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Pages 26015–26251

PART I

HIGHLIGHTS OF THIS ISSUE

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

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

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

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Title 3—The President

Executive Order 11866 • June 18, 1975

Designating the World Intellectual Property Organization (WIPO) as a Public International Organization Entitled To Enjoy Certain Privileges, Exemptions, and Immunities

By virtue of the authority vested in me by Section 1 of the International Organizations Immunities Act (59 Stat. 669, 22 U.S.C. 288), and having found that the United States participates in the World Intellectual Property Organization pursuant to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, which convention entered into force for the United States on August 25, 1970 (21 U.S.T. 1749; TIAS 6932), I hereby designate the World Intellectual Property Organization as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act.

The designation of the World Intellectual Property Organization as a public international organization within the meaning of the International Organizations Immunities Act shall not be deemed to abridge in any respect privileges, exemptions, and immunities which that organization may have acquired or may acquire by treaty or Congressional action.

Gerald R. Ford

THE WHITE HOUSE,
June 18, 1975

[FR Doc.75-16213 Filed 6-18-75;2:37 pm]

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Commodity Futures Trading Commission

Section 213.3379 is amended to show that one position of Administrative Assistant to the Executive Director is excepted under Schedule C.

Effective June 20, 1975, § 213.3379(g) is added as set out below.

§ 213.3379 **Commodity Futures Trading Commission.**

* * * * *

(g) Administrative Assistant to the Executive Director.

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

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

[FR Doc.75–16119 Filed 6–19–75;8:45 am]

PART 213—EXCEPTED SERVICE

International Trade Commission

Section 213.3339 is amended to show that one position of Staff Assistant (Legal) to a Commissioner is expected under Schedule C.

Effective June 20, 1975 § 213.3339(i) is added as set out below:

§ 213.3339 **U.S. International Trade Commission.**

* * * * *

(i) One Staff Assistant to a Commissioner (Legal).

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

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

[FR Doc.75–16120 Filed 6–19–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended as follows: to show a change in title from Assistant to the Deputy Under Secretary to Confidential Assistant to the Deputy Under Secretary, and to show that the positions of Confidential Staff Assistant to the Deputy Assistant Secretary for Manpower/Manpower Administrator and Staff Assistant to the Public Affairs Director are excepted under Schedule C.

Effective June 20, 1975, § 213.3315(a) (21) is amended and §§ 213.3315(a) (38) and (39) are added as set out below.

§ 213.3315 **Department of Labor.**

(a) *Office of the Secretary.* * * *

(21) One Confidential Assistant to the Deputy Under Secretary. * * *

(38) One Confidential Staff Assistant to the Deputy Assistant Secretary for Manpower/Manpower Administrator.

(39) One Staff Assistant to the Public Affairs Director.

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

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

[FR Doc.75–16121 Filed 6–19–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that one additional position of Special Assistant to the Assistant Secretary (Legislative Affairs), and one position of Special Assistant to the Under Secretary for Revenue Sharing and Intergovernmental Relations, are expected under Schedule C.

Effective June 20, 1975, § 213.3305(a) (51) is amended and § 213.3305(a)(62) is added as set out below.

§ 213.3305 **Department of the Treasury.**

(a) *Office of the Secretary.* * * *

(51) Three Special Assistants to the Assistant Secretary (Legislative Affairs). * * *

(62) One Special Assistant to the under Secretary for Revenue Sharing and Intergovernmental Relations.

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

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

[FR Doc.75–16118 Filed 6–19–75;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Nondiscrimination Requirements

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, hereby amends Part 701 (12 CFR 701) by revising § 701.31(b) as set forth below, effective immediately.

The purpose of this amendment is to inform Federal credit unions that the notice attesting to the credit union's policy of compliance with the nondiscrimination requirements of Title VIII of the Civil Rights Act of 1968 may be obtained from the National Credit Union Administration.

Due to the fact that the amendment is informative in nature, the Administrator has determined that notice and public procedure is unnecessary as provided by 5 U.S.C. 553(b); and since publication of such amendment for the 30-day period prior to the effective date such amendment as provided by 5 U.S.C. 553(d) is not required for the same reason, the Administrator hereby provides that such amendment shall become effective as previously set forth herein.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).)

HERMAN NICKERSON, Jr.,
Administrator.

JUNE 13, 1975.

1. Section 701.31(b) is amended by adding at the end thereof the following:

* * * * *

§ 701.31 **Nondiscrimination requirements.**

* * * * *

(b) * * * Posters containing this notice and logotype may be obtained from the regional offices of the National Credit Union Administration.

[FR Doc.75–16131 Filed 6–19–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14706; Amdt. 39–2245]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt Boelkow Blohn Model BO–105 Helicopters

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on May 3, 1975, and made effective immediately upon receipt as to all known U.S. operators of Messerschmitt Boelkow Blohn Model BO–105 helicopters because of manufacturing defects in certain flexible hose assemblies that may cause rupture of the assemblies in service. The AD requires removal and replacement of the defective hose assemblies.

Since it was found that immediate corrective action was required, notice and

public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known U.S. operators of Messerschmitt Boelkow Blohn Model BO-105 helicopters by individual telegrams dated May 3, 1975. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of the Federal Aviation Regulations to make it effective as to all persons.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

MESSERSCHMITT BOELKOW BLOHN GMBH. Applies to Messerschmitt Boelkow Blohn (MBB) Model BO-105 Helicopters certificated in all categories.

Compliance is required as indicated.

To prevent failure in service, before further flight, remove flexible hose assemblies having any of the following MBB or ESPA part numbers that have blue fittings marked MS24590. Replace with flexible hose assemblies of the same MBB or ESPA part number that have silver or metal colored fitting marked 12 LN 29813.

MBB	Part No.	ESPA	Part No.
105	61795	40548	1290
105	61796	40561	1185
105	61797	40561	830
105	61798	40560	440
105	6[illegible]163	40558	415
105	6[illegible]165	40558	500
105	61793	40561	355
105	6[illegible]161	40561	960
105	6[illegible]161	40561	1010
105	6[illegible]169	40548	830
105	6[illegible]161	40548	775
105	61793	40562	330-0
105	61791	40562	1125
105	6[illegible]166	40549	810
105	6[illegible]167	40549	865
105	61799	40560	600
105	61323	40548	250
105	61324	40548	800
105	90897	40556	350
(Replaces 105)	90896		

Note.—Messerschmitt Boelkow Blohn BO-105 Alert Bulletin No. 10 and Service Bulletin 60-14 cover this same subject.

This amendment is effective on June 20, 1975 as to all persons except those persons to whom it was made immediately effective by the telegram dated May 3, 1975, which contained this amendment.

Issued in Washington, D.C. on June 12, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-16048 Filed 6-19-75;8:45 am]

[Docket No. 14707; Amdt. 39-2246]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt Boelkow Blohn Model BO-105 Helicopters

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on May 14, 1975, and made effective immediately upon receipt as to all known U.S. operators of Messerschmitt Boelkow Blohn Model BO-105 helicopters because of cracks found in main rotor hub quadruple nuts manufactured in certain production lots. The AD requires removal and replacement of the quadruple nuts manufactured in those production lots.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known U.S. operators of Messerschmitt Boelkow Blohn Model BO-105 helicopters by individual telegrams dated May 14, 1975. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

MESSERSCHMITT BOELKOW BLOHN GMBH. Applies to Messerschmitt Boelkow Blohn (MBB) Model BO-105 Helicopters certificated in all categories.

Compliance is required as indicated.

To prevent failure in service of certain main rotor hub quadruple nuts due to cracks resulting from manufacturing defects, accomplish the following:

(a) Within the next twenty hours time in service after the effective date of this AD, determine the production lot number of the two installed main rotor hub quadruple nuts, P/N 105-14101.19 and .20.

NOTE.—Quadruple nuts are identified "VIERFACHNUSS" on P/N drawings. Production lot number of nuts is set forth as first two digits of serial number recorded in MBB individual aircraft historical record document, under the heading of Main Rotor Head Assembly No. 105-14101.

(b) If the lot number determined in accordance with paragraph (a) of this AD is 06 or 07, or if the lot number cannot be determined, before further flight, except that the aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed, remove the two quadruple nuts and replace with serviceable parts of the same part number.

(Messerschmitt Boelkow Blohn BO-105 Alert Service Bulletin No. 9 covers this same subject.)

This amendment is effective on June 20, 1975 as to all persons except those persons to whom it was made immediately effective by the telegram dated May 14, 1975, which contained this amendment.

Issued in Washington, D.C. on June 12, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-16049 Filed 6-19-75;8:45 am]

[Docket No. 75-GL-10; Amdt. 39-2242]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Models 17-31, 17-31A, 17-31TC, 17-31ATC; Correction

Amendment 39-2209, 40 FR 21471, AD 75-11-06, requires modification of the vapor return line check valve on Bellanca Models 17-31, 17-31A, 17-31TC, 17-31ATC airplanes. After issuing Amendment 39-2209, the agency determined that errors existed in the serial number applicability. Therefore, this AD is being amended to correct these errors.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2209, 40 FR 21471, AD 75-11-06, is amended to correct the serial number applicability as follows:

17-31A: S/N 32-21 through 75-32-159 except S/N 32-25
17-31ATC: S/N 31004 through S/N 75-31116

This amendment becomes effective June 25, 1975.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill. on June 11, 1975.

JOHN M. CYROCKI,
Director.

[FR Doc.75-16046 Filed 6-19-75;8:45 am]

[Docket No. 75-GL-8; Amdt. 39-2243]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Models 7ECA, 7GCAA, 7GCBC, 7KCAB, 8KCAB, 8GCBC

Amendment 39-2173, 40 FR 17138, AD 75-09-02, requires replacement of the carburetor alternate air valve on the Bellanca Models 7ECA, 7GCAA, 7GCBC, 7KCAB, 8KCAB, and 8GCBC airplanes. After issuing Amendment 39-2173, due to service experience, the agency determined that the serial number applicability should be expanded. Therefore, the AD is being amended to include earlier serials of the same models.

Since a situation exists that requires immediate adoption, 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 13967), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2173, 40 FR 17138, AD 75-09-02, is amended to read as follows:

BELLANCA applies to Bellanca Models 7ECA, 7GCBC, 7GCAA, 7KCAB, 8KCAB, 8GCBC airplanes as set forth below.

Compliance required within the next 10 hours time in service after the effective date of this AD, unless already accomplished. A special flight permit per FAR 21.197 may be issued to allow ferrying of the aircraft to a facility where the required maintenance can be performed.

To prevent fatigue failure of the carburetor air box alternate air valves accomplish the following:

A. On Models 7ECA (S/N 985-74 through 1088-75), 7GCAA (S/N 208-74 through 312-75), 7GCBC (S/N 604-74 through 815-75), 7KCAB (S/N 405-74 through 507-75), 8KCAB (S/N 120-74 through 174-75), 8GCBC (S/N 1-74 through 162-75), install Bellanca Service Kit No. 248. Bellanca Service Letter No. 118 pertains to this same subject.

B. On Models 7ECA (S/N 723-70 through 984-73), 7GCAA (S/N 205-70 through 279-73), 7GCBC (S/N 202-70 through 603-73), 7KCAB (S/N 209-70 through 404-73), 8KCAB (S/N 4-71 through 119-73), install Bellanca Service Kit No. 251. Bellanca Service Letter No. 120 applies to this subject.

This amendment becomes effective June 25, 1975.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill. on June 11, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75-16047 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-SO-35]

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

Alteration of Transition Area

On April 23, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 F.R. 17853), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Clemson, S.C., transition area.

Interested persons were affrond an opportunity to participate in the rulemaking through the submission of comments. Two objections received were resolved through discussion with the objectors.

Subsequent to publication of the notice, the coordinates for Pickens RBN have been corrected. It is necessary to alter the description to reflect the correct coordinates as Lat. 34°48'32" N., Long. 82°42'06" W. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., August 14, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Clemson, S.C., transition area is amended as follows:

"* * * east of the RBN * * *" is deleted and "* * * east of the RBN; within a 6.5-mile radius of Pickens County Airport (Lat. 34° 48'55" N., Long. 82°41'55" W.); within 3 miles each side of the 229° bearing from Pickens RBN (Lat. 34°48'32" N., Long. 82° 42'06" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN * * *" is substituted therefor.

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

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

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75-16052 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-NW-05]

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

Alteration of Transition Area

On May 1, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 19019) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Lewiston, Idaho, Transition Area.

Interested persons were given 30 days in which to submit written data, views, or arguments. No objections were received.

In consideration of the foregoing, the amendment is hereby adopted without changes.

Effective Date. This amendment shall be effective 0901 G.m.t. on August 14, 1975.

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

Issued in Seattle, Washington, on June 9, 1975.

C. B. WALK, Jr.

In § 71.181 (40 FR 441) the description of the Lewiston, Idaho Transition Area is amended to read as follows:

LEWISTON, IDAHO

That airspace extending upward from 700' above the surface within a 5-mile radius of the Lewiston-Nez Perce County Airport (Latitude 46°22'29" N., Longitude 117°00'-51" W); within 2 miles each side of the Lewiston VOR 263° radial extending from the 5-mile radius to the VOR; within 2.5 miles each side of the Lewiston VOR 065° radial extending from the VOR 6 miles northeast of the VOR; within 3 miles each side of the ILS localizer course extending from the 5-mile radius 11.5 miles east; that airspace extending upward from 1200' above the surface bounded by a line extending from the intersection of Latitude 46°33'33" N., and the east edge of V-253 to Latitude 46°42'00" N., Longitude 116°31'30" W. to Latitude 46°33'33" N, Longitude 116°26'00" W, to Latitude 46°14'30" N, Longitude 116°-21'30" W, to Latitude 46°10'00" N, Longitude 116°35'00" W. to Latitude 46°16'00" N, Longitude 117°10'00" W, thence to point of beginning; and that airspace west of Lewiston bounded on the northwest by V-536, on the northeast by V-253 and on the south by V-520.

[FR Doc.75-16050 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-EA-16]

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

Designation of Transition Area

On page 14781 of the FEDERAL REGISTER for April 2, 1975, the Federal Aviation Administration published a proposed rule so as to designate a Luray, Va., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. An objection was received from a Mr. Jack O. Crooke, President of Owen Aviation Company, Inc., of Basye, Virginia. He noted a lack of necessity for an exclusion area for Mount Jackson Airport. A review of the description does not disclose an excluded area for the subject airport. No other objections were received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. July 17, 1975.

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on June 6, 1975.

BRIAN J. VINCENT,
Acting Director,
Eastern Region.

Amend § 71.181 of Part 71, Federal aviation regulations by designating a Luray, Va. Transition Area as follows:

LURAY, VA.

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, 38°40'01" N., 78°30'01" W., of Luray Caverns Airport, Luray, Va., extending clockwise from a 266° bearing to a 314° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 348° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 348° bearing to a 040° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 040° bearing to a 057° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 057° bearing to a 074° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 141° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 141° bearing to a 166° bearing from the airport; within a 20-mile radius of the center of the airport, extending clockwise from a 166° bearing to a 188° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 188° bearing to a 213° bearing from the airport; within a 20.5-mile radius of the center of the airport, extending clockwise from a 213° bearing to a 234° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 234° bearing to a 246° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 246° bearing to a 266° bearing from the airport.

[FR Doc.75-16051 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-SW-23]

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 Duncan, Okla., transition area.

On April 18, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 17264) stating the Federal Aviation Administration proposed to alter the Duncan, Okla., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 14, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Duncan, Okla., transition area is amended to read:

DUNCAN, OKLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Halliburton Field (latitude 34°-28'30" N., longitude 97°57'30" W.), and within 2 miles each side of the Duncan VOR 157° radial, extending from the 8.5-mile-radius area to 7 miles southeast of the VOR.

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

Issued in Fort Worth, Tex., on June 9, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-16059 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-WE-9]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Air Navigation Aid Name Change

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to change the name of the San Diego, Calif., VORTAC to the Mission Bay, Calif., VORTAC.

Because this action merely renames an existing air navigation aid with no change to any route structure or designated airspace, it is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be depicted on appropriate charts, this amendment will be made effective on August 14, 1975.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., August 14, 1975, as hereinafter set forth.

§ 71.123 [Amended]

1. Section 71.123 (40 FR 307) is amended as follows:

a. In V-23 "From San Diego, Calif.," is deleted and "From Mission Bay, Calif.," is substituted therefor.

b. In V-25 "From San Diego, Calif.," is deleted and "From Mission Bay, Calif.," is substituted therefor.

c. In V-27 "From San Diego, Calif., INT San Diego 319°" is deleted and "From Mission Bay, Calif., INT Mission Bay 319°" is substituted therefor.

d. In V-66 "From San Diego, Calif.," is deleted and "From Mission Bay, Calif.," is substituted therefor.

e. In V-165 "From San Diego, Calif., INT San Diego 270°" is deleted and "From Mission Bay, Calif., INT Mission Bay 270°" is substituted therefor.

2. Section 71.163 (40 FR 346) is amended as follows:

In Control 1156 "San Diego, Calif., VORTAC 262° radial," is deleted and "Mission Bay, Calif., VORTAC 262° radial," is substituted therefor.

3. Section 71.181 (40 FR 441) is amended as follows:

In San Diego, Calif., "San Diego VOR" is deleted wherever it appears and "Mission Bay, Calif., VORTAC" is substituted therefor.

4. Section 71.207 (40 FR 629) is amended as follows:

a. "San Diego, Calif." is deleted.

b. "Mission Bay, Calif." is added.

5. Section 75.100 (40 FR 705) is amended as follows:

a. In Jet Route No. 1, all before "Oceanside, Calif.;" is deleted and "From the INT of the United States/Mexican border with the direct course between the Mission Bay, Calif., VORTAC and the Tijuana, Mexico, NDB, via Mission Bay;" is substituted therefor.

b. In Jet Route No. 2, "From San Diego, Calif.," is deleted and "From Mission Bay, Calif.," is substituted therefor.

c. In Jet Route No. 18, "From San Diego, Calif.," is deleted and "From Mission Bay, Calif.," is substituted therefor.

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

Issued in Washington, D.C., June 16, 1975.

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-16066 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-SO-36]

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

Alteration of Transition Area

On April 21, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 17596 and 20068), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Sumter, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 14, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Sumter, S.C., transition area (40 FR 20068) is amended as follows:

"* * * excluding the portion within Columbia transition area * * *" is deleted and "* * * within 3 miles each side of the 028° bearing from Sumter RBN (Lat. 33°59'24" N., Long. 80°21'38" W.), extending from the 5-mile radius area to 8.5 miles northeast of the RBN; excluding the portion within the Columbia transition area * * *" is substituted therefor.

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

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

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-16053 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-GL-18]

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

Alteration of Transition Area

On page 17265 of the FEDERAL REGISTER dated April 18, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Alma, Michigan.

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

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

This amendment shall be effective 0901 G.m.t., July 31, 1975.

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

Issued in Des Plaines, Illinois, on June 2, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

ALMA, MICHIGAN

That airspace extending upward from 700 feet above the surface within 6.5-mile radius of Gratiot Community Airport (Latitude 43°-19'15" N., Longitude 84°41'12" W.); within 4 miles either side of a 267° bearing from Gratiot Community Airport extending from

the 6.5-mile radius area to 15 miles west of the airport.

[FR Doc.75-16063 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-SW-24]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Lampasas, Tex.

On May 1, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 19020) stating the Federal Aviation Administration proposed to designate the Lampasas, Tex., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 14, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

LAMPASAS, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lampasas Airport (latitude 31°06'27" N., longitude 98°11'45" W.).

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

Issued in Fort Worth, Tex., on June 9, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-16058 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-CE-3]

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

Designation of Transition Area

On pages 12677 and 12678 of the FEDERAL REGISTER dated March 20, 1975, the FAA published a Notice of Proposed Rulemaking which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area at Hannibal, Missouri.

Interested persons were given 30 days to submit written data, views or arguments concerning the proposed amendment. The one comment received was from the Air Transport Association which objected to the proposal because of the apparent conflict between the IFR approach to Hannibal and the primary ILS Runway 3 approach to Quincy, Illinois. Upon re-evaluating the proposal in light of the Association's comment, it is true that the airspace required for the instrument approach to Hannibal overlaps the airspace required for the ILS Runway 3 approach to Quincy, Illinois. This means that simultaneous approaches to both airports are not possible. However, Air Traffic Control will provide control services which will preclude any traffic conflicts, and the minimal volume of traffic expected at both airports should not cause any significant air traffic delays with respect to aircraft operations. In view of the foregoing, the proposed amendment is hereby adopted without change and is set forth below:

This amendment becomes effective 0901 G.m.t., August 14, 1975.

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

Issued in Kansas City, Missouri, on June 5, 1975.

C. R. MELUGIN, Jr.,
Director, Central Region.

In § 71.181 (40 FR 441), the following transition area is added:

HANNIBAL, MISSOURI

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Hannibal, Missouri Municipal Airport (latitude 39°43'30" N; longitude 91°26'35" W) and within 3 miles each side of the 162° bearing from the Hannibal Municipal Airport extending from the 5 mile radius area to 8 miles southeast of the airport, excluding that portion which overlies the Quincy, Illinois transition area.

[FR Doc.75-16060 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-AL-9]

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

Designation of Transition Area at Wrangell, Alaska

On May 14, 1975, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 20955) stating the Federal Aviation Administration proposed an amendment to Part 71 of the Federal Aviation Regulations which would designate the Wrangell, Alaska, transition area.

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

Therefore, in consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., August 14, 1975, as hereinafter set forth.

§ 71.181 [Amended]

1. In § 71.181 (40 FR 441) the Wrangell, Alaska, transition area is designated to read:

WRANGELL, ALASKA

That airspace extending upward from 700 feet above the surface within 2 miles south and 4 miles north of the 087° radial of the Level Island VOR extending from 6 miles east to 30 miles east of the VOR; and within 5 miles southwest and 5 miles northeast of the Wrangell localizer southeast and northwest courses extending from 3 miles southeast to 39 miles northwest of the Wrangell localizer (latitude 56°29'03" N, longitude 132°21'35" W).

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

Issued in Anchorage, Alaska, on June 13, 1975.

WM. S. DALTON,
Acting Director, Alaskan Region.

[FR Doc.75-16061 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-SO-40]

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

Designation of Transition Area

On April 30, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 20107), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Georgetown, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 14, 1975, as hereinafter set forth.

§ 71.181 [Amended]

In § 71.181 (40 FR 441), the following transition area is added:

GEORGETOWN, S.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Georgetown County Airport (latitude 33°19'00" N., longitude 78°19'00" W.); within 3 miles each side of the 213° bearing from Georgetown RBN (latitude 33°18'38" N., longitude 79°19'03" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

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

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

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75-16062 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-GL-8]

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

Designation of Transition Area

On Page 10692 of the FEDERAL REGISTER dated March 7, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal

Aviation Regulations so as to designate a transition area at Ottawa, Ohio.

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

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

This amendment shall be effective 0901 G.m.t., July 24, 1975.

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

Issued in Des Plaines, Illinois, on June 2, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

OTTAWA, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Putnam County Airport (Latitude 41°02'08" N., Longitude 83°59'01" W.); within 3 miles each side of the 090° bearing from the airport extending from the 5-mile radius area to 8.5 miles east of the airport.

[FR Doc.75-16064 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-GL-4]

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

Designation of Transition Area

On Page 5543 of the FEDERAL REGISTER dated February 6, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at East Liverpool, Ohio.

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

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

This amendment shall be effective 0901 GMT, July 10, 1975.

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

Issued in Des Plaines, Illinois, on June 2, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

EAST LIVERPOOL, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Columbiana County Airport (Latitude 40°40'24" N., Longitude 80°38'30" W.); within 3 miles each side of the 070° bearing from the airport, extending from the 5-mile radius area to 8.5 miles east of the airport, excluding that portion which overlies the Beaver Falls, PA transition area.

[FR Doc.75-16065 Filed 6-19-75;8:45 am]

[Docket No. 14704; Amdt. No. 973]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective July 31, 1975.

Baltimore, Md.—Baltimore-Washington Int'l. Arpt., VOR/DME Rwy 15R, Amdt. 3, cancelled
Cambridge, Md.—Cambridge Municipal Arpt., VOR-A, Amdt. 2
Dunkirk, N.Y.—Dunkirk Municipal Arpt., VOR Rwy 24, Amdt. 4
Kansas City, Mo.—Kansas City Int'l. Arpt., VOR Rwy 9, Amdt. 4, cancelled
Kansas City, Mo.—Kansas City Int'l. Arpt., VOR Rwy 27, Amdt. 5
Perryville, Mo.—Perryville Municipal Arpt., VORTAC-A, Amdt. 2
Rockton, Ill.—Wagon Wheel Arpt., VOR-A, Amdt. 2
Standish, Mich.—Standish City Arpt., VOR-A, Orig.

* * * effective July 3, 1975:

Starkville, Miss.—George M. Bryan Field, VOR/DME-A, Amdt. 3

* * * effective June 9, 1975:

Santa Maria, Calif.—Santa Maria Public Arpt., VOR-A, Amdt. 5

* * * effective June 6, 1975:

Vernon, Ala.—Lamar County Arpt., VOR/DME-A, Amdt. 1

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 31, 1975.

Kansas City, Mo.—Kansas City Int'l. Arpt., LOC (BC) Rwy 27, Amdt. 4
New Bedford, Mass.—New Bedford Municipal Arpt., LOC (BC) Rwy 23, Orig.

* * * effective June 26, 1975:

Duluth, Minn.—Duluth Int'l. Arpt., LOC Rwy 27, Orig.
Elkins, W. Va.—Elkins-Randolph County Jennings-Randolph Field, LDA-C, Orig.
Hazleton, Pa.—Hazleton Municipal Arpt., LOC Rwy 28, Orig.

* * * effective June 9, 1975:

Santa Maria, Calif.—Santa Maria Public Arpt., LOC (BC)-A, Amdt. 3

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 31, 1975.

Cambridge, Md.—Cambridge Municipal Arpt., NBD Rwy 34, Amdt. 4
Kansas City, Mo.—Kansas City Int'l. Arpt., NDB Rwy 1, Amdt. 10
Kansas City, Mo.—Kansas City Int'l. Arpt., NDB Rwy 9, Amdt. 4

* * * effective June 26, 1975:

Boonville, Mo.—Jesse Viertel Memorial Arpt., NDB Rwy 18, Orig.
Mattoon-Charleston, Ill.—Coles County Memorial Arpt., NDB Rwy 29, Orig.
Winchester, Tenn.—Winchester Municipal Arpt., NDB Rwy 18, Orig.

* * * effective June 10, 1975:

Columbus, Ohio—Bolton Field, NDB Rwy 3, Amdt. 1

* * * effective June 4, 1975:

Three Rivers, Mich.—Dr. Haines Arpt., NDB Rwy 23, Amdt. 4

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 31, 1975.

Kansas City, Mo.—Kansas City Int'l. Arpt., ILS Rwy 1, Amdt. 4
Kansas City, Mo.—Kansas City Int'l. Arpt., ILS Rwy 9, Amdt. 5
Kansas City, Mo.—Kansas City Int'l. Arpt., ILS Rwy 19, Amdt. 1
Philadelphia, Pa.—Philadelphia Int'l. Arpt., ILS Rwy 27L, Amdt. 1

* * * effective June 26, 1975:

Detroit, Mich.—Detroit City Arpt., ILS Rwy 33, Orig.
Mattoon-Charleston, Ill.—Coles County Memorial Arpt., ILS Rwy 29, Orig.

* * * effective June 9, 1975:

Santa Maria, Calif.—Santa Maria Public Arpt., ILS Rwy 12, Amdt. 2

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective July 31, 1975.

Augusta, Ga.—Bush Field, RADAR-1, Amdt. 2

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective July 31, 1975.

Kansas City, Mo.—Kansas City Int'l. Arpt., RNAV Rwy 1, Amdt. 2

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510), sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on June 12, 1975.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the FEDERAL REGISTER on May 12, 1969, (35 FR 5610).

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.75-16054 Filed 6-19-75;8:45 am]

[Airspace Docket No. 75-SO-37]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation and Redesignation of Jet Route Segments

Correction

In FR Doc. 75-15515 appearing at page 25442 in the issue for Monday, June 16, 1975 the second line of the sixth paragraph should be corrected to read as follows: "Jet Route No. 91 from Atlanta, Ga. via".

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-913; Amdt. 2]

PART 228—EMBARGOES ON PROPERTY

Editorial Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 17, 1975.

By regulation OR-90, adopted November 7, 1974, the Board's Office of Consumer Affairs was redesignated as the Office of the Consumer Advocate. The reference, in the note following the Appendix to Part 228 of the Board's Economic Regulations (14 CFR Part 228), to the "Director of the Office of Consumer Affairs" must be changed to reflect the redesignation. The purpose of this amendment is to make such change.

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel, in 14 CFR § 385.19 and shall become effective on July 10, 1975. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385. (14 CFR §§ 385.50 through 385.54).

Accordingly, the Board hereby amends the note following the Appendix to Part 228 (14 CFR Part 228), effective July 10, 1975, to read as follows:

NOTE: * * * Any interested person may make an informal complaint concerning the embargo described in this notice by addressing such complaint to the Director, Office of the Consumer Advocate, Civil Aeronautics Board, Washington, D.C. 20428. In addition, any interested person may make a formal complaint against such embargo (see 14 CFR 302.201).

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Effective: July 10, 1975.

Adopted: June 17, 1975.

[SEAL] THOMAS J. HEYE,
General Counsel.

[FR Doc.75-16153 Filed 6-19-75;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER A—GENERAL

PART 1031—EMPLOYEE MEMBERSHIP AND PARTICIPATION IN VOLUNTARY STANDARDS ORGANIZATION

Promulgation of Policy

The purpose of this document is to promulgate regulations prescribing the Commission's policy on CPSC employee membership and participation in voluntary standards organizations. Originally proposed as non-CFR text in a simple notice, the material is suitable for codification and accordingly is adopted below as 16 CFR Part 1031.

In the FEDERAL REGISTER of July 19, 1974 (39 FR 26475), the Commission proposed a statement of policy on the above subject. Although the policy statement is exempt from the notice and public procedure provisions of 5 U.S.C. 553, the Commission proposed it because of the policy's importance and because several outside parties requested that it be published for comment and a public meeting was previously held on this issue.

Rulings on comments. In response to the proposal, comments were received from consumers, consumer organizations, a consumer columnist, a voluntary standards organization, a trade association, an independent testing laboratory, two manufacturers and a consultant organization. Copies of the comments may be seen in the Office of the Secretary.

The principal issues raised by the comments and the Commission's conclusions thereon are as follows:

1. A comment opposes Commission participation in the development of voluntary standards primarily because "it will provide a patina of legitimacy for voluntary standard-setting efforts which do not deserve it and it will result in the needless diversion of the scarce resources of the Commission to activities with little prospect of reducing the unreasonable risk of products to the consumer."

Inasmuch as the Commission's resources are limited, it will have to rely on voluntary standards efforts to address many problems. The Commission believes that voluntary standards organizations can play an important role in reducing the unreasonable risk of injury associated with consumer products. To the extent that accidents and injuries can be reduced or eliminated by voluntary standards activities, the Commission will support such activities and the participation of appropriate staff members in such activities.

2. A comment suggests that rather than discouraging or prohibiting CPSC staff or officials from participating in voluntary standard organizations, the Commission should encourage full and active participation by all Commission employees in all phases of voluntary consensus standards operations.

One of the primary tools available to the Commission in eliminating or reducing unreasonable risks of injury is the promulgation of mandatory standards. Under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), this is done by inviting persons to submit offers to develop a standard or to submit a previously issued or adopted standard as a proposed consumer product safety standard. Because the Commission must objectively evaluate an existing standard in order to determine if it should be proposed as a mandatory standard, in lieu of accepting an offer to develop a standard, the Commission does not believe that CPSC policymaking, decisionmaking, or decision-recommending officials responsible for evaluating the standard and recommending to the Commission the adoption or rejection of an existing standard should participate in the development of voluntary standards. The policy only precludes the Commissioners and a limited number of Commission employees from participating in the development of voluntary standards, and the Commission believes that this limitation will not be detrimental to the development of voluntary standards.

The policy, however, has been modified in proposed section IV-B (§ 1031.4(a) below) to allow CPSC employees other than those enumerated in proposed section V-A and B (§ 1031.5 (a) and (b) below) to become members of committees, subcommittees, councils, or boards that do not develop or approve standards. The Commission finds that most CPSC employees should be allowed to participate fully in the activities of standards bodies, including those activities not considered to be standards development or standards approval activities.

3. A comment suggests that the proposal be changed to recognize "past contributions to improved product safety of voluntary standards-writing organizations" and the important role they have in the future.

The Commission recognizes that voluntary standards organizations have

played an important role in the past to improve product safety and hopes that they will continue to do so in the future. The Commission, however, does not believe the suggested change in the proposal is necessary because proposed section II (§ 1031.2 below) adequately recognizes the importance of the contributions made by voluntary standards organizations.

4. A comment suggests that a statement be added to the proposal emphasizing the need for the Commission to encourage and work with voluntary standards organizations.

The Commission believes that this point is adequately addressed in proposed sections II and V–H (§§ 1031.2 and 1031.5 (h) below) in that those provisions do not discourage participation by most CPSC employees in voluntary standards activities.

5. Two comments points out that the proposal made no reference to participation of Commission employees in international standardization activities and that such participation should be provided for and encouraged.

The Commission recognizes the importance of participation in international standards development activities and has therefore changed proposed section II (§ 1031.2 below) to refer to participation in both domestic and international standards activities.

6. A comment suggests that the Commission encourage CPSC employees to become members of voluntary standards development bodies by paying their expenses.

The Commission interprets this as suggesting it pay the dues or membership fees of CPSC employees who wish to join voluntary standards organizations. A Federal statute (5 U.S.C. 5946) prohibits payment of membership fees or dues of an employee in a society or association unless legislatively authorized. The Commission does not have the specific authority to expend funds for this purpose; however, the Commission is authorized to, and does, provide reimbursement of travel expenses justified by representation at official functions (5 U.S.C. 4110).

7. A comment suggests that proposed section V–C (§ 1031.5(c) below) be changed to specify that CPSC employees may participate in the development of voluntary safety standards only in accordance with the provisions of proposed V–H (§ 1031.5(h) below), which limits participation to those activities that appear to further the objectives and programs of the Commission and that are consistent with the Commission's regulatory programs.

This suggested change is consistent with the purpose of the proposal and has been adopted.

8. A comment suggests deleting the requirement for advance approval by the Office of the General Counsel and the Office of the Executive Director for attendance of CPSC employees at voluntary standards meetings because it would inhibit and discourage employee participation.

The Commission agrees that specific approval by the Office of the General Counsel is unnecessary since that office will provide legal advice and assistance when requested concerning employee participation in voluntary standards organizations. The Commission does not agree that review by the Office of the Executive Director will inhibit or discourage employee participation in voluntary standards activities. The review will provide a mechanism for coordinating participation by CPSC staff in such activities.

9. A comment questions whether the Commission should attempt to impose its unlimited public-participation policy upon voluntary standards-development organizations by requiring in proposed section V–E that voluntary standards development meetings in which CPSC employees participate be open for observation and participation, where appropriate, by any and all interested or concerned persons.

The Commission is not attempting to impose its public-participation policy upon voluntary standards organizations. The Commission, however, was established primarily to protect the public from unreasonable risks of injury. The Commission does not believe that any activity in which it participates should be closed to members of the public except in extraordinary circumstances. The Commission has modified the provision (§ 1031.5(e) below) to specify that generally CPSC employees will participate in voluntary standards activities only where there is opportunity for comment on those standards by all interested parties.

10. A comment suggests that CPSC employee participaton in standards-development activities be limited to consultation and comment on work as it progresses.

The Commission does not expect its employees to actually draft standards for voluntary standards organizations. Commission employees, however, may comment on standards as work progresses and may suggest changes or alternative provisions that in their opinion appear to be in the public interest. Commission employees may also express their opinion on whether a particular requirement of a voluntary standard is adequate to eliminate or reduce an unreasonable risk of injury. They are prohibited, however, from voting or otherwise indicating their approval of a standard or any provision of a standard. This prohibition on voting on a standard is necessary to reduce the likelihood that an employee's approval would be misconstrued as representing approval of the Commission.

11. One comment suggests that CPSC employees be considered as "full" members of standards development committees and not just as "non-voting advisory" members. Another comment suggests that CPSC employees be prohibited from voting on the approval of a final standard. A third comment suggests that voting on final standards should not be allowed where such approval might be construed as representing Commission approval of the standard.

The Commission concludes that the public interest would be best served if CPSC employees participate actively and fully in the development of voluntary standards without voting on their approval. To prevent any views expressed by a CPSC employee on a voluntary standard from being construed as representing an official Commission position, a new paragraph has been added to proposed section V (as § 1031.5(i) below) and an addition has been made to section V–C § 1031.5(c) below).

12. A comment suggests that CPSC employees be allowed to hold the position of secretary in voluntary standards committees. Another comment suggests that CPSC be permitted to accept positions of leadership in such committees.

The Commission believes that CPSC employees should participate actively in standards-development activities but should never direct the work of a voluntary standards committee. To preclude any assumption by CPSC employees of leadership roles in a voluntary standards committee, the Commission has adopted a rule prohibiting them from accepting a policy or primary leadership position, such as chairman or secretary, of such a committee. The acceptance of other committee positions by a CPSC employee is subject to Executive Director approval with General Counsel concurrence (see § 1031.5(g) below).

13. A comment suggests that proposed paragraph H of section V be changed so that the Commission's participation in voluntary standards activities will be subject to the provisions of section V rather than just paragraph C thereof since other portions of proposed section V modify paragraph H.

The Commission agrees and the regulation (§ 1031.5(h) below) has been changed accordingly.

14. A comment suggests that a CPSC employee who participates from later participating in an official CPSC capacity in the evaluation of the standard. The comment suggests that requiring the employee to describe in his or her evaluation of the voluntary standard the extent of his or her participation in its development will not inhibit his or her favoring a standard on which he or she worked to develop.

The combination of disclosure of participation by any CPSC staff member who helps evaluate the proposed standard and the prohibition on participation by CPSC employees listed in proposed section V–A (§ 1031.5(a) below) should assure an objective decision by the Commission on the merits of a proposed standard.

Conclusion and promulgation. Having considered the proposal, the comments thereon, and other relevant material, the Commission concludes that the subject policy, changed as specified above, should be adopted as set forth below.

Therefore, pursuant to provisions of the Consumer Product Safety Act (15 U.S.C. 2051–81), the Federal Hazardous Substances Act (15 U.S.C. 1261–74), the Flammable Fabrics Act (15 U.S.C. 1191–1204), the Poison Prevention Packaging

Act of 1970 (15 U.S.C. 1471–76), and the Refrigerator Safety Act (15 U.S.C. 1211–14), a new Part 1031 is added to Title 16, Chapter II, Subchapter A, as follows:

Sec.
1031.1 Scope and purpose of Part 1031.
1031.2 Voluntary standards; conflict of interest.
1031.3 Procedural safeguards.
1031.4 Membership criteria.
1031.5 Participation criteria.

AUTHORITY: Consumer Product Safety Act (15 U.S.C. 0251–81), Federal Hazardous Substances Act (15 U.S.C. 1251–74), Flammable Fabrics Act (15 U.S.C. 1191–1204), Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–76), and Refrigerator Safety Act (15 U.S.C. 1211–14).

§ 1031.1 Scope and purpose of Part 1031.

This Part 1031 sets forth the Consumer Product Safety Commission's guidelines and requirements governing membership and participation by Commission employees in the activities of voluntary standards development bodies that concern products subject to the Commission's jurisdiction. The purpose of this Part 1031 is to further the objectives and programs of the Commission and to do so in a manner that ensures that such membership and participation:

(a) Is consistent with the intent of the Consumer Product Safety Act and the other acts administered by the Commission;

(b) Is not contrary to the public interest; and

(c) Presents no real or apparent conflict of interest in the implementation of paragraphs (a) and (b) of this section.

§ 1031.2 Voluntary standards; conflict of interest.

(a) The Commission recognizes the role that voluntary standards may have in:

(1) Reducing unreasonable risks of injuries associated with consumer products.

(2) Eliminating, in some instances, the need for mandatory standards.

(3) Providing a basis for mandatory standards.

(b) The Commission realizes there are advantages and benefits derivable from the participation of Commission personnel in the activities of domestic and international voluntary standards organizations. The Commission is also aware, however, of the need to eliminate or reduce to a minimum any real or apparent conflict-of-interest situations. Such situations might present an appearance or possibility of the Commission's giving preferentia' treatment to an organization or group or of the Commission's losing its independence or impartiality.

§ 1031.3 Procedural safeguards.

With regard to Commission decisions concerning proposing or promulgating consumer product safety rules or regulations, the Commission recognizes that:

(a) Only those staff members listed in § 1031.5 (a) and (b) have the responsibility for making the final recommendation to the Commissioners on either adopting an existing standard as the basis for a proposed regulation, accepting an offer to develop a standard, or promulgating regulations or standards.

(b) Individuals from several Commission offices and bureaus are involved in the development of staff recommendations on accepting an existing standard, accepting an offer to develop a standard, or proposing or promulgating a regulation or standard.

(c) The recommendations and views of each person involved in developing staff recommendations will be carefully reviewed and either endorsed, questioned, or rejected by that person's Division Chief or Office or Bureau Director, the Standards Coordinator, the Chief of the Technical Analysis Division, the Director of the Office of Standards Coordination and Appraisal, the Deputy Executive Director, and/or the Executive Director.

(d) The Commissioners exercise the ultimate decisionmaking authority, and any existing standard accepted as a proposed consumer product safety rule, any proposed standard developed by an offeror, and any regulation required to be proposed is subject to public review and comment by all interested or concerned persons following its proposal in the FEDERAL REGISTER.

§ 1031.4 Membership criteria.

In view of the foregoing text of this Part 1031, the following are the Commission's guidelines governing membership and participation of Commission employees in voluntary standards organizations:

(a) Commission employees may become individual members of voluntary standards development bodies at their own expense.

(b) Commission employees, other than those holding positions listed in § 1031.5 (a) and (b), may be advisory, nonvoting members of standards development, standards approval, nonstandards development, or nonstandards approval committees, subcommittees, councils, or boards of such bodies, subject to the requirements of § 1031.5(g).

§ 1031.5 Participation criteria.

For the purposes of this Part 1031, "participation in the development of voluntary standards" includes any written or oral communications concerning the development of voluntary standards, but does not include attendance at meetings for the sole purpose of observation or education.

(a) Commission employees holding the following positions, because they make the final decision or because they advise those who make the final decision on adopting an existing standard, accepting an offer to develop a standard, and proposing and promulgating regulations, shall not participate in the development of voluntary standards for products subject to the Commission's jurisdiction:

(1) The Commissioners.

(2) The Commissioners' Special Assistants.

(3) The General Counsel.

(4) The General Counsel's legal staff.

(b) Commission employees holding the following positions, because they develop the final recommendations to the Commission on adopting an existing standard, accepting an offer to develop a standard, and proposing and promulgating regulations, shall not participate in the development of voluntary standards for products subject to the Commission's jurisdiction:

(1) The Executive Director, the Deputy Executive Director, and their Special Assistants.

(2) The Director of the Bureau of Engineering Sciences.

(3) The Director of the Bureau of Economic Analysis.

(4) The Director of the Bureau of Biomedical Science.

(5) The Medical Director.

(6) The Director of the Office of Standards Coordination and Appraisal and the following staff members thereof:

(i) Special Assistants to the Director.

(ii) The Director of the Impact Analysis Division.

(iii) The Director of the Technical Analysis Division.

(iv) The Standards Coordinators of the Technical Analysis Division.

(c) Commission employees, other than those holding the positions listed in paragraphs (a) and (b) of this section, may participate in the development of voluntary safety standards for consumer products, but only in their capacity as employees of the Commission and as part of their official duties. Except in those instances where the Commission has adopted or otherwise expressed an official position, the views expressed by Commission employees are to be represented as those of the individual employee. Travel and other expenses will be provided as specified in appropriate Federal travel regulations. Commission employees may engage in such participation, in accordance with the provisions of paragraph (h) of this section, only after having received advance approval for such participation from the Executive Director.

