |
| Zone D (Over 50 miles from Tucson) | 9.39 | 0.65 | 1.24 | 1.25 | 0.10 |
### Plumbers; Steamfitters (Cont'd)

<table>
<thead>
<tr>
<th>Zone</th>
<th>Rates</th>
<th>Fringe Benefit Payments</th>
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<tr>
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<td>Zone III (30-40 miles)</td>
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<tr>
<td>Zone IV (40 miles and over)</td>
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- **Utility Mechanics**: For installation of metallic or non-metallic piping or conduits used in water mains, storm sewers, sanitary sewers, invasion piping and culvert piping (installation of gas distribution piping for Public Utility Companies); Lawn Sprinkler Mechanics (pipe layers, fountain and equipment installation, service and maintenance landscaping and nurseryman); Swimming Pool Mechanics (Swimming pool piping of any mode or method or material service and repair, pipe excavation, installation of equipment); Residential Plumbing Service Work including repair and service of the plumbing in single family dwellings and multiple single family dwellings; Refrigeration and Air Conditioning Mechanics (Installation, service, maintenance and repair of air conditioning, refrigeration of 5 ton and under on single-family dwellings and multiple single family dwellings and heating systems).

**FOOTNOTE:**
- Employer contributes 42% of basic hourly rate for 6 months and 22% for 5 years' service as Vacation Pay Credit.
- Paid Holidays: A through F.

**PAID HOLIDAYS:**
- A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day
<table>
<thead>
<tr>
<th>LABORERS</th>
<th>Page 7</th>
</tr>
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<tbody>
<tr>
<td><strong>GROUP 1</strong></td>
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<td><strong>GROUP 2</strong></td>
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<tr>
<td><strong>GROUP 4</strong></td>
<td>6.83</td>
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<td><strong>GROUP 5</strong></td>
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<td><strong>GROUP 7</strong></td>
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<thead>
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<th>TRUCK DRIVERS</th>
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<td><strong>GROUP 1</strong></td>
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<tr>
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<td><strong>GROUP 4</strong></td>
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<td><strong>GROUP 8</strong></td>
<td>7.37</td>
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</table>

### LABORERS

**GROUP 1**: All Helpers Not Herein Separately Classified; Cesspool diggers and installers; Check box man; Checker, tool dispatcher; Concrete dump man, belt, pipe and/or hoe man; Dumpman and/or spotters; Fence builders, guard rail builder highway; Form strippers, Labor, general or construction; Landscape gardener and groundsman; Packer, rod, and pipe, hoseman; Rasp, hand; Rigger, large equipment; Trenchers, and similar mechanical tools not separately herein classified.

**GROUP 2**: Cement Finisher Tender; Concrete curing (impervious membrane); Concrete pump tender; Concrete road form setter; Cutting torch operator; Fine grader (highway, engineering, or sewer work only); Kettlemans - Tarman; Power type concrete buggy; Laser beam operator.

**GROUP 3**: Bander; Chuck tender (except tunnel); Concrete elevator; Concrete chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender).

**GROUP 4**: Cement dumpers (skip-type mixer or handling bulk cement); Chainsaw operator; Concrete omnibuses; Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe cutoff and/or backup men (pipeline); Pipe wrappers; Pneumatic sander; Rigger, signalman (pipeline).

**GROUP 5**: Air and Water Wash-Out Nozzlemans; Asphalt rollers and ironers; Driller - Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammerers and/or pavement breakers; Pipelayers (including but not limited to non-metallic, steel, and plastic pipe, water pipe, sewer pipe, oil pipe, gas pipe, underground tile and conduit); Rock splitter; Slinger - Scalper (using hose, air, or safety belt); Templers (mechanical, all types); Precast manhole erectors.

**GROUP 6**: Concrete Cutting Torch; Concrete saw (hand guided); Driller (core, diamond, or air track); Driller and/or for air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman).

**GROUP 7**: Concrete Road Form Setters; Curbstone nozzlemans or redman; Driller, Joy Tube fed 948, 2200 Gardner-Denver, Hydraulics; Powderman; Slinger (drillers); Welders and/or pipelayers installing process piping.

**GROUP 8**: Mason Tenders

**GROUP 8a**: Plaster Tenders
Group 1: Air compressor operator; Field equipment serviceman helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator.

Group 2: Conveyor operator; Generator operator—portable; Power grizzly operator; Self-propelled chip spreading machine—conveyor operator; Watch fireman; Welding machine operator—gasoline and diesel power.

Group 3: Concrete mixer operator—skip type; Dinky operator—under 20 tons wt.; Driver-moco paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power molder operator—self-propelled; Moss carrier or fork lift operator; Skip loader operator—all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment.

Group 4: A-Frame boom truck or winch truck operator; Asphalt plant fireman; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineers); Multiple power concrete saw operator; Pavement breaker, Mechanical compactor operator, power propelled; Roller operator—all types except as otherwise classified; Sweed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipe-wrapping and cleaning machine operator; Tower operator.

Group 5: Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Belt-cure machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator—all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kelman belt loader operator or similar, with belt width 48" or over; Locomotive engineer (incl. Dinky—20 tons wt. and over); Motor-power and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Universal equipment—Shovel, backhoe, dragline, clamshell, etc., up to 8 cu. yds.