(d) Commission employees who attend but do not participate in meetings of voluntary standards organizations must have such attendance approved in advance by the Executive Director.

(e) Except in extraordinary circumstances and when approved in advance by the Commission in accordance with the provisions of the Commission's meetings policy (16 CFR Part 1012), Commission employees shall not participate in meetings concerning the development of voluntary standards that are not open to the public for attendance and observation. Generally, Commission employees may participate only in the development of standards that prior to use or adoption are made available for comment by all interested parties. Attendance at all meetings shall be noted in the Public Calendar in accordance with the Commission's meetings policy.

(f) Attendance and participation in voluntary standards activities shall be

contingent on Commission employees' being considered and listed by standards development committees and organizations as advisory, nonvoting members. In no case shall a Commission employee vote or otherwise formally indicate approval of a voluntary standard.

(g) Commission employees who participate in the development of voluntary standards shall not accept voluntary standards committee positions involving policy or primary leadership roles (for example, chairman or secretary). Subject to prior approval by the Executive Director, with the concurrence of the General Counsel, a Commission employee may accept other committee positions only if it appears to be clearly in the public interest for the employee to carry out the functions of that specific position.

(h) Subject to the provisions of paragraph (c) of this section and budgetary and time constraints, Commission employees may participate in voluntary standards activities that appear to further the objectives and programs of the Commission and that are consistent with ongoing and anticipated Commission regulatory programs. In the event of duplication of effort by two or more groups in developing voluntary standards for the same products or class of products, the Commission may encourage the several interests to participate in the development of a single voluntary standard.

(i) Commission employees who participate in the development of a voluntary standard, and who later participate in an official capacity in the evaluation of that standard as the basis for proposed consumer product safety rule, shall describe clearly in their evaluation of the standard the extent of their participation in its development.

(j) Participation of a Commission employee in a voluntary standards committee shall be predicated on an understanding that any list of the committee's membership that includes Commission employees shall contain a statement that participation by the Commission employee in the development of the standard does not constitute approval or endorsement of the standard.

Effective date. The regulations promulgated above, 16 CFR Part 1031, shall become effective July 21, 1975.

(Consumer Product Safety Act (15 U.S.C. 2051–81), Federal Hazardous Substances Act (15 U.S.C. 1261–74), Flammable Fabrics Act (15 U.S.C. 1191–1204), Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–76), and Refrigerator Safety Act (15 U.S.C. 1211–14).)

Dated: June 16, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-16103 Filed 6-19-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 35-18963; AS-171]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PART 257—UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITY HOLDING COMPANIES, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Adoption of Revised Rule and Rescission of Uniform System of Accounts for Public Utility Holding Companies; Correction

In FR Doc. 75-13302 appearing at page 22129 in the FEDERAL REGISTER of Wednesday, May 21, 1975, the headings should read as set forth above. In addition, all sections of Part 257 (§§ 257.0-1 to 257.315) are rescinded except for the Appendix—Regulation to Govern the Preservation and Destruction of Books of Account and Other Records of Companies Which are Subject to the Uniform System of Accounts for Public Utility Holding Companies Under the Public Utility Company Act of 1935.

Pursuant to § 250.26(g) set forth in said release, the title of the Appendix is amended to delete the phrase "Subject to the Uniform System of Accounts for Public Utility Holding Companies Under the Public Utility Holding Company Act of 1935" and substitute "Subject to § 250.26."

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 13, 1975.

[FR Doc.75-16087 Filed 6-19-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-144]

PART 1—GENERAL PROVISIONS

Ports of Entry; Extension of Limits in Cincinnati

On January 2, 1975, a notice of a proposal to extend the port limits of Cincinnati, Ohio, in the Cleveland, Ohio, Customs district (Region IX) was published in the FEDERAL REGISTER (40 FR 5). No comments were received regarding this proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), the port limits of Cincinnati, Ohio, in the Cleveland, Ohio, Customs district (Region IX) are hereby extended to include all that territory beginning at the junction of the Ohio River and the Great Miami River, then proceeding in a northeasterly direction along the eastern bank of the Great Miami River to the northern boundary of Hamilton County, then proceeding in an easterly direction along the northern boundary of Hamilton County to Ohio State Highway No. 747, then proceeding in a northerly direction in Butler County along Ohio State Highway No. 747 to Rialto Road, then proceeding in a generally northeasterly direction along Rialto Road to Allen Road, then proceeding in a southerly, then easterly, direction on Allen Road to Reading Road, then proceeding in a southerly direction on Reading Road to the northern boundary of Hamilton County, then proceeding in an easterly direction along the northern boundary of Hamilton County to the eastern boundary of Hamilton County, then proceeding in a southerly direction along the eastern boundary of Hamilton County to the north bank of the Ohio River, then proceeding in a westerly direction along the northern bank of the Ohio River to the bridge at Interstate Highway No. 275, then proceeding in a westerly direction along Interstate Highway No. 275 to its intersection with Interstate Highway No. 75, then proceeding in a southerly direction along Interstate Highway No. 75 to its intersection with Kentucky State Highway No. 18, then proceeding in a northwesterly direction along Kentucky State Highway No. 18 to its intersection with Kentucky State Highway No. 237, then proceeding in a generally northerly direction along Kentucky State Highway No. 237 to its intersection with Interstate Highway No. 275, then proceeding in a westerly direction along Interstate Highway No. 275 to its intersection with the Ohio River, then proceeding in a northeasterly direction along the northern bank of the Ohio River to its junction with the Great Miami River.

To reflect this change, the table in § 1.2(c) of the Customs regulations (19 CFR 1.2(c)) is amended by adding "(including the territory described in T.D. 75-144)." after "Cincinnati, Ohio" in the column headed "Ports of entry" in the Cleveland, Ohio, Customs district (Region IX).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2))

Effective date. This amendment shall become effective on July 21, 1975.

Dated: June 13, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-16212 Filed 6-19-75;8:45 am]

[T.D. 75-143]

PART 1—GENERAL PROVISIONS

Laredo, Texas; Port of Entry

On March 4, 1975, a notice of a proposal to designate Lubbock, Texas, as a Customs port of entry in the Laredo, Texas, Customs district (Region VI) was published in the FEDERAL REGISTER (40 FR 8955). No comments were received from the public in response to the proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), Lubbock, Texas, is hereby designated a Customs port of entry in the Laredo, Texas, Customs district (Region VI).

The geographical limits of the Lubbock port of entry shall include the area within the corporate limits of the city of Lubbock, Texas.

To reflect this change, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by inserting "Lubbock, Tex. (T.D. 75-143)" directly below "Hidalgo" in the column headed "Ports of entry" in the Laredo, Texas, Customs district (Region VI).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2))

Effective date. This amendment shall become effective July 21, 1975.

Dated: June 13, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-16211 Filed 6-19-75;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 75N-0001]

ADMINISTRATIVE PRACTICES AND PROCEDURES

Extension of Time for Filing Comments

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of May 27, 1975 (40 FR 22949), a notice establishing administrative practices and procedures governing the activities of the Food and Drug Administration. A period of 60 days was provided for filing comments.

The Commissioner has received a request for extension of the comment period. Good reason therefore appearing, the time for filing comments in this matter is extended to August 27, 1975. The effective dates announced in the May 27 notice, however, remain unchanged.

This notice is issued under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 201 et seq., 52 Stat. 1040 (21 U.S.C. 321 et seq.)), the Public Health Service Act (sec. 1 et seq., 58 Stat. 682, as amended (42 U.S.C. 201 et seq.)), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (sec. 4, 84 Stat. 1241 (42 U.S.C. 257a)), the Controlled Substances Act (sec. 301 et seq., 84 Stat. 1253 (21 U.S.C. 821 et seq.)), the Federal Meat Inspection Act (sec. 409(b), 81 Stat. 600 (21 U.S.C. 679(b))), the Poultry Products Inspection Act (sec. 24(b), 82 Stat. 807 (21 U.S.C. 467f(b))), the Egg Products Inspection Act (sec. 2 et seq., 84 Stat. 1620 (21 U.S.C. 1031 et seq.)), the Federal Import Milk Act (44 Stat. 1101 (21 U.S.C. 141 et seq.)), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406 (15 U.S.C. 401-411 notes)), the Fair Packaging and Labeling Act (80 Stat. 1296 (15 U.S.C. 1451 et seq.)), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-16078 Filed 6-19-75;8:45 am]

[FRL 337-6; OPP-260008]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

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

Correction

On March 28, 1975, the tenth document of the recodification program for Chapter I of Title 21 of the Code of Federal Regulations was published in the FEDERAL REGISTER (40 FR 14156). In cooperation with the Food and Drug Administration recodification program, this document was issued by the Environmental Protection Agency under the authority of Reorganization Plan No. 3 of 1970. This plan, which was published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred to the Administrator of the Environmental Protection Agency the functions vested in the Secretary for Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348).

In this recodified document three sections of the regulations were omitted. Accordingly, the EPA is issuing the following correction to the March 28 reorganization and republication document.

The relationship of the new CFR section numbers assigned to the three previously omitted passages and the former section numbers assigned to them are shown below.

Old sec.:	*New sec.*
121.351	561.235
121.1266	123.25
121.1267	123.35

These three sections are republished below for the public's benefit and to insure proper indexing in 21 CFR 123 and 561.

Dated: June 13, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

§ 561.235 2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate.

A tolerance of 0.5 part per million is established for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in sugar beet molasses, resulting from application of the herbicide to the growing sugar beets. Such residues may be present therein only as a result of the application of the herbicide to the growing sugar beets treated under an experimental program, which expires February , 1976, and on which said sugar beet roots and tops temporary pesticide tolerances for residues of the herbicide expiring the same date have been established. Residues remaining in or on the above 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/food additive tolerance.

§ 123.25 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one.

A tolerance of 3 parts per million is established for combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one and its triazinone metabolites in processed potatoes (including potato chips), resulting from application of the herbicide to the raw agricultural commodity potatoes.

§ 123.35 Benzene Hexachloride (BHC).

A tolerance of 5 parts per million is established for residues of the insecticide benzene hexachloride (BHC) in dehydrated peppers (paprika), resulting from application of the insecticide to growing peppers.

[FR Doc.75-16043 Filed 6-19-75;8:45 am]

[FRL 387-7; FAP5H5075/T1]

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

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

Methoprene

On February 12, 1975, notice was given (40 FR 6532) that Zoecon Corp., 975 California Avenue, Palo Alto, CA 94304, had filed a feed additive petition (FAP

5H5075) with the Environmental Protection Agency (EPA). This petition proposed issuance of a feed additive regulation to provide for the safe use, in an experimental program, of the insect growth regulator methoprene (isopropyl (*E,E*)-11-methoxy-3,7,11 - trimethyl-2,4-dodecadienoate) in the complete feed of poultry in an amount not to exceed 0.0015 percent by weight of the complete feed.

The data in the petition and other relevant material have been evaluated. Residues of the insect growth regulator may result in eggs and meat, fat, and meat byproducts of poultry administered treated feed during the testing provided for by an experimental permit issued under the Federal Insecticide, Fungicide, and Rodenticide Act. The regulation (§ 561.282) should be amended to coincide with the experimental permit. (A document concerning the establishment of a temporary tolerance for methoprene in connection with this permit also appears in today's FEDERAL REGISTER.)

Any person adversely affected by this regulation may on or before July 21, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW., East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on the date of publication Part 561 is amended by revising § 561.282.

Dated: June 13, 1975.

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

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

Section 561.282 is amended to include the use of methoprene as a feed additive in the complete feed of poultry.

§ 561.282 Methoprene.

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

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

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

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

(b) The feed additive methoprene may be safely used, in an experimental program, in accordance with the following prescribed conditions:

(1) It is used as a feed additive in the complete feed of poultry in an amount not to exceed 0.0015 percent by weight of the complete feed.

(2) It is used for control of fecal flies in manure of treated poultry.

(3) It is used only pursuant to the EPA experimental permit which expires June 13, 1976.

* * * * *

[FR Doc.75-16044 Filed 6-19-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7362]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 17—TEMPORARY INCOME TAX REGULATIONS UNDER 26 U.S.C. 103(c)

Industrial Development Bonds

This document amends the Income Tax Regulations (26 CFR Part 1) under section 103(c) of the Internal Revenue Code of 1954, relating to industrial development bonds, as added by section 107(a) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 266) and contains Temporary Income Tax Regulations (26 CFR Part 17) relating to the definition of the term "solid waste disposal facilities" for purposes of section 103(c) (4) (E). Interest on an industrial development bond does not qualify for the exclusion from gross income under section 103(a) (1) of interest on State or local governmental obligations, subject to certain exemptions. Section 103(c) (4) (E) provides an exception in the case of an industrial development bond used to finance solid waste disposal facilities, so that interest on such an obligation may qualify for the exclusion under section 103(a) (1).

Paragraph 1 of the amendment revises subparagraphs (a) and (d) of § 1.103-8(f) (2) (ii) and revokes subdivisions (e) and (f) thereof. Paragraph 2 adds § 17.1 to chapter 1 of title 26. The purpose of the amendments is to delete the existing tests in the regulations for determining the extent to which a facility qualifies as a solid waste disposal facility and to provide new, temporary rules to be followed in making that determination.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Based on the foregoing, the following regulations are adopted:

Par. 1. Section 1.103-8(f) (2) (ii) is amended:

1. By revising the first sentence of subdivision (*a*);

2. By revising subdivision (*d*); and

3. By revoking subdivisions (*e*) and (*f*).

These new and revised provisions read as follows:

§ 1.103-8 Interest on bonds to finance certain exempt facilities.

* * * * *

(f) *Certain public utility facilities.* * * *

(2) *Definitions.* * * *

(ii) (*a*) The term "solid waste disposal facilities" means any property or portion thereof used for the collection, storage, treatment, utilization, processing, or final disposal of solid waste. * * *

(*d*) For rules relating to property which has both a solid waste disposal function and a function other than the disposal of solid waste, see § 17.1 of this chapter.

* * * * *

Par. 2. Section 17.1 is added to chapter 1 of title 26.

This new section reads as follows:

§ 17.1 Industrial development bonds used to provide solid waste disposal facilities; temporary rules.

(a) *In general.* Section 103(c) (4) (E) provides that section 103(c) (1) shall not apply to obligations issued by a State or local governmental unit which are part of an issue substantially all the proceeds of which are used to provide solid waste disposal facilities. Section 1.103-8(f) of this chapter provides general rules with respect to such facilities and defines such facilities. In the case of property which has both a solid waste disposal function and a function other than the disposal of solid waste, only the portion of the cost of the property allocable to the function of solid waste disposal (as determined under paragraph (b) of this section) is taken into account as an expenditure to provide solid waste disposal facilities. A facility which otherwise qualifies as a solid waste disposal facility will not be treated as having a function other than solid waste disposal merely because material or heat which has utility or value is recovered or results from the disposal process. Where materials or heat are recovered, the waste disposal function includes the processing of such materials or heat which occurs in order to put them into the form in which the materials or heat are in fact sold or used, but does not include further processing which converts the materials or heat into other products.

(b) *Allocation.* The portion of the cost of property allocable to solid waste disposal is determined by allocating the cost of such property between the property's solid waste disposal function and any other functions by any method which, with reference to all the facts and circumstances with respect to such property, reasonably reflects a separation of costs for each function of the property.

(c) *Example.* The principles of this paragraph may be illustrated by the following example:

Example. Company A intends to construct a new facility to process solid waste which City X will deliver to the facility. City X will pay a disposal fee for each ton of solid waste that City X dumps at the facility. The waste will be processed by A in a manner which

separates metals, glass, and similar materials. As separated, some of such items are commercially saleable; but A does not intend to sell the metals and glass until the metals are further separated, sorted, sized, and cleaned and the glass is pulverized. The metals and pulverized glass will then be sold to commercial users. The waste disposal function includes such processing of the metals and glass, but no further processing is included.

The remaining waste will be burned in an incinerator. Gases generated by the incinerator will be cleaned by use of an electrostatic precipitator. To reduce the size and cost of the electrostatic precipitator, the incinerator exhaust gases will be cooled and reduced in volume by means of a heat exchange process using boilers. The precipitator is functionally related and subordinate to disposal of the waste residue and is therefore property used in solid waste disposal. The heat can be used by A to produce steam. Company B operates an adjacent electric generating facility and B can use steam to power its turbine-generator. B needs steam with certain physical characteristics and as a result A's boilers, heat exchanger and related equipment are somewhat more costly than might be required to produce steam for some other uses. The disposal function includes the equipment actually used to put the heat into the form in which it is sold.

Company A intends to construct pipes to carry the steam from A's boiler to B's facility. When converted to such steam the heat is in the form in which sold, and therefore the disposal function does not include subsequent transporting of the steam by pipes. Similarly, if A installed generating equipment and used the steam to generate electricity, the disposal function would not include the generating equipment, since such equipment transforms the commercially saleable steam into another form of energy.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitations of subsection (d) of that section.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917 (26 U.S.C. 7805))

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: June 16, 1975.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.75-16163 Filed 6-17-75;4:14 pm]

[T.D. 7361]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Deduction for Certain Payments to the National Railroad Passenger Corporation

By a notice of proposed rule making appearing in the FEDERAL REGISTER for February 24, 1975 (40 FR 7933), amendments were proposed to conform the Income Tax Regulations (26 CFR Part 1) to amendments made to the Internal Revenue Code of 1954 by section 901 of the Rail Passenger Service Act (84 Stat. 1341), relating to the deduction for certain payments made to the National Railroad Passenger Corporation. Under the Act, in order to be relieved of the requirement of providing intercity rail passenger service, a railroad must, under a contract entered into under section 401 (a) of the Act, pay a set amount to the National Railroad Passenger Corporation ("the Passenger Corporation") which in exchange assumes the entire responsibility of the railroad to provide intercity rail passenger service. The railroad may then deduct the amount of these payments made to the Passenger Corporation if the railroad does not, except in limited circumstances, receive any stock of the Passenger Corporation in exchange for these payments. The deduction is subject to subsequent disallowance if the railroad acquires any stock of the Passenger Corporation at any time prior to the expiration of 36 months after the last payment is made under the contract to the Passenger Corporation.

Adoption of amendment to the regulations. On February 24, 1975, notice of proposed rule making with respect to amendment of the Income Tax Regulations (26 CFR Part 1) under section 250 of the Internal Revenue Code of 1954, relating to the deduction for certain payments made to the National Railroad Passenger Corporation, was published in the FEDERAL REGISTER (40 FR 7933). There were no matters presented by any person regarding the regulations as proposed. The amendment of the regulations is hereby adopted as proposed.

(Section 7805 of the Internal Revenue Code of 1954, 68A Stat. 917 (26 U.S.C. 7805))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: June 16, 1975.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations to section 901 of the Rail Passenger Service Act (84 Stat. 1341), the regulations are hereby amended by inserting the following new sections immediately after § 1.249–1:

§ 1.250 Statutory provisions; certain payments to the National Railroad Passenger Corporation.

SEC. 250. *Certain payments to the National Railroad Passenger Corporation*—(a) *General rule.*—If—(1) any corporation which is a common carrier by railroad (as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3))) makes a payment in cash, rail passenger equipment, or services to the National Railroad Passenger Corporation (hereinafter in this section referred to as the Passenger Corporation) pursuant to a contract entered into under section 401(a) of the Rail Passenger Service Act, and

(2) no stock in the Passenger Corporation is issued at any time to such corporation in connection with any contract entered into under such section 401(a) then the amount of such payment shall (subject to subsection (c)) be allowed as a deduction for the taxable year in which it is made.

(b) *When payment is made.*—Under regulations prescribed by the Secretary or his delegate, a payment in rail passenger equipment shall be treated as made when title to the equipment is transferred, and a payment in services shall be treated as made when the services are rendered.

(c) *Effect of certain subsequent acquisitions of stock.*—(1) *Disallowance of deductions.*—If any deduction has been allowed under subsection (a) to a corporation and such corporation (or a successor corporation) acquires any stock in the Passenger Corporation (other than in a transaction described in section 374 or 381) before the close of the 36-month period which begins with the day on which the last payment is made to the Passenger Corporation pursuant to the contract entered into under such section 401(a), then such deduction shall be disallowed (as of the close of the taxable year for which it was allowed under subsection (a)).

(2) *Collection of deficiency.*—If any deduction is disallowed by reason of paragraph (1), then the periods of limitation provided in sections 6501 and 6502 on the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from such a disallowance, include one year following the date on which the person acquiring the stock which results in the disallowance (in accordance with regulations prescribed by the Secretary or his delegate) notifies the Secretary or his delegate of such acquisition; and such assessment and collection may be made notwithstanding any provision of law or rule of law which otherwise would prevent such assessment and collection.

(d) *Members of controlled group.*—Under regulation prescribed by the Secretary or his delegate, if a corporation is a member of a controlled group of corporations (within the meaning of section 1563), subsections (a)(2) and (c) shall be applied by treating all members of such controlled group as one corporation.

[Sec. 250 as added by sec. 901, Rail Passenger Service Act (84 Stat. 1341)]

§ 1.250–1 Deduction for certain payments to the National Railroad Passenger Corporation.

(a) *General rule*—(1) *Allowance of deduction.* The amount of a payment described in subparagraph (2) of this paragraph made to the National Railroad Passenger Corporation (hereafter called the "Passenger Corporation") by a corporation which is a common carrier by railroad, as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3)), shall be allowed as a deduction for the taxable year in which the payment is made. However, in accordance with paragraph (b) of this section, no deduction shall be allowed for the payment if the Passenger Corporation issues stock to the common carrier by railroad in connection with a contract described in subparagraph (2)(i) of this paragraph. A payment described in subparagraph (2)(i) of this paragraph which is not deductible under section 250 and this section may not be deducted under any other section of the Code or these regulations. See paragraph (c) of this section for the rules relating to when certain payments are treated as made to the Passenger Corporation. See paragraph (d) of this section for the rules relating to the disallowance of the deduction if certain subsequent acquisitions of stock of the Passenger Corporation occur. See paragraph (e) of this section for the rules

relating to treatment of all members of a controlled group as one corporation. This section applies only with respect to taxable years ending after October 30, 1970.

(2) *Payments eligible for deduction*—(i) *In general.* The deduction allowed by this section shall be allowed with respect to payments made in cash, rail passenger equipment, or services to the Passenger Corporation pursuant to a contract entered into under section 401 (a) of the Rail Passenger Service Act (84 Stat. 1334). The amount of the payments shall be the amounts provided under the contract between the Passenger Corporation and the common carrier by railroad.

(ii) *Rail passenger equipment.* For purposes of this section the term "rail passenger equipment" means depreciable tangible personal property used incident to the furnishing of rail passenger service. Such term does not include track, roadbed, real property or buildings.

(iii) For purposes of this section, the term "services" means the performance of activities for the benefit of the Passenger Corporation and includes the furnishing of the use of equipment or facilities to the Passenger Corporation where title to the equipment or facilities is not transferred to the Passenger Corporation. A grant of the use of track or roadbed shall be treated as the furnishing of services.

(3) *Special rules for payment in equipment and services*—(i) *Realization of income.* In the case of a payment to the Passenger Corporation in the form of equipment or services, the common carrier shall be treated as satisfying a fixed obligation with equipment or services and may, therefore, realize taxable income or a loss as a result of the payment. This rule may be illustrated by the following two examples:

Example (1). If a common carrier had a fixed obligation under a section 401(a) contract to make a payment of $500,000 to the Passenger Corporation and satisfied that obligation with equipment having an adjusted basis to the carrier of $200,000, the common carrier would realize $300,000 as a gain from the satisfaction of its obligation which would be taxable to the common carrier. To the extent provided in section 1245 and the regulations thereunder, the gain would be taxed as ordinary income. Thus, the common carrier would be allowed a deduction of $500,000 for the payment made to the Passenger Corporation and would include in income the amount of $300,000 as a capital gain or ordinary income, as the case may be, arising from satisfaction of its fixed obligation by transfer of the equipment.

Example (2). If a common carrier had a fixed obligation under a section 401(a) contract to make a payment of $500,000 to the Passenger Corporation and satisfied that obligation by providing to the Passenger Corporation services consisting of the use of a passenger train over a specified route on a specified schedule for a period of one year, the common carrier would realize $500,000 of income from the satisfaction of its obligation, to be reduced by its costs and expenses incurred in rendering these services in determining taxable income. Thus, the common carrier would be allowed a deduction of $500,000 for the payment made to the Passenger Corporation and would include in taxable income arising from the satisfaction of its fixed obligation by the performance of services an amount equal to $500,000 reduced by such costs and expenses.

(b) *Stock issued in connection with the contract.* No deduction shall be allowed under this section with respect to a payment in cash, rail passenger equipment, or services to the Passenger Corporation if, in connection with a contract described in paragraph (a)(2)(i) of this section, stock of the Passenger Corporation is issued to the common carrier making such payment. Under section 401(a)(2) of the Rail Passenger Service Act, a common carrier which enters into a contract with the Passenger Corporation receives common stock of the Passenger Corporation unless it waives all rights to receive the stock in exchange for the payments it makes under the contract. For this reason, no deduction shall be allowed under this section with respect to the payments unless the common carrier waives all rights to receive the stock in exchange for the payments.

(c) *Determination of time of payment in equipment and services*—(1) *Equipment.* A payment in rail passenger equipment shall be treated as made when title to the equipment is transferred to the Passenger Corporation or for its benefit.

(2) *Services.* A payment in services shall be treated as made when the services are rendered to the Passenger Corporation or for its benefit.

(d) *Effect of certain subsequent acquisitions of stock*—(1) *Disallowance of deduction*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, a deduction which has been allowed under this section to a common carrier shall be disallowed if the corporation, or a successor corporation as defined in subparagraph (2) of this paragraph, acquires any stock of the Passenger Corporation before the close of the 36-month period commencing on the day on which the last payment under the contract described in paragraph (a)(2)(i) of this section is made. The disallowance of the deduction shall be effective as of the close of the taxable year for which it was claimed under this section. An amended income tax return shall be filed by the common carrier, or successor corporation, for that year disclosing the acquisition of the stock and disallowance of the deduction, and additional tax, if any, for the year shall be paid. See subparagraph (3) of this paragraph for rules relating to the assessment and collection of a deficiency from such disallowance.

(ii) *Exceptions.* The rules of subdivision (i) of this subparagraph shall not apply if stock in the Passenger Corporation is acquired in a corporate acquisition to which section 381 and the regulations thereunder apply or in a railroad reorganization to which section 374 and the regulations thereunder apply.

(2) *Successor corporation.* For purposes of subparagraph (1) of this paragraph, the term "successor corporation" means any corporation which acquires assets of the common carrier having a fair market value in excess of one-half the fair market value of all the assets of the common carrier held immediately before the acquisition, where 50 percent or more of one or more classes of voting stock of the corporation is owned, directly or indirectly, at the time of the acquisition by one or more persons who, at any time during the taxable year or years that the common carrier was allowed a deduction under this section, owned, directly or indirectly, 50 percent or more of one or more classes of the voting stock of the common carrier. For purposes of this subparagraph, a person will be considered to own indirectly 50 percent or more of a class of the voting stock of a corporation if the person owns 50 percent or more of a class of the voting stock of another corporation which owns 50 percent or more of a class of the voting stock of the corporation.

(3) *Collection of deficiency.* If a deduction is disallowed under subparagraph (1) of this paragraph, the periods of limitation provided in sections 6501 and 6502 for the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from the disallowance of the deduction, be extended to one year after the date on which the common carrier or successor corporation, which acquired the stock of the Passenger Corporation files an amended income tax return in accordance with paragraph (d)(1)(i) of this section. Such assessment and collection may be made notwithstanding any rule of law which otherwise would prevent such assessment and collection.

(e) *Members of controlled group.* For purposes of paragraphs (b) and (d) of this section, all members of a controlled group of corporations, as defined in section 1563 and the regulations thereunder, shall be treated as one corporation. Thus, no deduction for a payment shall be allowed to any member of a controlled group if any other member of the controlled group receives stock in the Passenger Corporation in exchange for the payment in connection with a contract described in paragraph (a)(2) of this section.

[FR Doc.75-16165 Filed 6-19-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

Wage Order and Increases in Wage Rates; Corrections

In FR Doc. 74-18782 on page 29354 there were omitted in § 694.1 subparagraphs (4), (5), (6) and (7) of paragraph (c) involving recommendations of Industry Committee No. 15 for Newly Covered Employment in the Virgin Islands relating to industries in which no workers were found and for which the state-side rates were required, namely,

those in section 6(b) of the Act for non-agricultural industries and those in section 6(a)(5) for agricultural workers. Accordingly, the recommendations of the Committee for the small telegraph agencies classifications, the processing of shade grown tobacco classification, the small logging operation classification and the agricultural employees of large conglomerates classification are added as subparagraphs (4), (5), (6) and (7) of paragraph (c) of § 694.1 to the wage order as follows:

§ 694.1 Wage rates.

* * * * *

(c) * * *

(4) *Small telegraph agencies classifications.* (i) The minimum wage rate for this classificatfon is $1.90 an hour for the period ending December 31, 1974. Since the mainland rate has been attained, the rates specified in section 6(b) of the Act now apply, namely, $2.00 an hour during the year ending December 31, 1975; $2.20 an hour during the year beginning January 1, 1976; and $2.30 an hour after December 31, 1976.

(ii) This classification is defined to include employees engaged in handling telegraphic messages for the public where revenue does not exceed $500 a month.

(5) *Processing of shade-grown tobacco classification.* (i) The minimum wage rates for this classification is $1.60 an hour for the period ending December 31, 1974. Since the mainland rate has been attained the rates specified in section 6(a)(5) now apply, namely, $1.80 an hour during the year beginning January 1, 1975; $2.00 an hour during the year beginning January 1, 1976; $2.20 an hour during the year beginning January 1, 1977; and $2.30 an hour after December 31, 1977.

(ii) This classification is defined to include agricultural employees engaged in processing shade-grown tobacco prior to stemming.

(6) *Small logging operations classification.* (i) The minimum wage rate for this classification is $1.60 an hour for the period ending December 31, 1974. Since the mainland rate has been attained the rates specified in section 6(a)(5) now apply, namely, $1.80 an hour during the year beginning January 1, 1975; $2.00 an hour during the year beginning January 1, 1976; $2.20 an hour during the year beginning January 1, 1977; and $2.30 an hour after December 31, 1977.

(ii) This classification is defined to include employees in forestry or lumbering operations where the number of employees is eight or less.

(7) *Agricultural employees of large conglomerates.* (i) The minimum wage rate for this classification is $1.60 an hour for the period ending December 31, 1974. Since the mainland rate has been attained the rates specified in section 6(a)(5) now apply, namely, $1.80 an hour during the year beginning January 1, 1975; $2.00 an hour during the year beginning January 1, 1976; $2.20 an hour during the year beginning January 1, 1977; and $2.30 an hour after December 31, 1977.

(ii) This classification is defined to include agricultural employees of conglomerates with an annual gross volume of sales exceeding $10,000,000 regardless of the number of employees engaged in agriculture.

Signed at Washington, D.C., this 13th day of June 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, Department of Labor.

[FR Doc.75-16039 Filed 6-19-75;8:45 am]

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER D—FINANCIAL MANAGEMENT

[FMC 74-7, Supp. 1]

PART 256—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS

Administrative Requirements for Grants to State and Local Governments

The General Services Administration hereby amends Part 256, Subchapter D, Chapter II of Title 34, Code of Federal Regulations, to clarify the term "technical assistance" and to amend appendix O, Procurement Standards, to further simplify procedures in the procurement of property and services by grantees.

This document revises § 256.5(a) and appendix O to Part 256. Specifically, it defines the term "technical assistance" and provides that purchases and contracts for property and services in amounts of $10,000 or less may be negotiated. The previous limitation was $2,500.

1. Section 256.5 is amended by revising paragraph (a) to read as follows:

§ 256.5 Definitions.

For the purposes of this part:

(a) The term "grant" or "grant-in-aid" means money or property in lieu of money paid or furnished by the Federal Government to a State or local government under programs that provide financial assistance through grant or contractual arrangements. The term does not include technical assistance programs which provide services instead of money or other assistance in the form of general revenue sharing, loans, loan guarantees, or insurance.

* * * * *

2. Appendix O, Procurement Standards, is amended as follows:

APPENDIX O

PROCUREMENT STANDARDS

* * * * *

3. * * *

c. * * *

(5) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (6) is necessary to accomplish sound procurement. However, procurements of $10,000 or less need not be so advertised unless otherwise required by State or local law or regulations. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price and other factors considered. (Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the grantee. Any or all bids may be rejected when it is in the grantee's interest to do so and when such rejections are in accordance with applicable State and local law, rules, and regulations.

* * * * *

(6) * * *

(c) The aggregate amount involved does not exceed $10,000;

* * * * *

(8) Procurement records or files for purchases in amounts in excess of $10,000 shall provide at least the following pertinent information: Justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated.

* * * * *

4. * * *

a. Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances in which contractors violate or breach contract terms and provide for such remedial actions as appropriate.

b. All contracts, amounts for which are in excess of $10,000, shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe the conditions under which the contract may be terminated for default as well as conditions by which the contract may be terminated because of circumstances beyond the control of the contractor.

* * * * *

i. All negotiated contracts (except those of $10,000 or less) awarded by grantees shall include a provision to the effect that the grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

* * * * *

(E.O. 11717 (38 FR 12315, May 11, 1973))

Effective Date. This regulation is effective June 6, 1975.

Dated: June 6, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-15684 Filed 6-19-75;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 383-2]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Source Surveillance

On May 31, 1972 (37 FR 10846), the Administrator published his initial approval/disapproval of State implementation plans under the Clean Air Act. At

that time, general explanations of the intent of each area in which the Administrator had acted were set forth.

Specifically, with respect to source surveillance, the Administrator indicated that each subpart of Part 52 identifies those provisions for source surveillance which are disapproved and sets forth the Administrator's promulgation of necessary provisions for requiring sources to maintain records, make reports, and submit information. In addition, it was indicated that no specific provisions are promulgated for testing, inspection, investigation or detection, but that detailed critiques of such portions are provided to the State. Further, the May 31, 1972, FEDERAL REGISTER indicated which testing procedures should be used for various emission limitations for purposes of Federal enforcement. Specifically, compliance with any regulation contained in a State implementation plan (SIP) which contains an approvable test procedure shall be tested by that procedure, and compliance with any regulation contained in an SIP which contains no test procedure or any Federally promulgated regulation shall be tested in accordance with the procedures of 40 CFR Part 60.

A change to § 52.12 of this part is being made below to correct an inconsistency which developed as a result of the recent EPA promulgation controlling a nonferrous smelter. Such regulations specify the testing methods and procedures to be employed in determining compliance with the regulation instead of referencing the test methods and procedures specified in 40 CFR Part 60. The existing § 52.12 indicates that all sources subject to Federal regulations will be tested in accordance with the test methods and procedures set forth in the Appendix to Part 60 of this chapter. The purpose of this action is to correct this inconsistency by revising section 52.12 to indicate that compliance with Federally promulgated regulations will be tested by means of the methods and procedures set forth in Part 60 of this chapter unless otherwise specified in Part 52 of this chapter.

The Agency finds that good cause exists for not providing for notice and public comments on this action and for making it effective immediately upon publication for the following reasons:

1. The change does not impose any additional requirements on any source or source categories but rather corrects an existing inconsistency in the 40 CFR Part 52 regulations.

2. The Federal regulations which created the inconsistency were subjected to adequate public hearing and comments, and further participation would be unnecessary and impracticable.

Dated: June 13 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart A—General Provisions

In § 52.12, paragraph (c) is revised to read as follows:

§ 52.12 Source surveillance.

* * * * *

(c) For purpose of Federal enforcement, the following test procedures shall be used:

(1) Sources subject to plan provisions which do not specify a test procedure and sources subject to provisions promulgated by the Administrator will be tested by means of the appropriate procedures and methods prescribed in Part 60 of this chapter; unless otherwise specified in this Part.

(2) Sources subject to approved provisions of a plan wherein a test procedure is specified will be tested by the specified procedure.

[FR Doc.75-16039 Filed 6-19-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE
SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. 286]

PROPOSED GENERAL INCREASES IN FREIGHT RATES AND PASSENGER FARES

Adequate Notice and Furnishing of Data to the Public

On October 27, 1972, there was published in the FEDERAL REGISTER (37 FR 22993) a notice of proposed rulemaking pertaining to the adequacy of existing regulations governing notice and furnishing of data to the public in connection with proposed general increases in freight rates and passenger fares. Specific changes set forth in the notice were directed at both rail and motor transportation, and freight as well as passenger service, and intended to supplement the diverse existing requirements. Many comments were received and given due consideration, and the regulations have been modified accordingly.

As a result, regulations pertaining to general increases in freight rates, rail and motor, have been expanded to also require that the carriers (1) make available a summary, drafted in layman's terminology, of their increase proposal; (2) provide wider notice of the proposal through mandatory news releases to the major news wire services and principal newspapers to be made in accordance with a prescribed format; and (3) serve their proposal as well as the supporting justification on State regulatory agencies and on regional and district offices of the Commission where the proposal, the summary, and the statement of justification will be available for public inspection.

Insofar as passenger fare increases, greater notice to the public is being assured by (1) enlarging the size and number of signs regarding such proposals the carriers are required to post; (2) requiring service of the proposal and the carriers' statement of justification on Governors, and on State and county transportation agencies; and (3) expanding the application of certain notice requirements to also encompass intercity passenger service. Other additional changes include revision of the content of the signs the carriers are required to post and a reduction in the number of copies an individual opposing an increase must furnish the Commission, thereby removing an obstacle to opposition.

These changes are issued under authority of sections 6, 13, 204(c), 216(e), and 217 of the Interstate Commerce Act (49 U.S.C. 1 et seq.) and sections 553 and 559 of the Administrative Procedures Act (5 U.S.C. 553 and 559).

Issued in Washington, D.C., May 16, 1975.

ROBERT L. OSWALD,
Secretary.

Regulations, Chapter X, as follows:

1. Revise Part 1102 to read as follows:

PART 1102—PROCEDURES GOVERNING RAIL CARRIER GENERAL INCREASE PROCEEDINGS

Sec.

AUTHORITY: (49 U.S.C. 15(7), 17(3); 5 U.S.C. 533(b))

§ 1102.1 Filing of tariff schedules, petitions and verified statements.

Upon the filing of tariff schedules containing proposed increases in railroad rates or charges applicable for the account of substanitally all common carriers by railroad in the United States or in any of the three primary ratemaking territories, that is; Eastern, Western, or Southern, or of a petition seeking authority to file such schedules and relief from outstanding orders of the Commission, or other relief connected therewith, the carriers on whose behalf said schedules or petitions are filed shall, concurrently therewith, file and serve as provided herein, verified statements presenting and comprising the full and entire evidential case relied on in support of the proposed increase. These statements will be considered as submitted in evidence as basis for a decision by the Commission on the merits of the issues. Included within the verified statements required herewith will be copies of a news release and a summary of the increase proposal as hereinafter described:

(a) *News release.* A news release regarding the increase proposal will be prepared so that the public in general may be apprised of the proposal, and pursuant to this purpose will contain as a minimum essentially the following:

(1) A statement directed to the editor of a newspaper indicating that the news release has been prepared in accordance with regulations of the Interstate Commerce Commission and requesting that the information being forwarded be given prominent placement in the newspaper so that as large a segment as possible of the public in general may be apprised of the increase proposal.

(2) A description in language sufficient to apprise a reader who is not an expert in transportation matters, of the

nature of the proposal including the amount of increase, the proponent(s), its geographic scope, and in general terms any holddowns, flagouts, or exceptions.

(3) A statement summarizing the supporting rationale for the increase including why it is needed, what it will accomplish, and in general terms accounting for the presence of the holddowns, flagouts, and exceptions.

(4) A statement indicating that copies of the proposal and supporting evidentiary material have been forwarded to regional and district offices of the Commission and State regulatory agencies responsible for such matters in all States served by the carrier and affected by the proposal; and indicating that the public may obtain copies of these documents by writing to "(*Here the name and address of the carrier or publishing agent will be inserted*)."

(b) *Summary.* A summary of the increase proposal, drafted in language directed at a reader who is not an expert in transportation matters, will be prepared in sufficient detail to apprise such a reader of the nature of the increase proposal. Pursuant to this purpose, included within the contents of the summary will be the following:

(1) A general description of the essentials of the increase proposal including its proponent(s), effective date, geographic scope, the amount of the increase, and a general description of holddowns, flagouts, and exceptions.

(2) A summary of the supporting rationale for the increase including why it is needed, what it will accomplish and an explanation in general terms for the presence of the holddowns, flagouts, and exceptions.

(3) A statement indicating that copies of the proposal and the entire evidentiary case in support thereof have been forwarded to regional and district offices of the Commission and to the State regulatory agencies responsible for such matters in all States served by the carrier and affected by the proposal; and

(4) A statement as follows: "The proposed tariff* contains the only legal terms of the increase binding on the parties." [*"(A)nd/or petition" if applicable]

§ 1102.2 Service of verified statements on the Commission.

The original and 24 copies of each such verified statement for the use of the Commission shall be sent to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. One copy of each statement, excluding the news release, shall be sent by first-class mail to each regional and district office of the Commission where it will be open to public inspection.

§ 1102.3 Service of verified statements on the public.

(a) Concurrently with the filing of the petition and verified statements:

(1) A copy of the proposal, the evidentiary case in support thereof, and the summary shall be mailed by first-class mail to each party of record in the last prior general increase proceeding, and to regional and district offices of the Commission and State regulatory agencies responsible for such matters in all States served by the carrier and affected by the proposal. Where service is made by mail, the statements shall be mailed in time to be received on the date the original is filed with the Commission. A copy of each such statement, including the summary referred to above, shall be furnished to any interested person upon request.

(2) A copy of the news release, whose contents are described in § 1102.1 above, will be transmitted to the major news wire services and the principal newspaper of general circulation in the capitol and four largest cities of all States served by the carrier and affected by the proposal. For the purpose of this requirement, the principal newspaper of general circulation is that newspaper of general circulation published in a city having the largest average daily circulation. Where service is made by mail, the news release shall be mailed in time to be received on the date the original is filed with the Commission.

(b) The fact of service as herein required shall be evidenced by a certificate of service filed with the petition.

§ 1102.4 Verification of statements.

Each verified statement shall be signed in ink by the affiant and verified (notarized) in the manner provided by Rule 50 and Form No. 6 of the Commission's general rules of practice. The post office address of the affiant or his counsel shall be shown. The provisions in this part supersede the provisions of the general rules of practice, Part 1100 of this chapter, to the extent inconsistent therewith.

2. Revise Part 1104 to read as follows:

PART 1104—PROCEDURES TO BE FOLLOWED IN MOTOR CARRIER REVENUE PROCEEDINGS

Sec.

AUTHORITY: (49 U.S.C. 305(h), 316g, 316i; 5 U.S.C. 553v).

§ 1104.1 Application.

(a) Upon the filing by the tariff publishing agencies named hereinafter on behalf of their motor common carrier members, or by such other agencies as the Commission may by order otherwise designate, of agency tariff schedules which contain: (1) Proposed general increases in rates or charges on general freight where such proposal would result in an increase of $1 million or more in the annual operating revenues on the traffic affected by the proposal; or (2) a proposed general adjustment with the objective of restructuring the rates on a wide range of traffic, involving both increases and reductions in rates and charges, where such proposal would result in a net increase of $1 million or more in annual operating revenues, the motor common carriers of general freight on whose behalf such schedules are filed shall, concurrently with the filing of those tariff schedules, file and serve, as provided hereinafter, a verified statement presenting and comprising the entire evidential case which is relied upon to support the proposed general increase or rate restructuring. Carriers thus required to submit their evidence when they file their schedules are hereby notified that special permission to file those schedules shall be conditioned upon the publishing of an effective date at least 45 days later than the date of filing, to enable proper evaluation of the evidence presented. Data to be submitted in accordance with §§ 1104.2–1104.5 represent the minimum data required to be filed and served, and in no way shall be considered as limiting the type of evidence that may be presented at the time of filing of the schedules. If a formal proceeding is instituted, the carriers are not precluded from updating the evidence submitted at the time of filing of the schedules to reflect the contemporary situation.

(b) The motor common carriers of general freight which are subject to the provisions of this section are those which are members of the following tariff publishing agencies:

Central and Southern Motor Freight Tariff Association, Inc.
Central States Motor Freight Bureau, Inc.
The Eastern Central Motor Carriers Association, Inc.
Middle Atlantic Conference.
Middlewest Motor Freight Bureau.
The New England Motor Rate Bureau, Inc.
Pacific Inland Tariff Bureau, Inc.
Rocky Mountain Motor Tariff Bureau, Inc.
Southern Motor Carriers Rate Conference.
Southwestern Motor Freight Bureau, Inc.

(c) Upon the filing of tariff schedules other than those described hereinabove, the carriers or their tariff publishing agencies shall be required to comply with such procedures as the Commission may direct in the event an investigation is instituted. In any proceeding involving a proposed rate restructuring which would produce additional net revenue of less than $1 million the carriers will be required to submit only the data sought in §§ 1104.2 and 1104.3. Nothing stated in this part shall relieve the carriers of their burden of proof imposed under the Interstate Commerce Act.

§ 1104.2 Traffic study.

(a) The respondents shall submit a traffic study for the most current 12-month calendar year available, which shall be referred to as the "base calendar year—actual." This year shall be the calendar year that has ended at least 7 months prior to the published effective date of the tariff schedules. If the effective date is less than 7 months following

the end of the preceding calendar year, then the second preceding calendar year shall be considered as the "base calendar year—actual." The study shall include a probability sampling of the actual traffic handled during identical time periods for each study carrier.

(b) The study carriers shall consist of those carriers subject to the requirements for allocation of expenses between line-haul and pickup and delivery services, as provided in Part 1207 of this chapter. Instructions 27 and 9002, which participate in one of the motor carrier industry's Continuous Traffic Studies, and which derive either $1 million or more in annual operating revenues from this issue traffic or 1 percent or more of the total annual operating revenues of all carriers from the issue traffic. A list of such carriers and the appropriate revenue data shall be submitted to corroborate the selection of the study carriers. "Issue traffic" consists of those shipments on which the freight rates or charges would be affected by the rate proposal.

(c) Respondents shall take a sample of the traffic handled by the study carriers according to acceptable standards of probability sampling principles and practices, and shall explain and evaluate the probability sample from the standpoint of: Purpose, sample design (including explanation of estimation procedure and disclosure of sampling errors for derived characteristics), quality control aspects involved in processing and tabulating data and any statistical analysis performed on the sampled data.[1]

(d) For cost and revenue purposes, the "carried" traffic basis shall be used. "Carried" traffic means the issue traffic handled solely by the study carriers, either single-line or interline. Estimates of current revenues applicable to the issue traffic should reflect all rates and charges in effect no later than 45 days prior to the date of the tariff filing.

§ 1104.3 Cost study.

(a) The respondents shall submit a cost study. Highway Form B may be used for this purpose. Service unit-costs shall be developed for each individual study carrier, adjusted by size of shipment and length of haul, and shall be applied to respective individual carrier's traffic service units as developed from its traffic study. Operating ratios shall be determined for the issue traffic handled by the study carriers on the "carried" basis by individual weight brackets included within the rate proposal, for: (1) The traffic study year, that is, the "base calendar year—actual," as hereinbefore defined; (2) a "present proforma year" reflecting conditions prevailing on a date no later than 45 days prior to the date of the tariff filing; and (3) a "restated proforma year" based on conditions anticipated on the effective date of the proposed rates, with a separation indicating projected operating ratios on two bases, namely, "based on current revenues," and "based on proposed revenues." Operating ratios shall also be shown for all other traffic not affected by the rate proposal for the same weight brackets as shown for the issue traffic, but only for the period indicated in paragraph (a)(1) of this section.

(b) In addition to the operating ratios, the cost study shall also be used to develop and provide the revenue-to-cost comparisons required in Appendix A for the same time periods indicated for the operating ratios plus a "restated proforma year" based on constructed revenue need.

(c) For both the operating ratios and the revenue-to-cost comparisons in appendix A the "each-to-each" costing method, i.e., the application of each individual study carrier's unit-cost to its traffic service units, applies only to the "base calendar year—actual." The application of possible labor and nonlabor cost increases for the purpose of updating the "base calendar year—actual" cost data may be accomplished by the use of either indiivdual carrier data for each of the study carriers, or the composite carrier data for those study carriers whose revenues from the issue traffic amount to 50 percent or more of their total system revenues for the "base calendar year—actual." The sample values for expenses and revenues shall be expanded to full year values without adjustments to known annual report figures of any carrier.

(d) Where cost studies are developed through the use of computer processing techniques, there shall be submitted a manual application of the costing procedures used for one traffic and cost study carrier (study carrier) in order to demonstrate the procedures by which the computer program distributes the annual report statistics, and applies service unit-costs to each shipment. An illustration of the application of service unit-costs to the applicable traffic service units generated by one single-line sample shipment and by one interline sample shipment shall also be submitted. These sample shipments shall be on the "carried" basis.

§ 1104.4 Revenue need.

Traffic and cost study carriers, i.e., the study carriers, shall submit evidence of the sum of money, in addition to operating expenses, including that needed to attract debt and equity capital, which they require to insure financial stability and the capacity to render service. This evidence shall include data required by Appendix A, parts I and II, and Appendix B.

§ 1104.5 Affiliate data.

Each individual traffic and cost study carrier having transactions with affiliates, subject to the reporting requirements of schedules 9009–A and 9009–B in the annual report for Class I motor carriers, shall submit appropriate data and analyses reflecting the effect on the parent carrier's profits of transactions with affiliates. Such data and analyses shall be adequately supported, and there shall be submitted such underlying data as will permit a reconciliation of these data to the data supplied in the appropriate schedules of each carrier's annual report.

§ 1104.6 Summary of the increase proposal.

The respondents shall submit a summary of the increase proposal, drafted in language directed at a reader who is not an expert in transportation matters and prepared in sufficient detail to apprise such a reader of the nature of the increase proposal. Pursuant to this purpose the summary will essentially contain the following:

(a) A general description of the increase proposal including its proponent(s), effective date, geographic scope, the amount of the increase, and a general description of holddowns, flagouts, and exceptions.

(b) A summary of the supporting rationale for the increase including why it is needed, what it will accomplish, an explanation in general terms for the presence of the holddowns, flagouts, and exceptions found therein; and as applicable, conclusions reached (1) in the traffic study, (2) in the cost study, (3) concerning the effect of transactions with affiliates on the parent's revenue need, and (4) with regard to the sum of money which the carrier asserts it requires to insure its financial stability.

(c) A statement indicating that copies of the propsal, the entire evidentiary case in support thereof, and this summary have been furnished to regional and district offices of the Commission and to the State regulatory agency responsible for such matters in all States served by the carrier and affected by the proposal.

(d) A statement as follows: "The proposed tariff* contains the only legal terms of the increase binding on the parties." (*"(A)nd/or petition" if applicable.)

§ 1104.7 News release.

The respondents shall submit a notice of the increase proposal, suitable for forwarding as a news release, and prepared so that the public in general may be apprised of the increase proposal; and which pursuant to this purpose as a minimum will contain essentially the following:

(a) A statement directed to the editor of a newspaper stating that the news release has been prepared in accordance with regulations of the Interstate Commerce Commission so that the public in general may be apprised of the increase proposal, and requesting that the information being forwarded be given prominent placement in the newspaper so that as large a segment as possible of the public in general may be apprised thereof.

(b) A description, in language sufficient to apprise a reader who is not an expert in transportation matters, of the nature of the proposal—including the amount of the increase, the proponent(s), its geographic scope, and, in

[1] Although not adopted by the Commission, attention is called to a staff report, "Guidelines for the Presentation of the Results of Sample Studies," Feb. 1, 1971, available from the Superintendent of Documents.

general terms, holddowns, flagouts, and exceptions.

(c) A statement summarizing the supporting rationale for the increase, including why it is needed, what it will accomplish, and, in general terms, accounting for the presence of the holddowns, flagouts, and exceptions.

(d) A statement indicating that copies of the proposal, the evidentiary case in support thereof, and a summary statement have been forwarded to regional and district offices of the Commission and to the State regulatory agency responsible for such matters in all States served by the carrier and affected by the proposal; and indicating that the public may also obtain copies of those documents by writing to "*(Here the name and address of the carrier or publishing agent will be inserted)*."

§ 1104.8 Official notice.

The Commission will take official notice of all of the proponent carriers' annual and quarterly reports on file with the Commission.

§ 1104.9 Service.

(a) The detailed information called for herein shall be in writing and shall be verified by a person or persons having knowledge thereof. The original and 16 copies of each verified statement (including the summary and the news release) for use by the Commission shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

(b) One copy of each statement excluding the news release, shall be sent by first-class mail (1) to each of the regional and district offices of the Commission in the area affected by the proposed increase, where it will be open to public inspection; (2) to the State regulatory agency responsible for such matters in States served by the carrier and affected by the proposal; and (3) to each party of record in the last formal proceeding concerning a general rate increase in the affected area or territory.

(c) A copy of the news release will be transmitted to the major news wire services and the principal newspaper of general circulation in the capital and four largest cities of each State served by the carrier and affected by the proposal. For the purpose of this requirement, the principal newspaper of general circulation is that newspaper of general circulation published in a city having the largest average daily circulation. Where such service is made by mail, the news release shall be mailed in time to be received on the date the original is filed with the Commission.

(d) Otherwise, the service requirements of Rule 22 of the Commission's General Rules of Practice shall be observed. Information with respect to carrier affiliates may be served on the parties in summary form, if so desired. A copy of each statement shall be furnished to any interested person on request.

§ 1104.10 Availability of underlying data.

All underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so, and shall be made available to the Commission upon request therefor. The underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination. Since Appendix A.

3. Add as Part 1105, the following:

PART 1105—PROCEDURES TO BE FOLLOWED IN RAIL AND MOTOR COMMUTATION OR SUBURBAN PASSENGER FARE INCREASES

Sec.

AUTHORITY: (49 U.S.C. 6, 13, 15(7), 17(3), 305(e), 316(e), 316(g), 316(i), 317(a), 317(c); 5 U.S.C. 553(b))

§ 1105.1 Filing of tariff schedules and verified statements.

Upon the filing of tariff schedules containing proposed increases in rail and motor commutation or suburban passenger fares, the carrier shall concurrently therewith, file and serve as provided herein, verified statements presenting and comprising the full and entire evidentiary case relied on in support of the proposed increase. These statements will be considered as submitted in evidence as basis for a decision by the Commission on the merits of the issues.

§ 1105.2 Service of verified statements on the Commission.

The original and 24 copies of each such verified statement for the use of the Commission shall be sent to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. One copy of each statement shall be sent by first-class mail to each of the regional and district offices of the Commission in States served by the carrier and affected by the proposal, where it will be open to public inspection.

§ 1105.3 Service of verified statements on the public.

Concurrently with the filing of the tariff schedules and verified statements on the Commission, a copy of each shall be mailed by first-class mail to the Governor and the State's agency responsible for such matters, and to county transportation agencies—where existent, in States and counties served by the carrier and affected by the proposal. The fact thereof shall be evidenced by a certificate of service filed with the petition.

§ 1105.4 Certification of service of notice.

The carrier will certify that it has furnished notice of the fare increase proposal in accordance with the requirements of part 1303.34(j) or 1306.6(e), as applicable.

§ 1105.5 Verification of statements.

Each verified statement shall be signed in ink by the affiant and verified (notarized in the manner provided by Rule 50 and Form No. 6 of the Commission's General Rules of Practice. The post office address of the affiant or his counsel shall be shown. The provisions in this part supersede the provisions of the General Rules of Practice, Part 1100 of this chapter, to the extent inconsistent therewith.

PART 1303—PASSENGER SERVICE SCHEDULES RAIL AND WATER CARRIERS

4. Revise § 1303.34(j) (1) and (2) and add paragraphs (j)(5), (6) and (k) as follows:

§ 1303.34 Posting of tariffs.

* * * * *

(j) * * *

(1) Each carrier of passengers whose passenger operations over regular routes are confined solely to surburban service also shall notify the public of any proposal to increase its local regular-route fares by means of a notice posted in a conspicuous place in each station where tickets are sold, and in at least two conspicuous places, one in the forward and one in the rear section, in each rail passenger car or motorbus in which such commutation tickets are good for passage.

(2) The notice required by paragraph (j)(1) of this section shall be not less than 240 square inches in size, printed in type sufficiently large to permit of its being read under ordinary conditions by passengers seated in the conveyance, and, except as provided in paragraph (j)(3) of this section shall contain substantially the following legend:

NOTICE OF INCREASED FARES

(Name of Carrier)

This carrier has filed with the Interstate Commerce Commission, tariffs proposing increases in fares, effective (Date) for ---

---

(Here describe briefly and generally the kind of transportation, points or localities affected, and the increases proposed.)

Further information as to the proposed increase (including the carrier's statement of justification thereof) will be on file at the regional and district offices of the Commission in each State served by the carrier and affected by the proposal, at any of this carrier's offices where such transportation is sold, and at its general offices. ---

---

(Here give street address, city, and telephone number)

A copy of the carrier's proposal and statement of justification has been mailed to the Governor and the State's regulatory agency responsible for such matters, and to county transportation agencies—where existent, in States and counties served by the carrier and affected by the proposal.

Under the law any interested person may protest to the Commisison and request suspension of the increased fares. The Commission's rules require that one copy of the protest shall be filed at its office in Washington, D.C., at least twelve* (12) days before the effective date of the increased fares and

should indicate in what respect the fares are considered objectionable. The rules also require that a copy of the protest be simultaneously mailed to _____

_____

(Here name the carrier proposing the increased fares)

*In the event the increased fares are published on less than thirty (30) days' notice, the words "at least twelve (12) days" should read "as promptly as possible."

* * * * *

(5) A copy of each notice shall be mailed by first-class mail to the Governor and the State agency responsible for such matters, and to county transportation agencies—where existent, in all States and counties served by the carrier and affected by the proposal.

(6) A copy of each notice shall be transmitted in the form of a news release to the principal daily newspaper of general circulation in each municipality in which the carrier takes on or discharges passengers affected by the proposal and which has a population over 25,000. For the purpose of this requirement, a principal newspaper of general circulation is that newspaper of general circulation published in the community having the largest average daily circulation, and in any event shall also include all newspapers of general circulation published therein having an average daily circulation greater than 25,000. In the event that no daily newspaper of general circulation is published in the community, then the notice will be transmitted to the weekly newspaper published therein having the largest circulation.

(k) Notice of proposed increases in fares for intercity and other long-haul service.

Each carrier of passengers engaged in intercity and other long-haul service shall notify the public of any proposal to increase its fares by posting notices in accordance with the requirements governing suburban service set forth in paragraph 1303.34(j) above, except that the following matter will be omitted from the contents of the notices required therewith: "A copy of the carrier's proposal and statement of justification has been mailed to the Governor and the State's regulatory agency responsible for such matters, and to county transportation agencies—where existent, in States and counties served by the carrier and affected by the proposal."

PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

5. Revise § 1306.6(e) (1) and (2) and add paragraphs (e) (5), (6), and (F) as follows:

§ 1306.6 Posting regulations.

* * * * *

(e) * * *

(1) Each carrier of passengers whose passenger operations over regular routes are confined solely to suburban service also shall notify the public of any proposal to increase its local regular-route fares by means of a notice posted in a conspicuous place in each station, agency, or office where tickets are sold and tariffs containing the proposed increased fares are required to be posted, and in at least two conspicuous places, one in the forward and one in the rear section, in each vehicle engaged in suburban service; and each other carrier of passengers likewise shall notify the pubtion fares for suburban service by means tion fares for suburban service by means of a notice posted in a conspicuous place in each station, agency, or office where commutation tickets for which an increase is proposed and tariffs containing the proposed increased fares are required to be posted, and in at least two conspicuous places, one in the forward and one in the rear section, in each vehicle engaged in the suburban service for which the increase is proposed.

(2) The notice required by paragraph (e) (1) of this section shall be not less than 240 square inches in size, printed in type sufficiently large to permit of its being read under ordinary conditions by passengers seated in the conveyance, and, except as provided in paragraph (e) (3) of this section, shall contain substantially the following legend:

NOTICE OF INCREASED FARES

_____

(Name of Carrier)

This carrier has filed with the Interstate Commerce Commission, tariffs proposing increases in fares, effective (Date) for_____

_____

(Here describe briefly and generally the kind of transportation, points or localities affected, and the increases proposed.)

Further information as to the proposed increase (including the carrier's statement of justification thereof) will be on file at the regional and district offices of the Commission in each State served by the carrier and affected by the proposal, and at this carrier's stations, agencies, or offices where tickets are sold and tariffs containing the proposed increases are required to be posted, and at its general office_____

_____

(Here give the street address, city, and telephone number)

A copy of the carrier's proposal and statement of justification has been mailed to the Governor and the State's regulatory agency responsible for such matters, and to county transportation agencies—where existent; in States and counties served by the carrier and affected by the proposal.

Under the law, any interested person may protest to the Commission and request suspension of the increased fares. The Commission's rules require that one copy of the protest shall be filed at its office in Washington, D.C., at least twelve* (12) days before the effective date of the increased fares and should indicate in what respect the fares are considered objectionable. The rules also require that a copy of the protest be simultaneously mailed to_____

_____

(Here name the carrier proposing the increased fares)

*In the event the increased fares are published on less than thirty (30) days' notice, the words "at least twelve (12) days" should read "as promptly as possible."

* * * * *

(5) A copy of each notice shall be mailed by first-class mail to the Governor and the State agency responsible for such matters, and to county transportation agencies—where existent, in all States and counties served by the carrier and affected by the proposal.

(6) A copy of each notice shall be transmitted in the form of a news release to the principal daily newspaper of general circulation in each municipality in which the carrier takes on or discharges passengers affected by the proposal and which has a population over 25,000. For the purpose of this requirement, a principal newspaper of general circulation is that newspaper of general circulation published in the community having the largest average daily circulation, and in any event shall also include all newspapers of general circulation published therein having an average daily circulation greater than 25,000. In the event that no daily newspaper of general circulation is published in the community, then the notice will be transmitted to the weekly newspaper published therein having the largest circulation.

(f) Notice of proposed increases in fares for intercity and other long-haul service.

Each carrier of passengers engaged in intercity and other long-haul service shall notify the public of any proposal to increase its fares by posting notices in accordance with the requirements governing suburban service set forth in paragraph 1306.6(e) above, except that: (1) the following matter will be omitted from the contents of the notices required therewith: "A copy of the carrier's proposal and statement of justification has been mailed to the Governor and the State's regulatory agency responsible for such matters, and to county transportation agencies—where existent, in States and counties served by the carrier and affected by the proposal"; and (2) where the carrier determines that it is impractical to place signs of at least 240 square inches in size in the vehicle as required therein, it may substitute two small signs for any of the larger signs provided that each of the smaller signs is at least 120 square inches in size.

[FR Doc.75-16172 Filed 6-19-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Cabeza Prieta National Wildlife Refuge

The following special regulation is issued and is effective on July 1, 1975.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA

CABEZA PRIETA NATIONAL WILDLIFE REFUGE

For purposes of protecting human safety as well as the fragile environment of the 940,000-acre Cabeza Prieta National Wildlife Refuge, Arizona, all entry

into the refuge is subject to the possession of a valid permit issued by the Refuge Manager or his designated assistant. Such permit may be obtained at the offices of the U.S. Fish and Wildlife Service located at 356 W. First Street, Yuma, Arizona or at 1611 2nd Avenue, Ajo, Arizona, between the hours of 8 AM and 5 PM, Monday through Friday (except holidays).

One permit will be required for each vehicle entering the refuge, the driver of which must apply in person to receive the permit and a copy of the public use regulations. Each person entering the refuge by means other than motorized vehicles is also required to possess an entry permit.

The provisions of this special regulation supplement the regulations which govern access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

W. O. NELSON, Jr.,
Regional Director,
U.S. Fish and Wildlife Service.

JUNE 12, 1975.

[FR Doc.75-16073 Filed 6-19-75;8:45 am]

Title 7—Agriculture

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

[Lime Reg. 3]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 22–June 28, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.403 Lime Regulation 3.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes continues very sluggish and market supplies during the current week continue to exceed demand. Fresh shipments for the weeks ended June 14, 1975, and June 7, 1975, were 25,031 bushels and 46,455 bushels, respectively.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 17, 1975.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period June 22, 1975, through June 28, 1975, is hereby fixed at 25,000 bushels.

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

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

Dated: June 18, 1975.

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

[FR Doc.75-16277 Filed 6-19-75;11:11 am]

[Lemon Regulation 697]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 22–28, 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.

§ 910.997 Lemon Regulation 697.

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

(2) The need for this 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 resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is down this week due to decay and short shelf life factors for current offerings. Average f.o.b. price was $6.68 per carton the week ended June 14, 1975, compared to $6.70 per carton the previous week. Track and rolling supplies at 235 cars were up 31 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for 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 concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 17, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 22, 1975 through June 28, 1975, is hereby fixed at 350,000 cartons.

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

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

Dated: June 18, 1975.

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

[FR Doc.75-16276 Filed 6-19-75;11:11 am]

proposed rules

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 431]

PREPARATION OF ROLLS OF INDIANS

Proposed Amendment To Provide for Enrollment of Warm Springs Indians

JUNE 11, 1975.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to amend Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations by the addition of a new Part 431. These regulations are proposed pursuant to the authority contained in the Warm Springs plan for the use and distribution of judgment funds which was prepared pursuant to the Act of October 19, 1973, (87 Stat. 466), and which became effective February 18, 1975, and was published in the FEDERAL REGISTER on May 2, 1975 (40 FR 19223). The proposed regulations will govern the preparation of a roll of certain Warm Springs Indians as provided in the February 18, 1975, plan to be used for the per capita distribution of the award of the Indian Claims Commission in Docket 198.

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 regarding the proposed regulations to the Director, Office of Indian Services, Bureau of Indian Affairs, Washington, D.C. 20245, on or before July 21, 1975.

It is proposed to amend Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations by the addition of a new Part 431 to read as follows:

PART 431—PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF JUDGMENT FUNDS AWARDED CERTAIN WARM SPRINGS INDIANS

Sec.

AUTHORITY: The provisions of this Part 431 issued under 5 U.S.C. sec. 301, R.S. secs. 463 and 465; 25 U.S.C. secs. 2 and 9, and 87 Stat. 466.

§ 431.1 Definitions.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Director" means the Director, Portland Area Office, Bureau of Indian Affairs, or his authorized representative.

(d) "Living" means born on or prior to and living on February 18, 1975.

(e) "Plan", means the plan for the use and distribution of the Warm Springs judgment funds which was prepared pursuant to the Act of October 19, 1973 (87 Stat. 466), and which became effective February 18, 1975.

§ 431.2 Purpose.

The regulations in this part are to govern the compilation of a roll of certain members of the Confederated Tribes of the Warm Springs Reservation living on February 18, 1975, which roll shall be used for the distribution of the judgment awarded the Warm Springs Tribes by the Indian Claims Commission in Docket 198.

§ 431.3 Qualifications for enrollment.

All persons who meet the following requirements for eligibility shall be entitled to be enrolled to share in the distribution of the judgment funds awarded the Warm Springs Tribe in Indian Claims Commission Docket 198:

(a) They were born prior to and living on February 18, 1975;

(b) They are enrolled members of the Warm Springs Tribes and their names appear on the March 1, 1975, tribal membership roll with the specification that the names of those persons who died subsequent to February 18, 1975, but whose names appeared on the February 1, 1975, roll shall be added to the roll being prepared.

(c) They have not shared in the distribution of the judgment awarded to the Malheur Paiutes under the provisions of the Act of August 20, 1964 (78 Stat. 563), or have not received per capita payments from any other judgments of the Indian Claims Commission and have not received payments under the provisions of the Alaska Native Settlement Act of December 18, 1971 (85 Stat. 688).

§ 431.4 Preparation, publication and display of proposed roll.

The Director shall prepare, with the assistance of the Warm Springs Tribes, a proposed roll of members of the tribes who meet the requirements specified in § 431.3. Such roll shall contain for each person a roll number, name, sex, date of birth, date of death if applicable, tribal derivation and degree of blood of each tribe. The proposed roll shall be placed on public display for 30 days at the Warm Springs Agency, community building, local post offices, Portland Area Office and other Bureau offices in the Washington-Oregon areas.

§ 431.5 Appeals.

Any person who believes he is eligible for enrollment to share in the judgment funds, or a representative of such person, may within 30 days from the date of posting file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll in accordance with the procedures provided in this Part.

§ 431.6 Filing appeals.

The appeal shall be in writing addressed to the Secretary but mailed to the Director and must be received by the Director before the close of business on the thirtieth (30) day after the posting of the proposed roll.

§ 431.7 Supporting evidence.

The appeal may be accompanied by any supporting evidence, relied upon as a basis for the appeal, including copies of Bureau or tribal records having a direct bearing on the appellant's contentions. The appellant may furnish affidavits from persons having personal knowledge of the facts at issue. The appellant may request additional time to submit supporting evidence. A period considered reasonable for such submissions may be granted by the official receiving the appeal. The burden of proof of establishing the improper inclusion or omission of any name is on the appellant.

§ 431.8 Action by the Director.

If after review of the evidence the Director is satisfied that the omission of any name is improper and eligibility has been established, the appellant shall be so notified in writing and his name entered on the roll. If the Director determines the appellant is ineligible or inclusion of the name is improper, he shall so notify the appellant and shall forward the appeal, together with the complete record and his recommendation thereon, to the Commissioner for final determination.

§ 431.9 Decision of the Commissioner on appeals.

The Commissioner shall consider the record as presented, together with such additional information as he may con-

sider pertinent. Any such additional information shall be specifically identified in his decision. The decision of the Commissioner on an appeal shall be final and conclusive and written notice of the decision shall be given the appellant.

§ 431.10 Preparation and approval of roll.

The completed payment roll shall contain the same information as the proposed roll, except for such changes as may be required by the decisions on all appeals taken from the proposed roll. The Director shall approve the roll.

§ 431.11 Special instructions.

To facilitate the work of the Director, the Commissioner may issue special instructions not inconsistent with the regulations in this Part 431.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-16128 Filed 6-19-75;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DISPOSITION OF QUALIFIED LOW-INCOME HOUSING

Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by July 21, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by July 21, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 1250(d)(8)(F)(ii) and 7805 of the Internal Revenue Code of 1954 (83 Stat. 721, 68A Stat. 917; 26 U.S.C. 1250(d)(8)(F)(ii), 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to the provisions of section 910(b) of the Tax Reform Act of 1969, relating to gain from dispositions of certain qualified low-income housing projects.

Section 910(b) of the Act amends section 1250 of the Internal Revenue Code to provide that if qualified low-income housing is disposed of and gain is not recognized in whole or in part under section 1039 of the Code (relating to certain sales of low-income housing projects), then the amount of gain recognized under section 1250(a) is limited to the greater of (1) the amount of gain recognized on the disposition (determined without regard to section 1250), or (2) the excess of the amount of gain that would be taken into account under section 1250(a) over the cost of the section 1250 property acquired in the transaction.

Section 1039 of the Code, which was added by section 910(a) of the Act, limits the amount of gain (if the taxpayer so elects) recognized from certain sales of low-income housing projects to the tenants of such projects. Regulations under section 1039 have already been promulgated.

The proposed amendments to the regulations set forth the statutory requirements and give several examples of how the statute applies in particular factual situations.

Proposed amendments to the regulations. In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 910(b) of the Tax Reform Act of 1969 (83 Stat. 720), such regulations are amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

1. Section 1.1039–1(a) is amended by adding two new sentences immediately before the last sentence, to read as follows:

§ 1.1039–1 Certain sales of low-income housing projects.

(a) *Nonrecognition of gain.* * * * However, notwithstanding section 1039, gain may be recognized by reason of the application of section 1245 or 1250 to the sale or disposition. (See § 1.1245–6(b) and § 1.1250–3(h).) * * *

* * * * *

2. Section 1.1245–6(b) is amended by revising the first sentence to read as follows:

§ 1.1245–6 Relation of section 1245 to other sections.

* * * * *

(b) *Nonrecognition sections overridden.* The nonrecognition provisions of subtitle A of the Code which section 1245 overrides include, but are not limited to, sections 267(d), 311(a), 336, 337, 501(a), 512(b)(5), and 1039. * * *

* * * * *

3. Section 1.1250–3 is amended by adding the following new paragraph (h) at the end thereof:

§ 1.1250–3 Exceptions and limitations.

* * * * *

(h) *Limitation for disposition of qualified low-income housing*—(1) *Limitation on gain.* (i) Under section 1250(d)(8)(A), if section 1250 property is disposed of and gain (determined without regard to section 1250) is not recognized in whole or in part under section 1039 (relating to certain sales of low-income housing projects), then the amount of gain recognized by the transferor under section 1250 (a) shall not exceed the greater of—

(*a*) The amount of gain recognized under section 1039 (determined without regard to section 1250), or

(*b*) The excess, if any, of the amount of gain which would, but for section 1250(d)(8)(A), be taken into account under section 1250(a), over the cost of the section 1250 property acquired in the transaction.

For purposes of this paragraph the term "qualified housing project", "approved disposition", "reinvestment period", and net amount realized" shall have the same meaning as in section 1039 and § 1.1039–1.

(ii) The principles of this subparagraph may be illustrated by the following examples:

Example (1). (i) Taxpayer A owns a qualified housing project and makes an approved disposition of the project on January 1, 1971. The net amount realized upon the disposition is $550,000, of which $475,000 is attributable to section 1250 property. The adjusted basis of the section 1250 property is $250,000 and the gain realized on the disposition of section 1250 property is $225,000. The additional depreciation for the property is $100,000, the applicable percentage is 48 percent, and if section 1250(d)(8)(A) did not apply to the disposition, $48,000 of gain would be recognized under section 1250(a). Within the reinvestment period, A purchases a replacement qualified housing project at a cost of $525,000, of which $425,00 is attributable to section 1250 property. A properly elects under section 1039(a) and the regulations thereunder to limit the recognition of gain (determined without regard to section 1250) to $25,000, that is, the excess of the net amount realized ($550,000) over the cost of the replacement housing project ($525,000).

(ii) The amount of gain recognized under section 1250(a) is limited to $25,000, that is, the greater of (*a*) the amount of gain recognized without regard to section 1250(a) ($25,000), or (*b*) the excess of (*1*) the amount of gain which would be taken into account under section 1250(a) if section 1250(d)(8)(A) did not apply ($225,000), over (2) the cost of the replacement section 1250 property ($425,000), or zero.

Example (2). The facts are the same as in example (1) except that only $180,000 of the cost of the replacement housing project is attributable to section 1250 property. Thus, the gain recognized under section 1250(a) is limited to $45,000, the greater of (*a*) the ex-

cess of (*1*) the amount of gain which would be taken into account under section 1250(a) if section 1250(d)(8)(A) did not apply ($225,000), over (*2*) the cost of the replacement section 1250 property ($180,000), or (*b*) the amount of gain recognized without regard to section 1250 ($25,000).

(2) *Replacement project consisting of more than one element.* (i) If (h)(1)(i)(*a*) section 1250 property is disposed of, (h)(1)(i)(*b*) any portion of the gain which would have been recognized under section 1250(a) is not recognized by reason of section 1250(d)(8)(A), and (*c*) the cost of the replacement section 1250 property constructed, reconstructed, or acquired during the reinvestment period exceeds the net amount realized attributable to the section 1250 property disposed of, then the section 1250 property shall consist of two elements. For purposes of this paragraph, the "reinvestment element" is that portion of the section 1250 property constructed, reconstructed, or acquired during the reinvestment period the cost of which does not exceed the net amount realized attributable to the section 1250 property disposed of, reduced by any gain recognized with respect to such property. The "additional cost element" is that portion of the section 1250 property constructed, reconstructed, or acquired during the reinvestment period whose cost exceeds the net amount realized attributable to the section 1250 property disposed of.

(ii) The principles of this subparagraph may be illustrated by the following example:

Example. (1)(i) Taxpayer B disposes of a qualified housing project consisting of section 1250 property with an adjusted basis of $500,000 and land with a basis of $100,000. The amount realized on the disposition is $750,000 of which $650,000 is attributable to the section 1250 property. B constructs a replacement housing project at a cost of $1,000,000 of which $850,000 is attributable to section 1250 property. B elects in accordance with the provisions of section 1039(a) and the regulations thereunder not to recognize the $150,000 gain realized.

(ii) Under section 1250(d)(8)(A) no gain is recognized under section 1250(a). The replacement section 1250 property consists of the two elements. The reinvestment element has a cost of $650,000, *i.e.*, that portion of the replacement section 1250 property the cost of which does not exceed the amount realized attributable to the section 1250 property disposed of ($650,000), reduced by any gain recognized with respect to such property (zero). The additional cost element has a cost of $200,000, that is, the excess of the cost of the replacement section 1250 property ($850,000) over the amount realized attributable to the section 1250 property disposed of ($650,000).

(3) *Basis of property acquired.* (i) If section 1250 property is disposed of and gain (determined without regard to section 1250) is not recognized in whole or in part under section 1039 (relating to certain sales of low-income housing projects), then the basis of the section 1250 property and other property acquired in the transaction shall be determined in accordance with the rules of this subparagraph. Generally, the basis of the property acquired in a transaction to which section 1039(a) applies is its cost reduced by the amount of any gain not recognized attributable to the property disposed of (see section 1039(d)). In a case where the replacement section 1250 property constructed, reconstructed, or acquired within the reinvestment period is treated as consisting of more than one element under section 1250(d)(8)(E), the aggregate basis of the property determined under section 1039(d) shall be allocated first to the reinvestment element of property described in section 1250(d)(8)(E)(i) in the amount determined under such section, reduced by any gain not recognized attributable to the section 1250 property disposed of. Second, the aggregate basis shall be allocated to the other replacement property (other than section 1250 property) in the amount of its cost, reduced by any gain not recognized attributable to such other replacement property. Finally, the aggregate basis shall be allocated to the additional cost element of section 1250 property described in section 1250(d)(8)(E)(ii), in the amount determined under such section. See paragraph (h)(2) of this section for definition of the terms "reinvestment element" and "additional cost element".

(ii) The principles of this subparagraph may be illustrated by the following examples:

Example (1). The facts are the same as in example (1) of subparagraph (1)(ii) of this paragraph. The basis of the replacement section 1250 property is $225,000, the amount of the reinvestment element ($425,000) minus the gain not recognized attributable to the section 1250 property disposed of ($200,000).

Example (2). Taxpayer C disposes of a qualified housing project on January 1, 1971. The adjusted basis for the project is $3,800,000, of which $3,000,000 is attributable to section 1250 property and $800,000 is attributable to land. The amount realized on the disposition is $5,000,000, of which $4,000,000 is attributable to the section 1250 property and $1,000,000 is attributable to the land. The gain realized upon the disposition is $1,200,000, that is, amount realized ($5,000,000) minus adjusted basis ($3,800,000), of which $1,000,000 is attributable to the section 1250 property disposed of. Within the reinvestment period, C purchases another qualified housing project at a cost of $5,500,000, of which $4,000,000 is attributable to section 1250 property and $1,500,000 is attributable to other property. C makes an election under section 1039(a) and the regulations thereunder and none of the $1,200,000 gain realized on the disposition is recognized (determined without regard to section 1250). Under section 1250(d)(8)(A), none of the gain realized is recognized under section 1250(a). The basis of the replacement section 1250 property is $3,000,000, that is, the amount of the reinvestment element ($4,000,000) less the amount of gain not recognized attributable to section 1250 property disposed of ($1,000,000). The basis of the other property acquired is $1,300,000, that is, its cost ($1,500,000) reduced by the remaining gain not recognized ($200,000).

Example (3). The facts are the same as in example (2) except that the cost of the replacement section 1250 property is $4,500,000 and the cost of the other property is $1,000,000. Thus, the replacement section 1250 property consists of two elements under section 1250(d)(8)(E). The reinvestment element (section 1250(d)(8)(E)(i)) has a basis of $3,000,000, that is, $4,000,000 (that portion of the section 1250 property acquired the cost of which does not exceed the net amount realized attributable to the section 1250 property disposed of), reduced by $1,000,000 (the gain not recognized attributable to the section 1250 property disposed of). The basis of the other property is $800,000, that is, its cost ($1,000,000) reduced by the remaining gain not recognized ($200,000). The additional cost element (section 1250(d)(8)(E)(ii)) has a basis of $500,000, that is, the portion of the section 1250 property acquired the cost of which exceeds the net amount realized attributable to the section 1250 property disposed of.

(4) *Additional depreciation for property acquired.* (i) If a qualified housing project is disposed of in a transaction to which section 1039(a) applies, the additional depreciation for the replacement property immediately after the transaction shall be an amount equal to (*a*) the amount of additional depreciation for the property disposed of, minus (*b*) the amount of additional depreciation necessary to produce the amount of gain recognized under section 1250(a). Thus, if no gain is recognized upon a disposition of a qualified housing project, the additional depreciation for the property acquired will be the same as for the property disposed of. On the other hand, if upon disposition of a project, gain of $40,000 was recognized under section 1250(a), and if the additional depreciation for the project and the applicable percentage were $100,000 and 80 percent, respectively, the additional depreciation for the replacement housing project would be $50,000, that is, $100,000 minus $50,000, the amount of additional depreciation necessary to produce $40,000 of recognized gain where the applicable percentage is 80 percent.

(ii) If the property acquired in the transaction consists of more than one element of section 1250 property by reason of section 1250(d)(8)(E), the additional depreciation under subdivision (i) of this subparagraph shall be allocated solely to the reinvestment element.

(5) *Additional limitation.* If, in a transaction to which section 1039(a) applies, gain is recognized by the taxpayer, the amount of gain recognized which is attributable to section 1250 property disposed of is, under section 1250(d)(8)(F)(i), limited to an amount equal to the net amount realized attributable to the section 1250 property disposed of reduced by the greater of (i) the adjusted basis of the section 1250 property disposed of, or (ii) the cost of the section 1250 property acquired. The limitation of section 1250(d)(8)(F)(i) may be illustrated by the following example:

Example. Taxpayer D owns property constituting a qualified housing project under section 1039(b)(1). In an approved disposition, the project is sold for $225,000. The net amount realized on the disposition is $225,000 of which $175,000 is attributable to the section 1250 property disposed of. The adjusted basis of such property is $150,000 and thus the gain realized upon the disposition of the section 1250 property is $25,000. Assume that the total gain realized upon disposition of

the project is $15,000. Within the reinvestment period, D purchases another qualified housing project at a cost of $200,000, of which $160,000 is attributable to section 1250 property. D elects, in accordance with section 1039(a) and the regulations thereunder, to limit the recognition of gain to $25,000, that is, the net amount realized ($225,000), minus the cost of the replacement housing project ($200,000). Under this subparagraph, $15,000 of the $25,000 gain recognized is attributable to the section 1250 property disposed of, that is, the net amount realized attributable to the section 1250 property disposed of ($175,000), reduced by $160,000, the greater of the adjusted basis of the section 1250 property disposed of ($150,000) or the cost of the section 1250 property acquired ($160,000).

(6) *Allocation rule.* (i) If, in a transaction to which paragraph (h)(1) of this section applies, the section 1250 property disposed of is treated as consisting of more than one element by reason of the application of section 1250(d)(8)(E) with respect to a prior transaction, then the amount of gain recognized, the net amount realized, and the additional depreciation with respect to each such element shall be allocated to the elements of the replacement section 1250 property in accordance with the provisions of this subparagraph.

(ii) The portion of the net amount realized upon such a disposition which shall be allocated to each element of the section 1250 property disposed of is that amount which bears the same ratio to the net amount realized attributable to all the section 1250 property disposed of in the transaction as the additional depreciation for that element bears to the total additional depreciation for all elements disposed of. If any gain is recognized upon disposition of the section 1250 property, such gain shall be allocated to each element in the same proportion as the gain realized for that element bears to the gain realized for all elements disposed of. The additional depreciation for each reinvestment element of the replacement section 1250 property shall be the same as for the corresponding element of the property disposed of, decreased by the amount of additional depreciation necessary to produce the amount of gain recognized for such element. The additional depreciation for any additional cost element shall be zero.

(iii) The principles of this subparagraph may be illustrated by the following example:

Example. Taxpayer E disposes of a qualified housing project in an approved disposition. The net amount realized is $1,090,000 of which $900,000 is attributable to section 1250 property. The section 1250 property consists of (1) a reinvestment element with an adjusted basis of $300,000, additional depreciation of $100,000, and an applicable percentage of 50 percent, and (2) an additional cost element with an adjusted basis of $200,000, additional depreciation of $50,000, and an applicable percentage of 80 percent. Gain of $400,000 is realized on the disposition of the section 1250 property, that is, amount realized ($900,000) minus adjusted basis ($500,000). Within the reinvestment period, E purchases another qualified housing project at a cost of $1,000,000 of which $840,000 is attributable to section 1250 property. E elects, in accordance with section 1039 and the regulations thereunder, to limit recognition of gain (determined without regard to section 1250) to $90,000, that is, the excess of the net amount realized ($1,090,000) over the cost of the replacement project ($1,000,000). Under section 1250(d)(8)(A), the amount of gain recognized under section 1250(a) is limited to $90,000 (see subparagraph (1) of this paragraph). Under section 1250(d)(8)(F)(ii) and this subparagraph, $600,000 of the $900,000 net amount realized attributable to the section 1250 property is allocated to the reinvestment element, that is, additional depreciation for the element ($100,000) over total additional depreciation ($150,000) times the net amount realized ($900,000). The remaining $300,000 is allocated to the additional cost element. Thus, the gain realized attributable to the reinvestment element is $300,000, that is, net amount realized ($600,000) minus adjusted basis ($300,000). The gain realized attributable to the additional cost element is $100,000, that is, net amount realized ($300,000) minus adjusted basis ($200,000). Under subparagraph (5) of this paragraph, the gain recognized attributable to the section 1250 property is limited to $90,000, that is, the net amount realized attributable to the section 1250 property disposed of ($900,000) minus the greater of the adjusted basis of such property ($500,000) or the cost of the section 1250 property acquired in the transaction ($840,000). Under section 1250(d)(8)(F)(ii) and this subparagraph, $45,000 of the $90,000 gain recognized is attributable to the reinvestment element, that is, $60,000 multiplied by a fraction whose numerator is the gain realized attributable to the reinvestment element ($300,000) and whose denominator is the total gain realized attributable to all the section 1250 property ($400,000). The remaining $15,000 of the gain recognized is attributable to the additional cost element. The new property acquired has no additional cost element. The reinvestment element of the new property acquired consists of 2 subelements corresponding to the reinvestment element and additional cost element of the property disposed of. The subelement corresponding to the reinvestment element has additional depreciation of $10,000, that is, its additional depreciation immediately before the disposition ($100,000), minus $90,000, the amount of additional depreciation necessary to produce $45,000 of section 1250(a) gain where the applicable percentage is 50 percent. The subelement corresponding to the additional cost element has additional depreciation of $31,250, that is, its additional depreciation immediately before the disposition ($50,000), minus $18,750, the amount of additional depreciation necessary to produce $15,000 of section 1250(a) gain where the applicable percentage is 80 percent.

4. Section 1.1250–4 is amended by adding a new paragraph (f) to read as follows:

§ 1.1250–4 Holding period.

* * * * *

(f) *Qualified low-income housing project acquired in certain transactions.* The holding period of a "reinvestment element" (and of subelements thereof) of section 1250 property (as defined in paragraph (h)(2) of § 1.1250–3) acquired in a transaction to which sections 1039(a) and 1250(d)(8)(A) apply includes the holding period of the corresponding element of the section 1250 property disposed of. See section 1250(e)(4). The holding period of the "additional cost element" (as defined in paragraph (h)(2) of § 1.1250–3) begins on the date the replacement project is acquired. The holding period of a "reinvestment element" of section 1250 property does not include the period beginning on the day after the date of the disposition and ending (1) on the date of the acquisition of the replacement housing project, or (2) on the date the replacement housing project constructed or reconstructed by the taxpayer is placed in service.