Group 6: Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Hole, Badger and similar types); Concrete mixer operator—paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator—crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator—with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Moss excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grader operator—all types except as otherwise classified; Power grader operator; Watch fireman; Welding machine operator—gasoline and diesel power; Motor guide operator with elevating grader attachment; Rocking machine operator; Overhead crane operator; Power driver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator—all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment over 45 cu. yds., MRC); Power driven ditch lining or ditch trimming machine operator; Slip loader operator—all types with rated capacity 6 cu. yds., but less than 8 cu. yds.; Slip form paving machine operator (including Conner, Zimmerman & similar types); Specialized power digger operator—attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper (400 net horsepower rating and over); Tugger operator (two or more); Universal equipment operator—Shovel, backhoe, dragline, clamshell, etc., up to 8 cu. yds. and over.

Group 7: Crane operator—pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot—FAA qualified when used in construction work; Highline cableway operator, over 20 ton capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator—all types with rated capacity of 8 cu. yds. or more; Universal equipment operator—Shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over.
TRUCK DRIVERS

Group 1: Pickup; Station wagon; Teamsters; Man Haul Driver

Group 2: Tractor & Trailer (4 & 5 axle); Bulk cement spreader (5 or 6 axle); Dump (over 500 gal.); Service personnel; Driver omnibus.

Group 3: Buggymobile, 1 C.Y. or less; Bulk cement spreader (2 or 3 axle); Flatrack; Water (under 2500 gal.); Warehouseman.

Group 4: Bulk cement spreader (6 axle); Dump (4 axle); Flatrack (6 axle); Water (2500 gal. but less than 4000 gal.).

Group 5: Bulk cement Spreader (7 axle); Concrete pump truck driver (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, 10.5 c.y. but less than 14 c.y.

Group 6: Bulk cement Spreader (8 axle); Dump (8 axle); Flatrack (8 axle); Rock truck (dumps or dumpers) 16 c.y. and over.

Group 7: Concrete pump truck driver; Field Equipment Serviceman or Fuel Truck Driver

Group 8: Heavy Duty Mechanic/Welder; Body and Fender man

Group 8-A: Heavy Duty Equipment Service; Body and Fender man

Group 8-B: Heavy Duty Equipment Service; Body and Fender man

Group 8-C: Heavy Duty Equipment Service; Body and Fender man
STATE: Arizona  
COUNTY: Pima  

DECISION NUMBER: AZ75-5036  
DATE: Date of Publication

Supersedes Decision No. AR-1010 dated August 9, 1974, in 39 FR 28787.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

<table>
<thead>
<tr>
<th>ASBESTOS WORKERS</th>
<th>Boilermakers</th>
<th>Bricklayers; Stonemasons: Zone A (0-15 miles from Tucson)</th>
<th>Zone B (15-30 miles from Tucson)</th>
<th>Zone C (30-40 miles from Tucson)</th>
<th>Zone D (Over 40 miles from Tucson)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$9.89/hr</td>
<td>$9.95/hr</td>
<td>$9.77/hr</td>
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<table>
<thead>
<tr>
<th>Carpenters:</th>
<th>Plasterers:</th>
<th>Plumbers; Steamfitters</th>
<th>Elevator Constructors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drywall Applicator</td>
<td>Pile Drivers; Floorlayers (finish)</td>
<td>Free Zone 0-15 miles (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The &quot;Free Zone&quot; from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow and Holbrook will be included as Free Zones.) Any work contracted from outside of these zones will be determined from the Phoenix and Tucson basing points.</td>
<td></td>
</tr>
<tr>
<td>$8.25/hr</td>
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<th>Painters, Structural Steel, Brush:</th>
<th>Zone A (1-30 miles from Tucson P. O.)</th>
<th>Zone B (31-60 miles from Tucson P. O.)</th>
<th>Zone C (41-50 miles from Tucson P. O.)</th>
<th>Zone D (51 miles and over)</th>
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<td>$8.63/hr</td>
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<th>Zone III (41-50 miles)</th>
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<th>[\text{\textsuperscript{H &amp; W}}]</th>
<th>[\text{\textsuperscript{Vacation}}]</th>
<th>[\text{\textsuperscript{App. Tr.}}]</th>
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<tbody>
<tr>
<td>Zone I (0-15 miles)</td>
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<tr>
<td>Zone II (15-30 miles)</td>
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<td>Zone III (30-40 miles)</td>
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<tr>
<td>Zone IV (40 miles and over)</td>
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</tbody>
</table>

FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975
## DECISION NO. AZ75-5036

### ROOFERS:
- **Zone A** (0-44 miles from Tucson)  
  - Basic Hourly Rate: $7.47
  - Fringe Benefits Payments: 0.65, 0.20, 0.03
  - Group: 1

- **Zone B** (Over 44 miles from Tucson)  
  - Basic Hourly Rate: $9.22
  - Fringe Benefits Payments: 0.65, 0.20, 0.03
  - Group: 2

### SHEET METAL WORKERS:
- **Zone A** (1-17 miles from Tucson)  
  - Basic Hourly Rate: $9.06
  - Fringe Benefits Payments: 0.63, 1.30, 0.01
  - Group: 3

- **Zone B** (18-28 miles from Tucson)  
  - Basic Hourly Rate: $9.26
  - Fringe Benefits Payments: 0.63, 1.30, 0.01
  - Group: 4

- **Zone C** (29-40 miles from Tucson)  
  - Basic Hourly Rate: $10.36
  - Fringe Benefits Payments: 0.63, 1.30, 0.01
  - Group: 5

- **Zone D** (41 miles and over from Tucson)  
  - Basic Hourly Rate: $11.36
  - Fringe Benefits Payments: 0.63, 1.30, 0.01
  - Group: 6

### SOFT FLOOR LAYERS
- Basic Hourly Rate: $7.23
- Fringe Benefits Payments: 0.38
- Group: 7

### SPRINKLER FITTERS
- Basic Hourly Rate: $9.85
- Fringe Benefits Payments: 0.50
- Group: 8

### FOOTNOTE:
- Employer credits 45% basic hourly rate of employee with over 5 years' service, 20% basic hourly rate from 6 months to 5 years' service to Vacation Fund.
- 6 Paid Holidays: A through F.

### PAID HOLIDAYS:
- A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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### DECISION NO. AZ75-5036

### LABORERS

<table>
<thead>
<tr>
<th>Group</th>
<th>Hourly Rate</th>
<th>Fringe Benefits Payments</th>
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### POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)

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<th>Group</th>
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### TRUCK DRIVERS

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<td>12</td>
<td>$7.27</td>
<td>.60, .65</td>
<td>8-D</td>
</tr>
</tbody>
</table>
Group 1: All Helpers Not Herein Separately Classified; Cesspool diggers and insallers; Chut box men; Checkers, tool dispatchers; Concrete pump manheli, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder: highway; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Backing rod steel and pipe; Rip-rap stoneman; Sod totf layer.

Group 2: Cement finisher Tender; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering, and sewer work only); Kettlemans - Tamping; Power type concrete buggy; Laser beam operator.

Group 3: Binder; Chucktender (except tunnel); Creosote tansam; Quinoa chaser; Powderman helper; Rip-rap stoneman; Sandblaster or spotter; Spikers and wrenchers.

Group 4: Cement Dumper; (Skip-type mixer or handling bulk cement); Chain saw operator (on clearing and grubbing); Concrete vibrating machines; Crete and short (except tunnel); Floor sanders - concrete; Hydraulic jacks; and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe wather and/or backup man (pipeliner); Pipe wrapper; Pneumatic gopher; Rigger/Signalman (pipeliner).

Group 5: Air and water wash-out Nozleman; Asphalt rake man and levellers; Driller; Grade setter (pipeliner); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipelayers (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scale (using Bos'ns chair or safety belt); Tampons (mechanical-all types); Precast manhole etcetera.

Group 6: Concrete Cutting Torch; Concrete saw (hand guided); Driller (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman).

Group 7: Concrete Road Form Setter; Gunite nozzleman or rodman; Driller, Joy Mustang, FR 143, 2200 Gardner-Denver, Hydraulics; Powderman; Scale (driller); Welder and/or pipelayers installing process piping.

Group 8: Mason Tenders.

Group 8A: Plaster Tenders.

Group 1A: Heavy duty mechanical and/or welders; Pneumatic tinned scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MSC (Turpanull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (puffer,
POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator.

Group 6: Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Volvo, Badger and similar types); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Trucking machine operator; Overhead crane operator; Pile-driver operator (portable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turnerbull, Euclid, Cat, D-W, Hancock & similar equipment); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds., but less than 8 cu. yds.; Skip form paving machine operator (including Gunnert, Zimmerman & similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Fisher, Bulldozer, Scraper) (400 net horsepower and over); Tractor operator (two or more); Universal equipment operator - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds., and over.

Group 7: Crane operator - pneumatic or crawler (300 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rated capacity 8 cu. yds. or more; Universal equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over.

TRUCK DRIVERS

Group 1: Pickup; Station wagon; Teamsters; Man Haul Driver

Group 2: Buggymobile, 1 C.Y. or less; Bulk cement spreader (2 or 3 axle); Bus driver: Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.); Warehousemen

Group 3: Bulk cement spreader (4 axle); Dump (4 axle); Dumptor or dumpster, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)

Group 4: Bulk cement spreader (5 axle); Dump (5 axle); Dumptor or dumpster, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Truss mixer, 8 c.y. or less mixer capacity

Group 5: Bulk cement spreader (6 axle); Dump (6 axle); Flatrack (6 axle); Rock truck (Dart, Euclid and other similar type end dump, single unit); less than 16 c.y.

Group 5-A: Oil Tanker or Spreader Truck Driver and/or bootman, returnman or leverman

Group 6: Bulk cement spreader (7 axle); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross Carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer

Group 7: Bulk cement spreader (8 axle); Dump (8 axle); Flatrack (8 axle)

Group 8: Off-Highway Equipment Driver (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when loaded or by external means; incl. pulling water tanks, fuel tank, or other leverman classifications; Bulk Cement spreader (9 axle); Dumptor or dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 axle); Rock truck (dull, euclid, or other similar end dump types) 16 c.y. and over

Group 8-A: Heavy Duty Mechanic/Welder; Body and Fender man

Group 8-B: Field Equipment Serviceman or Fuel Truck Driver

Group 8-C: Heavy Duty Mechanic/Welder Helper
## SUPPLEMENTAL DECISION

**STATE:** Florida  
**COUNTY:** Pinellas

**DECISION DOCKET:** FL75-1034  
**DATE:** Date of Publication

**DESCRIPTION OF WORK:** Building Construction, (excluding single family homes and garden type apartments up to and including 1+ stories).