* * * * *

5. Section 1.1250–5 is amended by revising paragraph (c)(1) and by redesignating paragraph (c)(6) as (c)(7) and adding a new paragraph (c)(6). These revised and added provisions read as follows:

§ 1.1250–5 Property with two or more elements.

* * * * *

(c) *Element*—(1) *General.* For purposes of this section, in the case of section 1250 property there shall be treated as separate elements the separate improvements, units, remaining property, special elements, and low-income housing elements which are respectively referred to in paragraphs (c)(2), (3), (4), (5), and (6) of this section.

* * * * *

(6) *Low-income housing elements.* If, in an approved disposition of a qualified housing project, a replacement qualified housing project is treated as consisting of more than one element of section 1250 property by reason of section 1250(d)(8)(E) (see paragraph (h)(2) of § 1.1250–3), the elements determined under such section shall be treated as elements for purposes of this section. For definition of the terms "qualified housing project" and "approved disposition", see section 1039(b) and the regulations thereunder.

* * * * *

[FR Doc.75–16164 Filed 6–19–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 270]

[Amdt. No. 65]

FOOD STAMP PROGRAM

Notice of Proposed Rule Making

Pursuant to the authority contained in the Food Stamp Act of 1964 (78 Stat. 703, as amended; 7 U.S.C. 2011–2026), notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend Part 270 of its regulations governing the operation of the Food Stamp Program, 7 CFR 270. The proposed amendment is for the purpose of requiring that the person who is applying for federally aided public assistance or general assistance also be provided at the same time with the opportunity to apply to participate in the Food Stamp Program.

Interested parties may submit written comments, suggestions, or objections regarding the proposed amendment to

Jack O. Nichols, Acting Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 21, 1975. All comments, suggestions, or objections received by this date will be considered before the final regulations are issued.

All written comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Acting Director, Food Stamp Division, during regular business hours (8:30 a.m. to 5 p.m.) at 500 12th Street SW., Washington, D.C., Room 650. The proposed amendment is as follows:

Section 270.2(a) of Part 270 of Chapter II, Title 7 of the Code of Federal Regulations is amended by adding thereto a new sentence. The new sentence reads as follows:

§ 270.2 Definitions.

(a) * * * If the affidavit is not so included, it shall be furnished along with such application.

* * * * *

(78 Stat. 703, as amended; 7 USC 2011-2026.)

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Service)

RICHARD L. FELTNER,
Assistant Secretary.

JUNE 16, 1975.

[FR Doc.75-16085 Filed 6-19-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 227]

SEA TURTLES

Proposed "Threatened" Status

Correction

In FR Doc. 75-13188 appearing on page 21985 in the issue of May 20, 1975, § 227.22(c)(2) is amended to read as follows:

§ 227.22 Exemptions to the prohibitions.

* * * * *

(c) * * *

(2) The person responsible for the fishing gear or vessel was not fishing in an area of substantial breeding or feeding of any such wildlife; and

* * * * *

Dated: June 16, 1975.

RICHARD H. SCHAEFER,
ROBERT W. SCHONING,
Acting Directors,
National Marine Fisheries Service.

[FR Doc.75-16126 Filed 6-19-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SW-31]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the 700-foot transition area at Intracoastal City, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 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 Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

§ 71.181 [Amended]

In Section 71.181 (40 F.R. 441), the Intracoastal City, La., transition area is amended to read:

INTRACOASTAL CITY, LA.

That airspace extending upward from 700 feet above the surface within 3.5 miles either side of the White Lake, La., VORTAC 065° radial extending from 11 miles NE of the VORTAC to 23 miles NE of the VORTAC and within 5 miles either side of the 17.5-mile radius arc centered on the White Lake VORTAC extending clockwise between the 065° and 084° radials.

The proposed amendment to the transition area will provide controlled airspace for aircraft executing the proposed Copter VOR/DME 059° and Copter VOR/DME ARC-1 special instrument approach procedures.

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

Issued in Fort Worth, TX., on June 11, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-16070 Filed 6-19-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-43]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Pittsfield, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before July 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 part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Pittsfield Penstone Airport, Pittsfield, Illinois. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Pittsfield, Illinois.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

In Section 71.181 (40 FR 441), the following transition area is added:

PITTSFIELD, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Pittsfield Penstone Airport (Latitude 39°38'22" N., Longitude 90°46'51" W.); and within 3 miles each side of the 124 degree bearing from the Pittsfield Penstone Airport extending from the 5.5-mile radius area to 8 miles southeast of the airport.

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

Issued in Des Plaines, Illinois, on June 2, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-16055 Filed 6-19-75;8:45 am]

[14 CFR Parts 1 & 91]

[Docket No. 11233; Notice No. 71-20]

OPERATION AT AIRPORTS WITHOUT CONTROL TOWERS

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice No. 71-20 (36 FR 13275) in

which the FAA solicited comments on a proposed amendment to Part 1 and Part 91 of the Federal Aviation Regulations which proposed to issue standard traffic pattern procedures for airports that do not have operating control towers.

A large volume of comments was received in response to the Notice. Because of the number and diversity of the comments, and the many issues involved, it is impractical to treat each of them individually. However, one issue, critical to the determination of whether the standard traffic pattern proposed in Notice 71–20 should be issued as a regulation, was central to many of the comments. This issue involved the difficulty of applying the proposed standard traffic pattern concept safely and effectively under the many different situations that may be encountered at the thousands of uncontrolled airports in the United States.

Some commentators stated that the proposed standard traffic pattern, if made mandatory, would cause confusion until it had been universally accepted and followed. Public comments also concerned the safety of specific features of the proposed standard traffic pattern. For example, many commentators indicated that safety required that departure procedures be included. Other comments criticized the proposed traffic pattern entry procedures, and recommended different locations at which the proposed crosswind leg should be flown. The factor of traffic pattern altitude received much attention, some commentators stating that the altitude selected should be responsive to individual airport situations, and other comments offering differing recommendations concerning the point in the traffic pattern at which an aircraft should be stabilized at the prescribed pattern altitude. Diverse comment was also received on how to designate a calm wind runway, whether a calm wind runway should be designated at all, and whether to require a lighted landing direction indicator as a means of indicating the runway in use. The question of airspeed limitations was also discussed by some commentators who believed that the proposed speed limit would be too high at some airports.

The question of possible conflict between the proposed standard traffic pattern and the current right of way rules of Part 91 was raised in detail by several commentators. Conflicting opinion was received on the question of whether to permit straight in approaches and under what conditions. Comment was received on whether to apply the standard traffic pattern to "public use" airports only, or whether to apply it also to certain private use airports having substantial traffic. Opinion was divided on whether the proposed standard traffic pattern provisions should include two way radio communications for the purpose of announcing aircraft position in the traffic pattern. In addition, public comment questioned the appropriateness of the proposed definitions of the components of the traffic pattern.

Review of the many comments received indicated that there may be many necessary exceptions to strict compliance with a single standard traffic pattern (such as operations involving flight checks, cross wind landing practice, simulated engine failures, practice circling approaches, and practice instrument approaches) that raise substantial questions concerning the appropriateness of applying the traffic pattern provisions proposed in Notice 71–20 as the standard for all uncontrolled airports.

In their total effect, the comments, from all segments of the aviation community that use uncontrolled airports, indicate that it is not at all clear, at this time, that a single, standard traffic pattern of the kind proposed in Notice 71–20 would, if uniformly applied, materially increase the level of safety at uncontrolled airports or be consistent with the many different kinds of operations that are conducted at those airports for training purposes.

Therefore, after extensive review of all the comments, the FAA has concluded that rule making based on the specific provisions proposed in Notice 71–20 is not appropriate at this time.

In view of the foregoing, the FAA is withdrawing Notice No. 71–20. The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future, or commit the FAA to any course of action.

AUTHORITY: [Sections 307 (a) and (c) and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a) and (c) and 1354(a), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))].

In consideration of the foregoing, the notice of proposed rule making, Notice No. 71–20, published in the FEDERAL REGISTER (36 FR 13275) on July 17, 1971, and entitled "Operation at Airports Without Control Towers," is hereby withdrawn.

Issued in Washington, D.C., on June 6, 1975.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc.75-16067 Filed 6-19-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-PC-1]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the time of use for the Kwajalein Island, Marshall Islands, Control Zone and Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific-Asia Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813. All communications received on or before July 21, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment to § 71.171 would add the words "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The date and time will thereafter be continuously published in the Pacific Chart Supplement" after the description of the Kwajalein Control Zone.

The proposed amendment to § 71.181 would add the words "This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The date and time will thereafter be continuously published in the Pacific Chart Supplement." after the

description of the Kwajalein Transition Area.

Infrequent use of the airspace at Kwajalein Island, between 2200 and 0600 hours, local time, requires the flexibility to make this Control Zone and Transition Area effective only when needed.

This amendment is proposed under the authority of Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 16, 1975.

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-16068 Filed 6-19-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-27]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Frederick, Okla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 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 Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the Frederick, Okla., transition area is amended to read:

FREDERICK, OKLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Frederick, Okla., Municipal Airport (latitude 34°21'09" N., longitude 98°59'21" W.) and within 3.5 miles each side of the 001° bearing from the Frederick, Okla., RBN (latitude 34°23'35" N., longitude 98°59'19" W.) extending from the 8.5-mile-radius area to 11.5 miles north of the RBN.

Alteration of the transition area will provide controlled airspace for aircraft conducting the revised NDB standard instrument approach procedure to Frederick Municipal Airport, Frederick, Okla.

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

Issued in Fort Worth, TX., on June 9, 1975.

ALBERT H. THURBURN,
Acting Director, Southeast Program.

[FR Doc.75-16069 Filed 6-19-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. 75-17: Notice 1]

RULEMAKING PROCEDURES

Initiation or Petition

Correction

In FR Doc. 75-15531 appearing at page 25480 in the issue of Monday, June 16, 1975, the *Proposed effective date* should have read, "30 days after FEDERAL REGISTER publication of the rule."

DEPARTMENT OF LABOR

[41 CFR Part 50-201]

WALSH-HEALEY PUBLIC CONTRACTS ACT

Public Utility, Regular Dealer in Uranium Concentrates, Uranium Hexafluoride or Enriched Uranium

In accordance with section 50-201(c)(2) of the Walsh-Healey Public Contracts Act regulations, 41 CFR Part 50-201, the Tennessee Valley Authority has requested that the Department of Labor exempt contracts with a public utility for supply of uranium concentrates, uranium hexafluoride, or enriched uranium from the Public Contracts Act requirement that a contractor be a manufacturer or a regular dealer. TVA contends, for the reasons hereinafter set forth, that such an exemption is necessary to prevent the serious impairment of the conduct of Government business. Otherwise it will be extremely difficult to obtain satisfactory bids for such contracts. The rationale for this request is as follows:

1. Under current Energy Resources Development Administration regulations, enrichment customers, such as TVA, may include 10 percent foreign uranium in feed material supplied ERDA for enrichment in 1977, 15 percent in 1978, and an increasing percentage each following year until all restrictions on use of foreign materials are removed in 1984.

2. Recent efforts by TVA to procure domestic uranium presumably from firms meeting the requirements of regular dealer or manufacturer by negotiation or invitations to bid have not been satisfactory in meeting TVA's domestic uranium requirements.

3. Some public utilities whose nuclear programs have been curtailed or cancelled have indicated that they will be selling their supplies of uranium in the near future. Both foreign and domestic buyers are competing for these supplies. Because public utilities may not be considered to be manufacturers or regular dealers in uranium within the meaning of the Public Contracts Act, this additional needed source of domestic uranium would not be available to TVA without an exemption from the manufacturer or regular dealer requirements of the Act.

Interested persons are invited to submit written comments, views, or arguments on this proposal to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, on or before July 21, 1975.

PART 50-201—GENERAL REGULATIONS

It is proposed that a new paragraph (e) be added to 41 CFR § 50-201.604 as follows:

§ 50-201.604 **Partial administrative exemptions.**

* * * * *

(e) Contracts with a public utility for the procurement of uranium concentrates (U_{3O_8}), uranium hexafluoride (UF_6), or enriched uranium are exempt from the requirement of section 1(a) of the Act and § 50-201.1 of this part that the contractor be a manufacturer or regular dealer in the material, supplies, articles, or equipment to be manufactured or used in the performance of the contract. For purposes of this exemption, a public utility is defined to be an enterprise engaged in the transmission and sale of electric power and energy and whose rates therefor are regulated under State, local, or Federal laws governing operations of public utility enterprises.

Signed at Washington, D.C., this 12th day of June, 1975.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.75-16090 Filed 6-19-75;8:45 am]

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket SCP-1]

TOXIC SUBSTANCES; KETONES

Extension of Time for Comments; New Date of Hearing

On Thursday, May 8, 1975, notice was published in the FEDERAL REGISTER (40 FR 20202) of proposed standards for six ketones, pursuant to the authority in sections 6(b) and 8(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part

1911. The proposed ketone standards are the first proposed regulations developed as part of the Joint OSHA/NIOSH Standards Completion Project. The purpose of the project is to issue more complete standards for all of the toxic substances listed in Tables Z–1, Z–2, and Z–3 of 29 CFR 1910.1000 (formerly Tables G–1, G–2, and G–3 of 29 CFR 1910.93), with the exception of those substances which are or will be the subject of NIOSH criteria documents.

Interested persons were given until June 20, 1975, to submit written data, views and arguments concerning the proposed standards. Subsequent to the publication of the proposals, OSHA has received several requests for additional time in which to submit comments. In view of the significance of these proposals, OSHA has determined that it is in the public interest to extend the comment period until July 21, 1975.

This extension will ensure that reasonable time is provided for all interested parties to submit technical data and to prepare other comments on these proposals. Comments should be submitted to the following address:

Docket Officer
Docket SCP–1
Technical Data Center
Room N3620
Occupational Safety and Health Administration
Department of Labor
200 Constitution Avenue, NW.
Washington, D.C. 20210

Comments must be received on or before July 21, 1975.

The extension of the comment period necessitates the rescheduling of the informal hearing on the proposals. Notice is hereby given that the hearing will begin on September 3, 1975, commencing at 9:30 a.m., in Conference Room B, Interdepartmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

Persons desiring to appear at the hearing must file a notice of intent to appear, to be received on or before July 21, 1975, with Nancy Hucke, OSHA Committee Management Office, Docket SCP–1, Room N3633, Occupational Safety and Health Administration, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

In all other respects, the requirements in the notice of proposed rulemaking for ketones published at 40 FR 20202, 20205–20206, are applicable, and the notice of proposed rulemaking should be consulted for specific requirements for filing a proper notice of intention to appear and for information concerning procedures to be followed at the hearing.

Signed at Washington, D.C., this 18th day of June 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–16220 Filed 6–19–75;8:45 am]

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

[1 CFR Part 5]

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Advance Notice of Proposed Rule Making

The purpose of this document is to seek public comment on a plan for scheduling publication of agency documents in the Federal Register on an assigned day of the week.

THE PROBLEM

During the past few years the volume of pages published in the FEDERAL REGISTER has grown at a dramatic rate. In 1969, a total of 20,466 pages was printed; by 1974, the volume had grown to over 45,000 pages and it appears that for 1975, the volume will exceed 60,000 pages. This growth results from many causes. Some are: Operation of the Freedom of Information Act; increased statutory requirements for publication; discovery by consumer groups and other public interest organizations that they can influence Government actions by monitoring notices of proposed rule making in the FEDERAL REGISTER; recent court decisions; and now the implementation of the Privacy Act.

In general, increased publication may be viewed as a healthy trend since it opens more administrative actions of Government to public participation and places other actions "on the record." However, the Office of the Federal Register (OFR) recognizes that the size of the FEDERAL REGISTER itself makes it more difficult for interested persons to keep abreast of agency actions. The OFR has already taken several actions to ease the researcher's task. The highlights, reminders and the preamble requirements are attempts to help readers identify documents of potential interest without having to carefully scrutinize each issue or each document. In the face of the continuing demand that agencies become more public with their actions, the OFR feels that additional techniques must be explored that would make FEDERAL REGISTER material more readily accessible to the public.

A POSSIBLE SOLUTION

The proposal being advanced here is simply to assign each Federal agency a particular day of the week for publication of its documents. Some advantages would be:

(1) For persons interested in regulations of a limited number of Federal agencies, the number of daily issues of the FEDERAL REGISTER to be researched to locate documents of those agencies would be reduced.

(2) Similarly, the number of issues to be kept for reference purposes would be minimized.

(3) A "day of the week" scheduling system could make it possible eventually to offer subscribers limited subscriptions which would range from one day a week to the present complete subscription.

EMERGENCIES

The OFR recognizes that an assigned day of the week system would create some scheduling problems for agencies. One obvious one is that regardless of how well an agency plans its activities to correspond to a day of the week schedule, there would, on occasion, be legitimate emeregencies which would preclude waiting for the agencies' next regular publication day. If a day of the week schedule is adopted, a provision for legitimate emergencies would be included so that emergency type documents would be handled in a way that would insure proper notice to interested persons.

SCHEDULING OF AGENCIES

The OFR has not decided on any system for assigning agencies to particular days of the week. Commenters are invited to focus particular attention on possible grouping of agencies in order to provide maximum benefits to users of the FEDERAL REGISTER.

Interested persons are invited to comment on this advance notice of proposed rule making. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C., 20408. All comments received by August 19, 1975, will be considered before further action is taken on this matter. Comments will be on public inspection between the hours of 8:45 a.m. and 5:15 p.m. each work day at 1100 L Street NW., Rom 8401, Washington, D.C. If after considering all comments received a decision is made to proceed, a specific notice of proposed rule making amending appropriate provisions of Title 1, CFR, Chapter I, will be issued by the Administrative Committee of the Federal Register.

Dated: June 16, 1976.

FRED J. EMERY,
Secretary.

[FR Doc.75–16102 Filed 6–19–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20518; RM–2530]

RADIO BROADCAST SERVICES

FM Stations; Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Charlevoix, Michigan)

1. On March 7, 1975, New Broadcasting Corp. (WVOY), licensee of AM Station WVOY, Charlevoix, Michigan, filed a petition requesting the assignment of FM Channel 290 to Charlevoix, Michigan. No other revisions in our FM Table of Assignments were proposed. Public notice of the petition was given by the Commission on March 24, 1975. No supporting or opposing comments were received by the Commission.

2. Charlevoix County, Michigan (pop. 16,541)[1] contains as its seat the community of Charlevoix (pop. 3,519). There is one AM station located in the town of Charlevoix, WVOY[2], licensed to petitioner. There is no FM channel assignment at the community.

3. The community of Charlevoix is located in the northwestern corner of the northern part of the lower peninsula of Michigan approximately 160 miles north of Grand Rapids, Michigan, and 200 miles northeast of Milwaukee, Wisconsin. We are told that Charlevoix has progressed through three economic periods. Its original development was based on lumbering. Petitioner states:

> The second influence was that of recreation. In the late 1800's a number of wealthy persons in cities throughout the Midwest recognized the potential of this area as an excellent summer retreat. As transportation improved from the midwest to the Charlevoix area, the region became accessible to all classes of people and the area grew as a summer resort. With the advent of snow skiing, snowmobiling and other fall, spring and winter activities the area has become a year-round recreational center. The tourist industry continues to be a major economic influence on the entire county. A final economic influence which began in the last 15 years is the growth of industry in the area. Prior to 1960 the number of industries within Charlevoix County was very small. However, in the last 15 years the number of plant sites has greatly increased.

Presently there are over 16 manufacturing plants in the area producing a variety of products. WVOY advises us that Charlevoix has: a mayor and city council form of government; numerous civic and fraternal organizations; three elementary schools and one high school; a 44-bed hospital; numerous recreational facilities; twelve churches; and sound transportational facilities and service.

4. Petitioner is of the view that a wide coverage Class C FM Channel 290 is required for the Charlevoix area of Michigan. This is because:

(a) The large area surrounding Charlevoix is rural with a population density of only 40 persons per square mile as compared with 156.2 persons per square mile for the entire State of Michigan.

(b) The area is mountainous and requires a high powered service to avoid significant signal shadowing beyond the many mountains and ridges.

It is asserted that the proposed station operating with 100 kilowatts e.r.p. and antenna height of 500 feet above average terrain will bring a first local FM service to this community and

> * * * a second aural service to a large portion of this underserved area. A second service would be provided to the Beaver Islands, as well as a large area north of Charlevoix * * * areas receiving a second service would total 191.0 square miles and a population of 1,641 persons. A Class A assignment would leave these areas without this additional second service.

5. Our engineering review indicates that the use of Channel 290 at Charlevoix would preclude assignments in the area on Channels 288A, 289, 290, 291 and 292A. Preclusion occurring on the U.S. side of the U.S.-Canadian border on Channels 288A, 289, 291 and 292A affects areas which either contain no significant communities or communities which already have FM assignments, according to the petitioner's engineering statement. With regard to Channel 290, WVOY's engineering statement notes that there would be preclusion in a large area. However, communities in this area, for the most part, either have local FM assignments or receive service from nearby communities which do.

6. In view of the foregoing, we invite comments on the following revision in our FM Table of Assignments (§ 73.202 (b) of our rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Charlevoix, Mich.		290

8. Since Charlevoix, Michigan is located within 250 miles of the U.S.-Canadian border, Canadian approval of the proposal is required according to the Working Agreement under the United States-Canadian FM Agreement.

9. Comments in this proceeding must be filed on or before August 11, 1975, while reply comments must be filed on or before September 2, 1975.

10. Authority for the institution of this rule making proceeding and the procedural rules and regulations governing it are set out and/or cited in the attached Appendix.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(1), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *notice of proposed rule making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-16145 Filed 6-19-75;8:45 am]

[47 CFR Part 73]

[Docket No. 19314]

RADIO BROADCAST SERVICES

Filing of Progress Reports

In the matter of amendment of Part 73, § 73.682(a)(22) of the Commission's rules and regulations concerning the inclusion of program identification patterns in the visual transmissions of television broadcast stations.

1. On May 29, 1975, the Commission received from the attorneys for IDC Services, Inc., the following letter; which is self explanatory:

> Pursuant to the Commission's report and order in Docket No. 19314, 43 F.C.C. 2d 927 (1973), IDC Services, Inc. has been required to submit semi-annual reports to the Commission detailing the progress it has made in insuring the compliance of its automatic monitoring service with the provisions of § 73.682(a)(22) of the Commission's rules.

[1] 1970 U.S. Census.

[2] WVOY is presently licensed as a daytime-only station, however, there is an application pending with the Commission looking toward making it an unlimited-time service.

Reports were filed with the Commission by IDC on June 1, 1974, and December 1, 1974, and an additional report will be due June 1, 1975.

IDC's management presently is reviewing certain business considerations which could have a substantial effect upon the nature of the company's operations. These matters are scheduled to be considered at management meetings during the months of June and July. Consequently, rather than file a progress report at this time, we request that the Commission extend the time for filing such a report to July 31, 1975. This extension will give IDC an opportunity to complete its consideration of the matters under review and to incorporate the decisions thereon in its Report to the Commission.

2. On consideration of all aspects of this matter, we believe it is in the public interest that IDC's request be granted.

3. Accordingly, *It is ordered*, That the time for filing of the progress report, due June 1, 1975, is extended to and including July 31, 1975.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules and regulations.

Adopted: June 2, 1975.

Released: June 4, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-16144 Filed 6-19-75;8:45 am]

[47 CFR Part 97]

[Docket No. 20282]

AMATEUR RADIO SERVICE

Order Extending Time To File Comments

In the matter of amendment of Part 97 of the Commission's Rules concerning operator classes, privileges and requirements in the Amateur Radio Service. (RM-1016, RM-1363, RM-1454, RM-1456, RM-1516, RM-1521, RM-1526, RM-1535, RM-1568, RM-1572, RM-1602, RM-1615, RM-1629, RM-1633, RM-1656, RM-1724, RM-1793, RM-1805, RM-1841, RM-1920, RM-1947, RM-1976, RM-1991, RM-2030, RM-2043, RM-2053, RM-2149, RM-2150, RM-2162, RM-2166, RM-2216, RM-2219, RM-2256, RM-2284, RM-2449)

1. The American Radio Relay League, Inc. (ARRL) requests a 30 day extension of time to file comments and reply comments in the above-captioned matter. Comments and reply comments are due June 16, 1975 and July 16, 1975, respectively.

2. In support of its request, ARRL states that in order to provide comprehensive and useful comments and counterproposals to the Commission, additional preparation time is needed. In particular, ARRL requires this additional time based specifically on the following reasons:

That as a basis for comment on Docket 20282, the ARRL conducted a mail survey of its some 100,000 members to obtain their views and opinions. That due to the scope of the Docket, apparently the response to the questionnaire was greater than initially anticipated. As a result, the preparation of useful and comprehensive comments became more time consuming than expected.

Further, that Counsel has commitments which preclude his participation in final draft revisions required to meet the June 16, 1975 deadline.

3. We find that the reasons stated by ARRL in its petition constitute good cause for a grant of its request to extend the time for filing comments and reply comments in this proceeding.

4. Accordingly, *it is ordered*, pursuant to §§ 0.131, 0.331 and 1.46 of the Commission's rules and regulations that the time for filing comments in the above-captioned matter be extended from June 16, 1975 to July 16, 1975 and reply comments from July 16, 1975 to August 18, 1975.

Adopted: June 12, 1975.

Released: June 13, 1975.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.75-16146 Filed 6-19-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Bertrand, Bernard R., P.O. Box 207, Skykomish, Washington, convicted on or about June 14, 1941, in the Kitsap County Superior Court, State of Washington; on April 5, 1943, in the Kitsap County Superior Court, State of Washington; and on April 29, 1946, in the United States District Court, Western District of Washington.

Boisvert, Joseph O., III, 62 Storer Street, Saco, Maine, convicted on May 27, 1968, in the York County Superior Court, Alfred, Maine.

Bolitho, Howard Samuel, 11932 Jefferson Street, N.E., Blaine, Minnesota, convicted on May 27, 1959, in a General Court Martial, Keesler AFB, Mississippi; on November 26, 1962, in the District Court of the Seventeenth Judicial District, Adams County, Colorado; and on July 12, 1968, in the United States District Court, District of New Mexico.

Brignone, Libero John, 111-15th Street, Fond du Lac, Wisconsin, convicted on October 5, 1962, in the United States District Court, Eastern District of Wisconsin.

Carrasco, Benjamin, 8798 Fulton Street, Detroit, Michigan, convicted on October 29, 1946, in the Circuit Court of Eaton County, Michigan.

Carter, Paul Lloyd, 608 Hairston Street, Martinsville, Virginia, convicted on December 11, 1959, in the United States District Court for the Middle District of North Carolina; and on February 13, 1967, in the United States District Court for the Western District of Virginia.

Clark, Mary Lou, 407 East 61st Street, Tacoma, Washington, convicted on March 17, 1972, in the United States District Court, Western District of Washington.

Craig, Charles W., 3802 29th Street, Lubbock, Texas, convicted on January 14, 1963, in the District Court of Eddy County, New Mexico.

Crayk, Larry William, 623 East Birch, Apt. A, Brea, California, convicted on April 12, 1971, in the Circuit Court of Okaloosa County, Florida.

Curzi, Robert A., Box 181, Chicora, Pennsylvania, convicted on October 6, 1969, in the Court of Common Pleas, Butler County, Pennsylvania; on October 29, 1971, in the Court of Common Pleas, Armstrong County, Pennsylvania; and on or about March 20, 1972, in the Court of Common Pleas, Allegheny County, Pennsylvania.

Eccles, Harold Eugene, 322 German, Haysville, Kansas, convicted on February 21, 1966, in the United States District Court, District of Kansas.

English, William Ferneau, 4013 Farwest Boulevard, Austin, Texas, convicted on September 30, 1970, in the 167th Judicial District Court, Travis County, Texas.

Fergerson, Ronald Scott, 6143 N.E. Portland Avenue, West Linn, Oregon, convicted on February 14, 1972, in the Circuit Court of Oregon, County of Clyackamas.

Fry, Franklin George, 730 E. 26th Place, Yuma, Arizona, convicted on October 31, 1974, in the Superior Court of the State of Arizona in and for the County of Yuma.

Gill, Troy, 6848 South Cornell, Chicago, Illinois, convicted on or about July 14, 1933, in the Cook County Criminal Court, Chicago, Illinois.

Giordano, Alexander A., 6847 Haywood Street, Tiyunga, California, convicted on September 4, 1969, in the California Superior Court, Los Angeles County, California.

Girard, Daniel L., Rt. 1, Skandia, Michigan, convicted on March 13, 1959, in the Circuit Court for the County of Marquette, Michigan.

Gourde, Lawrence R., 1312½ Commerce, Longview, Washington, convicted on March 16, 1953, in the Cowlitz County Superior Court, Kelso, Washington.

Gratz, Victor T., 7928 N. Hodge, Portland, Oregon, convicted on February 9, 1965, in the Circuit Court of the State of Oregon, for the County of Multnomah; and on January 20, 1970, in the Circuit Court of the State of Oregon, for the County of Wasco.

Greathouse, James C., 8330 S.W. Pine, Portland, Oregon, convicted on or about December 12, 1955, in the Circuit Court of the State of Oregon, Umatilla County.

Helmick, David LeRoy, 700 35th Street, Marion, Iowa, convicted on January 26, 1966, and on January 18, 1968, in the District Court of Des Moines County, Iowa.

Hill, Larry E., 206 Lancaster Avenue, Chattanooga, Tennessee, convicted on or about January 11, 1962, in the Hamilton County Criminal Court, Tennessee.

Hrimnak, John F., Jr., R.R. #7, Chambersburg, Pennsylvania, convicted on January 14, 1970, in the Court of Common Pleas, Franklin County, Pennsylvania.

Kepner, Daniel Maurer, 823 Pear Street, Reading, Pennsylvania, convicted on June 9, 1958, and on March 8, 1966, in the Court of Common Pleas, Criminal Division, Berks County, Pennsylvania.

LeCompte, John F., 1525 Debra Drive, Baker, Louisiana, convicted on November 16, 1970, in the 19th Judicial District Court, East Baton Rouge Parish, Louisiana.

Lesure, Eddie, 611 Young's Alley, Mobile, Alabama, convicted on or about November 14, 1939, in the Circuit Court of Marengo County, Alabama; and on May 21, 1954, in the United States District Court, Southern District of Alabama.

Lethco, James Junior, Lethco Lane, Box 421, Newport, Tennessee, convicted on May 12, 1970, in the United States District Court, Western District, North Carolina.

Linden, Clarence Carvel, 6811 Jefferson Davis Highway, Chesterfield, Virginia, convicted on or about November 24, 1948, in the United States Navy General Court Martial, San Pedro, California; and on July 13, 1953, in the Hopewell, Virginia, City Court.

Martin, Melvin Clifford, Route #1, Rocky Mount, Virginia, convicted on or about January 31, 1929, in the United States District Court, Bluefield, West Virginia; on July 9, 1935, in the United States District Court, Harrisonburg, Virginia; on May 23, 1936, and on July 5, 1944, in the United States District Court, Western District of Virginia.

Mathews, Jay E., 801 W. Long Lake Road, Bloomfield Hills, Michigan, convicted on October 14, 1971, in the United States District Court, Southern District of Florida.

Morrow, Frank J., 1972 LaSalle Gardens, South, Detroit, Michigan, convicted on September 26, 1962, in the Circuit Court of Wayne County, Michigan.

Olszewski, Donald George, 9001 Beatrice, Livonia, Michigan, convicted on or about July 14, 1958, in the Circuit Court of the Twelfth Judicial Circuit of Florida in and for Manatee County, Florida, and on or about September 24, 1958, in the Circuit Court of the Sixth Judicial Circuit of Florida in and for Pinellas County, Florida.

Passafiume, Stephen Nicholas, 4967 Carolina Street, Gary, Indiana, convicted on March 30, 1956, in the United States District Court, Eastern District of Kentucky.

Powers, William W., Jr., 1215 Starling Drive, Hobbs, New Mexico, convicted on November 2, 1967, in the United States District Court, District of New Mexico.

Snyder, Melvin J., 1012 South 23rd Street, Fort Dodge, Iowa, convicted on September 8, 1962, in the District Court of Iowa, in and for Carroll County; and on August 17, 1964, in the District Court of Iowa, in and for Webster County.

Stevens, Franklin M., 25595 Third Street, Barstow, California, convicted on November 22, 1968, in the Superior Court of the State of California, for the County of Riverside.

Vaughters, James Lowell, Jr., 1109 Honeysuckle, Kennett, Missouri, convicted on February 26, 1971, in the Shelby County Circuit Court, Tennessee.

Verrico, Anthony Joseph, 35 Wakemore Street, Darien, Connecticut, convicted on January 15, 1962, in the First Circuit Court, Norwalk, Connecticut.

Via, Venton W., Route 4, Stuart, Virginia, convicted on September 5, 1952, in the United States District Court, Danville, Virginia; on September 10, 1953, and June 6, 1955, in the Circuit Court, Patrick County, Virginia; and on August 18, 1971, in the United States District Court, Roanoke, Virginia.

Wade, Robert, 463 Anniston Drive, Lexington, Kentucky, convicted on November 22, 1971, in the Fayette Circuit Court, Second Division, Fayette County, Kentucky.

Woodhead, Stanley W., 718 E., 10½, Houston, Texas, convicted on June 12, 1972, in the District Court of Harris County, Texas.

Yaughn, William Johnson, 6535 Perkins Drive, Macon, Georgia, convicted on October 27, 1967, in the United States District Court, Middle District of Georgia.

Signed at Washington, D.C. this 12th day of June 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75-16133 Filed 6-19-75;8:45 am]

DEPARTMENT OF JUSTICE

UNITED STATES STEEL CORP.

Proposed Consent Decree in Action To Enjoin Emission of Air Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on June 9, 1975, a proposed consent decree in United States v. United States Steel Corporation was lodged with the United States District Court for the Northern District of Alabama. The proposed decree would require U.S. Steel to terminate operations within one year at five open hearth furnaces at its Fairfield Works, Ensley Operation, Birmingham, Alabama.

The Department of Justice will receive on or before July 21, 1975 written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to United States v. United States Steel Corporation, D.J. Ref. 90-5-2-1-26.

The proposed consent decree may be examined at the office of the United States Attorney, 276 Federal Courthouse, 1800 Fifth Avenue North, Birmingham, Alabama, at the Region IV Office of the Environmental Protection Agency, Enforcement Division, 1421 Peachtree Street, NE Atlanta, Georgia, and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2623, Department of Justice Building, Ninth Street and Pennsylvania Avenue Northwest, Washington, D.C. 20530. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $.50 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

WALLACE H. JOHNSON,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.75-16130 Filed 6-19-75;8:45 am]

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Meeting

Notice is hereby given that the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, will meet on July 11, 1975 at the Marriott Hotel, Key Bridge, in Rosslyn, Virginia.

Topics of discussion will include the evaluation, courts and corrections program thrusts for FY 76.

The meeting will be open to the public.

For further information, please contact Gerald M. Caplan, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531. (202) 376-3606.

GERALD YAMADA,
Attorney-Advisor, Office of General Counsel.

[FR Doc.75-16129 Filed 6-19-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 3, Amdt. 5]

SUPERINTENDENTS

Delegation of Authority Concerning Funds and Fiscal Matters

MAY 20, 1975.

This notice is published in exercise of authority delegated by Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 1.

This delegation is issued under the authority delegated to the Commissioner of Indian Affairs from the Secretary of the Interior in 10 BIAM 2.1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3.

The Portland Area Office Redelegation Order 3 published beginning on page 15813 of the October 14, 1969, FEDERAL REGISTER (34 FR 15813) is amended in § 2.62 to provide for the approval of the annual operating IMPL budget and modifications thereof.

As amended, Part 2 of Portland Area Office Redelegation Order 3 reads as follows:

PART 2 AUTHORITY OF SUPERINTENDENTS, SCHOOL SUPERINTENDENT, AND PROJECT ENGINEER

Subject to the provisions of Part 1, Superintendents, School Superintendents, and Project Engineer may exercise the authority of the Area Director as indicated in this part.

* * * * *

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

* * * * *

Sec. 2.62 *IMPL budgets.* The approval of the annual operating budget and modifications thereof provided expenditures are made from recurring operating income and budget does not exceed anticipated operating income.

Effective date. This delegation of authority notice is effective June 20, 1975.

FRANCIS E. BRISCOE,
Area Director.

Approved: June 13, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-16127 Filed 6-19-75;8:45 am]

National Park Service

SEQUOIA AND KINGS CANYON NATIONAL PARKS, GRANT GROVE DEVELOPMENT CONCEPT PLAN

Notice of Intent

Notice is hereby given that the National Park Service will hold two public workshops on July 22 and 23, 1975, to provide for public involvement and citizen participation in the first phase of the development concept planning process for the Grant Grove area of Sequoia and Kings Canyon National Parks.

The workshops will be held in Visalia, California, July 22, in the Sequoia Room, Visalia Convention Center, 303 East Acequia Street, at 7 p.m., and in Fresno, California, July 23, in the all-purpose room, McLane Junior High School, 2727 North Cedar Avenue, at 7 p.m.

Concurrent with these workshops will be a series of consultations between members of the National Park Service and appropriate Federal, State and local government officials, organizations and individuals.

The purpose of these workshops and consultations is to provide for wide public involvement, including ideas, suggestions and comments from individuals and organizations on the formation of Grant Grove Development Concept Planning Alternatives.

It is the intention of the National Park Service, when the Development Concept Planning Alternatives are completed, to make them available to the public for further review.

Anyone wanting information on the National Park Service planning process, or wishing to submit comments on uses of Grant Grove may write to the Superintendent, Sequoia and Kings Canyon

National Parks, Three Rivers, California 93271.

Dated: June 16, 1975.

HOWARD H. CHAPMAN,
Regional Director,
Western Region, National Park Service.

[FR Doc.75-16186 Filed 6-19-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SQUAW CREEK PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Squaw Creek Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-75-24.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Squaw Creek Planning Unit on the Boise National Forest, Idaho. The purpose of the plan is to allocate 106,424 acres of National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This draft environmental statement was transmitted to CEQ on June 13, 1975.

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

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and Independence Ave., SW.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Boise National Forest
1075 Park Boulevard
Boise, Idaho 83706

District Forest Ranger
Emmett Ranger District
Route 3, Box 198
Emmett, Idaho 83617

A limited number of single copies are available upon request from Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

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

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706. Comments must be received by August 12, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: June 13, 1975.

DONALD A. SCHULTZ,
Acting Director,
Regional Planning and Budget.

[FR Doc.75-16072 Filed 6-19-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

DEANSGATE, INC.

Notice of Petition

A petition by Deansgate, Inc., New Orleans, Louisiana, was accepted for filing on June 16, 1975, under Section 251 of the Trade Act of 1974 and in conformity with *Adjustment Assistance Certification Regulations for Firms*, 15 CFR, Part 350, (40 FR 14291 April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner asserts that imported articles classified in items 380.-02, 380.04, 380.09, 380.39, and 380.81 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with men's suits, sport coats and trousers produced by the firm.

Any party having a substantial interest in the subject matter of the proceedings (as described in § 350.40(b) of the regulations) may request a public hearing on the matter. A request for a hearing conforming to Section 350.40 of the Regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance.)

HAROLD A. BRATT, Jr.,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-15917 Filed 6-19-75;8:45 am]

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Tanker Program; Environmental Impact

An environmental impact statement entitled, Maritime Administration Tanker Construction Program, NTIS Report No. EIS730725-F, was published on May 30, 1973. The statement concerns proposed assistance to private industry to aid in the construction in the United States of a fleet of oil-carrying vessels during the decade of the 1970's. Vessel classes included range from approximately 35,000 DWT to 400,000 DWT.

The Maritime Subsidy Board has received the following applications for assistance under the Tanker Construction Program and has determined that the vessels to be constructed with such assistance are of the type, design and characteristics of those vessels treated in the above mentioned environmental impact statement. As a consequence the Board has found that no supplement to the impact statement mentioned herein, nor any new impact statement need be prepared with respect to these vessels. Future Board action with respect to the applications will be, from an environmental standpoint, based on the above mentioned impact statement. These applications are:

United Shipping, Inc., for one ship; and Oregon Shipping, Inc., for one ship. They are to be MarAd Design T5-M-119a, about 56,000 DWT as proposed to be built to plans and specifications of Avondale Shipyards, Inc. This class of ship is described in the EIS as an example of a "Handy Tanker" given in Section II. The environmental impact of such designs are covered throughout the Statement in various sections.

The bases for the Board's determinations, as described herein, are available for public inspection in the Office of the Secretary, Room 3099-B, Maritime Administration, Commerce Department Building, 14th & "E" Streets, NW., Washington, D.C. 20230.

Dated: June 17, 1975.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-16162 Filed 6-19-75;8:45 am]

Office of the Secretary

ECONOMIC ADVISORY BOARD

Meeting

A meeting of the Department of Commerce Economic Advisory Board will be held on Thursday, July 24, 1975 from 10 a.m. to 3 p.m. in Room 4832, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Board was established by the Secretary of Commerce on October 5, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

(1) Discuss specific industry situations in terms of consumer spending, inventory, and capital spending.

(2) Discuss monetary and fiscal policy and the near-term outlook for prices and interest rates.

(3) Discuss the outlook for overall economic activity through 1976 in terms of output and employment.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to requests for clarification of items under discussion. Additional statements or inquiries may be submitted to the chairman before or after the meeting.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. Dominic R. Quinn, Special Assistant to the Assistant Secretary for Economic Affairs, Room 4854, Department of Commerce, Washington, D.C. 20230, telephone (202) 967-3884.

JAMES L. PATE,
Assistant Secretary for Economic Affairs.

[FR Doc.75-16079 Filed 6-19-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

COMMUNITY EDUCATION ADVISORY COUNCIL

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Community Education Advisory Council will be held July 10 and 11, 1975, at the Board Room, University of Nevada, 4505 Maryland Parkway, Las Vegas, Nevada. The Thursday meeting will begin at 9 a.m. and end at 5 p.m. The Friday meeting will begin at 9 a.m. and end at 3 p.m.

The Community Education Advisory Council is authorized under Pub. L. 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools. In the fiscal year ending June 30, 1975, the Advisory Council shall be responsible for advising the Commissioner regarding the establishment of policy guidelines and regulations for the operation and administration of the Community Schools Act.

In addition, the Council shall create a system for evaluation of the programs. The Council shall present to Congress a complete and thorough evaluation of the programs and operation of the Community Schools Act for each fiscal year ending after June 30, 1975.

The meeting of the Council will be open to the public. The proposed agenda includes:

(1) Review of Program Regulations
(2) Report on the Community Education Program Status
(3) Evaluation
(4) Administrative Details and Related Council Business
(5) Long-Range Planning for the Council
(6) A Hearing on the Progress of Programs or other Community Education Activities Throughout the Southwest.

Records shall be kept of all council proceedings and shall be available for public inspection in Room 4177-E, Federal Office Building No. 6, 400 Maryland Avenue SW, Washington, D.C. 20202.

Signed at Washington, D.C. on June 16, 1975.

JULIE ENGEL,
Special Assistant to the U.S. Commissioner of Education.

[FR Doc.75-16140 Filed 6-19-75;8:45 am]

Food and Drug Administration

LIAISON ACTIVITIES WITH STANDARDS-SETTING ORGANIZATIONS

Public Meeting Regarding Standards Development Activities

In order to carry out a successful radiation control program in those areas covered under its broad authorities, the Bureau of Radiological Health follows a policy of cooperation with standards-setting and related organizations. Public Health Service policy recognizes that liaison representation permits cooperation between government representatives and members of an association in the exchange of information and opinions on matters of common interest. To further such cooperation, the Food and Drug Administration (FDA) will hold a public meeting to discuss the appropriate procedures for a cooperative effort with certain of the nuclear standards committees of the American National Standards Institute (ANSI) to develop standards and guides related to the mission of the Bureau of Radiological Health.

Recommendations resulting from this meeting may lead to a more formal relationship between FDA and appropriate ANSI committees to develop through the ANSI consensus process standards and/or guidelines which the Commissioner of Food and Drugs may utilize in the development of radiation protection regulations or guides promulgated under the authorities of the FDA.