### Laborers' Hourly Rate

<table>
<thead>
<tr>
<th>Laborer Type</th>
<th>Hourly Rate</th>
<th>M.E.W.</th>
<th>Private</th>
<th>Vacation</th>
<th>Total</th>
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<td>.50</td>
<td>.05</td>
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### FOOTNOTES:

a. Six paid holidays, A through P.

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. Nine paid holidays, A through P plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 calendar days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

4. One-half day paid holidays: National General Election Day.

### PAID HOLIDAYS (WHERE APPLICABLE)
- A-New Year's Day
- B-Memorial Day
- C-Independence Day
- D-Labor Day
- E-Thanksgiving Day
- F-Christmas Day
FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975

NOTICES 12971

FL75-1024 P. 1

FL75-1031 P. 1

POWER EQUIPMENT OPERATORS

<table>
<thead>
<tr>
<th>Group</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
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<td>H &amp; L</td>
<td>P &amp; V</td>
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<tr>
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<tr>
<td>Group VII</td>
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</table>

GROUP I: Cat cranes, truck cranes, pile driver crane, derrick, dragline, material hoist with Chicago boom, material hoist with two drums, hydraulic lift form, diesel, electric and steam generators, motor grader, pumice cutter or similar machine, cherry picker, gradall, hoist and wheeled tractor and mechanics, tractor backhoe, drill, rig and tack boom tractor.

GROUP II: Trenching machine over 24”, winch truck, material hoist (elevator type).

GROUP III: Tugger hoist.

GROUP IV: Gravel bulldozer, crawler tractor and turnapull, heavy huff-type front end loader, heavy DW-10 to DW-21 type rubber tired tractor, road roller, air compressor, forklift, concrete batch plant operator.

GROUP V: Wellpoint system and pumps, material hoist, front end loader other than heavy huff-type rubber tired tractor with attachments other than backhoe.

GROUP VI: Air compressor 125 cu. ft. or over.

GROUP VII: Concrete mixer, rubber tired tractor without attachments, trenching machine under 24”, high lift, sandblasting machine, welding machine, air compressor, miscellaneous pumps.

150' boom, including jib scale of top operator classification plus .25 p.h. Tower crane operators .25 per hour above top operator classification not including long boom pay.

BASIC Hourly Rates

| Group I: | 8.745 |
| Group II: | 8.75  |
| Group III: | 8.535 |
| Group IV: | 7.725 |
| Group V: | 6.995 |
| Group VI: | 6.995 |
| Group VII: | 6.995 |

FL75-1031 P. 1

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

On building sites and includes roads, parking lots, street sewers, sewers, railroads, drain fields, settling basins, pipelines (concrete and/or clay), land clearing, bulk heads and sea walls, and site preparation exclusive of excavation for buildings.

HEAVY DUTY EQUIPMENT OPERATORS

Cranes, shovels, draglines, pile drivers (all types), concrete curing machines, concrete paving machines, formers, motor graders, front end loaders, hoist (two drums or more), cherry pickers.

MEDIUM DUTY EQUIPMENT OPERATORS

Motor graders, bulldozers, rubber tired scrapers (all types), winch trucks, stabilizers, asphalt spreaders, rollers, asphalt rock smoothers, concrete mixers (concrete pan), light duty hydraulic tractor, backhoe, and wellpoint pumps.

LIGHT DUTY EQUIPMENT OPERATORS

Finishing machine, wall floats, spray machines, subgrade, rollers on subgrade, pumice or sandblasting, concrete or similar machine, cherry picker, hit or miss, field or popcorn, air compressor, miscellaneous pumps.

Tower crane operators .25 per hour above top operator classification not including long boom pay.
STATE: Florida  COUNTY: See Below
EDITIONurpose: FL75-1035  DATE: Date of Publication
Supersedes Decision No. AG-1521 dated June 7, 1971, in 39 FR 20300
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy and Highway Construction

**COUNTIES:** Brevard and Volusia (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only and including Melabar Radar Site) Florida

<table>
<thead>
<tr>
<th>Basic Hourly Rate</th>
<th>Fringe Benefits Payments</th>
<th>App. To</th>
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<td>Bricklayers</td>
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<tr>
<td>Cement masons</td>
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<td>.35</td>
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<tr>
<td>Mason cutting or grinding machines</td>
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<tr>
<td>Plasterers and marbelec'</td>
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<tr>
<td>Terrazzo workers</td>
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<tr>
<td>Tilers</td>
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**Carpenters:**
- Carpenters, gypsum dry wall hangers 7.31 .10 .05 .03
- Millwrights 8.65 .65 .65 .06
- Pile drivers 7.96 .35 .25 .03
- Saw operator (radial) 7.16 .35 .25 .03
- Soft floor layers 7.16 .35 .25 .03

**Electricians:**
- Base Zone (within 40 miles of the Union Office, 213 Ridgewood Ave., Daytona Beach):
  - Electricians 8.26 .15 .15 .15 .15 .15
  - Cable splicers 8.26 .15 .15 .15 .15 .15
- Zone E (beyond 40 miles from the Union Office):
  - Electricians 8.73 .15 .15 .15 .15
  - Cable splicers 9.26 .15 .15 .15 .15 .15

**Ironworkers:**
- Structural, finishers, burners, rodmen, welders, riggers and machinery movers 7.73 .45 .30 .54 .05
- Sheeters 7.73 .45 .30 .54 .05

**Laborers:**
- Common laborers 4.70 .20 .20 .30 .01
- Rod carriers, keftlemen, mason tenders, mortar mixers, pipe layers (concrete & clay), air tool op., vibrator, plasterers tenders, wall point dewatering, polemen, paving form setters, concrete workers 4.85 .20 .20 .30 .01

**Painters:**
- Commercial repainting:
  - Brush and roller 6.60 .20 .20 .05
  - Sandblasting 7.60 .20 .20 .05
- All other painting:
  - Brush and roller 6.95 .20 .20 .05
  - Sandblasting and spray 7.60 .20 .20 .05
  - Hand drywall taping and finishing 6.95 .20 .20 .05
  - Drywall work using Ames Tools or automatic tapers 7.65 .20 .20 .05
- Drywall wall taping, plane, nailing, steam cleaning or power driven tools, grooving or caulkling 7.65 .20 .20 .05
- Hot or cold tar materials, bituminous, mastic, flame and any similar materials 7.65 .20 .20 .05
- Asbestos excluding asphalt base 7.65 .20 .20 .05
- Asphalt excluding asphalt base 7.65 .20 .20 .05
- Painters and pipefitters 9.00 .43 .47 .03
- Plumbers and pipefitters 9.00 .43 .47 .03
- Roofers:
  - Roofers 4.85 .10 .03
  - helpers and tile tenders 2.73 .10 .05
- Kettlemen 3.40 .10 .05
- Sheet metal workers 3.40 .10 .05
- Sprinkler fitters 9.31 .50 .70 .10

**Welders - Rate for Craft:**

FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975
### Power Equipment Operators

**GROUP I**: Cranes, hydraulic or derrick on structural or reinforcing iron, cranes or derrick, clamshell dragline, piledriver operator (including auger & boring machine op. for drilling in piling), backhoe (including hydraulic), hydraulic crane, gradeall, shovel, motor patrol, mechanic heavy equipment, side boom cat & multi-drum hoist.

**GROUP II**: Bulldozer & trenching machine, bridge crane, highlift, straddle buggy, hoist, earth handling scraper (regardless how powered), pumpcrete & front end loader.

**GROUP III**: Winch truck, concrete/asphalt paver, fork lift, locomotive engineer, boring machine, well drilling machine & mobile cleaning plant.

**GROUP IV**: Tractor, well point pump & installation men, firemen, lubrication engineer equipment greaser & air compressor.

**GROUP V**: Motor boat, oiler, mechanic helper, pumpman (other than well point), roller (steel & rubber tires) self-powered, conveyor, welding machine (three or more combustion engines & Pulver mixer).

### TRUCK DRIVERS

<table>
<thead>
<tr>
<th>Group</th>
<th>Basic</th>
<th>Fringe Benefits Payments</th>
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</thead>
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<td>GROUP III</td>
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<td>GROUP IV</td>
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<tr>
<td>GROUP V</td>
<td>5.90</td>
<td>0.25</td>
</tr>
</tbody>
</table>

**GROUP I**: Buses, jeeps, station wagons, pilot or escort cars, trucks up to 6 cu. yds. or 2-ton capacity, water trucks (single axle), dumpmen & tire repairmen.

**GROUP II**: Dump trucks 6 cu. yds. to 13 cu. yds. capacity, transit mix trucks (single axle), 3 axle trucks.

**GROUP III**: Dump trucks 13 cu. yds. capacity, truck mechanic helper.

**GROUP IV**: Asphalt distributor trucks, lumber carriers & similar type equipment, lift gate trucks, transit mix trucks (tandem axle), dump trucks 16 cu. yds. or more, fuel & grease trucks, and 5-axle trucks.

**GROUP V**: A-frame trucks, boom trucks, gin pole trucks, winch trucks (when used for hauling material & equipment), trucks with 5-axle or more, fork lift trucks.

**GROUP VI**: Euclid, Euclid water truck, caterpillars, or similar off highway earth moving equipment (not self-loaded), truck mechanic.
**BASIS FRINGE BENEFITS PAYMENTS**

### Description of Work
Building and Heavy Construction (excluding single family homes and garden type apartments up to and including 4 stories, and excluding Sewer and Water Line Construction).

### Table

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Hourly Rate</th>
<th>H &amp; W</th>
<th>Pensions</th>
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### Footnotes:
- Six paid holidays, A through F.
- 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.
- Nine paid holidays, A through F plus Christmas Eve, Washington's Birthday and Good Friday, providing employee has worked 15 full days during the 120 calendar days prior to the holidays, and the regular schedule work days immediately preceding and following the holidays.