The public meeting will be held at 1:30 p.m. on July 8, 1975, in Rm. 400 of the Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, MD. Interested persons are invited to participate. An agenda will be available upon request and will be distributed at the meeting.

Documentation of views by interested individuals and organizations would be especially helpful. Observations and statements will be accepted for consideration for 30 days following the July 8, 1975 meeting. Correspondence regarding the meeting should be sent to:

Food and Drug Administration
Bureau of Radiological Health (HFX-460)
5600 Fishers Lane
Rockville, MD 20852.

Dated: June 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-16076 Filed 6-19-75;8:45 am]

[Docket No. 75F-0092]

MITSUI PETROCHEMICAL INDUSTRIES, LTD.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B2860) has been filed by Mitsui Petrochemical Industries, Ltd., 200 Park Ave., New York, NY 10017, proposing that § 121.2501 Olefin polymers (21 CFR 121.2501) be amended to provide for the safe use of olefin copolymers of 4-methylpentene-1 with 1-alkenes having 2 to 10 carbon atoms as articles or components of articles intended for use in contact with food and § 121.2566 Antioxidants and/or stabilizers for polymers (21 CFR 121.2566) be amended to permit the use of tetrakis(methylene(3,5-ditert - butyl-4-hydroxyhydrocinnamate)) methane, in copolymers of 4-methylpentene-1 with 1-alkenes having 2 to 10 carbon atoms for use in contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a signficant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 12, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-16075 Filed 6-19-75;8:45 am]

[Docket No. 75N-0074]

SUNLAMPS AND MEDICAL ULTRAVIOLET LAMPS

Extension of Date for Submission of Initial Reports

The Commissioner of Food and Drugs is ordering that the date by which manufacturers of sunlamps and medical ultraviolet lamps shall submit initial reports on their products shall be extended from July 3, 1975, to November 3, 1975.

The Commissioner issued a final regulation, published in the FEDERAL REGISTER of March 5, 1975 (40 FR 10174), adding sunlamps and medical ultraviolet lamps to the list of specific product groups under § 1002.61 (21 CFR 1002.61) for which initial reports are required under § 1002.10 (21 CFR 1002.10). According to the March 5, 1975 regulation, initial reports for these products are to be submitted by July 3, 1975, which is 90 days after the effective date of listing of these products in § 1002.61.

Since publication of the regulation, the Food and Drug Administration (FDA) has been unable to provide, sufficiently in advance of the report due date, a reporting guideline to the affected manufacturers. Such a guideline would aid

submittal of complete and meaningful reports. Therefore, to allow for preparation and timely distribution of a reporting guideline, the Commissioner orders that the date by which submittal of initial reports is required under § 1002.10 for such products listed in § 1002.61(a)(5) be extended to November 3, 1975.

The guideline for manufacturers of sunlamps and medical ultraviolet lamps is currently being prepared by FDA and will be mailed, as soon as possible, to manufacturers of these products. Manufacturers of these products who are known to FDA are being notified by mail of the change in date for submittal of initial reports.

Effective date. This order shall become effective June 20, 1975.

Dated: June 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-16077 Filed 6-19-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-75-375]

URBAN HOMESTEADING DEMONSTRATION PROGRAM

Intention To Accept Applications From Local and State Governments

Notice is hereby given that the Department of Housing and Urban Development will be accepting applications from units of general local government, States and public agencies designated by units of general local government for approval of urban homestead programs, on a demonstration basis, which meet the requirements of section 810(b) of the Housing and Community Development Act of 1974.

It is anticipated that application forms for eligible units of general local government, States or designated public agencies will be available from HUD on July 18, 1975. Applications will be accepted by HUD from July 28, 1975 until August 29, 1975.

Applications will be considered by HUD in accordance with the requirements of section 810 of the Housing and Community Development Act of 1974, with consideration given to local neighborhood preservation efforts, homesteader selection and services, availability of other related local services and facilities and general program design.

Selected applicants will be eligible to receive, without payment, properties to which the Secretary holds title and which are suitable for use in an urban homestead program.

Interested potential applicants are invited to request application forms and further information concerning the urban homesteading demonstration program by writing to the Director, Urban Homesteading Demonstration Program, Office of Policy Development and Research, Department of Housing and Urban Development, Room 8138, 451 7th Street, SW., Washington, D.C. 20410, or by telephoning HUD at 202/755-4977.

A finding of inapplicability of section 102(2)(C), National Environmental Policy Act of 1969, has been made in connection with this notice, in accordance with HUD procedures set forth in HUD Handbook 1390.1 (38 FR 19182). A copy of this finding of inapplicability is available for public inspection during regular business hours in the office of the Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Issued at Washington, D.C., June 16, 1975.

(Sec. 810(d), Housing and Community Development Act of 1974, 12 USC 1706e; section 7(d), Department of Housing and Urban Development Act, (42 USC 3535(d)))

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-16080 Filed 6-19-75;8:45 am]

[Docket No. D-75-335]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY

Designation With Respect to Minority Business

Section A. *Designation.* The Assistant Secretary for Equal Opportunity and the Deputy Assistant Secretary for Equal Opportunity are each designated as the official responsible for performance of the following functions of the Secretary of Housing and Urban Development with respect to sections 3(a), (d) and (e) of E.O. 11625, dated October 13, 1971 (36 FR 19967):

1. When and in the manner so requested by the Secretary of Commerce, to furnish information, assistance, and reports to, and otherwise cooperate with, the Secretary of Commerce in the performance of his functions under the Executive Order.

2. To the extent provided under regulations which may be issued by the Secretary of Commerce, to report to him on any activity that falls within the scope of the minority business enterprise program as defined in the Executive Order and such regulations.

3. To continue all current efforts initiated within the Office of Equal Opportunity to foster and promote minority business enterprises and support the program set forth in the Executive Order.

4. To make recommendations to the Secretary or Under Secretary of Housing and Urban Development with respect to cooperation with the Secretary of Commerce in increasing the total Federal effort under the Executive Order.

Section B. *Authority to Issue Rules and Regulations.* The Assistant Secretary for Equal Opportunity and Deputy Assistant Secretary for Equal Opportunity are each authorized to issue such rules and regulations with the respect to the collection and submission of data and information concerning minority business enterprises as may be necessary for the fulfillment of the functions assigned in Section A.

Effective date. This delegation of authority shall be effective on June 20, 1975.

(Sec. 7(d) of the Department of Housing and Urban Development Act of 1968, (42 U.S.C. § 3535(d)))

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-16166 Filed 6-19-75;8:45 am]

[Docket No. D-75-336]

REGIONAL ADMINISTRATOR, REGION IX

Delegation of Authority

The Department is combining certain of its administrative components in the San Francisco Regional Office. As a result, certain powers, functions and responsibilities are being transferred or consolidated. The former jurisdictional assignments and all existing delegations or redelegations of authority to officials of the San Francisco and Los Angeles Area Offices for the administration of all HUD programs with respect to Indian reservations and Indian tribes are hereby revoked and are being assigned and delegated to the San Francisco Regional Office. Accordingly, the Secretary delegates to the San Francisco Regional Office the exclusive jurisdiction for the administration of all HUD programs, except programs of FHA mortgage insurance, in relation to the following tribes or reservations:

(1) All tribes and reservations in the States of Arizona, California, Nevada and New Mexico, except with respect to the State of New Mexico, the Southern Ute Reservation and the Ute Mountain Reservation and tribes residing therein;

(2) The Navajo Nation located in the State of Utah;

(3) The Goshute Reservation located in the States of Nevada and Utah;

(4) The Duck Valley Reservation located in the States of Idaho and Nevada;

(5) The Fort McDermitt Reservation located in the States of Oregon and Nevada.

This jurisdictional assignment supersedes and revokes all inconsistent HUD jurisdictional assignments, published or unpublished, heretofore issued, to the extent of said inconsistency. The Regional Administrator of the San Francisco Regional Office of HUD is hereby delegated the authority to administer the HUD programs referred to above for Indian tribes and Indian reservations covered by this jurisdictional assignment which was formerly in officials of the San Francisco and Los Angeles Area Offices of HUD. The said Regional Administrator is also authorized to redelegate that authority in whole or in part to one or more officials of the San Francisco Regional Office.

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

Effective date. This delegation of authority is effective June 12, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-16167 Filed 6-19-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GENERAL AVIATION DISTRICT OFFICE AT DALLAS, TEXAS

Notice of Move

Notice is hereby given that on or about July 15, 1975, the General Aviation District Office at Redbird Airport, Dallas, Texas, will be moved to Love Field Airport, Dallas, Texas. Boundaries and services to the aviation public remain the same. This move does not constitute a change to the FAA Organization Statement.

Issued in Fort Worth, Texas on June 6, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-16056 Filed 6-19-75;8:45 am]

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES

Open Meeting

Pursuant to Executive Order 11671, the Federal Highway Administration announces the meeting dates and relevant information for the Mid-Year Meeting of the National Advisory Committee on Uniform Traffic Control Devices. The meeting will be held July 16–18, 1975, at the Kona Kai Club, 1551 Shelter Island Drive, San Diego, California. The full Committee will convene at 1 p.m. July 16 and at 8 a.m. July 18. Subcommittee working sessions are scheduled for Thursday, July 17.

For further information contact the Office of Traffic Operations, Federal Highway Administration, 400 7th Street SW., Washington, D.C. Code 202/426-0411. Attendance by the public will be limited to space available.

Purpose—This Committee reviews currently approved standards, guides and warrants for traffic control devices contained in the Manual on Uniform Traffic Control Devices, the national standard for all classes of highways. Revisions and proposed new standards to meet new developments and improvements are developed as needed.

The Committee makes studies, conducts investigations, prepares reports, develops recommendations and advice to assist the Federal Highway Administrator in developing appropriate standards as authorized in 23 U.S.C. 109(d) and 402(a).

Agenda. Agenda items will include reports and recommendations of the chairmen of the technical subcommittees on signs, signals, pavement markings, traffic controls for construction and maintenance areas, and traffic controls for bicycle facilities. Recommendations from the subcommittees for proposed additions to or revisions in current traffic control device standards will be discussed and action taken relative to providing appropriate advice to the Federal Highway Administration on these matters.

JAMES J. CROWLEY,
Director, Office of Traffic Operations, Federal Highway Administration.

JUNE 12, 1975.

[FR Doc.75-16132 Filed 6-19-75;8:45 am]

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Monday and Tuesday, July 21 and 22, 1975.

The Committee was established to provide advice to the Federal Railroad Administration concerning solutions to problem areas involving the operating rules of the nation's railroads.

The meeting will be held in Room 5334, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. The agenda for this meeting will include a further discussion of rule 99 flagging requirements, and of rule 93 governing speeds within yard limits.

These meetings will be open to the public. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so. Under a procedure established by the Committee, persons submitting written statements are requested to provide 15 copies to provide distribution to each of the Committee members. Members of the public who wish to make prepared oral presentations should inform the Office of the Chief Counsel, Federal Railroad Administration, (202) 426-8220 at least 5 days prior to each of these meetings if possible and reasonable provision will be made for their appearance on the agenda. Time will also be provided on the agenda for public comments with respect to the discussions during the meeting.

Minutes of the meeting will be made available for public inspection and duplication during regular business hours in the Office of the Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

Issued in Washington, D.C. on June 13, 1975.

ASAPH H. HALL,
Deputy Administrator.

[FR Doc.75-16081 Filed 6-19-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. Ex 75-19; Notice 1]

ELECTRIC FUEL PROPULSION CORPORATION

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Electric Fuel Propulsion ("EFP") of Detroit, Michigan has applied for temporary exemption of an electric-powered passenger car from certain Federal motor vehicle safety standards on the grounds that it would facilitate the development and field evaluation of a low emission motor vehicle.

EFP intends to convert to electric power a conventionally-powered American intermediate-size passenger car that is certified as conforming to all applicable Federal motor vehicle safety standards. The modifications it performs include removal of the internal combustion engine, gas tank, and associated hardware. Springs, shock-absorbers, sway bars, tires, tubes, and other miscellaneous chassis components are removed and replaced with new heavier duty equipment, and the frame is reinforced. In addition to the electric propulsion system, a gasoline-fueled heater-defroster unit is installed in the trunk with a small gasoline tank. These modifications increase vehicle weight from approximately 4,000 pounds to something over 6,000 pounds. EFP does not yet know whether the increase in weight will affect conformity with portions of the following Federal motor vehicle safety standards: S4.1 and S4.2.1 of No. 105 and corresponding portions of No. 105-75, *Hydraulic Brake Systems*, S3.1 through S3.3 of No. 201, *Occupant Protection in Interior Impact*, S4.1 of No. 204, *Steering Control Rearward Displacement*, and S4.1.2 and S4.1.3 of No. 208, *Occupant Crash Protection*. In addition it requests complete exemption from the following standard: No. 212 *Windshield Mounting*, No. 215 *Exterior Protection*, and No. 216 *Roof Crush Resistance*. Finally, because of the gasoline-fueled heater-defroster unit, it requests an exemption from No. 301/301-75 *Fuel System Integrity*. The exemptions are requested for 2 years. While they are in effect EFP would conduct testing to determine the extent of conformance. If nonconformances are discovered they would be corrected by the end of the exemption period. The company argues that an exemption is in the public interest as its vehicles "reduce air pollution at street level and lessen the dependence of the United States on importation of petroleum." By allowing EFP to fill orders for the delivery of these vehicles, an exemption would facilitate the development and field evaluation of a low emission motor vehicle.

This notice of receipt of a petition for temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or

other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Electric Fuel Propulsion Corporation, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the Federal Register pursuant to the authority indicated below.

Comment closing date: July 21, 1975.

(Sec. 3 Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on June 13, 1975.

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

[FR Doc.75-16045 Filed 6-19-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 22670, etc.; Order 75-6-53]

LOS ANGELES AIRWAYS, INC.; ET AL.

Order

Correction

In FR Doc. 75-15556 appearing on page 25507 in the FEDERAL REGISTER of Monday, June 16, 1975, the order number is changed to read as set forth above.

[Order 75-6-78; Docket No. 25280 Agreement C.A.B. 25086]

TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of June, 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 Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates (SCR's).

The agreement proposes to reduce the existing SCR for the carriage of item 0670 (horseflesh) from New York to points in Europe by amounts ranging from 1 to 4 cents per kilogram for 5,000 kilograms minimum weight shipments and 10 cents per kilogram for 1,000 kilogram minimum weight shipments.[1]

[1] See Attachment for the existing and proposed rates.

In comments filed May 19, 1975, Seaboard World Airlines, Inc (Seaboard) requests the Board disapprove the agreement. The carrier contends that the proposed rates are set below the stated scheduled cargo service operating costs of certain U.S. transatlantic carriers; that horseflesh, already moving at one of the lowest transatlantic rates available, requires special handling thus further increasing unit costs and that since Seaboard's actual volume of horseflesh moving by air is increasing, it makes no sense to decrease the rates.[2] The carrier notes its past urgings that the Board take action to reduce the number of available transatlantic SCR's and refers to the Board's policy statement, issued May 6, 1975 on the occasion of the 1975 IATA Cargo Conference at Nice, and contends that disapproval would be consistent with enunciated Board policy. Lastly, Seaboard speaks to certain arguments regarding density and diversion which it assumes will be advanced by the IATA carriers in support of the agreements.[3] No other comments have been filed.

Upon consideration of the issue before us, Seaboard's comments and other relevant matters, we conclude that the low rates proposed for horseflesh appear unreasonable, unjustified and unwarranted and we shall therefore disapprove the agreement.

Recently, on May 6, 1975, the Board issued a statement on cargo rate matters to be negotiated at the IATA worldwide traffic conference in Nice which commenced on May 13, 1975. In that statement the Board expressed its view that the entire cargo rate structure should be revised with general commodity rates established at levels related to fully allocated costs and that specific commodity rates, as they exist today, should be abandoned. Recognizing the practical difficulties in implementing substantial revisions to the rate structure, the statement indicated that if a need for revenue increases can be demonstrated in selected areas, the increased revenues should be realized from increases in specific commodity rates. In view of the Board's statement, the lack of justification from the IATA member carriers in support of the subject agreement and in light of Seaboard's comments, we can perceive no basis which warrants approval of the agreement.

[2] During the first quarter of 1975 Seaboard alleges it transported in excess of 1.5 million pounds of horseflesh compared with 1.9 million pounds for all of 1974.

[3] Seaboard concedes that most dense items will produce more revenue per pallet position, assuming the aircraft is not weight-limited, but alleges the density of horseflesh is not enough to overcome the disparity between carrier operating costs and the low yield from the horseflesh rates. The carrier also contends the argument of diversion of U.S. horseflesh traffic to the lower rates from Montreal is spurious since the U.S. IATA carriers have equal votes on the North American Specific Commodity Rates Board, have failed to protest the low horseflesh rates from Montreal, and are thus estopped from asserting the Canadian diversion argument.

The presently available rates for horseflesh are among the lowest in the IATA structure—even lower than the recently introduced 34,000 and 42,500 kilogram freight-all-kinds rates which are currently under investigation. The proposed horseflesh rates would produce yields 2.6 cents to 3.5 cents lower than the FAK rates and the proposed rates appear unreasonable and below cost. The volume of horseflesh moving under present rates appears substantial and no data are before us which would justify the dilution of yield that the implementation of these lower rates would obviously bring about.

The Board, acting pursuant to sections 102, 204(a) and 412(b) of the Act, finds that Agreement C.A.B. 25086 is adverse to the public interest and in violation of the Act:

Accordingly, it is ordered, That:

Agreement C.A.B. 25086 be and hereby is disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Rates per kilogram for specific commodity item 0670 (horseflesh) [1]

From New York to—	Present (cents)	Proposed-agreement CAB 25086 (cents)
Amsterdam	61	58
Brussels	61	58
Frankfurt	64	63
Oslo	80	76
Paris	61	58
Stockholm	80	76
Vienna	66	63
Zurich	64	61
Do	[2] 82	[2] 72

[1] Includes 6 percent currency surcharge on U.S. originations. Minimum weight per shipment, 5,000 kg except as noted.
[2] For minimum weight shipments of 1,000 kg.

[FR Doc.75-16152 Filed 6-19-75;8:45 am]

[Docket No. 27932]

CHICAGO-MONTREAL ROUTE PROCEEDING

Change of Date for Prehearing Conference

Notice is hereby given that the prehearing conference in this proceeding, heretofore scheduled to be held on July 3, 1975, has been rescheduled to July 1, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Dated at Washington, D.C., June 16, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-16151 Filed 6-19-75;8:45 am]

[Docket No. 27721]

NATIONAL AVIATION CONSULTANTS LTD.

Canadian Charter Permit Application (Small Aircraft); Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is as-

signed to be held on July 8, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Dee C. Blythe.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before June 30, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., June 17, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-16150 Filed 6-19-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS 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 Illinois State Advisory Committee (SAC) to this Commission will convene at 1 p.m. and end at 4 p.m. on July 16, 1975, at 230 S. Dearborn Street, Room 3251, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting will be to discuss the project on Community Development Act as submitted by the Sub-Committee, set a time table and scope of the project. There will be a report from the Education Sub-Committee relating to an 18 month study of civil rights implications in the school districts of downstate Illinois.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 17, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-16083 Filed 6-19-75;8:45 am]

MONTANA 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 Montana State Advisory Committee (SAC) to this Commission will convene at 9 a.m. and end at 1 p.m. on July 19, 1975, at the YWCA-220 2nd Conference Room, Great Falls, Montana.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Mountain States Regional Office of the Commission, Room 216, Champa Street, Denver, Colorado 80202.

The purpose of this meeting is that the Montana SAC will review and discuss the 1st draft of the report on the media conference it held on April 12.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 17, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-16084 Filed 6-19-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from June 9, 1975 through June 13, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (August 5, 1975) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3853.

FOREST SERVICE

Draft

Honker Divide Land Use Plan, Tongass National Forest, June 9; Alaska. The statement concerns the land use plan for the Honker Divide Management Unit, Prince of Wales Island, on the Tongass National Forest. The plan proposes managing the Snakey Lakes and Thorne River-Hatchery Creek water travel route in a natural appearing environment, the remainder of unit would be managed to optimize the fish, wildlife, timber water, and recreation resources. Adverse impacts will result from timber harvests; requisite road construction, increased sediments to streams, and change of wildlife habitat (101 pages). (ELR Order No. 50846.)

Pioneer Mountains Unit, Challis and Sawtooth National Forest, Custer, Blaine, and Butte Counties, Idaho, June 9: The statement concerns a land use plan for the 695,964-acre Pioneer Mountain Planning Unit of Sawtooth and Challis National Forest. Two percent of the land is owned by the State of Idaho or private interests. The new plan differs from the existing one in that it provides for the construction of 16 miles of public access road into Meridian Creek and East Pass Creek, the increase of study areas from 87,626 acres to 108,200 acres, the availability of 346,600 of the existing 543,000 acres of roadless area for timber harvests, the intense management of livestock allotments, the increase of the capacity for recreation sites, and the artificial rehabilitation of 1,300 acres. (ELR Order No. 50839.)

Final

Petit Jean Unit Plan, Ouachita National Forest, Logan, Scott, and Yell Counties, Ark., June 9: Arkansas County: The statement concerns the management, administration, and utilization of the forest resources of the 140,817-acre Petit Jean Unit, Ouachita National Forest, from July 1, 1975, to June 30, 1985. Major actions are regenerating commercial timber stands on approximately 16,200 acres, thinning timber on approximately 39,640 acres, increasing wildlife habitat, providing minimum demand for expected recreation users, managing the range resource, and constructing 102 miles of road by timber purchasers. Impacts resulting from the action will be temporary soil disturbance and water quality from timber harvests, timber site preparation work, and road construction (162 pages). Comments made by: EPA, DOI, COE, and USDA. (ELR Order No. 50847.)

Bighorn Winter Sports Site, Caribou National Forest, Idaho, June 11: The statement refers to the proposed development of the Bighorn Winter Sports Site, in the Caribou National Forest, Idaho. It is proposed that 600 acres be developed to provide skiing capacity for approximately 3,000 skiers per day. The development includes 7 ski lifts with associated ski runs, lodge, parking for 1,000 cars, spring development, water line, sewer line and drainage field, buried power lines and access roads. Adverse impacts are landscape alteration, surface erosion, loss of timber producing area, and loss of cattle grazing area (168 pages). Comments made by: EPA, DOT, DOI, AHP, USDA, State, regional, and local agencies and concerned citizens. (ELR Order No. 50855.)

SOIL CONSERVATION SERVICE

Draft

Southwest Laterals Watershed, Concho and McCulloch Counties, Tex., June 9: Proposed is a project for watershed protection and flood prevention for 82,750 acres in Concho and McCulloch Counties, Texas. Seven floodwater structures will be installed during a 6-year period, requiring the permanent destruction of 178 acres of vegetation, and result in a minor reduction of runoff at the Middle Colorado River (46 pages) (ELR Order No. 50842.)

Final

Deer Creek Watershed, Worth County, Iowa, June 9: Proposed is a project for watershed protection, flood prevention, and drainage in Worth County, Iowa. The project will provide drainage outlets to 27,300 acres for a minimum of 50 years. The aquatic habitat will be lost in 10.7 miles. Comments made by: COE, DOI, DOT, EPA, AHP, and State agencies. (ELR Order No. 50845.)

Sand Creek Watershed, Harvey and Marion Counties, Kans., June 9: The statement refers to a project for watershed protection, flood prevention, and recreation in Harvey and Marion Counties. Foodwater and sedimentation damages will be reduced on 4,619 acres of flood plain land. There will be 1,195 acres for recreation and wildlife management area, including a 195-acre reservoir for water-based recreation and warmwater fishing. Adverse impacts include the use of land for project purposes, displacement of people, and traffic, litter, and noise will increase around the recreation area of the multi-purpose reservoir (191 pages). Comments made by: EPA, DOI, COE, HEW, DOT, AHP, and State agencies. (ELR Order No. 50844.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

Final

Atlantic Bluefin Tuna as Threatened Species, June 11: The statement concerns the proposal to list the Atlantic bluefin tuna, Thunnus thynnus, as a threatened species under the authority of the Endangered Species Act of 1973. The observed decrease in the catch of the tuna by fishermen indicates severe declines in the population of mid- and large-size fish. Listing the tuna as a threatened species would provide management capabilities. Comments made by: State and local agencies and groups. (ELR Order No. 50856.)

Duplin River Estuarine Sanctuary, McIntosh County, Ga., June 13: The statement concerns a grant to be awarded to the State of Georgia to acquire, develop, and operate an estuarine sanctuary in McIntosh County. About 6,150 acres of land and water in the Duplin River and Sapelo Island would be acquired and protected. The acquisition and operation of the estuarine sanctuary may restrict land and water used and prohibit exploitation within the sanctuary boundaries. Timber harvests, controlled burning, and predator control activities within the proposed sanctuary would also be prohibited. Removal of the property from private ownership may reduce the tax-generated revenues by about 1.5%. Comments made by: USDA, HUD, DOI, EPA, and State and local agencies and environmental groups. (ELR Order No. 50864.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6861.

Draft

Stewart Investment Co. Permit, Pier Addition, St. Mary's County, Md., June 12: Proposed is the construction of a 974-foot pier addition and installation of five dolphins in the Potomac River at Piney Point, Maryland. The purpose of the project is to provide simultaneous berthing of two oil transport vessels. The pier structure and accompanying vessels will have a negative aesthetic impact on the area, and should a major oil spill occur, significant adverse impacts will affect water quality, fish and wildlife, ecology, economics, and the needs and welfare of the people (Baltimore District). (ELR Order No. 50861.)

Locks and Dam No. 26 (Replacement) Mississippi River, Missouri and Illinois, June 11: The statement is a supplement to a final eis filed with CEQ June 20, 1974. The action consists of building a replacement Locks and Dam No. 26 approximately 2 miles downstream of the existing structure at Alton, Illinois. Adverse impacts would include further inundation of commercial deposits of sand and gravel, the alteration of surface drainage pattern, and the possible creation of isolated marshy areas and decreased crop yields. Six hundred acres of terrestrial bottomland habitat will be inundated, and a private recreation development on Ellis Island partially inundated. The project will encourage industrial growth along the river bank (St. Louis District) (4 volumes). (ELR Order No. 50858.)

Corpus Christi Ship Channel, Maintenance Dredging, Nueces County, Tex., June 9: The proposed action is continued periodic maintenance dredging of the Corpus Christi Ship Channel and its branch channel to La Quinta to authorized project depths for purposes of navigation. The operations will be accomplished by contract hydraulic pipeline and government hopper dredges. Adverse impacts include contamination of land and open water disposal sites and increased turbidity (Galveston District). (ELR Order No. 50837.)

Canyon Lake Operations and Maintenance, Comal County, Tex., June 12: The Canyon Lake operation and maintenance program includes flood control, water conservation, operation, and maintenance of project structures, and recreational facilities, and management of land and water areas for fishing, hunting, camping, picnicking, boating, swimming, and other forms of outdoor recreation. Impoundment of floodwater has a detrimental effect upon the vegetation of the flooded area, especially since the fertilization value of floodwater sediments has been reduced and the pattern of deposition restricted to the river channel. Recreation also places pressure upon project lands by increasing sanitation problems (Ft. Worth District) (40 pages.) (ELR Order No. 50860.)

DEPARTMENT OF HEW

Contact: Mr. Charles Custard, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 3718 HEW-North, Washington, D.C. 20202, 202-963-4456.

Draft

U.S. Navy Aqueduct, Florida Keys, Dade and Monroe Counties, Fla., June 9: The statement concerns a proposal for the U.S. Navy to turn their water supply system over to the Florida Keys Aqueduct Authority (FKAA) so that FKAA may expand the capacity of the present system to meet the needs of the rest of the Keys. The property consists of 289.11 acres in Dade County where wells are located and related equipment used to obtain and transport the water to the Florida Keys. Providing additional fresh water to the Keys will permit a human population increase in Monroe County that will bring about land development and associated air and water pollution. (ELR Order No. 50827.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Wilton Development, New Castle County, Del., June 9: Wilton involves the residential development of a 370-acre tract of land over an approximately 10-year period. Development will include construction of 3,000 dwelling units and community centers. Land is being reserved for development of public open space and school areas. Plans also call for development of a commercial area fronting on Route 40. Adverse impacts of the plan include: conversion of agricultural land to urban use, some increase in air pollution and community noise levels, and some traffic congestion. (ELR Order No. 50835.)

Upton Urban Renewal, Baltimore, Md., June 9: The statement concerns an urban renewal project for Upton, a 183 acre area of Baltimore's black community. The project's goal to improve housing will be realized primarily through rehabilitation of existing buildings, although 1,000 new housing units will be constructed. The project will displace families and businesses. (ELR Order No. 50838.)

Cromwell Road. Low-Rent Housing, Chattanooga, Hamilton County, Tenn., June 9: The Chattanooga Housing Authority is requesting an Annual Contribution Contract (ACC) for 200 units of low-rent public housing to meet the need for replacement housing as a result of displacement by an Urban Renewal Project. The units are to be built on a 90-acre tract on Cromwell Road in Chattanooga, Tennessee. Adverse impacts include those associated with the nearby airport and railroad, the absence of water and sewer facilities, lack of adequate recreation facilities in the immediate area, and the lack of public transportation to serve the project. (ELR Order No. 50840.)

Proposed Lead Based Paint Regulations, June 13: The proposed regulations require the inspection for and elimination of immediate lead based paint hazards in all residential structures which are HUD owned or financially assisted when such structures are being constructed, sold, purchased, leased, rehabilitated (including routine maintenance), modernized, or improved. The regulations also require that purchasers and tenants of all such housing constructed prior to 1950 receive notification that such housing may contain lead based paint as well as information regarding its potential hazard, symptoms of lead poisoning and precautions to be taken. (ELR Order No. 50862.)

Federal Mobile Home Construction & Safety Standard, June 13: Proposed is the establishment of Federal standards for the construction and safety of mobile homes. The goal of the regulation is to reduce the number of injuries and deaths and insurance costs resulting from mobile home accidents and to improve the quality and durability of mobile homes in response to Pub. L. 93-383. (ELR Order No. 50863.)

Final

Tampa Neighborhood Development, Areas 1 and 2, Hillsborough County, Fla., June 9: The statement refers to an urban renewal project for 1,775 gross acres of residential land in Tampa. The project will displace an unspecified number of families and businesses and demolish an unspecified number of houses; 733 residential structures will be rehabilitated. Comments made by: GSA, USDA, DOT, ERDA, HEW, AHP, and State and local agencies and businesses. (ELR Order No. 50836.)

Heritage Plaza East, Salem, Mass., June 11: Proposed is an urban renewal area for a forty-acre area of the City of Salem. Project measures include the replacement or rehabilitation of a number of commercial and residential structures, including some of historical significance. Comments made by: COE, DOC, HEW, EPA, State, regional, and local agencies. (ELR Order No. 50853.)

Downtown East Urban Renewal, Reading, Berks County, Pa., June 9: The statement concerns an urban renewal project in 44.53 acres of the central business district of Reading, Pennsylvania. The project includes destruction of 292 structures and construction of new residential and commercial buildings. A 2-story shopping mall and parking structures are planned. Seventy-nine families and 132 businesses will be displaced. Comments made by: DOC, EPA, DOT, State, and local agencies. (ELR Order No. 50829.)

SECTION 104(h)

Final

San Jose Community Development, Santa Clara County, Calif., June 9: The statement concerns the Housing and Community Development plan for the City of San Jose. Half of the $18,577,000 block grant will be spent to continue urban renewal projects already underway. The remainder will be spent on rehabilitation of older neighborhoods, facilities for child care and the handicapped, and low-income housing scattered throughout the city. Demolition of some existing structures and displacement of families will result (264 pages). Comments made by: EPA, State and local agencies. (ELR Order No. 50832.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF SPORT FISHERIES AND WILDLIFE

Final

Sport Hunting of Migratory Birds, Regulations, June 10: The statement concerns a proposal recommending that annual regulations continue to be issued permitting and regulating the sport hunting of migratory birds throughout the United States. The proposal protects the birds from indiscriminate hunting. Adverse impacts include annual reductions in populations, occasional killing of endangered and other nontarget species, littering, and some destruction of vegetation. Comments made by: USDA, DOI, EPA, State agencies, and environmental groups. (ELR Order No. 50851.)

Proposed White River National Fish Hatchery, Windsor County, Vt., June 9: Proposed is the construction of a fish hatchery near Bethel. The hatchery will provide for the propagation of Atlantic Salmon, in order to help restore the species to the Connecticut River Watershed. Construction activity may temporarily increase the silt load on White River; hatchery effluent may cause odors in the immediate vicinity of the effluent treatment plant (99 pages). Comments made by: FPC, EPA, USDA, COE, DOI, DOC, and State agencies. (ELR Order No. 50843.)

GEOLOGICAL SURVEY

Draft

Oil and Gas Development, Santa Barbara Channel OCS, California, June 10: The statement concerns the proposed development of oil and gas reserves in the Santa Barbara Channel Outer Continental Shelf. The reserves could be developed by additional facilities and associated activities to be on the order of magnitude of 1 to 2 billion barrels of oil. The operation would pose a degree of pollution risk to the marine environment, adjacent shorelines, and sites of onshore treating and processing facilities (3 volumes). (ELR Order No. 50850.)

DEPARTMENT OF LABOR

Draft

Proposed Regulation of Noise, June 10: The Occupational Safety and Health Administration of the Department of Labor proposes to regulate general industry by requiring that employees be protected from the harmful effects of occupational noise exposure above specified levels and duration. The regulation will require substantial increases in capital costs and operating expenses in certain industries. (ELR Order No. 50849.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

KY 461, Pulaski and Rockcastle Counties, Ky., June 9: The statement concerns a proposed highway improvement pronector under construction in Pulaski County and ending at the junction with US 25 near the Renfro Valley I-75 interchange, a distance of 3.9 miles. Displacements of businesses, homes, and farm buildings vary with alternative. (ELR Order No. 50828.)

Maryland Routes 2 and 4, Route 264 to New Patuxent River Bridge, Calvert County, Md., June 12: The proposed action involves the improvement to 4 lanes of an approximately 15-mile-long segment of Maryland Routes 2 and 4 from Route 264 south to the approaches of the new Patuxent River Bridge. Noise levels will rise, and the number of people affected will depend upon the alignment selected. As many as 74 families and 15 businesses will be displaced, and productive farmland will be removed from cultivation for right-of-way. (ELR Order No. 50859.)

Route 169, from Route 5 to the New York State Line, Herkimer County, N.Y., June 9: The project proposes to construct a two-lane arterial highway, on new location, to replace a section of Route 169 in Herkimer County, between the City of Little Falls East-West Arterial (Route 5), and the New York State Thruway Interchange, 29A. The length of the project, number of displacements, and environmental consequences vary with alternative. (ELR Order No. 50831.)

SR 500, I-5 to SR 305, Vancouver, Clark County, Wash., June 9: Proposed is the construction of a 5.9 mile segment of State Route 500 from the 39th Street interchange on Interstate 5 in Vancouver to a junction with SR-503 immediately east of the community of Orchards. One mile of the 4-lane, limited access highway is already under construction. The project will displace 120 families, 5 businesses, 1 church, and 1 nonprofit organization. Since the proposed location falls in a residential area never before used for a highway with heavy traffic, the clearing of wooded land, noise, and air pollution will result. (ELR Order No. 50834.)

I-180, Cheyenne, Laramie County, Wyo., June 9: Proposed is the construction of a 1.1-mile segment of I-180 from Central Avenue Interchange on Interstate Highway 80 south of Cheyenne to the intersection with 16th Street which is Interstate Business Loop 80. This project will construct an expressway and new viaducts. The property acquisition will require the dislocation of 36 residences, 23 businesses, 2 apartments, 3 combined businesses and residences, and 2 nonprofit organizations. A small part of a creek will be relocated, and an inadequate structure will be replaced. (ELR Order No. 50830.)

Final

Atlantic Boulevard Extension, SR 814, Broward County, Fla., June 11: The proposed project is the construction of SR 8814 Atlantic Boulevard Extension) for 3 miles. Six acres of land will be acquired for right-of-way. Adverse impacts are loss of agricultural and timber land, and increased noise, air, and water pollution. Comments made by: EPA, DOI, USDA, HEW, HUD, State, and local agencies. (ELR Order No. 50857.)

U.S. 30, Meridian, Ada County, Idaho, June 9: The proposed action would consist of two separate projects located in the city of Meridian. The action involves the upgrading of an existing 2-lane facility incorporating curb and gutters, combination sidewalk-bikelane, and painted medians. Adverse impacts are displacement of some wildlife and impacts normally associated with construction (60 pages). Comments made by: USDA, HUD, EPA, DOI, State, and local agencies. (ELR Order No. 50848.)

U.S. 63, Wapello County, Iowa, June 9: The proposed project involves the construction of two additional lanes to U.S. 63 just north of Ottumwa in Wapello County. The 1.69 miles project will require the acquisition of approximately 26 acres of additional right-of-way. Adverse impacts are the displacement of 3 homes and 1 apartment building, and increased noise levels (55 pages). Comments made by: HEW, HUD, USDA, DOI, EPA, and, State agencies. (ELR Order No. 50633.)

I-35 and I-435 Interchange, Kansas City (Supplement), Johnson County, Kans., June 10: The proposed project involves an improved interchange at I-35 and I-435 and the modification of I-435 from four to six lanes between I-35 and Metcalf Avenue. The supplement reports on an air quality analysis involving eleven representative sites near the proposed improvement. Comments made by: EPA and State agency. (ELR Order No. 50852.)

State Route 40, Pennington County, S. Dak., June 9: The statement considers the proposed grading and surfacing of a 30-mile length of SR 40, beginning from 1 mile east of Scenic, S. Dak., and continuing to the Pennington County line. The road, presently gravelled, will be paved. Besides flattening curves and extending sight distances, the proposed reconstruction will follow the existing road alignment, crossing grasslands administered by the U.S. Forest Service and transversing approximately 2 miles of the Badlands National Monument. A 4(f) statement is included. The statement discusses adverse impacts of a temporary nature, citing noise and air pollution due to construction (46 pages). Comments made by: USDA, DOC, EPA, HEW, DOI, State, and local agencies. (ELR Order No. 50841.)

U.S. COAST GUARD

Coast Guard Station, Provincetown, Mass., June 11: The proposed action provides for construction of a new Coast Guard Station in Provincetown, Mass., to meet search and rescue and other operational commitments in the Outer Cape Cod area. Construction disruption will result. (ELR Order No. 50854.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-16094 Filed 6-19-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY AND FEDERAL ENERGY ADMINISTRATION

[FRL 387-5]

VOLUNTARY FUEL ECONOMY LABELING

Program for 1976 Model Automobiles

Notice is hereby given that the Environmental Protection Agency and the Federal Energy Administration are jointly sponsoring the 1976 model year voluntary fuel economy labeling program for automobiles.

In his Energy Message to Congress on April 18, 1973, the President assigned to the Environmental Protection Agency the responsibility to develop a program for informing the public as to the fuel economy characteristics of automobiles. A program for the 1974 model year, involving voluntary participation by automobile manufacturers in labeling each vehicle for fuel economy, was developed and announced in a FEDERAL REGISTER notice issued by EPA on August 27, 1973 (38 FR 22944). For the 1975 program, FEA agreed to join EPA in sponsoring the program because of FEA's energy conservation responsibilities; and the 1975 model year program was discussed in a jointly issued FEDERAL REGISTER notice of October 15, 1974 (39 FR 36890).

For the 1976 the automobile fuel economy labeling program will continue to be sponsored jointly by the Environmental Protection Agency (EPA) and the Federal Energy Administration (FEA). EPA will handle the technical

work related to the testing of vehicles and the analysis of data; FEA will take the lead on the public education and information aspects of the program.

The procedures set forth in this notice will govern the 1976 model year program. However, with a view toward future year programs, interested persons are invited to express their views on the program by submitting written comments in triplicate to the Deputy Assistant Administrator, Office of Mobile Source Air Pollution Control, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Comments received will be available for public inspection at the Freedom of Information Center, Room 204 West Tower, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, during normal working hours.

(A) *Purpose and goals.* The fundamental objective of the fuel economy labeling program is to reduce energy usage in the transportation sector. This objective can be accomplished by: (1) increasing public awareness of factors which influence fuel economy; (2) influencing consumers to purchase vehicles with better fuel economy; and (3) influencing manufacturers to produce vehicles with improved fuel economy.

(B) *Definitions.* (1) As used herein, all terms not defined below shall have the meaning given them in the Clean Air Act or in 40 CFR Part 85, Control of Air Pollution for New Motor Vehicles and New Motor Vehicle Engines.

(2) "Fuel Economy" means the estimated miles a motor vehicle can be driven on a specified driving cycle per gallon of fuel, rounded to the nearest whole mile per gallon. The fuel economy for a vehicle is based upon analyses of exhaust gas derived from the city and highway driving cycles.

(3) "Federal Emission Test Procedure" refers to the dynamometer driving schedule, dynamometer procedure, and sampling and analytical procedures described in 40 CFR Part 85 for the 1975 model year, which are used to derive city fuel economy data.

(4) "Vehicle Configuration" means a unique combination of engine configuration, inertia weight, transmission type and axle ratio.

(5) "Fuel Economy Data Vehicle" means a vehicle which is selected from a specific vehicle configuration for fuel economy testing for the purpose of this program.

(6) "City driving cycle" refers to the driving schedule in the Federal Emission Test Procedure, which is designed to simulate an average trip of 7.5 miles at an average speed of just under 20 miles per hour in an urban area. It consists of a cold-engine startup and vehicle operation on a chassis dynamometer through a specific driving schedule (2.4 stops per mile).

(7) "Highway driving cycle" refers to the driving schedule in the Federal Highway Fuel Economy Test Procedure which is designed to simulate non-metropolitan driving with an average speed 48.6 miles per hour and a maximum speed of 60 miles per hour. The cycle is 10.2 miles long with .2 stops per mile and consists of hot-engine startup and vehicle operation on a chassis dynamometer. A description of the EPA recommended practices for conducting highway fuel economy tests is in the FEDERAL REGISTER, Tuesday, October 15, 1974 (39 FR 36890).

C. *Program description.* 1. Each participating manufacturer will place purchaser removable stickers on each automobile, in accordance with the format described. Manufacturers who elect to participate in the program obligate themselves to place a sticker on every car in their product line as soon as possible after applicable fuel economy values have been provided to them by EPA. Manufacturers may choose to label their vehicles with specific or general information.

2. Manufacturers are encouraged to make available to dealers, for distribution and display in the showroom, the *Gas Mileage Guide for New Car Buyers* and information explaining the effects of optional equipment and other factors on fuel economy. Copies of the *Guide* will be published by the Federal Energy Administration and the Environmental Protection Agency and will be available by writing to Fuel Economy, Pueblo, Colorado 81009.

3. Where possible, the effective date for implementing the labeling program is the start of the 1976 model production or, if not possible, as soon thereafter as is practical. Specific labels may be introduced and revised at any time throughout the model year; general labels may not be revised during the model year and must be consistent with the data included in the Mileage Guide.

D. *Label description.* 1. The label must be of reasonable size and consistent in content and format with the attached sample labels. The label must be prominently displayed, either on the same window as the price sticker or on another side window. The inclusion of the label as part of the price sticker is recommended. If the manufacturer elects to use the price sticker for fuel economy labeling, the format of the material to be included on the price sticker must be approved in advance by EPA. The option to use a separate label is still open to the manufacturer. Requests for approval of alternative label locations are to be submitted to the Division of Certification and Surveillance, which will review the requests in coordination with the Federal Energy Administration.

2. The fuel economy label will separately present the full economy for city and highway driving. The fuel economy information will be derived from vehicles tested on the Federal Test Procedure and the Federal Highway Fuel Economy Procedure. The data necessary for the label will be provided or certified to the participating manufacturer by EPA.

3. Two basic types of labels will be used in the Voluntary Fuel Economy Labeling Program: (a) General Labels and (b) Specific Labels. Manufacturers may on any individual vehicle use either label at their option. EPA and FEA encourage manufacturers to utilize specific labels since specific labels, representing the fuel economy results of individual vehicle configurations, are most representative of the vehicle on which they appear.