**PAID HOLIDAYS** (Where Applicable)
- A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.
POWER EQUIPMENT OPERATORS

GROUP I: Cranes, derricks, clam shells, drill skins, pile drivers (including auger & boring machines for drilling in pilings), backhoes, hydra cranes, grade all, shovels, side booms, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to G.C. LeTourneau Model L-450-2 or 3 twenty cu. yd, scrapers), front-end loaders, (over 4 cu. yd, cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.), tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), Locomotive Engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers, bridge cranes (10 tons & under), highlift or forklift (cap. to 2nd floor), straddle buggies, hoists (other than rigging) including winch truck not mobile & used as a hoist, trenching machine (ladder & wheeled type) over 6' cut & over 24' width, concrete pavers & scrapers

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist), mobile winch trucks, self-propelled subgrade, asphalt paving machine concrete mixers, tractor, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines

GROUP IV: Tractor operated sweepers, trenching machines (ladder & wheeled type maximum cut 6' & maximum width 24''), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck, driver, motor heat operator, oiler, mechanics' helpers, pumps (other than well point up to & including 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine

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<th>Basic</th>
<th>Monthly</th>
<th>Fringe</th>
<th>Bonus</th>
<th>Vacation</th>
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STATE: Illinois  
COUNTIES: Henry, Knox, Mercer & Rock Island

DECISION NUMBER: IL75-2051
DATE: Date of Publication
Supersedes Decision No. AR-3175 dated December 13, 1974, in 39 FR 43669
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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<td>Sprinkler Fitters:</td>
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FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975
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 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. Nine paid holidays: A through F plus Washington's Birthday and 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 days immediately preceding and following the holiday.

FEDERAL REGISTER, VOL. 40, NO. 56— 1

NOTICES 12977
LABORERS - HENRY & KNOX COUNTIES

UNSKILLED
Common Laborer; carpenter tendoners; tool electro; firemen or salamander tenders; flagmen; gravel box men; dumpmen; spotters; forklift handlers; material handlers; fencing laborers; cleaning lumber; pit men; material checkers; dispatchers; lamplifters; unloading explosives; laying of sod; planting of trees; asphalt plant laborers; wrecking laborers; writer of scale tickets; fire shop laborers; fireproofing laborers; janitors; wrecking - dismantling buildings; wallmen & housemen; driving of stakes; string lines for all machinery.

SEMI-SKILLED
Handling of materials treated with oil, creosote, asphalt or any foreign material; track laborers; cement handlers; chloride handlers; the unloading and laborers w/steel workers & rebar; concrete workers (wet); tunnel helpers in free air; hatcher dumper; mason & plasterer tenders & material wheelers; keelmen & tarmen; tank cleaners; plastic installers; scaffold workers; motorized buggies or motorized units used for wet concrete or handling of building materials; laborers w/dewatering systems; all sewer workers plus depth; rod & chainmen with land surveyors; pipe workers; mortar mixer operator; cement silica, clay, fly ash, lime & plaster; handlers (bulk or bag); cofferdam workers plus depth; (on concrete paving) placing, cutting or trying or reinforcing; deck hand; dredge hand & shore laborers; bankmen on floating plant; asphalt workers w/machines; asphalt rakers; grade checker.

SKILLED
Dynamite man or blaster; caisson workers plus depth; gunnifce nozzle men; leadman on sewer work; welders; cutters; burners; torchmen; chain saw operators; jackhammer & drill operators; layout man; steel form setters (steel or hickory); air camp hammersmen; signal man on crane, concrete saw operator; screener on asphalt pavers; laborers tending masons who treat materials; multiple concrete dust-leadmen; lumbermen; curb asphalt machine operator; ready-mix scalemen; portable or portable plant; laborers handling masterplate or similar materials; laser beam operator; costing machine operator.

DECISION NO. IL75-2051

LABORERS - HENRY & KNOX COUNTIES

<table>
<thead>
<tr>
<th>Class</th>
<th>UNSKILLED</th>
<th>SEMI-SKILLED</th>
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<td>H &amp; W</td>
<td>Penalties</td>
<td>Vacation</td>
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<td>SKILLED</td>
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</table>

POWER EQUIPMENT OPERATORS - ROCK ISLAND; MERCER COUNTIES; WESTERN OF HENRY COUNTY

CLASS I:
All hoists or steel erecting equipment used to hoist or erect in conjunction with the crew of a specialty trade.

CLASS II:
Cranes, shovel, clamshell, dragline, bucket, derrick, tower crane, cableway, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper op., dipper dredge crane operator, dual purpose truck (boom or winch), leverman or engine man (hydraulic dredge), mechanics, paving mixer with tower attached (two operators required), pile driver, boom crane, stationery, portable or floating mixing plant, trenching machine, cleaning and printing machine, emdineer (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer, qualified welder tow or push boat concrete paver, seaman tow-plant or similar machines, off autograder or similar machines, slip form paver, oaisen auger machine, mashing machines, asphalt heater-placer unit hydraulic cranes.

CLASS III:
Allegh, Barber-Green, world or basic loader, asphalt pug mill, Fireman and dryer, concrete pump, concrete spreader (servicing one paver), bulldozer, emdineer (other than mentioned above), fork lift, elevating grader, group equipment grader, leebournapull and similar machines, IN-10, straddle carrier, byssor winch and similar machines, motor patrol, power blade push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaguar air and place machine, pipe bending machine, welding machines (1 or 4), Fuller-Vogt cement pump or similar machines, automatic cement and gravel batch plants (one stop set-up), Soemar puli-mixer or similar machines, propelled sheep foot roller or compactor (used in conjunction with a grader spreader), mud jack, underground boring machine (over 8'), space spreader or similar machine.
POWER EQUIPMENT OPERATORS - ROCK ISLAND: MERCER COUNTIES; & WESTERN 2/3 OF HENRY COUNTY

CLASS IV:
- Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu., ft. and over), concrete finishing machine, farm graders with roller on earth, mixers (1 big to 16), power operated bull float, tractor without power attachment, dope pot (agitating motor), dope shop machine, distributor (back end), Flexaplane or similar machines, portable machine fireman, Hydrohammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator craven operator, trench machine (30 H.P. and under), power sub grader (on forms) or similar machines, asphalt spreader screed operator, conveyor.

CLASS V:
- Oilier, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler) belt machine, small outboard motor boat.

CLASS VI:
- Air compressor (275 c.f.m. or over) driver on truck cranes or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman), water pumps, welding machine, mechanical broom, automatic cement & gravel plants (two or three stop set-up), small backhoes or endloaders), self-propelled curing machine.

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POWER EQUIPMENT OPERATORS - KNOX COUNTY & EASTERN 2/3 OF HENRY CO.

GROUP I:
- Cranes, escalator rated on crane, derricks, boom, $0.01 per hour, per foot, after 50 feet of boom including job, overhead crane, gradall, cherry pickers (and similar types, over 15 tons lifting capacity) (required oiler), mechanics, central concrete mixing plant operators, road pavers (478-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum mix, derricks, hydro cranes, shoreless skimmer scoops, skimmer scoopers, draglines, backhoe, hopitoe-crane types that require oilers, derricks, boats, pile drivers and soil rigs, clamshell, locomotive cranes, dredge (all types), motor patrol, power blades, drum-laying and similar types, tower cranes (crane mobile), stationery, crane-type backfiller, derricks, yoke, and similar types considered as cranes, caisson rig (require oiler), dozer, tower dozer, work boats, power carrier and helicopter

GROUP 2:
- Trench machine, pumpscrete-beltecrete-squeeze crete-screw-type pumps and gypsum bulker and pump, dinkeys, power launches, tournapull (all), multiple unit, earth movers, $0.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, O-H concrete pump, soil cement mixing plant (similar types), wheel tractors (industrial or farm type w/donor-end-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, ezcll loaders, forklifts, forklifts, forkliftless finishing machine, jets w/ditching machine, or other attachments, burl-jag, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types) (require oiler), flashery spreader or similar types (require oiler), heavy equipment greaser (top grease box spread), guirails and similar types, 1 and 2 drum hoists (truck hoists and similar types freight and passenger elevator Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting craven or pipeline, D.M.I. and similar types (require oiler), straw blower, hydro seeder and F.W.D. and similar types
DEPARTMENT OF LABOR
-wage and HourDivision

POWER EQUIPMENT OPERATORS (Cont D) - KNOX CO. & EASTERN 3 of HENRY CO.

GROUP 3:
- Tractor (track type) without power unit pulling rollers; rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber green or similar loaders, vibratamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bush to 27%, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, fireman and spray machine on paving

GROUP 4:
- Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, tra-air, without attachments, curb machines, truck crane oilers, and truck type hoist oilers

GROUP 5:
- Herman Nelson heater, Bravo, Warner, Silent glo, and similar types, one engineer will operate 1.5 and after 5, two operators will be required. self-propelled concrete saws, assistant heavy equipment greaser on spread, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2)-300 amp. or over, mixer (3) and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

TRUCK DRIVERS

GROUP I:
- Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helper, warehouseman, mechanic helper, greasers & fitters, pick-up trucks when hauling materials, tools, or men to and from the job site; Fork lifts up to 6,000 lb., capacity.

GROUP II:
- 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons. A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
- 2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
- a.-Per Week Per Employee.
**SUPERSEDAS DECISION**

**STATE:** IOWA  
**COUNTY:** BENTON, IOWA; JOHNSON (EXCLUDING IOWA CITY); KEOKUK, MAHASKA, POWESHEIK, TAM, & WASHINGTON

**DECISION NO.:** IA75-4066  
**DATE OF PUBLICATION:**
Supersedeas Decision No. AR-74, dated November 1, 1974, in 39-23-38798

**DESCRIPTION OF WORK:** HIGHWAY CONSTRUCTION

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### SUPERSEDES DECISION

**STATE:** Pennsylvania  
**COUNTY:** Luzerne  
**DECISION NO.:** 75-PA-3025  
**DATE:** Date of Publication

Supersedes Decision No. 75-PA-3018, dated February 21, 1975, in 40 FR-7856.

**DESCRIPTION OF WORK:** Building construction, including single family homes and garden type apartments up to and including 4 stories.