4. The General Label (Figure 1) will present the sales weighted average of fuel economy values, by car line (separately for passenger cars and station wagons) as derived from all applicable emission data and fuel economy data vehicles. The label will identify the car line, engine (in cubic inch displacement), number of cylinders, transmission type (manual or automatic), fuel system and catalyst usage. The fuel economy value will be expressed in terms of the nearest whole mile per gallon. The label will carry a reminder that the vehicle was tested with frequently purchased optional equipment.

5. The Specific Label (Figure 2) will present the EPA approved fuel economy values for a specific vehicle configuration. The fuel economy value will be rounded to the nearest whole mile per gallon.

6. At the time of a manufacturer's first application for use of a specific label, the manufacturer will submit a sample of his specific label design. EPA in coordination with FEA will approve the specific label design based on a feature (preferably color) which clearly distinguishes the specific label from the general label. Approval of a specific label design will remain in effect for the rest of the model year, even though individual approval must be obtained for the fuel economy values to be used on each specific label.

7. Except in those cases where approval is given to accommodate the inclusion of fuel economy data on the price sticker, all labels must include all of the narrative material given in the attached illustration.

(E) *Source of fuel economy label data.* (1) As indicated in section D., fuel economy values for general labels will be sales-weighted by car line. For the purpose of calculating fuel economy, the term "car line" shall denote the basic means of identifying the vehicle. Examples of car lines are Gremlin, Nova, Torino, Satellite, or Super Beetle. Station wagons will be identified separately from passenger cars in each car line. Combinations equipped with catalysts, and those vehicles certified to meet California standards, will also be identified separately. City and highway fuel economy values will be reported for each combination of car line, engine, and transmission. City and highway fuel economy data will be listed separately on the label to enable consumers to determine for themselves, based on the kind of driving they do, how the city and highway values should be combined.

2. In order to incorporate as many vehicles as possible into the source of data for the label, EPA will permit manufacturers to test additional fuel economy data vehicles of certified vehicle configurations other than or including those designated by EPA as emission data vehicles. Manufacturers may submit the test results from such fuel economy data vehicles and, if the data are confirmed

through testing or are otherwise determined acceptable by EPA; the test results will be included in the fuel economy computations. To the extent possible, the manufacturers' fuel economy data vehicles will be operated in a manner similar to emission data vehicles (Ref. 40 CFR Part 85). In addition, the manufacturers' fuel economy data vehicles must meet emission standards in order to be acceptable to EPA.

3. The fuel economy values listed for each car line/engine/transmission combination will be rounded to the nearest whole mile per gallon, and will consist of a sales weighted average by car line, based on vehicle weight. The sales weighted average will be calculated from the fuel economy results of all EPA tests of a manufacturer's cars that use the same engine, as well as from other data submitted by the manufacturer and approved by EPA. By calculating fuel economy in this manner, even though a particular car line may not have been tested, EPA will estimate its fuel economy figures.

4. For the general fuel economy label, each car line/engine/ transmission combination will be identified separately by number of cylinders, displacement, fuel system (e.g., 2 barrel carburetor, fuel injection), and catalyst usage. The specific label will subdivide each car line/engine/transmission combination into finer divisions of the vehicle taking into consideration the axle ratio and weight.

(F) *Conditions of participation in fuel economy labeling program.* (1) The following are conditions for participation by the manufacturer in the program:

(a) The manufacturer will arrange to display a fuel economy label in the locations described in section C.1 above on every gasoline-fueled light duty vehicle and truck, and diesel-powered light duty vehicle and truck which is manufactured by him for sale in the United States.

(b) The manufacturer will include only EPA-approved test results on the vehicle label. Fuel economy values are not approved by EPA until the manufacturer receives specific written notice to that effect. In instances in which time pressures require, verbal approval will be subsequently confirmed in writing.

(c) In performing his own testing for the purpose of this program, the manufacturer will use only the specified test procedure and will submit both emission and fuel economy results to EPA for review.

(d) The manufacturer agrees to provide to EPA any fuel economy data vehicle for which the EPA elects to conduct confirmatory tests. Failure to do so would result in rejection from consideration of data from that vehicle.

2. The conditions under which termination of participation in the program would occur are:

(a) The Environmental Protection Agency, upon finding that the manufacturer is not reasonably complying with the conditions of participation, may direct the manufacturer to cease using the EPA-approved labels. The manufacturer will first be given an opportunity to show cause why his participation should not be terminated.

(b) A manufacturer may terminate his participation in this program at any time by giving written notice to EPA.

G. *Availability of the EPA/FEA 1976 Gas Mileage Guide for New Car Buyers.* 1. To provide a consolidated listing of all information appearing on general labels, EPA and FEA will publish the EPA/FEA 1976 *Gas Mileage Guide for New Car Buyers.* The Guide will list manufacturers alphabetically. Light trucks will be included and listed by manufacturer in a separate section in the back of the Guide.

2. There will be two separate guides for 1976: one for 49-state vehicles and another for California vehicles. The California Guide will include all vehicles which have been certified against the more stringent California standards unless the manufacturer notifies EPA that specific configurations, although eligible for sale, are not intended to be offered for sale in California. The 49-state Guide will include all vehicles which have been certified against the 49-state standards and California vehicles for which no apparent corresponding 49-state configuration exists, unless the manufacturer notifies the EPA that specific configurations, although eligible to be sold, are not intended to be marketed outside of California.

3. The Guide will be published around October 1, 1975, and will be available by writing to Fuel Economy, Pueblo, Colorado 81009. The first edition of the Guide will include those vehicles certified before September 1, 1975. Cars certified after September 1, 1975 will be added to the original list and published in a later edition.

Dated: June 6, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management, U.S. Environmental Protection Agency.

Dated: June 12, 1975.

ROGER SANT,
Assistant Administrator for Conservation and Environment, U.S. Federal Energy Administration.

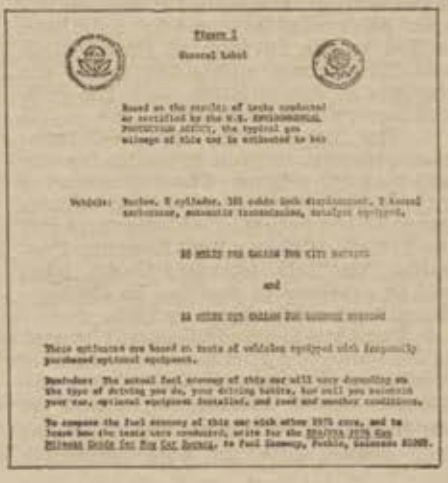
Figure 1
General Label

Based on the results of tests conducted in accordance with the U.S. ENVIRONMENTAL PROTECTION AGENCY, the typical gas mileage of this car is estimated to be:

Vehicles: Buicks, 8 cylinder, 231 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped, 4,000 pounds test weight, 3.08 axle ratio,

30 MILES PER GALLON FOR CITY DRIVING

and

24 MILES PER GALLON FOR HIGHWAY DRIVING

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed, and road and weather conditions.

To compare the fuel economy of this car with other 1976 cars, and to learn how the tests were conducted, write for the EPA/FEA 1976 Gas Mileage Guide for New Car Buyers, to Fuel Economy, Pueblo, Colorado 81009.


Figure 1
Specific Label

Based on the results of tests conducted in accordance with the U.S. ENVIRONMENTAL PROTECTION AGENCY, the typical gas mileage of this car is estimated to be:

Vehicles: Buicks, 8 cylinder, 231 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped, 4,000 pounds test weight, 3.08 axle ratio,

30 MILES PER GALLON FOR CITY DRIVING

and

24 MILES PER GALLON FOR HIGHWAY DRIVING

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed, and road and weather conditions.

To compare the fuel economy of this car with other 1976 cars, and to learn how the tests were conducted, write for the EPA/FEA 1976 Gas Mileage Guide for New Car Buyers, to Fuel Economy, Pueblo, Colorado 81009.

[FR Doc.75-16041 Filed 6-19-75;8:45 am]

[PP5G1596/T1; PRL 387-8]

ZOECON CORP.

Establishment of Temporary Tolerances

Zoecon Corp., 975 California Avenue, Palo Alto CA 94304, submitted a petition (PP 5G1596) requesting establishment of temporary tolerances for residues of the insect growth regulator methoprene (isopropyl (*E,E*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) in eggs and meat, fat, and meat byproducts of poultry at 0.1 part per million, resulting from the use of the insect growth regulator in complete poultry feed.

These temporary tolerances will protect the public health, and are established on condition that the insect growth regulator be used in accordance with an experimental permit being issued concurrently, which provides for distribution under the Zoecon Corp. name. (A document establishing a feed additive regulation for methoprene and this use also appears in today's FEDERAL REGISTER.)

These temporary tolerances expire June 13, 1976. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the temporary permit/tolerances.

(Sec. 408(j) of the Federal Food, Drug and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: June 13, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-16042 Filed 6-19-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

URANIUM HEXAFLUORIDE

Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging: Revisions

The Energy Research and Development Administration (ERDA) hereby announces revisions to the notice entitled

"Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging" as published in the FEDERAL REGISTER on November 29, 1967 (32 FR 16289), and as amended in 34 FR 14039, September 4, 1969; 35 FR 13547, August 25, 1970; 36 FR 4563, March 9, 1971; 36 FR 11877, June 22, 1971; 38 FR 4432, February 14, 1973; 38 FR 13593, May 23, 1973; 38 FR 21518, August 9, 1973; 38 FR 22908, August 27, 1973; 38 FR 27962, October 10, 1973; 39 FR 22182, June 20, 1974; and 40 FR 17070, April 16, 1975 (referred to herein as the notice).

Subparagraphs 3(b), 3(c), and 3(d) of the notice are deleted and the following subparagraphs 3(b), 3(c), 3(d), and 3(e) are inserted in lieu thereof:

(b) The charge per kilogram unit of separative work furnished pursuant to Requirements-type contracts is $47.80. This charge and successor charges determined in accordance with this sentence, shall be increased by 2 percent (rounded upward to the nearest $0.05) on January 1 and July 1 of each year with the first such increase to occur on July 1, 1975.

(c) The charge per separative work unit furnished pursuant to other than Requirements-type contracts is $53.35.

(d) The base charge ($/kg U) for uranium, enriched, or depleted in the isotope U-235 and in the form of UF_6, is determined by summing the number opposite the desired assay in the Feed Component column of Table 1 multiplied by $23.46 and the number opposite the desired assay in the Separative Work Component column of Table 1 multiplied by the then current charge per separative work unit furnished pursuant to other than Requirements-type contracts. The calculated base charge is rounded up to the nearest $0.01. For assays not shown in Table 1, the Feed Component and Separative Work Component are first determined by linear interpolation before calculation of the base charge. Any resulting base charge less than $3.00 is increased to $3.00. The base charge for depleted uranium requested without specification as to assay is $2.50. The assay furnished by ERDA in this case will normally be in the neighborhood of 0.20 percent U-235 of which large amounts are available.

(e) The standard processing loss factor to be applied to toll enricher's acquisition of tails material is 0.05 percent.

Effective Date. This notice is effective August 20, 1975.

Dated at Washington, D.C. this 16th day of June, 1975.

For the Administrator.

R. G. ROMATOWSKI,
Assistant Administrator for Administration.

[FR Doc.75-16138 Filed 6-19-75;8:45 am]

URANIUM HEXAFLUORIDE

Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging: Revisions

The Energy Research and Development Administration (ERDA) hereby announces revisions to the notice entitled "Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging" as published in the FEDERAL REGISTER on November 29, 1967 (32 FR 16289), and as amended in 34 FR 14039, September 4, 1969; 35 FR 13547, August 25, 1970; 36 FR 4563, March 9, 1971; 36 FR 11877, June 22, 1971; 38 FR 4432, February 14, 1973; 38 FR 13593, May 25, 1973; 38 FR 21518, August 9, 1973; 38 FR 22908, August 27, 1973; 38 FR 27962, October 10, 1973; 39 FR 22182, June 20, 1974; and 40 FR 17070, April 16, 1975 (referred to herein as the notice).

Subparagraph 3(b) of the notice is deleted and the following subparagraph 3(b) is inserted in lieu thereof:

(b) The charge per separative work unit furnished pursuant to Requirements-type contracts is $60.95 or the ceiling charge computed in accordance with the provisions of such contracts, whichever is the lesser charge.

Effective Date. This notice is effective December 18, 1975.

Dated at Washington, D.C. this 16th day of June, 1975.

For the Administrator.

R. G. ROMATOWSKI,
Assistant Administrator for Administration.

[FR Doc.75-16139 Filed 6-19-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18262]

TRUNKED AND CONVENTIONAL COMMUNICATIONS SYSTEMS

Approval for Use

JUNE 13, 1975.

FCC Form 400-S, Supplemental Information for Trunked and Conventional Systems (806-821 MHz and 851-866 MHz), has been approved by the United States General Accounting Office (B-180227 (R0183) Expires 9-30-76).

In accordance with the announced policy of the Commission (*Land Mobile Service Operations Between 806-960 MHz*, Docket No. 18262, 40 FR 14452, 14468 (March 31, 1975)), notice is given of approval of FCC Form 400-S and that applications for trunked and conventional systems may be filed by persons eligible under the provisions of § 89.604 (a) and (b) of the rules on or after July 1, 1975. Applications for such facilities by persons eligible under the provisions of paragraph (c) of this section (Specialized Mobile Radio Systems) may not be filed pending further notice of the Commission.

Copies of the supplemental form, FCC Form 400-S, may be obtained at the Commission's main office in Washington, D.C., or from the Commission's Chicago Regional Office, Chicago, Ill.

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

[FR Doc.75-16149 Filed 6-19-75;8:45 am]

[Docket No. 20503, 20504, 20505, 20506; File No. BPH-8744, BPH-8918, BPH-9235]

LEE J. COOPER, ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In reapplications of Lee J. Cooper, tr/as, Ra-Ad of Soddy, Soddy-Daisy, Tennessee, Requests: 102.3 MHz, Channel 272; 3 kW (H&V); 301 feet; C. Alfred Dick, Soddy-Daisy, Tennessee, Requests: 102.3 MHz; Channel 272; 3 kW (H&V); 134.4 feet; Community North Broadcasters, Inc., Soddy-Daisy, Tennessee, Requests: 102.3 MHz; Channel 272; 3 kW (H&V); 286 feet; Richard B. Teeter, Rhuebin M. Taylor and Ward Crutchfield, a partnership, d/b as Teeter-Taylor Enterprises, Soddy-Daisy, Tennessee, Requests: 102.3 MHz, Channel 272; 3 kW (H&V); 195 feet, for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. According to his application, Lee J. Cooper, tr/as Ra-Ad of Soddy [Ra-Ad] would require $24,156 to construct and operate the proposed facility for a period of one year, itemized as follows:

Down payment on $24,000 equipment	$1,248
Twelve months' payment on equipment balance $624 per month	7,488
Building	300
Miscellaneous	500
Items not covered by manufacturer's letter of credit	7,340
Working capital	7,280
Total	24,156

To meet this requirement, Ra-Ad relies on existing capital and credit allowed from a supplier, profits from existing operations, and estimated revenues. However, the credit from the Maze Corporation ($12,000) has been included in the above computation, before estimating the requirement for the balance of the equipment, and therefore cannot be utilized a second time. In addition, the balance sheet is defective. The amended "balance" sheet dated November 30, 1974, is a mere statement of net worth and is not acceptable in accordance with section III, page 3, paragraph 4(b) of FCC Form 301. In any event, such statement does not reveal any liquidity whatsoever for the applicant. Further, the applicant relies on estimated revenues which are unsupported and therefore cannot be considered available. See Erwin's O'Conner Broadcasting Co., 25 RR 2d 782 (1972). Ra-Ad appears to have shown $10,000 available from the current cash flow of its existing AM station. Thus, Ra-Ad lacks $14,156 of the $24,156 requirement. Accordingly, a financial issue will be specified.

3. Because of the failure of Ra-Ad to indicate the date of its community leader and its general public survey, the Commission is unable to determine whether its ascertainment efforts were conducted within six months of the filing of the application. In light of the requirements of question and answer 2 of the Primer on

the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), an appropriate issue will be added.

4. According to his application, C. Alfred Dick would require $71,650 to construct and operate the proposed facility for a period of one year, itemized as follows:

Equipment	$34,100
Land	4,500
Building	1,200
Miscellaneous	14,450
Working capital	17,400
Total	71,650

To meet this requirement, the applicant relies on $84,000 of unused funds remaining from a loan of $178,000 from Dick Broadcasting Co., Inc., of Chattanooga, Tennessee. The terms of repayment have not been specified. Thus, the loan as documented is unacceptable. As a result a financial issue will be specified.

5. According to its application, Community North Broadcasters, Inc. [Community], would require $105,300 to construct and operate the proposed facility for a period of one year, itemized as follows:

Down payment on equipment	13,810
First-year payment on equipment, with interest	15,180
Land	1,200
Building	4,200
Miscellaneous	8,200
Interest on bank loans	10,500
Working capital (first-year)	52,210
Total	105,310

To meet this requirement, Community proposes to rely on $85,000 in operating revenues from its first year of operation. However, Community has failed to provide proper documentation evidencing the availability of such funds. In addition, Community relies on $105,000 from banking institutions. The letter evidencing the bank loan from Brantley Bank and Trust Co., fails to state the rate of interest. The letter evidencing the bank loan from Pioneer Bank of Chattanooga fails to state the collateral involved. Thus, both loans as documented are unacceptable. Accordingly, a financial issue will be specified.

6. According to its application, Teeter-Taylor Enterprises would require $68,372 to construct and operate the proposed facility for a period of one year, itemized as follows:

Down payment on equipment	$11,289
Thirteen payments on equipment	9,568
Interest payments at approximately 7.5 percent	3,588
Items not covered by manufacturer's letter of credit	2,897
Building	750
Miscellaneous	7,750
Working capital	26,530
Interest payment on bank loan, at 10 percent	6,000
Total	68,372

To meet this requirement, Teeter-Taylor Enterprises relies upon new capital and a bank loan. The general partners have pledged to advance $70,000 and the limited partners will furnish $30,000, for a total of $100,000. Of the eight partners, Mr. Louis M. Lasater showed sufficient liquid assets to meet his individual commitment. Moreover, Ward Crutchfield has not proven the value of his real property as is required by paragraph 4(b) of section III, FCC Form 301. The letter evidencing the bank loan of $60,000 fails to state the rate of interest involved. Thus, the loan, as documented, is unacceptable. As a result, Teeter-Taylor Enterprises shows $5,000 available to meet a $68,372 requirement. Accordingly, a financial issue will be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to the application of Lee J. Cooper, tr/as Ra-Ad of Soddy:

(a) Whether funds in addition to the $10,000 shown are available; and

(b) In light of the evidence adduced pursuant to (a), above, whether the applicant is financially qualified to construct and operate as proposed.

2. To determine, with respect to the application of C. Alfred Dick:

(a) The terms and conditions of the loan upon which the applicant relies; and

(b) In light of the evidence adduced pursuant to (a), above, whether the applicant is financially qualified to construct and operate as proposed.

3. To determine, with respect to the application of Community North Broadcasters, Inc.:

(a) The terms and conditions of the two purported bank loans and whether they are available to the applicant; and

(b) In light of the evidence adduced pursuant to (a), above, whether the applicant is financially qualified to construct and operate as proposed.

4. To determine, with respect to Teetor-Taylor Enterprises:

(a) Whether the partners have sufficient assets to meet their respective commitments;

(b) The rate of interest of the bank loan relied upon by the applicant; and

(c) In light of the evidence adduced in (a) and (b), above, whether the applicant is financially qualified to construct and operate as proposed.

5. To determine the efforts made by Lee J. Cooper, tr/as Ra-Ad of Soddy to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

6. To determine which of the proposals would, on a comparative basis, best serve the public interest.

7. To determine in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications for construction permit should be granted.

9. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuan to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 11, 1975.

Released: June 16, 1975.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-16147 Filed 6-19-75;8:45am]

STANDARD BROADCAST APPLICATIONS

JUNE 12, 1975.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on July 29, 1975, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 28, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on July 28, 1975. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: June 6, 1975.

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

APPENDIX

BP-19857 WQBS, San Juan, Puerto Rico
Quality Broadcasting Corp.
Has: 630 kHz, 1 kW, DA-N, U
Req: 630 kHz, 5 kW, DA-2, U.

BP-19866 NEW, Winters, Tex.
Winters Radio, Inc.
Req: 1060 kHz, 1 kW, Daytime.
BP-19868 NEW, Whiteville, N.C.
Waccamaw Broadcasting Co., Inc.
Req: 1540 kHz, 1 kW, Daytime.
BP-19872 WVOY, Charlevoix, Mich.
New Broadcasting Corp.
Has: 1270 kHz, 5 kW, Daytime
Req: 1270 kHz, 5 kW, DA-N, U.
BP-19875 NEW, Bemidji, Minn.
KNOX Radio, Inc.
Req: 1360 kHz, 5 kW, Daytime.
BP-19876 NEW, Carlsbad, N. Mex.
Western States Broadcasters, Inc.
Req: 1240 kHz, 250 W, 1 kW-LS, U.
BP-19877 NEW, Carlsbad, N.M.
Hughes and Hughes
Req: 1240 kHz, 250 W, 1 kW-LS, U.
BP-19883 KDLK, Del Rio, Tex.
Western Plains Broadcasting Co., Inc.
Has: 1230 kHz, 250 W, U
Req: 1230 kHz, 250 W, 1 kW-LS, U.
BP-19910 WJLJ, Tupelo, Miss.
Town and Country Broadcasting Co. of Tupelo, Inc.
Has: 1060 kHz, 250 W, DA, Day
Req: 1280 kHz, 500 W, DA-2, U.
BP-19911 WOUB, Athens, Ohio
Ohio University
Has: 1340 kHz, 250 W, U
Req: 1340 kHz, 250 W, 500 W-LS, U.
BP-19936 NEW, Middleborough Center, Mass.
Middleborough Broadcasters, Inc.
Req: 1530 kHz, 1 kW, DA-Daytime.

APPLICATION DELETED FROM PUBLIC NOTICE OF JANUARY 29, 1975 (MIMEO NO. 45709) (40 FR 5397)

BP-19803 New, Middleborough Center, Mass.
Middleborough Broadcasters, Inc.
Req: 1070 kHz, 500 W, DA, Day.

(Assigned new file No. BP-19936.)

[FR Doc.75-16148 Filed 6-19-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-142, PGA75-5]

CITIES SERVICE GAS CO.

Notice of Tendered Purchased Gas Cost Rate Adjustment

JUNE 13, 1975.

Take notice that on June 6, 1975, Cities Service Gas Company, (Cities), tendered for filing, pursuant to Article 21 of the General Terms and Conditions of its FPC Gas Tariff, Second Revisrd Volume No. 1, copies of Twelfth Revised Sheet PGA-1. Cities states that the proposed decrease in rates reflected on the tariff sheet will produce a decrease in jurisdictional revenues of approximately $12.7 million based on sales volumes for the twelve months ended April 22, 1975. Cities proposes an effective date of July 23, 1975, and requests the granting of such waivers as the Commission deems necessary to accept the tendered filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16101 Filed 6-19-75;8:45 am]

[Opinion No. 734]

[Dockets Nos. RP73-85, RP73-86]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CO.

Opinion and Order Granting Rehearing and Accepting With Conditions Stipulation and Agreement

By order issued January 20, 1975, we approved of one stipulated issue (Article III) contained in a proposed Stipulation and Agreement between Columbia Gulf Transmission Company (Columbia Gulf), Columbia Gas Transmission Company (Columbia Gas) (collectively Columbia), various wholesale customers of Columbia, and interested state commissions. We also rejected and remanded to the Presiding Administrative Law Judge all parts of the Stipulation and Agreement, except for Article III, for further hearings and disposition. Six Applications for Rehearing of that order were filed,[1] generally requesting that the Commission approve the entire Stipulation and Agreement.

Both Staff and the City of Charlottesville, Virginia expressed objection to the Settlement. We detailed those objections in our order of January 20, 1975. Since there was unanimity with regard to Article III of the Stipulation and Agreement, which Article was severable from the agreement, and which further presented a reasonable resolution of the multiple zone rate differential problem on the Columbia system, we approved of Article III. While not passing on the merits of the objections of Staff and Charlottesville, we rejected the Stipulation and Agreement and remanded the record to the Presiding Administrative Law Judge for the development of a complete record.

On further consideration, we believe that the record certified to us by the Presiding Administrative Law Judge provides, with one exception, an adequate basis for the resolution of the issues presented by this proposed settlement. We have before us the direct presentations, testimony and exhibits, of both Columbia and Staff in support of their proposed rates, the Stipulation and Agreement, comments in support of and opposing the Stipulation and Agreement, and the Applications for Rehearing. To the extent that there may be conflicting assertions as to any material facts, we have ample authority to resolve any dispute based on such contradictions, for the reasons explained in detail below. The Court in Pennsylvania Gas and Water Company v. Federal Power Commission, 463 F. 2d 1242 (D.C. Cir. 1972), stated:

> In the case at bar the FPC decided after reviewing the evidence before it,[11] that the rates successfully negotiated by Manufacturers with all its customers except Penn Gas and approved by the Commission Staff, did not warrant further hearing.

We herein give consideration to the merits of the Stipulation and Agreement and approve its justness and reasonableness as conditioned herein. We believe that this procedure is consistent with the public interest and provides for resolution of all issues save one presented by the proposed settlement. The courts have given support to this procedure:

> Even assuming that under the Commission's rules Panhandle's rejection of the settlement rendered the proposal ineffective as a settlement, it could not, and we believe should not have precluded the Commission from considering the proposal on its merits. Indeed the proposal appears prima facie to have merit enough to have required the Commission at some stage of the proceeding to consider it on its own initiative as an alternative to total abandonment * * *
>
> Of course there may be valid objections to the settlement which the Commission has not explained, or which a hearing upon the proposal would reveal. Such considerations may merit modifications or total rejection of the proposals. But we think that, since the Commission is charged with the duty of protecting the ultimate consumer from "exploitation at the hands of natural gas companies", (citations omitted) it cannot refuse to consider a proposal which appears, on its face at least, consistent with that duty. Michigan Consolidated Gas Company v. Federal Power Commission, 283 F.2d 204, 224 (D.C. Cir. 1960), cert denied 364 U.S. 913.[2]

We believe, for the reasons stated below, that the Stipulation and Agreement should be accepted as conditioned herein.

Conjunctive billing. We believe that the one issue which cannot be decided based on the record before us is that of conjunctive billing. The Stipulation and Agreement provides that consideration of this issue shall be deferred to Columbia's next rate increase proceeding in Docket No. RP74-82. Staff recommends that the issue be tried in the instant proceeding. We do not believe it appropriate to determine the merits of this issue on the record before us. We do not have any presentation by Columbia's wholesale customers in this regard. Their interests in this matter are such that they should be afforded the opportunity of presenting whatever testimony, exhibits, and arguments they believe appropriate as

[1] Applications for Rehearing were filed by: Columbia; jointly by Cincinnati Gas and Electric Company and Union Light, Heat and Power Company; Commonwealth Natural Gas Corporation; New York State Electric and Gas Corporation; Dayton Power and Light Company; and Baltimore Gas and Electric Company.

[11] [a]s this order reveals, the Commission accepted the facts as presented by Penn Gas but found the conclusions drawn by Penn Gas to be without merit, thus dispensing with the need for a full and formal evidentiary hearing. 463 F. 2d at 1245.

[2] See also: Cities of Lexington, Ky. v. F.P.C., 295 F. 2d 109 (1961); Mobil Oil Corporation v. F.P.C., 417 U.S. 283 (1974).

to the merits of this issue. Final determination on the merits of this issue may depend on facts particularly within the knowledge of those wholesale customers. Since we herein resolve all other issues presented by the Stipulation and Agreement, the most expeditious resolution of this issue is to defer consideration of it to the proceedings in Docket No. RP74–82, currently scheduled for hearing on April 29, 1975, as provided by the Agreement.

Consumer information program. Contained in the Settlement cost of service is the amount of $938,000 for expenditures related to Columbia's Consumer Information Program. This amount represents expenditures for calendar year 1973 and includes the allocated portions of 100 percent of the advertising expenditures classified by the parties as conservation oriented and 50 percent of the expenditures classified as supply oriented. The settlement allocates 17.34 percent of the expenditures to Columbia Gulf and 41.17 percent to Columbia Gas.

Staff objects to the inclusion of any expenses associated with the gas supply advertisements and also believes that only those conservation expenses incurred during the test year ended July 31, 1973 should be included. Columbia believes that the gas supply advertisements are appropriately included because they are a "responsible and reasonable effort on the part of the Columbia System to keep its market area apprised of gas supply developments" (Comments of Columbia in support of proposed settlement at 13). Columbia also disagrees with Staff's position that only those expenditures incurred in the 12 months ended July 31, 1973 should be included in the cost of service.

We are of the view that Columbia Gas and Columbia Gulf should be permitted to recover those advertising costs actually incurred during the test period ending July 31, 1973. We agree with staff that those advertising costs incurred after July 31, 1973, are not properly includable in this case. Columbia Gas and Columbia Gulf have pending rate filings in Docket Nos. RP74–82 and RP74–81, respectively, which utilize calendar year 1973 as the base period and the advertising expenditures for that twelve month period will be a consideration in determining the level of allowable expenditures in those proceedings. Furthermore, Columbia's argument, based on statements contained in the cover letter of Exhibit No. 85, supports Staff's position. Counsel for Columbia states in this letter: "In November, 1972, Columbia altered the direction of its information program to one of emphasizing conservation of natural gas and gas supply." The period from November 1, 1972 through July 31, 1973, reflects the full nine-month test period for which changes known and measurable during the period may be included. We believe that Staff's point is well taken in this regard and that the 12 months ended July 31, 1973, as suggested by Staff, is appropriate. We therefore accept the amount of $621,064 as the allowable advertising expenditure in this proceeding. This is not intended to prejudge either the level or nature of advertising expenditures to be allowed in subsequent proceedings.

Rate base items. Article X of the Stipulation and Agreement recites that included in Columbia's rate base is the amount of $1,053,000 which, pending successful resolution of a difference between Columbia and the Internal Revenue Service, may be eliminated from Columbia's rate base, with a consequential effect on Columbia's return and taxes. Staff objected to this provision orally at the prehearing conference, but withdrew such objection in its written comments. We believe that, without any opposition by any party to this proceeding, and under the circumstances when the rates in this proceeding will be applicable for a locked-in period, this provision provides for adequate protection of the consumer and should be approved as in the public interest.

Staff objects to the inclusion in Columbia's rate base of an advance payment of $4,825,780 to Columbia Gas Development (Canada).[4] Columbia argues that $2,057,612 of the total included in this settlement has previously been approved by the Commission.[5] Thus, $2,768,168 has not been approved for rate base treatment.

Staff relies on Texas Eastern Transmission Company, Opinion No. 672, issued November 1, 1973; Opinion No. 672A, issued January 15, 1974; Michigan Wisconsin Pipe Line Company, Opinion No. 685, issued January 31, 1974; and Order Denying Rehearing of Opinion No. 685, issued March 29, 1974; wherein we disapproved of rate base treatment of advance payments to Canadian producers in light of our concern over the benefits, if any, to be derived from the inclusion in rate base of advances to Canadian producers.

Staff would have us exclude the entire advance from Columbia's rate base, notwithstanding our prior approval of certain amounts of this advance for inclusion in rate base. Columbia states that we have twice approved of amounts under the agreements in question and cites our order approving a settlement in Northern Natural Gas Company, Docket Nos. RP71–107 (Phase II), et al., issued January 4, 1974, in which we permitted certain Canadian advances to be included in Northern's rate base.

We do not believe that the doctrine of res judicata governs in these circumstances. We also do not believe that the Northern order controls. Under section 4(a) of the Natural Gas Act, all rates and charges are required to be just and reasonable. Under section 16 of the Act, we may perform any and all acts, including amending and rescinding rules and orders, necessary to carry out the provisions of the Act. In these circumstances, we believe that we have continuing jurisdiction over amounts included in Columbia's rate base. Our review of the justness and reasonableness of the settlement rates is not foreclosed by a determination of the appropriateness of certain charges in a prior proceeding, especially where, as here, changed circumstances have rendered prior determinations no longer in the public interest. We must herein determine the appropriateness of including advances to a producer in Canada in Columbia's rate base. If we permit such inclusion, the consumers must pay return and associated taxes on the amounts so included. Under circumstances wherein the benefit, if any, to be derived by the consumer is tenuous, we see no justification for permitting this advance payment to be included in Columbia's rate base. There is no showing in this record of any benefit to the consumer from the inclusion of this advance in rate base. The only testimony relating to this advance is that of Staff Witness Benna who adverts to risks involved relating to obtaining authority to export gas from Canada (Tr. 326). As we stated in Texas Eastern, Opinion Nos. 672–A and Michigan-Wisconsin, Opinion No. 685 we are concerned that any gas discovered as a result of advance payments to Canadian producers will not benefit the United States consumer. Furthermore, although we did approve, in the Northern order, rate base treatment for Canadian advances, we suspended tariff sheets filed by Northern to track additional advance payments to Canadian producers by an order issued March 22, 1974, in the same dockets. We believe that, consistent with our duty to protect the United States consumer, we must insure that the consumer does not pay return and associated taxes resulting from rate base treatment for Canadian advances. Rather than permitting them to be conditionally included in rate base as suggested by Mr. Benna, we shall exclude them in their entirety.

Rate design. The settlement rates are based on the unmodified Seaboard method of cost classification and rate design. (Atlantic Seaboard Corporation, 11 FPC 43 (1952)).

Staff has proposed a rate design based on a 45 cent per Mcf commodity charge, with other costs recovered through the demand charge. The basis for the 45 cent figure is Staff's estimate of the then average replacement cost of gas. Staff, however, does not object to the commodity rate level contained in the Stipulation and Agreement to the extent that the commodity rate level equals or is greater than 45 cents per Mcf, inclusive of purchase gas adjustments. Staff further recommends that all downward adjustments to these rates be to the demand charge.

We believe that the Settlement rates reflected in Appendices B and C of the Stipulation and Agreement, where the lowest commodity rate level equals 44.88 cents per Mcf, indicates that Staff's pro-

[4] Appendix H of Exhibit No. 84.

[5] We approved of a settlement reflecting $1,532,000 of such advances in Columbia Gulf Transmission, et al., Docket Nos. RP71–18, et al., 48 FPC 855 (1972). We approved of an additional amount of $525,612 by order issued February 9, 1973, in the same docket.

posal has been, effectively, if not purposefully adopted. Accordingly, we do not pass on the merits of Staff's proposal that the commodity rate level be based on the replacement cost of gas. We note, however, that the proposal resembles our recent proposal on end use rate design in Docket No. RM75–19, issued February 20, 1975. We give special recognition to the efforts of Staff Witness Robert E. Scarbrough in this case in devising and proposing methods by which the Commission and natural gas companies can design rates to take account of the special circumstances presented in these times of a national gas shortage.

Overall rate of return. The overall rate of return contained in the Stipulation and Agreement of 9 percent, is based on the following capitalization and costs as of December 31, 1973:

	Amount (in thousands)	Ratio (percent)	Cost (percent)	Weighted cost (percent)
Long-term debt	$1,222,718	57.95	6.94	4.02
Common equity	887,199	42.05	11.84	4.98
Total	2,109,917	100.00		9.00

Staff objected to this capital structure as well as to the treatment of long-term debt and equity in the settlement and recommended an overall return of 8.29 percent (Appendix A of Staff comments). While we agree in part with Staff's objections, we cannot agree with either the Stipulation and Agreement or the Staff with regard to their respective overall rate of return conclusions. For the reasons discussed herein, we believe that an overall rate of return of 8.91 percent falls within the zone of reasonableness based on the facts before us.

Capitalization. Staff adjusted the capital structure at December 31, 1973, to include $40,000,000 of debentures and $50,000,000 of preferred stock, both issued in 1974, at an estimated cost of 8.75 percent. (Appendix A of Staff comments.) We observe that Columbia's rate increase filing of April 15, 1974, in Docket No. RP74–82, reflects both of these issues.

The period during which rates were collected under Docket No. RP73–85 and RP73–86 is now a "locked-in" period, namely, from January 1, 1974 to October 31, 1974. Accordingly, we take the view that the capital structure representative of the "locked-in" period should be used. An average capital structure for such a period could be employed. However, we believe that an end-of-period capital structure is in order so that Columbia may recover increases in the embedded cost of senior capital resulting from any new financing up to the end of the "locked-in" period. Thus, the following capital structure of Columbia Gas System, Inc., as of October 31, 1974, will be employed for rate of return purposes:

	Amount (in thousands)	Capital ratios (percent)
Long-term debt:		
Debentures	$1,127,495	50.14
Miscellaneous debt of subsidiaries	8,405	.37
Term bank loans	45,000	2.00
Subordinated bank loans	120,000	5.34
Total debt	1,300,900	57.85
Preferred stock	50,000	2.22
Common equity	897,773	39.93
Total capitalization	2,248,673	100.00

Gains on reacquired debt. In the settlement capital structure, Staff objected to Columbia's treatment of gains on reacquired debt, urging that the principles of Opinion No. 583, Manufacturer's Light and Heat Company, 44 FPC 314 (1970) be applied. Staff states that Columbia's treatment of these gains results in an overstatement of the cost of debt and reduces the amortized gains and discounts. (Staff Comments at 7.) In its reply, Columbia acknowledged that the proper treatment of these gains is a matter of Commission intent. It further stated that financial statements would be distorted if accounting procedures failed to recognize ratemaking policy. What Columbia seeks in the Stipulation and Agreement is to have ratemaking principles comply with the accounting provided by Order No. 505.* Regarding these arguments, first, it is plain that our ratemaking policy was expressed by the Manufacturer's decision. Second, while we stated our belief in Order No. 505 that the accounting and financial statements of a regulated utility should reflect the economic effects of rates, we did not require reaccounting for past gains to reflect the new ratemaking procedures for the reasons stated in the order. Columbia maintains that the recognition of the gains for rate purposes should be effective only for those realized since the date Columbia began amortization of such gains for accounting purposes. The mere fact that such accounting was not prescribed does not provide a basis for reversing the established ratemaking treatment, as Columbia proposes in this case, and we decline to do so.

Cost of long-term debt. Staff disagreed with the costs assigned by Columbia to the Term Bank Loan and Subordinated Bank Loan included in the December 31, 1973 capital structure under the rationale that such costs were unjustly high by comparison to the prevailing rates on similar-type loans. Instead, Staff allowed ½ percent above the 8½ percent cost for A-rated bonds (Columbia's rating) at the time. Accordingly, Staff determined that the Term Bank Loan should be included at 9 percent instead of the 10.6 percent which was used in the agreement and which reflected 115 percent of an assumed 9 percent prime rate plus ¼ percent. We disagree with Staff and accept Columbia's cost which included a premium above the prime rate, considering such premium a legitimate interest cost.

However, we must disagree with the cost associated with the subordinated loan reflected in the settlement agreement. Columbia has a line of credit of $200,000,000 associated with its advance payment commitment to British Petroleum. In the settlement agreement, the cost assigned to this loan consisted of a 9 percent rate plus a premium of ¼ of 1 percent; plus a commitment fee of 1 percent on the difference between the $200 million and the amount drawn down. In addition, the settlement agreements allowed for the effect of compensating balances maintained in connection with the subordinated loan.

Staff objected to the recognition of compensating balances and to the inclusion of a commitment fee on the basis that the need to incur additional costs for these items was not demonstrated by the company. We agree. In this connection we note that Company Witness Frick's affidavit stated: "The interest of 115% of prime rate (on the Term Bank Loan) reflects the fact that no compensating balances are to be maintained under this agreement." (Affidavit of P. W. Frick at 4.) Therefore, we will apply on the Subordinated Bank Loan the same cost used on the Term Bank Loan, allowing 115 percent of an assumed 9 percent prime rate plus ¼ of 1 percent.

Return on equity. The equity return provided by the settlement is 11.84 percent, while Columbia's direct presentation requested 13 percent and Staff recommended 11 percent. (Exhibit Nos. 50 and 64.)

We are now determining rates for a locked-in period consisting of the ten months ended October 31, 1974. Therefore, we must place heavy reliance on conditions during that period in deciding on a fair return to common equity capital. Staff's rate of 11 percent was determined for the future extending into conditions prevailing during what is now a locked-in period. But, Staff's rate was based on estimates which in retrospect appear to be more optimistic than actual conditions. For instance, Staff's estimate for the cost of the preferred stock of 8.75 percent was low by comparison to the 11.57 percent actually incurred in July of 1974. Similarly, Staff's estimate of 8.75 percent on the $40 million debt was much too conservative by comparison to the actual 9.875 percent paid by Columbia in June 1974. Moreover, capital attraction conditions in the stock market during the locked-in period were possibly worse than expected by Staff as evidenced by a substantial decline in the market averages. (Standard & Poor's 13 natural gas distributors declined from about 72 to 60 or approximately 17 percent during the ten months January 1974 through October 1974.) Therefore, we consider Staff's 11 percent equity return on the low side of the range of reasonableness. We believe that the settlement

* Order Nos. 505 and 505–A, Docket No. R–424, 39 F.R. 6093 and 8332.

return on equity of 11.84 percent is reasonable in light of all relevant financial and economic considerations reviewed and discussed herein and should be approved. Based on the following capitalization and cost of debt and equity which we find appropriate the overall return on capital to Columbia will be 8.91 percent:

Capital structure as of Oct. 31, 1974, and rate of return

	Capital ratios (percent)	Cost or allowance (percent)	Weighted cost (percent)
Long-term debt:			
Debentures	50.14	6.23 [1]	3.12
Term bank loans	2.00	10.60 [2]	.21
Subordinated bank loans	5.34	10.60 [2]	.57
Miscellaneous debt of subsidiaries	.37	5.00	.02
Total debt	57.85	6.78	3.92
Preferred stock	2.22	11.57	.26
Common equity	39.93	11.84	4.73
Total	100.00		8.91

[1] Adjusted for $4,175,000 gains in reacquisition of securities at a discount, computed according to manufacturer's opinion 583.
[2] 115 percent of 9 percent prime rate plus ¼ percent.

Short term interest tax deduction. Both Staff and Charlottesville urge that interest on short-term borrowings should be included in Columbia's income tax calculation. We agree. Columbia distinguishes our decision in El Paso,[3] by arguing that the short-term borrowings herein are used for purchasing gas for underground storage and therefore is already included in rate base. Columbia reasons that the interest associated with these borrowings is included in its income tax deductions by reason of the inclusion of the storage gas in rate base. Columbia believes that El Paso stands only for the use of short-term interest as a tax deduction when the borrowings are associated with construction of facilities. We do not believe that the principles underlying El Paso are so limited. The interest is available to Columbia as an income tax deduction. Accordingly, it should be so treated for ratemaking purposes.

Sales volumes. The settlement rates set forth in the Stipulation and Agreement were developed on the basis of estimated sales volumes by Columbia Gas of 1,357,716,784 Mcf during the 12 months ending October 31, 1974. The Stipulation and Agreement further provided that, in the event actual sales exceeded this figure or fell short of this figure, the refunds provided for in the agreement would be either increased or reduced, as appropriate by the difference between the additional or reduced commodity revenues and the actual cost of gas purchased by Columbia Gas as compared with that reflected in the settlement cost of service.

Staff objected to the use of these revised estimates of sales volumes and the use of the adjustment procedure for variations, stating that, "this would result in rates calculated from a cost of service based upon a test period ended July 31, 1973, while the volumes would be based upon actual volumes sold for the 12 months ended October 31, 1974".[4] Staff's objection is basically that the Commission should not depart from the test period concept and rely on updated estimates for sales volumes without benefit of updated figures for all operating expenses which may result in offsetting the effect of projected reduced sales.