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<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
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<td>Avoca, Exeter &amp; Pittston</td>
<td>8.30</td>
</tr>
</tbody>
</table>
| Hazleton, Berwick & Freeland:  
  Commercial:  
  Nescopeck, Holenback & Salem Townships: | 8.30 | .35 | .50 |          |
| Remaining of County | 8.25 | .30 | .50 |          |
| **Carpenters** |       |          |          |          |
| Hazleton, Freeland, Black Creek, Butler, Dunleith, Foster, Hazleton & Freeland, Nescopeck, Sugarloaf and lower part of Sales Townships: | 8.13 | .25 | .35 | .02 |
| Remaining of County | 8.00 | .15 | .35 | .02 |
| **Cement Masons** |       |          |          |          |
| Pittston, Yatesville, Laflin, Exeter Wyoming, Duryea & Avoca | 8.40 | .40 | .40 |          |
| Hazleton and Freeland | 8.00 | .40 | .40 |          |
| Remaining of County | 8.00 | .40 | .40 |          |
| **Electricians (Hazleton)** |       |          |          |          |
| Commercial:  
  Hazleton: | 9.12 | .35 | 1.00 | .05 |
| Commercial:  
  Remaining of County | 9.15 | .35 | 1.00 | .05 |
| **Elevator Constructors** |       |          |          |          |
| Elevator Constructors: | 9.04 | .44 | .29 | .02 |
| Elevator Constructors' helpers: | 8.33 | .44 | .29 | .02 |
| Elevator Constructors' helpers (Prob): | 4.52 |         |   | |
| **Glaziers** |       |          |          |          |
| Glaziers | 8.25 | .35 | .60 |          |
| **Groundworkers** |       |          |          |          |
| Structural and Ornamental | 9.85 | .64 | 1.06 | .10 |
| Reinforcing | 9.75 | .64 | 1.06 | .10 |
| Laborers (Hazleton) | 4.28 | .25 | .35 |          |
| **Masons Tenders Including Scaffold Builders** |       |          |          |          |
| Mason Tenders including Scaffold Builders: | 6.65 | .25 | .35 |          |
| **Pneumatic, electrical & mechanical tool operators, 2" pumps-nonlineal pipe laying and making joint clay, terra cotta, firestone, vitrified concrete, handling of burning torches asphalt or other hot materials, cement finishers and blasters helpers power hoists, walk alone hoist:** | 6.33 | .25 | .35 |          |

FEDERAL REGISTER, VOL. 40, NO. 56—FRIDAY, MARCH 21, 1975
### BUILDING CONSTRUCTION

#### Plasterers:
- Hazleton
- Pittston, Yatesville, Lackawaxen
- Exeter, Wyoming, Duryea
- Avoca
- Remainder of County

#### Plumbers:
- Pittston
- Hazleton
- Commercial
- Wilkes-Barre

#### Roofers, composition & Kettlemens:
- Sheet metal workers
- Soft floor layers
- Sprinkler fitters
- Steamfitters
  - Wilkes-Barre
  - Pittston
  - Hazleton

#### Truck Drivers; Pittston:
- Truck Drivers (CONT'D)
  - All trucks over 2 license
  - Fork lifts, tow motors, front and pneumatic tired loaders

#### PAYED HOLIDAYS:
- A-New Year's Day
- B-Memorial Day
- C-Independence Day
- D-Labor Day
- E-Thanksgiving Day
- F-Christmas Day

#### FOOTNOTES:
- Employer contributes 4% basic hourly rate for 5 years or more of service or 3% basic hourly rate for 6 months to 5 years of service as Vacation Day Credit.
- Six paid holidays: A through F.
- Paid Holiday: July 4th.
- Employer contributes $41.00 per month for employees who have worked 60 hours or more during the month.
- $25.00 per month to employee employed for over 13 weeks.
- Employer shall contribute .12 per day per employee.

#### Fringe Benefits Payments

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&amp; W</td>
</tr>
</tbody>
</table>

### Truck Drivers (CONT'D)

<table>
<thead>
<tr>
<th>Class I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Help, Stake Body Truck (single axle Dumpster)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Class II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tandem &amp; Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumper Type Vehicles Asphalts Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Class III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rolled Type, Off-Highway Equipment, Back or Belly Dump Trucks and Double-Hitched Equipment, Harvester (Horse) Carrier, Low-Box Trailers</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Remainder of County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pickup service dump and flat incl. z license</td>
</tr>
</tbody>
</table>

### Hourly Rates

<table>
<thead>
<tr>
<th>Class I</th>
</tr>
</thead>
<tbody>
<tr>
<td>$7.05</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Class II</th>
</tr>
</thead>
<tbody>
<tr>
<td>$7.77</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Class III</th>
</tr>
</thead>
<tbody>
<tr>
<td>$9.35</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Remainder of County</th>
</tr>
</thead>
<tbody>
<tr>
<td>$7.32</td>
</tr>
</tbody>
</table>

---

**NOTICES 12983**
<table>
<thead>
<tr>
<th>GROUP</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above</td>
</tr>
<tr>
<td>2</td>
<td>All types of cranes, all types of backhoes, draglines, keystones, all types of shovels, barrios, trench shovels, trenching machines, hoists with two towers, pavers 20 ft. and over, all types overhead cranes, building hoists (double drum) gradalls, mining machines or tunnel, all front end loaders 3-3/4 cu. yds. and over, tandem scrapers, pipkin type backhoes, boat Captains, batch plant operators (concrete), drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machines to the above</td>
</tr>
<tr>
<td>3</td>
<td>Conveyors, building hoists (single drum) scrapers and tonguamps, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-3/4 cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, fork lift trucks under 20 ft. lift, machines similar to the above</td>
</tr>
<tr>
<td>4</td>
<td>Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above</td>
</tr>
<tr>
<td>5</td>
<td>Fireman, grease truck</td>
</tr>
<tr>
<td>6</td>
<td>Oilers and deck hands (personnel boats), core drill helper</td>
</tr>
<tr>
<td>7</td>
<td>All machines with booms (including pip, masts, leads, etc.):</td>
</tr>
<tr>
<td></td>
<td>100 ft. and over</td>
</tr>
<tr>
<td>7-A</td>
<td>150 ft. and over</td>
</tr>
<tr>
<td>7-B</td>
<td>200 ft. and over</td>
</tr>
</tbody>
</table>

**Footnote:**
1974-75 Edition

This official guidebook provides useful information about U.S. Government agencies, including:

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- Listings of key officials
- Organization charts for many agencies

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