We need not reach the question here of the propriety of accepting undated estimates for only one item in the ratemaking process. A fatal defect is readily apparent in the settlement's use of revised estimates of sales volumes. The use of those volumes to determine the settlement rates is totally without any record support. Before this Commission can accept revised estimates of sales volumes it must be presented with clear evidence on the record as to the justification for the determination of those reduced volumes. The record contains no evidence that Columbia Gas would be unable to meet the agreed-upon entitlements of its customers. The record does not show that Columbia Gas' purchases from its producer suppliers declined, or that the producers reduced their sales to the Company, below the volumes contained in Columbia Gas' filing. Nor does the record contain any evidence of a reduced demand on the part of Columbia Gas' customers. In short, the record contains no evidentiary support which would permit this Commission to accept Columbia Gas' settlement figure for sales volumes for the purpose of determining rates. In the absence of such evidence we are precluded from approving this settlement provision.

We are, of course, aware that the period in question ended October 31, 1974 and that actual sales volumes are available for the twelve months ended that day. However, we feel constrained from looking now to those figures to supply evidence of the reliability or lack of reliability of the revised estimates used in the settlement agreement. We are of the opinion that it is not a proper function of this Commission to determine just and reasonable rates for an expired period on the basis of hindsight. At some point in time the record on which a decision is based must be closed. Data which may become available subsequent to the closing of the record is not a suitable substitute for required evidentiary support.

On the basis of the record presented in this proceeding we are of the opinion that the sales volumes contained in Columbia Gas' filing and advanced by Staff are just and reasonable and supported by the record. We further state that it would be improper to utilize the revised estimates of sales volumes, as was done in the proposed Stipulation and Agreement, to determine the settlement rates. The settlement rates should be determined by utilizing the test period sales volumes, as advanced by Staff, and as utilized by Columbia Gas in its filing.

Depreciation. We note at the outset of our discussion of depreciation that our determination of the proper depreciation accrual rate for Columbia Gas and Columbia Gulf must be guided by the principles announced in Memphis Light, Gas and Water Division v. F.P.C.,[5] wherein the Court found that the Commission could properly consider a decline in the service value of a natural gas pipeline company's property due to a decline in the supply of natural gas. However, the Court specifically held that before the Commission could determine depreciation based on a decline in gas supply there must be record evidence showing a declining gas supply. It must further be shown that the decrease in supply has caused the useful life of the particular property in question to decline.

A review of the record in these consolidated proceedings indicates that there is sufficient evidence, presented both by Staff and Columbia Gas and Columbia Gulf, on the issue of the declining gas supply available to those two companies and its effect on the specific depreciable plant in question, to justify an increase in the annual depreciation accrual rates. The issue presented to us by the proposed Stipulation and Agreement is the question of what the proper depreciation increase should be. The present proceeding presents four depreciation rates for our consideration. We shall deal with each separately.

COLUMBIA GULF

Staff recommended an annual depreciation accrual rate of 6 percent for Columbia Gulf's offshore facilities. In arriving at this determination, Staff Witness Feinstein separated Columbia Gulf's offshore facilities into two components, plant performing a supply function (laterals) and plant performing a transmission function (mainline) (Tr. 148; Exh. 56). Mr. Feinstein additionally made a study of the future reserves of gas available to Columbia Gulf by determining the reserves recoverable from offshore Louisiana and concluding what Columbia Gulf's share of those reserves would be (Tr. 157; Exh. 56). To determine the depreciation rate for the supply laterals, Mr. Feinstein utilized the unit of production declining balance approach and arrived at a 3-year weighted average rate of 7.47 percent. (Tr. 169; Exh. 57). To determine the depreciation rate for the mainline facilities, Mr. Feinstein utilized both the unit of production method which resulted in a depreciation rate of 3.70 percent, and a 20-year remaining life straight line method, which resulted in a rate of 5.07 percent (Tr. 172–173; Exh. 57, Schedule No. 5). Mr. Feinstein then arrived at composite rates for Columbia Gulf's total offshore property of 6.43 percent and 5.38 percent. After studying deficiencies in utilizing

[3] El Paso Natural Gas Company, 46 FPC 454 (1971).

[4] Commission Staff comments on proposed stipulation and agreement, August 12, 1974, at 16.

[5] CADC, Docket No. 73-1506, decided September 3, 1974.

solely the unit of production approach or the straight line remaining life method for the mainline property, Mr. Feinstein concluded that an annual depreciation accrual rate of 6 percent was proper (Tr. 173).

Columbia Gulf, through its Witness Darrow, recommended an annual accrual depreciation rate of 7 percent for its offshore facilities. Mr. Darrow made a study of the reserves available to the Columbia Gulf System (Exh. 12) as well as a study comparing the peak day requirements of Columbia Gulf with the volumes available to it (Exh. 13). Mr. Darrow further explained the economic and physical considerations of platform drilling offshore which usually results in depleting reserves at a more rapid rate than onshore production (Tr. 28–30). He further pointed out that Columbia Gulf's offshore lines have a service life of not more than fifteen years and more likely only ten years due to the reserves available to these properties (Tr. 31). On the basis of all these studies, Mr. Darrow concluded that a depreciation rate of 7 percent for offshore facilities was proper.

The proposed Stipulation and Agreement provides for a depreciation accrual rate of 6 percent for Columbia Gulf's offshore facilities. This rate is the same as that recommended by Staff, and consequently Staff had no objection to this proposed settlement rate. Upon review of the record before us in this proceeding we find that an annual depreciation accrual rate of 6 percent for Columbia Gulf's offshore facilities is reasonable and supported by the evidence. Both Staff and Columbia Gulf presented evidence on the decline in gas supplies available to Columbia Gas offshore and concluded that this decline would result in a decline in the service life of these properties. Moreover, Columbia Gulf presented testimony on the economic and physical factors involving offshore drilling which necessitate a more rapid depletion of wells. We are cognizant that the risks involved in offshore drilling are great and that the physical plant to be depreciated may indeed have a shorter life span than would a similar facility onshore due to the unique characteristics of offshore drilling. Upon the basis of the record before us, with particular reference to the evidence presented on declining gas supply and its effect on the specific offshore properties, we conclude that the 6 percent depreciation rate provided in the settlement is reasonable and supportable. We shall therefore approve the 6 percent depreciation rate for Columbia Gulf's offshore facilities.[10]

For its onshore plant, Columbia Gulf originally requested an increase from 3.65 percent to 4.5 percent in the annual depreciation accrual rate. Staff Witness Deutsch recommended an increase to 3.90 percent. The Stipulation and Agreement reflects a depreciation accrual rate for Columbia Gulf's onshore properties of 4.25 percent. The proposed increase for Columbia Gulf's onshore plant was supported by its Witness Darrow, who testified as to the projected future gas supply available to the Columbia Gulf system and on the declining reserve life index of Columbia Gulf. Mr. Darrow testified that the reserve life index has declined from 21.9 years in 1965 to 9.9 years in 1972 (Tr. 22; Exh. 12). He further pointed out that the Potential Gas Committee Report of October, 1971, estimated "probable" reserves for offshore Louisiana to be 31 trillion cubic feet (Tr. 24) and that Columbia Gulf has historically succeeded in acquiring approximately 8 percent of total Southern Louisiana production (Tr. 27). In order to secure sufficient supplies to meet the additional reserves required by 1980, Mr. Darrow testified that Columbia Gulf would have to secure 14.5 percent of the 31 trillion cubic feet of probable reserves in the offshore area, an unlikely possibility (Tr. 27). On the basis of the decline in gas reserves available to Columbia Gulf as shown in Mr. Darrow's testimony and exhibits, Columbia Gulf Witness Knight concluded that the service life of Columbia Gulf's onshore facilities had declined. He therefore, utilized the unit of production method of determining depreciation and found that a rate of 4.5 percent was reasonable. (Tr. 43; Exh. 15).

Staff Witness Deutsch, in advocating only a 3.90 percent annual accrual depreciation rate for Columbia Gulf's onshore facilities, divided the total onshore property into three classifications—gas purchase laterals, intermediate laterals and mainline facilities. For the first two classifications a unit of production method of depreciation was utilized since the witness's conclusion was that these properties are tied into limited supplies of natural gas whose reserves are known. Staff Witness Deutsch utilized the straight line method of depreciation for the facilities classified as "mainline" and determined their useful life to be 20 years. Witness Deutsch concluded that the straight-line method was appropriate for the mainline facilities since "it is impossible at this time to define with certainty the total units of gas that eventually will be transported through the Company's mainline system * * *" (Tra. 192) Mr. Deutsch pointed out, however, that the useful service life of Columbia Gulf's mainline system is dependent upon the ability of Columbia Gulf to add new reserves (Tr. 190) and that when Columbia Gulf is unable to hook up new gas reserves to its system it would be appropriate to change to a unit of production method for the determination of a depreciation rate for the company's mainline system (Tr. 192).

Upon a review of the record in this proceeding, we are of the opinion that the 4.25 percent annual accrual depreciation rate for Columbia Gulf's onshore properties provided for in the proposed settlement agreement is reasonable and supported by the evidence. Columbia Gulf has provided an extensive study on the declining reserves facing the Columbia Gulf system. As a result of these declining reserves there has been evidence presented that the useful life of the company's onshore properties has been shortened. Staff has presented no evidence detracting from the validity of this evidence nor to dissuade us from finding that it supports an increase in the depreciation rate for Columbia Gulf's onshore plant. We find the settlement proposal's depreciation rate of 4.25 percent to be reasonable and supported on the record before us. We shall therefore approve the 4.25 percent annual depreciation rate for Columbia Gulf's onshore facilities.[11]

Columbia Gas

In Docket No. RP73–86, Columbia Gas filed for an increase in the annual depreciation accrual rate for transmission and storage plant from 3.65 percent to 4 percent. Staff, through its Witness Deutsch, recommended 3.65 percent, or no change, in the present rate. The settlement agreement as presented reflects an annual depreciation accrual of 3.75 percent.

Staff Witness Deutsch, in recommending no increase in the depreciation rate in Columbia Gas' transmission and underground storage plant, based his conclusion on judgment which included an analysis of historical retirement data related to the property, a review of company policies, and a consideration of developments within the gas industry relating to supplemental sources of gas supply (Tr. 289–90). Mr. Deutsch testified that it was his view that the gas supply picture facing Columbia Gas has not deteriorated so drastically as to support the Company's proposal to base a depreciation rate for transmission and underground storage plant on a 20-year terminal life (Tr. 291–92). His viewpoint on the potential gas supply available to Columbia Gas was premised on the availability of Alaskan reserves, other foreign reserves including reserves from Canada, imported LNG, and coal gas (Tr. 293–301). Witness Deutsch therefore divided the facilities into two categories and concluded that the gas supply-oriented facilities had a 20-year remaining lifespan while the market delivery-oriented facilities had a remaining lifespan of 29 years. Mr. Deutsch admitted that there exists justification for concluding that a portion of the facilities has a lifespan of only 20 years since Columbia Gas' historic southwest sources are becoming depleted and thus the related facilities may experience earlier retirement (Tr. 302).

Columbia Gas, through its Witness Melton, utilized the straight line remaining life method to determine what

[10] While not controlling in the present proceeding, we note that the Commission Staff has recently recommended an annual depreciation accrual rate of 7.75 percent for Columbia Gulf's offshore properties. Columbia Gulf Transmission Company; Docket No. RP74–81, testimony of Edward H. Feinstein, filed March 11, 1975.

[11] While not controlling in the present proceeding, we note that the Commission Staff has recently recommended an annual depreciation rate of 4.30 percent for Columbia Gulf's onshore facilities. Columbia Gulf Transmission Company, Docket No. RP74–81, testimony of Norman Deutsch, filed March 11, 1975.

it considered to be a proper depreciation rate. Mr. Melton concluded that a 20 year remaining life span was appropriate for transmission and underground storage plant based on a study of the useful life remaining for each piece of property, utilizing survivor curves (Exh. 32). As his study indicates, the choice of a 20-year remaining life is greater than the remaining life calculated for any of the individual properties (Exh. 32, p. 2). Mr. Melton further shows that the depreciation rates recommended by Columbia Gas in their filing are less than the rates the company calculated to be proper (Tr. 55; Exh. 32, p. 1).

Upon review of the evidence presented in this proceeding on the proper depreciation rate to be applied to Columbia Gas' transmission and underground storage facilities, we conclude that the settlement proposal of 3.75 percent is proper and we therefore approve it. The distinction in the rate recommended by Staff and that recommended by the Company lies in the different remaining life periods assigned by each to part of the property involved. As we stated above, Staff applied a longer remaining life to a portion of the market-oriented properties based on a presumption of future sources of supply from various foreign and domestic sources. It is our opinion that these potential sources are too speculative for us to base a decision upon. This Commission and the pipelines which it regulates cannot depend with assurance on sources of supply whose availability is a direct result of the nonintervention of foreign governments. Nor can this Commission speak with authority on the availability of Alaskan sources in the near future since even these domestic sources are subject to the granting of necessary permits and the compliance with environmental guidelines which may be determined only after lengthy judicial review proceedings. We are therefore precluded from accepting Staff's depreciation recommendation due to the speculative nature of the evidence presented in this proceeding. We must base our decision on facts presented in the record of this proceeding. The record of this proceeding gives ample evidence of the declining gas supply on Columbia Gas' system (Tr. 22–27; Exh. 12), and that future supply sources will not be adequate to meet system demands (Tr. 27). On the basis of this factual evidence of record, we shall accept and approve the proposed settlement depreciation rate of 3.75 percent.

In addition to a depreciation rate increase for transmission and underground storage facilities, the proposed settlement agreement provides for a depreciation rate of 6 percent for Columbia Gas' gathering plant, down from an originally filed request for a rate of 7 percent. Staff opposed the 6 percent depreciation rate and recommended a rate of 5.5 percent.

In making his recommendation, Staff Witness Feinstein conducted three tests, one using the unit of production method and two using the straight line service method based upon a 15 year remaining life. Using the unit of production method, Staff Witness Feinstein's study indicated a rate of 7.13 percent (Tr. 255, Exh. No. 68, Schedule No. 3), which he concluded to be excessive due to the fact that gas sales are also made off the various purchase lateral lines. The two straight-line method studies using a 15-year remaining life resulted in rates of 4.83 percent and 4.55 percent. Mr. Feinstein, as a matter of judgment, concluded that an annual depreciation accrual rate of 5.5 percent was appropriate.

On the basis of gas reserve studies which indicate Columbia Gas faces a declining reserve life index (Tr. 22; Exh. 12), Mr. Melton reviewed each component of gathering property and determined its individual useful life, all of which were less than ten years. Using this information, he concluded, using a straight line method, that the gathering facilities as a whole had a ten year remaining life.

He found therefore that an annual depreciation rate of 7.49 percent was appropriate (Tr. 55; Exh. 32, p. 1) even though the company filed for only a 7 percent depreciation rate for its gathering facilities.

On the basis of the record of this proceeding we are of the opinion that a 6 percent annual depreciation rate for Columbia Gas' gathering plant is reasonable and justified. The record clearly shows that the Company's future gas supply and the reserve life index is declining (Tr. 22; Exh. 12). Moreover, the historical supply area of the southwest is rapidly being depleted, as recognized by Staff (Tr. 302). On the basis of this gas supply picture it is reasonable for Columbia Gas to conclude that the gathering facilities have a useful life of ten years remaining.

Staff, on the other hand, utilizing a fifteen year remaining life, concluded that a 5.5 percent rate was appropriate. This recommendation was based on Staff's conclusion that sales were being made from Columbia Gas' gathering lines and that therefore a higher rate would not be appropriate. We are not persuaded that Staff's distinction is a reasonable basis upon which to recommend a rate 1.63 percent lower than the rate suggested to Staff as appropriate if the gathering lines did not serve this dual function. While concluding that gas sales were made off Columbia Gas' gathering lines, Staff presented no evidence as to the amount of sales, whether such sales would possibly continue if the nearby sources were to become depleted, or what portion of the gathering lines were engaged in such purported sales.

Staff's final recommendation of 5.5 percent further appears to be solely a result of choosing a rate falling somewhere between the rates suggested by Staff's studies. Such a judgmental procedure does not overcome the weight of the evidence presented by Columbia Gas as to the reasonableness of its recommendation, nor does it convince this Commission that the 5.5 percent rate suggested should be adopted over the 6 percent settlement rate.

We are therefore of the opinion, after careful review of the record, that the 6 percent annual depreciation rate provided in the settlement agreement for Columbia Gas' gathering plant is reasonable, appropriate, and should be approved.

We note that with respect to the depreciation rates here approved for Columbia Gulf and Columbia Gas that this Commission in future rate cases will be in a position to review the propriety of depreciation rates and will be able to adjust any rates if the future places these companies in a better supply picture than is presently anticipated.

Other provisions. We believe, there being no objections to the other provisions contained in the Stipulation and Agreement, all provisions not herein discussed should be accepted and approved.

The Commission finds. (1) It is necessary and proper in the administration of the Natural Gas Act to grant rehearing of our order of January 20, 1975.

(2) It is necessary and proper in the administration of the Natural Gas Act to accept the proposed Stipulation and Agreement tendered in these proceedings subject to the conditions hereinabove described.

The Commission orders. (A) Rehearing of our order of January 20, 1975 in this proceeding is hereby granted.

(B) The Stipulation and Agreement certified to the Commission in this proceeding is hereby accepted subject to the conditions as hereinabove described.

(C) Within 60 days of the issuance of this order Columbia Gulf Transmission Company and Columbia Gas Transmission Company shall file with the Commission revised tariff sheets in conformance with the terms of the settlement agreement approved herein and reflecting the conditions discussed in this order.

(D) Within (30) days of the filing of the revised tariff sheets, Columbia Gulf and Columbia Gas shall refund to their customers the difference between the amounts collected between September 14, 1973 and October 31, 1974 under the rates then in effect and the amounts which would have been collected under the settlement rates as conditioned by this order, with interest at 7 percent per annum.

(E) As provided in the Stipulation and Agreement, the issue of conjunctive billing is hereby reserved for consideration in the proceeding in Docket No. RP74–82.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[1]

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–16113 Filed 6–19–75;8:45 am]

[1] List of appearances filed as part of original document.

[Docket No. E-9483]

CONNECTICUT LIGHT AND POWER CO.

Notice of Purchase Agreement

JUNE 13, 1975.

Take notice that on June 9, 1975, the Connecticut Light and Power Company (CL&P) tendered for filing a proposed purchase agreement with respect to various gas turbine units dated April 1, 1975 between (1) CL&P and The Hartford Electric Light Company (HELCO) and (2) Vermont Electric Power Company, Inc. (VELCO).

CL&P states that the purchase agreement provides for a sale to VELCO of a specified percentage of capacity and energy from five gas turbine generating units during the period from May 1, 1975 to October 31, 1975.

CL&P states that questions as to VELCO's capability responsibility obligation, under the terms of the New England Power Pool (NEPOOL) Agreement, during the term of this purchase agreement affected the amounts of gas turbine capacity that could be purchased by VELCO and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit VELCO to receive urgently needed capacity, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on May 1, 1975.

CL&P states that the capacity charge rate for the proposed service was developed on a cost-of-service basis and is the same rate as that used for other gas turbine capacity sold during this capability period.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut and VELCO, Rutland, Vermont.

CL&P states that HELCO has submitted a certificate of concurrence in this docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16105 Filed 6-19-75;8:45 am]

[Dockets Nos. E-7994, E-8082, E-7557, E-7720]

DUKE POWER CO.

Notice Establishing Procedure for Comment

JUNE 13, 1975.

Take notice that on April 2, 1975, the Presiding Administrative Law Judge in the above-designated matter certified to the Commission a settlement agreement filed March 28, 1975. On April 28, 1975, Staff Counsel filed comments generally supporting said agreement but questioning the treatment of Yadkin, Inc.

Notice is hereby given that Yadkin, Inc., shall have 15 days from the date of this notice to comment upon the proposed settlement. All parties to this proceeding shall also have 15 days from the date of this notice to file statements of fact and legal arguments to show the treatment of Yadkin, Inc., to be justified. Reply comments may be filed within 15 days of the filing of comments or statements.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16106 Filed 6-19-75;8:45 am]

[Docket No. E-9446]

GREEN MOUNTAIN POWER CO.

Order Rejecting in Part, Accepting and Suspending in Part Proposed Rate Increase, Allowing Intervention, and Instituting Procedures

JUNE 13, 1975.

On May 15, 1975, Green Mountain Power Corporation (Company) tendered for filing proposed changes in its FPC Electric Service Tariff. The proposed changes would increase revenues from jurisdictional sales and service by $955,956 based on the twelve months ending December 31, 1974. The Company proposed that the new rates become effective June 16, 1975. Notice of the Company's filing was issued on May 21, 1975, with petitions to intervene due on or before June 12, 1975.

Examination of the Company's filing reveals that part of the increase is based upon the inclusion of construction work in progress (CWIP) in the rate base. Commission regulations and practice do not at this time allow any utility to earn a return on CWIP. While this policy is under review in Docket No. RM75-13,[1] it would be premature to allow the Company to make a filing which contains rates based on CWIP being included in rate base. Accordingly, we will reject that portion of the proposed rate increase which is based on the inclusion of CWIP in rate base and allow the Company to file substitute sheets which reflect the exclusion herein required.

We further note that the Company states that it had to pass two dividends in 1974, has approximately 28 percent of its capital structure in short term notes, and must raise additional equity capital. All parties submitting evidence in this case on rate of return should address, among other things, the issues raised by the Company's statements. Thus, if the party believes that the Company must raise additional equity or debt capital, that party should demonstrate in its presentation on rate of return that the rate recommended will allow the Company to raise any required capital at reasonable rates. The parties should also direct their attention to what they mean by "raise capital at reasonable rates." Similarly the parties should explicitly address themselves to the allegation of the Company that its stock is currently selling at 50 percent of book value and the importance (or lack thereof) of such conditions as related to the particular rate of return recommendations.

The Company's filing includes copies of unexecuted Electric Service Agreements with the service wholesale customers in the form shown in the Company's FPC Electric Tariff, Original Volume No. 1, Original Sheet No. 16 (pages 1 and 2). The Company has requested that the unexecuted service agreements be designated service agreements under the Electric Tariff. The propriety of so doing should be addressed by each party in this proceeding.

The Company's proposed changes in its tariff have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise illegal. Accordingly, we shall suspend the use of these changes for 3 months and defer their use until September 16, 1975.

The Commission finds. (1) That portion of the Company's filing which reflects inclusion of CWIP in rate base should be rejected.

(2) That portion of the Company's filing not referred to in paragraph (1) should be accepted for filing and suspended for three months.

(3) The Company should be allowed to file within two months substitute sheets reflecting exclusion of CWIP in rate base.

The Commission orders. (A) That portion of the Company's filing which reflects the inclusion of CWIP in rate base is hereby rejected.

(B) That portion of the Company's filing not referred to in paragraph (A) is here accepted for filing, suspended for three months, and the use thereof defered until September 16, 1975.

(C) The Company shall be permitted to file substitute tariff sheets which reflect the exclusion of CWIP in rate base on or before August 15, 1975. Failure to so file shall be deemed cause to reject the entire filing.

(D) Pursuant to the Authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's regulations and rules of practice and procedure, a public hearing concerning the lawfulness of the Company's FPC Electric Service Tariff, as proposed to be

[1] Notice of which was issued November 14, 1974.

amended, shall be convened at 10 a.m., November 25, 1975.

(E) Commission Staff shall serve its direct case on or before October 17, 1975. Any intervenor testimony and exhibits shall be served on or before October 31, 1975. Company rebuttal testimony and exhibits shall be served on or before November 14, 1975.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose. (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.75-16107 Filed 6-19-75;8:45 am]

[Docket No. E-9479]

HARTFORD ELECTRIC LIGHT CO.

Notice of Purchase Agreement

JUNE 13, 1975.

Take notice that on June 6, 1975, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Purchase Agreement With Respect to Various Gas Turbine Units, dated April 1, 1975 between (1) HELCO and Western Massachusetts Electric Company (WMECO), and (2) Central Maine Power Company (CMP).

HELCO states that the purchase agreement provides for a sale to CMP of a specified percentage of capacity and energy from nine gas turbine generating units (South Meadow Unit Nos. 11, 12, 13 and 14, East Springfield Unit No. 10, Silver Lake Unit Nos. 10, 11, 12 and 13) during the period from April 1, 1975 to April 30, 1975, together with related transmission service.

HELCO states that questions as to CMP's capability responsibility obligation, under the terms of the New England Power Pool (NEPOOL) Agreement, during the term of this purchase agreement affected the amounts of gas turbine capacity that could be purchased by CMP and thus delayed execution of the Agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

In order to permit CMP to receive this capacity and to permit HELCO and WMECO to receive payments for this capacity, HELCO requests that the customary thirty-day notice period be waived, and the rate schedule be permitted to take effect as of April 1, 1975.

HELCO states that the capacity charge rate for the proposed service is the same rate as that used for other gas turbine capacity sold during this capability period; the monthly transmission charge is equal to one-twelfth of the estimated annual average unit cost of transmission service on the systems of the Northeast Utilities Companies multiplied by the number of kilowatts of winter capability which CMP is entitled to receive, reduced to give due recognition of the payments made by CMP for transmission services on intervening systems. The variable maintenance charge was arrived at through negotiations, according to HELCO.

WMECO has filed a certificate of concurrence in this docket.

HELCO states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and CMP, Augusta, Maine and that the filing is made in accordance with Part 35 of the Commission's regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-16108 Filed 6-19-75;8:45 am]

[Docket No. E-9329]

INDIANA & MICHIGAN ELECTRIC CO.

Order Granting Rehearing in Part, Denying Rehearing in Part, Granting Motion To Lodge Previously Unfiled Response, and Establishing Procedures

JUNE 13, 1975.

On March 17, 1975, Indiana & Michigan Electric Company (I&M) tendered for filing an unsigned service agreement with the City of Anderson, Indiana (Anderson), which would provide service for Anderson under I&M's FPC Tariff WS. The new rate schedule would cancel and supersede I&M's FPC Rate Schedule No. 27, under which Anderson has been served under tariff rate IP. By order issued on April 16, 1975, after full consideration given to I&M's application and Anderson's protest thereto, we accepted the proposed service agreement for filing to become effective April 17, 1975, and denied Anderson's motion to reject.

The time lapsing between Anderson's filing of its protest and the issuance of our April 16, 1975 order was only eight days, less than the time permitted under our regulations for I&M to file a response to Anderson's protest. In order to enter onto the record its position with respect to Anderson's allegations, I&M on May 19, 1975 tendered for filing an unsigned response of I&M to the City of Anderson and an attached motion to lodge the unfiled response. I&M maintains that at the time our April 18, 1975 order was issued the response had been prepared but not yet filed. Since the Commission's order disposed of Anderson's allegations favorable to I&M's position I&M felt it unnecessary to file its response. I&M now requests, in light of Anderson's subsequent petition for rehearing, that the Commission accept its response and permit it to be docketed.

On May 14, 1975, Anderson filed a petition for rehearing of our April 16, 1975 order. Anderson maintains that the Commission erred (a) in finding I&M had given Anderson proper contractual notice to terminate service under Tariff IP; (b) in finding that Anderson did not have a contractual right to elect to continue to be served under Tariff IP; and (c) in finding that the proffered service agreement was not discriminatory.

In its first claim of error, Anderson continues to insist that the service agreement between itself and I&M which was dated and signed April 17, 1957 was actually entered into on January 1, 1955, more than two years previously. Anderson contends therefore that I&M was obliged to give notice of termination by January 1, 1971 and since it did not do so the service agreement is in full force and effect until January 2, 1978. Our order of April 16, 1975 fully considered this argument and found it wanting. Anderson has presented no new basis for its position to which we have not given full account. Anderson relies again on a September 6, 1973 letter of I&M to Anderson indicating I&M regarded Anderson's power demands in excess of 100,000 kva as a breach sufficient to warrant termination. Anderson maintains that this evidence of a 1973 intent manifests an identical intent existed in 1955 and therefore the 1955 contract, whose maximum power demands were also exceeded, was terminated and replaced by a contract which was not formally signed until April 17, 1957.

As we have previously stated:

> Even if I&M could treat an excess demand as sufficient breach of contract to terminate service thereunder, I&M appeared to recognize the necessity of so informing Anderson. No such notification was given to Anderson in 1955. (At 6 of our Order of April 16, 1975)

Upon a further review of the contracts in effect in 1955 and 1973 we reach the identical conclusion. There is no evidence that I&M, in 1955, regarded Anderson's excessive power demands as a breach of its contract resulting in an automatic termination of that contract. Indeed the 1951 contract specifically provides that prior to any termination of the contract due to a violation of any of its terms and conditions, I&M must give

written notice to the customer.[1] As we mentioned in our earlier order, no such notice was ever given.

Moreover the September 6, 1973 letter of I&M to Anderson is not dispositive of I&M's unexpressed intent existing in 1955. The provision in Tariff IP which placed a maximum delivery requirement upon I&M in 1955 differs from the provision in effect in 1973. The former provision merely states that I&M was not required to serve a capacity in excess of the amount contracted for (not to be less than 10,000 kilovolt-amperes) except by mutual agreement. In contrast, the relevant provision in effect in 1973 states that I&M was not required to serve a capacity in excess of the amount contracted for (not to be less than 10,000 kilovolt-amperes nor more than 100,000 kva) except by mutual agreement. The existence in Tariff IP in 1973 of this maximum limitation to all customers served under IP may well have been the basis of the conclusion on the part of I&M that a demand in excess of this amount constituted a sufficient breach to terminate the contract. Consequently, this expressed interpretation does not require this Commission to find that I&M's intent in 1955, when a differently-worded provision was in effect, was that an excess demand on behalf of Anderson constituted a breach warranting termination. We therefore affirm our original finding that I&M gave proper and sufficient contractual notice to terminate its contract to serve Anderson under Tariff IP.

With respect to Anderson's second claim of error—that it has a contractual right to elect to continue to remain under Tariff IP—we have fully discussed this allegation and found it to be unpersuasive. Anderson has presented no new argument which we have not considered except its allegation that the Commission has not properly distinguished the word "expiration" from the word "termination". Our April 16, 1975 order concluded that the pertinent contract and tariff provisions provided both parties with the right to terminate service upon sufficient contractual notice. Anderson is quite right in stating that the word "terminate" is not to be found in any of those provisions. Those provisions do indeed refer to "expiration". However, while Section 11 of the terms and conditions of Tariff IP refers to the expiration of the entire contract, the contractual language in the Service Agreement refers to the expiration of the periodic terms therein provided. Even with the substitution of this perhaps more appropriate word our conclusion is the same. The contract clearly provides either party with the right to elect to discontinue service at the expiration of any of the five year terms provided in the contract. I&M had therefore the contractual right to notify Anderson and cause the contract to be discontinued at the expiration of its periodic five-year term. We fail to see any practical difference between our earlier use of the word "termination" and Anderson's insistence upon "expiration". With the substitution in language, we again conclude that Anderson does not have the contractual right to elect to continue to be served under Tariff IP.

Anderson finally argues that the Commission erred in not finding the proposed unsigned service agreement discriminatory due to the fact that it limits Anderson to one delivery point and imposes on Anderson a 108,000 kva limitation. Anderson points out that neither of these specific limitations were considered at the hearing in Docket No. E-7740. We have carefully reviewed the provisions of the proposed service agreement and conclude that the restrictions, while they may ultimately be determined to be reasonable upon complete record support, do require the opportunity for Anderson to test their justness and reasonableness. We note that with respect to I&M's restriction of Anderson to one delivery point, that I&M, in its Motion and Response filed on May 19, 1975, states the inclusion of only one delivery point was not intended to limit Anderson but was merely intended to reflect the fact that Anderson's power purchases have been metered solely at one delivery point. I&M further states that it does not propose to limit Anderson to the one delivery point. While we do not contest the good faith of I&M we are of the opinion that it may be preferable to have a service agreement which actually reflects I&M's intent to not limit Anderson to one delivery point.

With respect to the limitation of 108,000 kva imposed upon Anderson in the proposed service agreement, we note that the pleadings offer no evidence justifying such a restriction. Since Anderson has not yet had the opportunity to contest this limitation and that of the delivery point limitation, we shall grant rehearing of our April 16, 1975 order insofar as to provide for a hearing on the issue of the justness and reasonableness of these proposed contractual restrictions. Since our order of April 16, 1975 is in all other respects reaffirmed the hearing hereinafter provided, and the testimony filed thereto, shall be limited to solely this issue.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act to grant rehearing of our Order of April 16, 1975, insofar as to grant a hearing on the justness and reasonableness of the proposed service agreement provisions placing a limitation upon Anderson of one delivery point and 108,000 kva.

(2) Good cause has not been shown to amend our order of April 16, 1975, in any other respect.

(3) Good cause exists to accept for docketing I&M's Response to the City of Anderson, Indiana, filed on May 19, 1975.

The Commission orders. (A) Rehearing of our order of April 16, 1975, in this docket is hereby granted insofar as to provide for a hearing on the question of the justness and reasonableness of the proposed service agreement provisions which limit Anderson to one delivery point and 108,000 kva.

(B) Rehearing of our order of April 16, 1975, in this docket on all other issues therein discussed and decided is hereby denied.

(C) I&M's May 19, 1975, motion for leave to file previously unfiled response is hereby granted and its answer to Anderson, Indiana shall be formally docketed.

(D) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a public hearing shall be held commencing October 28, 1975, at 10 am (e.d.t.), in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The purpose of this hearing shall be to determine the justness and reasonableness of the proposed service agreement provisions which limit Anderson to one delivery point and 108,000 kva.

(E) On or before August 12, 1975, I&M shall file its prepared testimony and exhibits in this proceeding. On or before September 16, 1975 Anderson and any other intervenors shall file their prepared testimony and exhibits in this proceeding. The Commission Staff shall file its prepared testimony and exhibits on or before September 30, 1975. Any rebuttal evidence by I&M shall be served on or before October 14, 1975.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for in this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(G) Nothing contained herein shall be construed as limiting the rights of par-

[1] In pertinent part the 1951 service agreement provides as follows: If the Customer shall make default in the payment of any bill as aforesaid, or shall violate any of the terms or conditions of this contract, and after such default or violation the Company shall deliver at such premises addressed to the Customer, a written notice of its intention to cut off the supply of electricity on account of said default or violation then the Company shall have the right to cut off such supply at the expiration of 5 days after giving such notice unless within such 5 days the Customer shall make good such default or violation. Should the Customer continue in default or violation after service has been discontinued, the Company may continue to withhold the supply of electricity until such time as such default in, or violation of, the terms of this agreement has been made good. Any suspension of service by the Company as provided for herein shall not terminate this contract, and the Customer hereby agrees to pay the guaranteed minimum charge specified herein for the period during which service is suspended, in addition to any arrears which may exist. (Emphasis supplied)

ties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

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

By the Commission.

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

[FR Doc.75-16109 Filed 6-19-75;8:45 am]

[Docket No. E-9454]

PUBLIC SERVICE CO. OF NEW MEXICO

Extension of Time To Intervene

JUNE 13, 1975.

On June 9, 1975, the City of Gallup, New Mexico filed a motion to extend the time for petitions to intervene fixed by notice issued June 4, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the time for filing petitions to intervene in the above matter is extended to and including June 30, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-16110 Filed 6-19-75;8:45 am]

[Project No. 344]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Extension of Time

JUNE 13, 1975.

On June 9, 1975, the Secretary of the Interior filed a motion to accept out of time a statement of fact and law filed pursuant to order issued March 3, 1975, in the above-designated mater. The motion states that no party objects to the granting of this motion provided that an extension of the reply date is granted. On June 10, 1975, Staff Counsel filed a motion for a further extension of the reply date.

Upon consideration, the filing of the Secretary of the Interior is accepted and the time for filing all statements of fact and law in reply is extended to and including July 18, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-16111 Filed 6-19-75;8:45 am]

[Dockets Nos. RP75-111, RP74-39-22, RP74-39-23, RP74-39-24, RP74-39-25]

TEXAS EASTERN TRANSMISSION CORP.

Order Consolidating Proceedings, Providing for Hearing and Establishing Procedures, Convening a Prehearing Conference, and Granting Interventions

JUNE 16, 1975.

Texas Eastern Transmission Corporation; Texas Eastern Transmission Corporation [Indiana Natural Gas Corporation]; Texas Eastern Transmission Corporation [Pulaski Natural Gas Company]; Texas Eastern Transmission Corporation [City of Huntingburg, Indiana]; Texas Eastern Transmission Corporation [Starks Water and Gas Corporation].

On February 28, 1975, Texas Eastern Transmission Corporation (TETCO) filed with the Commission a study it prepared which indicated that 36 of its customers were expected to exceed their curtailed Annual Quantity Entitlements (AQE's). The potential overruns were estimated on the basis of the AQE of each customer remaining as of January 31, 1975, the actual takes of each customer during the corresponding months of 1974, and the most recently estimated curtailments by TETCO for each month during the period February–August 1975.

On April 15, 1975 TETCO filed a second study, prepared on the same basis as the previous study, except that it reflects actual remaining entitlements as of March 31, 1975. The second study indicated that 41 customers were expected to overrun.

A third study, filed in May 1975, reflects actual remaining entitlements as of April 30, 1975. It too indicates that 41 customers may exceed their curtailed AQE's. This third study includes statements by TETCO that 21 of the 41 customers listed are negotiating now, or have completed successful negotiations, with other TETCO customers for additional gas to cover, at least partially, their AQE deficits. At least one other customer of the 41 has stated that it will cut its purchases from TETCO to avoid an overrun.

The three studies, and in particular the third, lead the Commission to believe that twenty customers of TETCO, give or take a few, may overrun their curtailed AQE's for the 12 months ending August 31, 1975. Indeed, the Commission has already received four petitions from TETCO customers requesting increases in their AQE's or curtailed AQE's. We fear that many more will follow during the course of the summer.

The choices faced by TETCO customers upon exhausting their AQE's prior to August 31 are three:

(1) Curtail all deliveries on the system, including residential and commercial loads,

(2) Pay a $3.00 penalty charge on each dekatherm (dth) of natural gas taken in excess of the curtailed AQE,

(3) Overrun the curtailed AQE and petition this Commission for a waiver of the $3.00 penalty charge on excess volumes.

On the basis of the information provided by the TETCO studies, we anticipate that many of the pipeline's customers will exhaust their AQE's prior to August 31, and will seek a waiver of TETCO's penalty charge from the Commission. In order to deal with the large number of petitions we expect in a manner which is both fair to all of TETCO's customers and expedient, we shall convene, on our own motion, a proceeding pursuant to section 5 of the Natural Gas Act to examine the overrun situation on the TETCO system with an eye toward solving what may be a serious problem. Along with requests for relief we shall consider the adequacy of the $3.00 per Mcf penalty charge, and the appropriateness of continuing the peak day exemption of small customers.

A formal hearing on the AQE overrun problem will be held on August 5, 1975. Each customer facing a premature exhaustion of its AQE should present evidence on the following issues:

(1) The number of residential, commercial and industrial customers it was serving as of August 31, 1972 and the number of residential, commercial and industrial customers it was serving as of May 31, 1975. List industrial or commercial customers which have been dropped or attached during this time period, and the peak day and annual usage of such customers.

(2) A breakdown, by TETCO's nine priority-of-service categories, of volumes delivered for the nine months ending May 31, 1975, on a month by month basis.

(3) A breakdown, by TETCO's nine priority-of-service categories, of the projected deliveries for the three months ending August 31, 1975.

(4) Measures taken to conserve natural gas supply, and a description of any self-help measures adopted.

(5) A description of the alternate fuel capabilities of all commercial and industrial customers now being served.

(6) A description of policies toward growth on its system since August 31, 1972.

In order to maximize the accessibility of these proceedings for the small customers in areas remote from Washington, D.C., we direct that a prehearing conference be held before a Presiding Administrative Law Judge to expedite the hearing, schedule witnesses and, if possible, reach a settlement of these issues, thereby precluding the necessity of holding a formal hearing. In order to assure prompt notice of this order to the interested parties, a copy shall be served upon all TETCO customers by regular mail.

Any TETCO customer having an interest in these proceedings is requested to attend the prehearing conference or have a representative present to speak for him. Evidence on the six issues enumerated above should be filed with the Commission on or before June 30, 1975. We shall waive § 1.15(b) of our rules of practice and procedure and require that one copy of the requested filing be served upon TETCO, and that seven copies be served upon the Commission. These filings shall be made in affidavit form, under oath.

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[1] Petition filed by Indiana Natural Gas Company (Indiana) on March 7, 1975. Indiana requests 56,398 dth in excess of its curtailed AQE. Indiana was able to purchase natural gas from Oxford Natural Gas Company commencing in April for 60 days.

The four petitions filed in Docket Nos. RP74–39–22,[1] RP74–39–23,[2] RP74–39–24 [3] and RP74–39–25 [4] shall be consolidated under a new docket in Docket No. RP75–111 which new docket shall serve for the section 5 proceedings to be held in accordance with this order. This order shall serve as public notice of these proceedings. All parties to these consolidated proceedings and those in Docket Nos. RP71–130 and RP72–58 shall be considered parties herein. Other persons wishing to participate should file either a petition for extraordinary relief, pursuant to Section 1.7(b) of the Commission's Rules of Practice and Procedure [18 CFR 1.7(b)], or a petition to intervene in accordance with § 1.8 of the Rules (18 CFR 1.8).

Public notice of the petitions in Docket Nos. RP74–39–22, RP74–39–23, RP74–39–24, and RP74–39–25 was given as follows:

Docket No.	Notice issued	Intervention date
RP74–39–22	Mar. 19, 1975	Mar. 28, 1975
RP74–39–23	May 13, 1975	May 30, 1975
RP74–39–24	June —, 1975	June 20, 1975
RP74–39–25	June —, 1975	June —, 1975

Petitions to intervene have been received from the following parties:

DOCKET NO. RP74–39–22

Bay State Gas Company, *et al.*
Indiana Gas Company, Inc.
Philadelphia Gas Works [5]
TETCO
Algonquin Gas Transmission Company
General Motors Corporation
Consolidated Edison Company of New York, Inc.[6]
Brooklyn Union Gas Company [7 8]
New Jersey Natural Gas Company [8]
Texas Gas Transmission Corporation [6]

DOCKET NO. RP74–39–23

Equitable Gas Company
Philadelphia Gas Works [5]
Public Service Electric and Gas Company
Algonquin Gas Transmission Company
Arkansas-Missouri Gas Company, *et al.*
Bay State Gas Company, *et al.*
Central Illinois Public Service Company
Columbia Gas Transmission Corporation [8]
Elizabethtown Gas Company
General Motors Corporation [6]
Mississippi Valley Gas Company
Missouri Utilities Company

The Commission finds. (1) Good cause exists to provide for a formal hearing for the purposes of taking evidence on the annual overrun situation facing TETCO and its customers, the adequacy of TETCO's $3.00 penalty provisions and the appropriateness of continuing the exemption from peak day curtailment currently applicable to TETCO's small customers.

(2) Good cause exists to consolidate the proceedings in Docket Nos. RP74–39–22, RP74–39–23, RP74–39–24, RP74–39–25, and RP75–111, for the purposes of hearing and decision, inasmuch as each of these proceedings contain common questions of law and fact.

(3) The participation in these proceedings of all parties to the proceedings in Docket Nos. RP71–130 and RP72–58 may be in the public interest.

(4) The participation in these proceedings of all parties who have filed petitions to intervene in Docket Nos. RP74–39–22 and RP74–39–23 may be in the public interest.

The Commission orders. (a) The proceedings in Docket Nos. RP74–39–22, RP74–39–23, RP74–39–24, RP74–39–25, and RP75–111 are hereby consolidated for the purposes of hearing and decision.

(b) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on August 5, 1975, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning the issues discussed above and the issues raised in the petitions filed in the above dockets in this consolidated proceeding.

(c) Pursuant to § 1.18 of the Commission's rules of practice and procedure a prehearing conference shall be held on July 9, 1975 at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(d) All TETCO customers seeking relief from the AQE overrun penalty in these proceedings shall, on or before June 30, 1975, file in affidavit form, under oath, one set of responses to the six questions posed above upon TETCO and seven sets of responses upon the Commission.

(e) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose, shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(F) All parties to the proceedings in Dockets Nos. RP71–130 and RP72–58 shall be parties to this consolidated proceeding.

(G) Each party which has petitioned to intervene in Docket Nos. RP74–39–22 and RP74–39–23 is hereby permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

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

[FR Doc.75–16115 Filed 6–19–75;8:45 am]

[1] Petition filed by Pulaski Natural Gas Company (Pulaski) on April 25, 1975. Pulaski requested 800 Mcf per day to serve Federal Copper and Aluminum Company.

[2] Petition filed by the City of Huntingburg, Indiana (Huntingburg) on May 21, 1975. Huntingburg requests an additional 40,000 dth for the year ending August 31, 1975, 85,940 dth thereafter. Huntingburg has been able to mitigate its problem for this year with a purchase of natural gas under § 2.68 of the Commission's regulations.

[3] Filed by Starks Water and Gas Company (Starks) in April 1975. Starks requests 2 Mcf per month for boiler fuel use by General Box Company.

[4] Petitioner requests a formal hearing.

[5] Petition is not timely filed.

[Docket No. RP75–56]

TEXAS GAS PIPE LINE CORP.

Order Amending Prior Order

JUNE 16, 1975.

By order issued March 7, 1975, we accepted for filing Texas Gas Pipe Line Corporation's (Texas Gas) January 24, 1975 proposed rate increase, suspended it and set the matter for hearing. We further granted waiver of our Regulations in order to treat the proposed rate increase as a minor rate increase.

In setting the matter for hearing and establishing procedural dates we did not provide a date upon which Texas Gas should file its prepared testimony and exhibits in support of its proposed rate increase. We therefore deem it appropriate to amend our order of March 7, 1975, to provide a date upon which Texas Gas should file its prepared testimony and exhibits. We will further amend that order by extending the procedural dates for the filing of prepared testimony by the Commission staff and the intervenors.

Ordering paragraphs (A) and (C) of the Commission's March 7, 1975 order in Docket No. RP75–56 are hereby amended and revised to read as follows:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 15 and 18 thereof, and the Commission's rules and regulations a public hearing shall be held on September 30, 1975, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the justness and reasonableness of the rates proposed in this proceeding.

(C) On or before July 22, 1975, Texas Gas shall file its prepared testimony and exhibits in support of its proposed rate increase. On or before August 19, the Commission staff shall serve its prepared testimony and exhibits. Any prepared testimony or exhibits of intervenors shall be served on or before September 2, 1975. Company rebuttal shall be served on or before September 16, 1975.

The Commission finds. It is necessary and proper in the public interest and in carrying out the provisions in the Natural Gas Act that the Commission amend ordering paragraphs (A) and (C) of its order issued March 7, 1975 in this docket as hereinabove described.

The Commission orders. (1) Ordering paragraphs (A) and (C) of the Commission's order issued March 7, 1975 in this docket are hereby amended as hereinabove described.

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

By the Commission.

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

[FR Doc.75-16112 Filed 6-19-75;8:45 am]

[Dockets Nos. RP74-42; RP71-122; RP75-62; RP72-89; RP75-28; RP71-121, RP72-21; RP72-6; RP75-110; RP71-119; RP71-130, RP72-58; RP72-99; RP73-101; RP71-100; RP71-29, RP71-120]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

Order Reopening Proceedings, Providing for Hearings and Establishing Procedures

JUNE 11, 1975.

On June 6, 1975 the Commission released a report prepared by the Staff of our Bureau of Natural Gas entitled *Requirements and Curtailments of Interstate Pipeline Companies Based On Form 16 Reports Required To Be Filed On April 30, 1975.* The report summarizes data in the Form 16 filings of 144 major pipelines (Class A and B) and four smaller (Class C) pipeline companies, which provide the companies' actual requirements and curtailment information for the period April 1, 1974 through March 31, 1975, and projected requirements and supply deficiency information for the period April 1, 1975 through March 31, 1976.

Schedule IV, attached to the report shows the projected requirements and curtailments for the heating season November 1975 through March 1976. The net firm curtailments exceed those of the heating season just past by 30.2 percent. The data indicate that fourteen of the pipelines reporting project curtailments of more than 20 percent during the upcoming heating season. (Appendix)

The Staff report indicates the seriousness of the gas supply situation for the coming winter. The fourteen pipelines listed in the Appendix face severe shortages which limit their flexibility to the point that they may be unable to serve many high priority loads. We believe that it is essential to prepare for shortages of this magnitude well in advance so that the impact of these shortages may be minimized as much as possible. Toward that end, we shall require these fourteen pipelines and their customers, both direct and indirect, to inform us as to how the projected shortages will impact upon their systems, how they plan to deal with the shortages, and the flexibility the pipelines and their customers may call on in dealing with these shortages.

We shall direct that the Presiding Administrative Law Judges in the proceedings in Dockets Nos. RP75-62, RP72-89, RP75-28, RP71-130 and RP72-58, RP71-29 and RP71-120 preside over conferences in those proceedings to determine the expected impact of upcoming winter curtailment and alternatives to help alleviate the most serious effects. Further, we direct that the hearings in Docket Nos. RP74-42, RP71-122, RP71-121 and RP72-21, RP72-6, RP71-119, RP72-99, RP73-101, and RP71-100 be reopened for the purposes outlined above. We direct that a conference be convened in the matter of Lawrenceburg Gas Transmission Corporation so that that pipeline and its customers may participate in proceedings to achieve the results sought above.

The Commission recognizes that the convening of fourteen conferences within a short period of time is an undertaking which will cause our Staff and other parties scheduling difficulties. To minimize problems of that nature, we shall direct the Chief Administrative Law Judge to schedule the conference between July 15, 1975 and August 15, 1975.

In order to properly evaluate the seriousness of the gas supply situation for the forthcoming winter season and so as to provide, where necessary and possible, ameliorating plans, all customers of the respective pipelines are urged and those who are parties to these respective dockets are required to provide to their respective interstate pipeline suppliers the data necessary so that each of the fourteen pipeline companies shall, on a best efforts basis, provide the Commission, their customers, the appropriate state regulatory bodies, and the Washington office of the Federal Energy Administration on or before July 10, 1975, the following information:

(1) The priority-of-service categories which are expected to be curtailed on an average daily system-wide basis during the months November 1975 through March 1976. The companies should respond to this request by listing the priority-of-service categories in their currently effective curtailment plans.

(2) The average daily (Mcf) and peak day (Mcf) flexibility to be gained, if any, by maximization of purchases from producers, maximization of storage, LNG or SNG for each month of this winter.

(3) For each direct industrial customer subject to curtailment this winter, the fourteen pipelines shall provide the following information to the Commission:

(a) type of natural gas purchase contract (firm or interruptible,

(b) existing alternate fuel capability; full ——, partial—— percent,

(c) the kind and amount of alternate fuels[1] needed for each month during the 1975-76 winter heating season, after curtailment as shown in Form 16,

(d) the kind and amount of alternate fuels believed to be available for each month of the 1975-76 winter season,

(e) the deficiency of alternate fuels by kind and amount for 1975-76 winter season,

(f) the description of operating options available to the industrial customer if no additional natural gas or alternate fuels are provided.

(4) For each distribution customer subject to curtailment during the 1975-76 winter period the pipeline shall provide the following information:

(a) the priority-of-service categories which the distributor expects to curtail on an average daily systemwide basis during each of the months of November, 1975 through March, 1976. The distributor companies should respond by listing priority-of-service categories in their currentiy effective curtailment plans,

(b) the average daily (Mcf) and peak day (Mcf) flexibility to be gained, if any, by maximization of purchases from producers, maximization of storage, LNG or SNG for each month of this winter,

(c) for each industrial customer of the distributor subject to curtailment this winter provide the following information:

(i) the type of natural gas purchase contract (firm or interruptible),

(ii) existing alternate fuel capability; full ——; partial —— percent,

(iii) the kind and amount of alternate fuels needed for each month during the 1975-76 winter heating season, after curtailment as shown in Form 16,

(iv) the kind and amount of alternate fuels believed to be available to industrial each month of the 1975-76 winter season,

(v) the deficiency of alternate fuels by kind and amount for the 1975-76 winter season,

(vi) a description of operating options available to the industrial customer if no additional natural gas or alternate fuels are provided.

We recognize that the time given to the pipelines to make the requested information available is short, however, the magnitude of the problem is such that the Commission must act immediately.

The Commission finds. (1) It is in the public interest and consistent with the purposes of the Natural Gas Act to schedule conferences, in each of the proceedings hereinabove named, for the purpose of determining the impact of projected curtailments of natural gas deliveries over the 1975-76 winter heating season, and to the extent necessary develop ameliorating plans.

The Commission orders. (A) The Presiding Administrative Law Judge in each of the ongoing proceedings in Dockets Nos. RP75-62, RP72-89, RP75-28, RP71-130 and RP72-58, and RP71-29 and RP71-120 is directed to preside over conferences in each proceeding to determine the impact of projected curtailment for the 1975-76 winter heating season.

(B) The proceedings in Docket Nos. RP74-42, RP71-122, RP71-121 and RP72-21, RP72-6, RP71-119, RP72-99, RP73-101, and RP71-100 are hereby reopened.

(C) Pursuant to the authority of the Natural Gas Act, particularly Sections 5, 14, and 15, a conference, to be scheduled by the Chief Administrative Law Judge, shall be held to determine the impact of projected curtailment over the 1975-76 winter heating season upon Lawrenceburg Gas Transmission Corporation and its customers.

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[1] With respect to this order in response to each request for information on alternate fuel capability, the responding party shall provide alternate fuel amounts in average daily quantities per month in gallons of propane, barrels of oil, tons of coal, and kwh of electric power. In this regard, the feasibility of converting to electric power should be addressed.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose, shall preside over conferences to be held in each of the reopened proceedings listed above in Ordering Paragraphs (B) and (C) and shall prescribe relevant procedural matters not herein provided.

(E) The Chief Administrative Law Judge shall schedule the conferences provided for in Ordering Paragraphs (A), (B), and (C) within the period beginning July 15, 1975 and ending August 15, 1975. The Chief Administrative Law Judge shall give these proceedings priority in scheduling over all other proceedings with the exception of those in which a party is seeking extraordinary relief from curtailment.

(F) Each of the fourteen pipelines designated in this order shall provide, on a best efforts basis, the information called for in the body of this order no later than July 10, 1975. All parties in the instant proceedings are hereby ordered and all customers of the respective pipeline companies are hereby urged to provide their pipeline suppliers with the necessary data to enable the pipelines to comply with this order. Copies shall also be served upon their customers, the appropriate state regulatory bodies, and the Washington office of the Federal Energy Administration.

(G) By virtue of the information obtained in the proceedings hereinbefore ordered, the Administrative Law Judges shall pursue, when necessary, procedures for the purpose of providing ameliorating plans for the coming winter heating season.

By the Commission.

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

[FR Doc.75-16028 Filed 6-19-75;8:45 am]

[Dockets Nos. RI75-143, RI75-144, RI75-77]

BURMAH OIL AND GAS COMPANY AND GULF OIL CORPORATION

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX

	Projected		
	Firm requirements (in thousand cubic feet)	Deficiency (in thousand cubic feet)	Percent deficient
Alabama-Tennessee Natural Gas Co	15,927,000	5,183,000	32.54
Arkansas-Louisiana Gas Co	235,401,000	66,708,000	28.34
Cities Service Gas Co	299,405,000	81,423,000	27.19
Columbia Gas Transmission Corp	848,726,000	235,177,000	27.71
East Tennessee Natural Gas Co	39,611,000	13,343,000	33.69
Eastern Shore Natural Gas Co	3,361,000	1,644,000	48.91
El Paso Natural Gas Co	605,814,000	148,568,000	24.52
Lawrenceburg Gas Transmission Corp	2,299,000	642,000	27.93
Panhandle Eastern Pipeline Co	860,975,000	85,646,000	23.73
Texas Eastern Transmission Corp	501,370,000	117,491,000	23.43
Transcontinental Gas Pipe Line Corp	496,700,000	180,426,000	36.32
Transwestern Pipeline Co	194,905,000	43,572,000	22.36
Trunkline Gas Co	249,312,000	120,483,000	48.33
United Gas Pipe Line Co	709,971,000	320,182,000	45.10

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate [4]	
RI75-143	Burmah Oil & Gas Co	8	11	Montana-Dakota Utilities Co. (North Dakota) (Rocky Mountain).	$12,500	5-16-75		11-16-75	[1] [2] 34.015	[3] 34.44	
RI75-144	Champlin Petroleum Co	109	11	Mountain Fuel Supply Co. (Wyoming) (Rocky Mountain).	62,011	5-19-75		12- 6-75	27.6275	[2] 29.1974	RI74-245.
I75-77	Gulf Oil Corp	174	1-12	Northwest Pipeline Corp	2,005	5-15-75		[5] 5-31-75	34.2455	[2] 35.775	RI75-77.

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Suspended in docket No. RI75-89.
[2] Includes double tax in order to recoup taxes on past production.
[3] Suspended in docket No. RI75-77.
[4] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed rate increases of Burmah Oil and Champlin Petroleum exceeds the applicable area ceiling rate in Opinion No. 658 and are suspended for five months.

Champlin Petroleum's proposed rate increase in addition to a 1.0¢ periodic escalation, also reflects the recent 1% increase in the Wyoming severance tax and, includes double the allowable tax in order to recoup taxes on past production. Gulf's underlying rate is currently in effect subject to refund and Gulf's tax increase covers double the amount of contractually due Wyoming tax. After tax reimbursement on past production has been recovered, a rate decrease will be required to reflect tax reimbursement for future production only.

[FR Doc.75-16029 Filed 6-19-75;8:45 am]

ALABAMA POWER CO.

Meeting With Federal Power Commission Staff

Hydroelectric Project The FPC issues notice of a meeting with Federal Power Commission Staff requested by Alabama Power Company regarding the formal investigation and hearing ordered by the Commission with regard to the failure of Walter Bouldin Dam Project No. 2146. The meeting will be held at 10 a.m. July 17, 1975 in Room 5200 at the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-16156 Filed 6-19-75;8:45 am]

GENERAL ACCOUNTING OFFICE

INTERNATIONAL AIR TRANSPORTATION FAIR COMPETITIVE PRACTICES ACT OF 1974

Guidelines for Implementation of Section 5

These guidelines will be considered by the General Accounting Office in carrying out its responsibilities under section 5, Public Law 93-623, 88 Stat. 2104 (49 U.S.C. 1517). Section 5 requires, in the absence of satisfactory proof of necessity, the disallowance of expenditures from appropriated funds for Government-financed commercial foreign air transportation of passengers and property performed by an air carrier not holding a certificate under section 401 of the Federal Aviation Act of 1958. These guidelines will require the executive departments, agencies, and instrumentalities of the United States (hereinafter referred to as "agency") to modify their current regulations concerning Government-financed commercial foreign air transportation in order to avoid disallowance of expenditures that previously would have been allowed.

1. Certificated air carriers (those holding certificates under section 401 of the Federal Aviation Act of 1958, 49 U.S.C. 1371 (1970)) must be used for all Government-financed commercial foreign air transportation of persons or property if service provided by those carriers is "available."

2. Generally, passenger or freight service by a certificated air carrier is "available" if the carrier can perform the commercial foreign air transportation needed by the agency and if the service will accomplish the agency's mission. Expenditures for service furnished by a non-certificated air carrier generally will be allowed only when service by a certificated air carrier or carriers was "unavailable."

3. Passenger or freight service by a certificated air carrier is considered "available" even though:

(a) Comparable or a different kind of service by a non-certificated air carrier costs less, or

(b) Service by a non-certificated air carrier can be paid for in excess foreign currency, or

(c) Service by a non-certificated air carrier is preferred by the agency or traveler needing air transportation, or

(d) Service by a non-certificated air carrier is more convenient for the agency or traveler needing air transportation.

4. Passenger service by a certificated air carrier will be considered to be "unavailable":

(a) When the traveler, while en route, has to wait six hours or more to transfer to a certificated air carrier to proceed to the intended destination, or

(b) When any flight by a certificated air carrier is interrupted by a stop anticipated to be six hours or more for refueling, reloading, repairs, etc., and no other flight by a certificated air carrier is available during the six hour period, or

(c) When by itself or in combination with other certificated or non-certificated air carriers (if certificated air carriers are "unavailable") it takes 12 or more hours longer from the origin airport to the destination airport to accomplish the agency's mission than would service by a non-certificated air carrier or carriers.

5. The Comptroller General will disallow any expenditures for commercial foreign air transportation on non-certificated air carriers unless there is attached to the appropriate voucher a certificate or memorandum adequately explaining why service by certificated air carriers is "unavailable."

6. Although international air freight forwarders as defined in 14 CFR 297.1(c) and 297.2 (1974) engaged in foreign air transportation [49 U.S.C. 1301(21)(c) (1970)] may be used for Government-financed movements of property, the rule stated in guideline 5 applies to the use of underlying air carriers by international air freight forwarders engaged in such foreign air transportation.

7. In order that bills submitted by international air freight forwarders engaged in foreign air transportation may be paid upon presentation, such carriers are directed to submit with their bills a copy of the airway bill or manifest showing the underlying air carriers utilized with such justification certificates or memoranda as they may have for the use of underlying non-certificated air carriers.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.75-16082 Filed 6-19-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 2 on Wednesday and Thursday, July 9 and 10, 1975 from 10 a.m. to 4:30 p.m., in Room 2408 at 26 Federal Plaza, New York, New York 10007. The meeting will be devoted to the initial step of the procedure for screening and evaluating the qualifications of Architect/Engineers under consideration for selection to furnish professional services for the proposed Federal Correctional Institution for Adults at Otisville, New York. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5), the meeting will not be open to the public.

GERALD J. TURETSKY,
Regional Administrator.

[FR Doc.75-16224 Filed 6-19-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

CONCEPTS AND PRINCIPLES WHICH SHOULD UNDERLIE THE FORMULATION OF AN INTERNATIONAL COMMODITY CODE

Final Report

The House Ways and Means Committee has authorized the release of a report prepared by the United States International Trade Commission on the concepts and principles which should underlie the formulation of an international commodity code. The report was prepared in connection with an investigation (No. 332-73) initiated in accordance with section 608(c)(1) of the Trade Act of 1974. That law directs the Commission to report to both Houses of Congress and to the President on the concepts and principles which should underlie the formulation of an international commodity code "adaptable for modernized tariff nomenclature purposes and for recording, handling, and reporting of transactions in national and international trade."

The United States International Trade Commission instituted its investigation on February 4, 1975, under section 332(g) of the Tariff Act of 1930. A draft report to the Commission was released for public views on April 24, 1975 (USITC Publication 729). The final report was transmitted to both Houses of Congress and to the President on Monday, June 2, 1975.

The report discusses the need for a comprehensive international commodity code and sets forth the concepts and principles which should underlie its formulation, including suggested methods for its development and maintenance. The report also includes the dissenting statements of Vice Chairman Parker and Commissioner Ablondi concerning the suggested methods relating to development, administration and maintenance. The appendix to the report contains the written statements of interested parties and U.S. Government agencies on the draft report.

Copies of the report (USITC Publication 730) will be available as soon as the Commission's supply is received from the Government Printing Office. Requests will be honored as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. International Trade Commission, 8th and E Streets, NW., Washington, D.C. 20436.

For release June 16, 1975.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.75-16134 Filed 6-19-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-39)]

SPACE PROGRAM ADVISORY COUNCIL

Meeting

The NASA Space Program Advisory Council will meet on July 23 and 24, 1975,

in Room 7002, Federal Office Building 6, 400 Maryland Avenue, SW., Washington, D.C. The meeting, to be held from 9 a.m. to 4:45 p.m. on July 23, 1975, and from 9 a.m. to noon on July 24, 1975, is open to the public. The seating capacity of the room is about 40 persons, including Council members and other participants. Visitors will be requested to sign a visitor's register.

The NASA Space Program Advisory Council was established as an interdisciplinary group to advise NASA senior management with respect to the plans for, the work in progress on, and the accomplishments of NASA's space programs. The Council is concerned with the disciplines appropriate to Physical Sciences, Life Sciences, Space Applications, and Space Systems, as they bear on space programs. The Chairman of the Council is Dr. Frederick Seitz. There are currently fifteen members on the Council and additional members on four standing committees and one ad hoc committee which report to the Council. The following list sets forth the approved agenda and schedule for the meeting. For further information contact the Executive Secretary, Mr. Nathaniel B. Cohen, Area Code 202, 755-8433.

JULY 23, 1975

Item and time	*Topic*
1. 9 a.m.	Opening Remarks—This time is provided for the Chairman's introductory remarks and for the Executive Secretary to cover administrative matters.
2. 9:15 a.m.	Fiscal year 1977 budget issues—The Acting Associate Administrator will summarize the status of fiscal year 1977 planning to date and review the principal issues presented at the March SPAC meeting. Reports will be received from those asked to study the issues in their respective areas of expertise, and the Council will discuss development of overall FY 1977 recommendations to provide to NASA. Specific subject areas and the approximate time of their consideration are as follows:
9:30 a.m.	Large Space Telescope.
10 a.m.	Other Space Science Issues.
11 a.m.	Applications Issues.
12 noon	Lunch.
1:30 p.m.	Fiscal Year 1977 Budget Issues (Concluded) Discussion of the FY 1977 budget issues will continue with the following approximate schedule:
1:30 p.m.	Life Science Issues.
2:15 p.m.	Other Issues.
2:45 p.m.	General Discussion and Working Session.
4:45 p.m.	Adjourn.

JULY 24, 1975

3. 9 a.m.	Committee Reports—This time is provided for reports of the four standing committees and the Ad Hoc Subcommittee on Scientist Astronauts on matters other than the fiscal year 1977 budget issues.
4. 11 a.m.	Review of Economic Studies—The results of recent studies of the impact of NASA R. & D. upon various sectors of the economy and upon the national economy as a whole will be described for the Council.
12 noon	Adjourn.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

JUNE 16, 1975.

[FR Doc.75-16117 Filed 6-19-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR OCEANOGRAPHY

Meeting

The Advisory Panel for Oceanography will hold a two-day meeting on July 9 and 10, 1975, in Rm. 338 at the National Science Foundation, 1800 G Street NW., Washington, D.C. The meeting will begin at 9 a.m. on both days. The purpose of the Panel is to provide advice and recommendations in the evaluation of specific research proposals and to advise the Foundation on the impact of its research support program on the scientific community in oceanography. This Panel functions in accordance with the Federal Advisory Committee Act, Pub. L. 92-463.

July 9—9 a.m.-5 p.m. The agenda for this portion of the meeting will consist of the evaluation of research proposals that have been assigned to the Oceanography Section. The entire session will be closed to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b) (4), (5), and (6). The closing of this portion of the meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of Section 10(d) of Pub. L. 92-463.

The July 10 portion of the meeting is open to the public. The agenda is as follows:

9-11:45 a.m. Introductory Remarks and Section Highlights

Presentation on Department of Interior's Bureau of Land Management Program on the Outer Continental Shelf

Discussions of Support for Marine Biomedical Research; support for University National Oceanographic Laboratory System (UNOLS) Marine Technician; and the research vessel *Eastward* Program.

12:45-4:15 p.m. Discussions between NSF Staff and the Advisory Panel on:

FY 75 Program Summary and long-range research directions; the Oceanographic Facilities and Support (OFS)-UNOLS Santa Catalina report on long-range oceanographic facilities needs; and primary functions of the Advisory Panel and its proposal review process.

Anyone who plans to attend or would like more information about the Panel should contact Dr. R. E. Wall, Head, Oceanography Section, Rm. 317, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4227. Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.75-16097 Filed 6-19-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. P-499-A]

DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES, ET AL.

Notice of Receipt of Partial Application for Construction Permits and for Facility Licenses: Time for Submission of Views on Antitrust Matters

The Department of Water and Power of the City of Los Angeles, the State of California Department of Water Resources, the City of Anaheim, the City of Glendale, the City of Pasadena, the City of Riverside, the Northern California Power Agency, the Pacific Gas and Electric Company and the Southern California Edison Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed one part of an application, which was docketed on May 21, 1975, in connection with plans to construct and operate four generating units of an undetermined type, each with a net electrical output of approximately 1,170 megawatts. The proposed facilities, designated as the San Joaquin Nuclear Project, are to be located near Wasco, approximately 33 miles northwest of Bakersfield, in Kern County, California. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

Pursuant to § 2.101 of Part 2, the remaining portion of the application consisting of an Environmental Report is expected to be filed in August 1976, and the Preliminary Safety Analysis Report in December 1976.

Upon receipt of the portions of the application dealing with environmental and radiological health and safety matters, separate notices of receipt will be published, by the Nuclear Regulatory Commission (the Commission), including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555; the Nuclear Regulatory Commission, Inspection and Enforcement, Region V, 1990 N California Boulevard, Walnut Creek, California 94596; the Federal Records Center, Reading Room, 4747 Eastern Avenue, Bell, California 90201;

and the Kern County Library, 1315 Truxtun Avenue, Bakersfield, California 93301. Docket No. P–499–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before August 12, 1975.

Dated at Bethesda, Maryland, this 5th day of June 1975.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Project, Branch No. 2–1, Division of Reactor Licensing.

[FR Doc.75–15287 Filed 6–19–75;8:45 am]

[Docket Nos. 50–259 and 50–260]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR–33 and Amendment No. 7 to Facility Operating License No. DPR–52 issued to Tennessee Valley Authority which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units 1 and 2, located in Limestone County, Alabama. The amendments are effective as of their date of issuance.

The amendments revise the Technical Specifications, taking into account the present condition of plant systems, so as to assure that the two units will remain in a safe and stable posture during the period of defueling of both units and storage of the fuel in their respective fuel pools. The plant will be maintained in this condition until completion of the repairs of damage resulting from the fire which occurred on March 22, 1975. These amendments also authorize the removal of fire-affected equipment. Approval of restoration of the facility will be the subject of a separate action.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated June 2, 1975, (2) Amendment No. 10 to License No. DPR–33 and Amendment No. 7 to License No. DPR–52 with Change No. 11, (3) Part VI Section E of "Plan for Evaluation, Repair, and Return to Service of Browns Ferry Units 1 and 2", Revision 7 dated May 28, 1975, and Revision 10 dated June 5, 1975, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 13th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75–16136 Filed 6–19–75;8:45 am]

[Docket Nos. STN 50–483; STN 50–486]

UNION ELECTRIC CO. (CALLAWAY UNITS 1 AND 2)

Reopening the Evidentiary Record and Reconvening Hearing

The Atomic Safety and Licensing Board, in a consideration of the evidentiary record, including oral and documentary presentations, is desirious of receiving additional evidence respecting the soil structure adjacent and related to the site of the proposed nuclear power facility. The Board has requested Union Electric Company (Applicant) to make a further presentation of such additional evidence, including among other aspects, data in reference to water well drillings as reflected in the State of Missouri records which have been relied upon by the Applicant. The Board also is desirous of securing evidence from the seismological laboratory at St. Louis University respecting the area in eastern Missouri. The Applicant has responded to the Board's request stating that a further presentation can be made on July 1 and 2, 1975.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of this Commission, that the evidentiary record in this proceeding which was completed on April 30, 1975, is reopened, and sessions of further evidentiary hearings shall convene as follows: First, at 9 a.m. on Tuesday, July 1, 1975, at the meeting room of Howard Johnson Motor Inn at City Route 44 and Interstate 44, Rolla, Missouri 65401, to receive evidence from among other sources, that reflected by the records of the State of Missouri, particularly in reference to the manner of procurement, assemblage, and analyses of data related to water well drillings relied upon by the Applicant; and a second session shall convene at 9 a.m. on Wednesday, July 2, 1975, in Judge Harper's Courtroom in the United States District Court Building, First Floor, 1114 Market Street, St. Louis, Missouri 63101, to receive evidence related to the seismological analyses of the area of eastern Missouri particularly among other areas, that related to the site of the proposed nuclear power facility.

These sessions of evidentiary hearing are open for public attendance and all parties to the proceeding may participate in the presentation of the evidence.

Issued: June 13, 1975, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.75–16137 Filed 6–19–75;8:45 am]

[Docket Nos. 50–524A, 50–525A, 50–526A, 50–527A]

ALABAMA POWER CO. (ALAN R. BARTON UNITS 1, 2, 3 AND 4)

Notice of Antitrust Hearing

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the regulations in Title 10, Code of Federal Regulations, Part 50 and Part 2, the notice published in the FEDERAL REGISTER of February 19, 1975 (40 FR 7141) by the Atomic Energy Commission, as statutory predecessor of the Nuclear Regulatory Commission, and the memorandum and order dated June 13, 1975, granting the petitions of Alabama Electric Cooperative, Inc. and Municipal Electric Utility Association of Alabama for leave to intervene in this proceeding and directing a hearing to determine whether the activities under the proposed construction permit would create or maintain a situation inconsistent with the antitrust laws as provided in subsection 105(c) of of the Atomic Energy Act of 1954, 42 U.S.C. 2135(c), a hearing will be held at a time and place to be fixed by a duly designated Atomic Safety and Licensing Board.

The application, and a letter of the Attorney General dated February 5, 1975, have been placed in the Public Document Room of the Nuclear Regulatory Commission at 1717 H Street NW., Washington, D.C. Copies of the foregoing documents will also be available at the Clanton Public Library, 100 First Avenue, Clanton, Alabama 35045.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issue specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's "Rules of Practice". Limited appearances will be permitted at the time of the hearing

in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, on or before July 21, 1975. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Supervisor, Docketing and Service Section, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's Rules of Practice, an original and twenty (20) conformed copies of each paper with the Commission.

The Atomic Safety and Licensing Board established to rule on petitions for intervention.

Issued at Bethesda, Maryland this 13th day of June, 1975.

MARSHALL E. MILLER,
Chairman.

[FR Doc.75-16135 Filed 6-19-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 17, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Agricultural Research Service, Soybean Transportation Analysis, NER 324, on occasion, soybean handlers and shippers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of the Census, Monthly Retail Trade Report—Accounts Receivable, multiunit firms, on occasion, business firms, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, Instrumentation Plan for the CCEM Project, NIE 117, on occasion, teachers and students in public schools, Planchon, P., 395-3898.

Health Resources Administration, Faculty Evaluation Form—Public Health and National Health Service Corps Scholarship, HRABHM 0610, on occasion, faculty and dean, Lowry, R. L., 395-3772.

National Institutes of Health, Occupational Cancer Study, OSNIH-CA-27, single-time, cancer patients and controls, Dick Eisinger, 395-4716.

Office of Education, Parental Skills Program for Parents of Handicapped Children, OE-9046, on occasion, parents of handicapped children, Planchon, P., 395-3898.

DEPARTMENT OF THE TREASURY

Bureau of Customs, Transportation Entry and Manifest of Goods, 7512-C, 7512-D, on occasion, importers, customhouse brokers, and carriers, Caywood, D. P., 395-3443.

DEPARTMENT OF TRANSPORTATION

Departmental and other Profile and Anthropometric Data Relating to Interstate Truck and Bus Drivers Population in the U.S., single-time, truck drivers, Strasser, A., 395-3880.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
- Turkey Inquiry (production in selected States), annually, turkey growers, Lowry, R. L., 395-3772.
- Quarterly Agricultural Labor Survey, quarterly, farmers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of the Census, National Immunization Survey—Current Population Survey Supplement, CPS-1, annually, households in U.S., Strasser, A., Dick Eisinger, 395-3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Consumer Expectations from Food Labeling, FDA BF0116, annually, grocery buyers, Hall, George, 395-4697.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Monthly Report of Lunch Service Operations in Commodity Only Schools, FNS-130, monthly, school food authorities, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Operation Medihc—Serviceman's Referral Statement, HRA 1756, on occasion, Marsha Traynham, 395-4529.

Office of Education:
- Request for Assistance to Offset Loss in Anticipated Members, HIP and ADA, OE-4019-2, on occasion, local education agency, Marsha Traynham, 395-4529.
- Investigation Report on the Administration of ESEA, Title I Program Activities, OE-4517, on occasion, Government agencies (SEA'S), Marsha Traynham, 395-4529.
- Application for Federal Assistance (Nonconstruction) Program—Instructions for Environmental Education Program, OE-326, annually, all public and private nonprofit agencies, Marsha Traynham, 395-4529.

Food and Nutrition Service, Regulations—Special Food Service Program for Children, on occasion, Marsha Traynham, 395-4529.

Food and Drug Administration:
- Shell Stock Shipper or Reshipper Inspection Report, FD-3038A, on occasion, Marsha Traynham, 395-4529.
- Shucking—Packing Plant Inspection Report, FD-3038, on occasion, Marsha Traynham, 395-4529.
- Shellfish Certification Cancellation, FD-3038C, on occasion, Marsha Traynham, 395-4529.
- Shellfish Certification, FD-3038B, annually, Marsha Traynham, 395-4529.

Health Resources Administration, Quarterly Statistical Report—Operation Medihc, quarterly, Marsha Traynham, 395-4529.

Social and Rehabilitation Service, Report on Vending Stand Program, SRS-RSA-15, annually, Government agencies, Marsha Traynham, 395-4529.

Office of Education:
- Application for Federal Assistance (Short Form) Instructions for Environmental Education, OE-326-1, annually, all public and private nonprivate agencies, Marsha Traynham, 395-4529.
- Application for Federal Assistance (Nonconstruction Programs, Instructions for Migratory Programs, ESEA, OE-362, annually, Government agencies (SEA'S), Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-16191 Filed 6-19-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 16, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

ACTION

Program for Local Service Evaluation Questionnaire (volunteer stations), single-time, local service agencies (volunteer stations), Lowry, R. L., 395-3772.
(Volunteers), single-time, PLS questionnaire, Lowry, R. L., 395-3772.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Questionnaires for Purchasers, Producers, and Importers of Door Skins and for Importers of Flush Doors, single-time, importers of door skins and flush doors, Evinger, S. K., 395-3648.

ACTION

Action volunteer application/PLS, single-time, action volunteer application/PLS, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of the Census, Report of Organization, annually, restaurants and large single units, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, RFP-238, "Effectiveness of Highway Arterial Lighting Treatments" prospectus, single-time, equipment manufacturers power companies, Caywood, D. P., 395-3443.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Medical Economic Research Project (record check), HRA 0606, single-time, health care providers, Sunderhauf, M. B., 395-4911.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-16192 Filed 6-19-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 13, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

CIVIL SERVICE COMMISSION

Geographic Availability—Computer Operator and Technician, DE:X-251, on occasion, job applicants, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Regulations—Tobacco Inspection and Price Support Services for Flue-Cured Tobacco, 7 CFR 29 (SUB G), on occasion, tobacco auction warehousemen, Lowry, R. L., 395-3772.
Forest Service:
Backcountry Recreation Survey, single-time, vehicles within a given recreation region, Planchon, P., 395-3898.
Private Forest Owner Survey; Forest Industry Survey, single-time, forest landowners and forest industry in Montana, Peterson, M. O., 395-5631.

DEPARTMENT OF COMMERCE

National Oceanic & Atmospheric Administration, Flood Damage Report, WSE-7, monthly, NWS field offices, county agents, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Survey of the Reported Behaviors, Knowledge, Beliefs and Attitudes of Physicians Toward Diagnosis and Treatment of Hypertension, FDAHFD 0522, single-time, physicians, Dick Eisinger, 395-4716.

Public Health Service, Impact of Regional Office Monitoring Activities on Decentralized Health Services Programs in Region II, 2-0602, single-time, Health Centers, Human Resources Division, Dick Eisinger, 395-3532.
Health Resources Administration, Alternative Working Models for Medical Direction in Skilled Nursing Facilities, HRANCHS 0513, single-time, institutions, Dick Eisinger, 395-4716.

DEPARTMENT OF THE INTERIOR

Geological Survey, Meter Adjustment Ticket, on occasion, offshore oil and gas operations, Caywood, D. P., 395-3443.

REVISIONS

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation, Crop Insurance Acreage Report (selected crops), FCI-19, annually, farmers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Forest Service, National Immunization Survey—Current Population Survey Supplement, 3200-4, on occasion, cooperating State and Federal forestry agencies, Lowry, R. L., 395-3772.
Bureau of the Census:
General Revenue Sharing, RS-9-LS, annually, local government county officials, Hulett, D. T., 395-4730.
Power Driven Hand Tools, Annual Report, MA 35B, annually, manufacturing establishments, Peterson, M. O., 395-5631.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, Uniform Quarterly Reporting Requirements for Comprehensive Health Centers, 0429, quarterly, federally funded grantees, Reese, B. F., 395-5630.

DEPARTMENT OF LABOR

Manpower Administration, Employment Security Automated Reporting System (ESARS)—ES 209 and other reports, ESARS, on occasion, State Employment Service Offices, Strasser, A., 395-3880.

EXTENSIONS

VETERANS ADMINISTRATION

Waiver of Heirs or Next of Kin (in disposition of personal effects and funds of veterans who die in VA hospitals), 4-1347, on occasion, heirs and next of kin of deceased veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation, Claim for Raisin Indemnity (adjustment of losses), FC1-63, on occasion, farmers, Marsha Traynham, 395-4529.
Agricultural Marketing Service, Application for License (to sample or inspect commodities), GR-357, on occasion, commodity samplers, Marsha Traynham, 395-4529.
Animal and Plant Health Inspection Service, Indemnity Claim for Animals and Materials Destroyed, ANH1-23, on occasion, livestock producers and shippers, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Bureau of the Census, Survey of Local Government Finances (school systems), F-33, annually, officials of school systems, Planchon, P., 395-3898.

DEPARTMENT OF DEFENSE

Departmental and Other, Parents Dependency Affidavit, DD137-3, on occasion, individuals, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
School's Application for Federal Loan Insurance Comprehensive Certificate, OE 1156-2, annually, IHE's, Marsha Traynham, 395-4529.
Report on ESEA Title I Comparability Requirements—P.L. 891, as amended, OE-4524, annually, local educational agencies, Marsha Traynham, 395-4529.
Application for Federal Assistance (short form)—Section 1203 HEA Comprehensive Planning Grants, OE 1279, annually, State Commission, Marsha Traynham, 395-4529.
Guarantee Agency Monthly Report, Guaranteed Student Loan Program, Pub. L. 89-329, OE-1130, monthly, State and private guarantee agencies, Marsha Traynham, 395-4529.
LEA Title I Comparability Reports; Form A—General Information; Form B—Detailed School Data, OE-4524A, annually, LEA's, Marsha Traynham, 395-4529.
Public Health Service:
Financial Status Report, PHS 5154, on occasion, Marsha Traynham, 395-4529.
OMB Circular A-102—Supplements, HEW 601T, on occasion, Marsha Traynham, 395-4529.
Office of Education, Lender's Application for Federal Loan Insurance Comprehensive Certificate, OE 1156-1, annually, participating lenders, Marsha Traynham, 395-4529.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service:
Form Letter—Notification Concerning Revalidation of Immigrant Visa Petition, I-71, on occasion, employers intending to employ aliens, Marsha Traynham, 395-4529.
Application by Nonimmigrant Alien for Replacement of Arrival Document or for Alien Registration, I-102, on occasion, nonimmigrant aliens, Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Division (ESA), Form Letter Requesting Information Regarding Labor Standards, WH-352, on occasion, construction workers on Government contracts, Marsha Traynham, 395-4529.

PHILIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-16193 Filed 6-19-75;8:45 am]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Interest Rate

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on July 1, 1975, and ending on December 31, 1975, is 8⅞ per centum per annum.

Dated: June 17, 1975.

REX M. MATTINGLY,
Acting Chairman.

[FR Doc.75-16141 Filed 6-19-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3807]

OPPENHEIMER FUND, INC. ET AL.

Application for an Order Pursuant to Section 6(c) of the Act for Exemption From the Provisions of Section 22(d) of the Act and Rule 22d-1 Thereunder

Notice is hereby given That Oppenheimer Fund, Inc., Oppenheimer A.I.M. Fund, Inc., Oppenheimer Time Fund, Inc., Oppenheimer Income Fund, Inc. and Oppenheimer Special Fund, Inc. (collectively referred to as the "Funds") each of which is registered as an open-end investment company under the Investment Company Act of 1940 (the "Act") and Oppenheimer Management Corporation ("OMC"), One New York Plaza, New York, New York 10004, (collectively referred to with the Funds as the "Applicants") have filed an application for an order pursuant to section 6(c) of the Act for exemption from section 22(d) of the Act and Rule 22d-1 thereunder, in connection with the transactions described below. OMC acts as investment adviser and principal underwriter of each Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to any person except at a current public offering price described in the prospectus. Shares of each of the Funds are currently offered to the public at a price based on net asset value plus a sales charge that varies with the quantity of securities purchased. Rule 22d-1 permits certain variations in sales load, none of which, the application states, are applicable to the proposed transactions.

Applicants propose to offer to the shareholders of any Fund the option of having their income dividends and capital gains distributions, or either, automatically reinvested at net asset value without a sales charge in the shares of any one of the other Funds in which the shareholder in question has an established account.

It is also proposed that shareholders of Oppenheimer Monetary Bridge, Inc. ("Bridge"), an open-end investment company registered under the Act for which OMC acts as investment adviser and principal underwriter, be offered the option on the terms set forth above of having their income dividends automatically reinvested at net asset value without a sales charge in the shares of any one of the Funds in which the shareholder in question has an established account and that the shareholders of any of the Funds be offered the option on the terms set forth above of having their income dividends and capital gains distributions, or either, invested in shares of Bridge if the shareholder in question has an established account in Bridge; Bridge is not a party to the application since the public offering price of its shares is their net asset value without a sales charge and therefore the issuance of its shares at net asset value pursuant to the proposed option would not be in violation of Section 22(d) of the Act.

Applicants represent that the requirement of having an established account is necessary to reduce the likelihood of small new accounts resulting from the exercise of the option. Such dividends or distributions would be reinvested pursuant to this option at the net asset value per share of the Fund whose shares were being acquired (the "issuing Fund") on the dividend or distribution payment date of the Fund whose dividend or distribution is used to make the investment (the "paying Fund"). No sales commission would be received by OMC or any dealer on any such reinvestment and there will be no service charge. None of the Funds would bear any expense pursuant to the proposed option other than transfer agency costs and the costs of furnishing prospectuses of the issuing Funds.

Prospectuses of the issuing Funds will be available from dealers or will be sent to shareholders who notify the transfer agent of the paying Fund directly of a desire to elect the option. A shareholder will be permitted to cancel the option by written notice to the transfer agent of the paying Fund.

Applicants state that the purpose of the proposed reinvestment option is to give the shareholders of any Fund the opportunity to invest their dividends and distributions at no sales charge in the shares of any other Fund in which they have established accounts; thus, each shareholder using the option will already have selected the shares of the issuing Fund as an investment medium and may make additional investments in the shares of the issuing Fund while maintaining his initial investment in the shares of the paying Fund.

Applicants state that the shareholders of each of the Funds could, in effect, accomplish reinvestment in shares of any of the other Funds by electing to receive dividends and/or distributions in additional shares of the paying Fund and then exchanging such additional shares for shares of the issuing Fund pursuant to the exchange privilege described in the Funds' current prospectuses. The proposed privilege would permit such reinvestment without the payment of the $5.00 service fee applicable to such exchanges.

Section 6(c) provides, in pertinent part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given That any interested person may, not later than July 8, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-16086 Filed 6-19-75;8:45 am]

[70-5694]

GEORGIA POWER CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JUNE 13, 1975.

Notice is hereby given that Georgia Power Company 270 Peachtree Street, NW, Atlanta, Georgia 30303 ("Georgia"), an electric utility subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $100,000,000 principal amount of its First Mortgage Bonds, percent Series. The proposed series of bonds will bear a single maturity date within the range of 5 to 30 years, such maturity date will be determined by Georgia after the date of public invitation for proposals. The interest rate and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture, dated as of March 1, 1941, between Georgia and Chemical Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of July 1, 1975, which includes a prohibition until July 1, 1980, against refunding the bonds with or in anticipation of the proceeds from borrowings at a lower effective interest cost. Georgia further states it may request, by further amendment, the sale of its bonds be excepted from the competitive bidding requirements of Rule 50. It may also seek authorization to lengthen the period of non-refundability if that appears to be advantageous.

Georgia will apply the proceeds from the sale of the bonds, together with (1) cash contributions to capital of $86,000,000 by Southern during 1975 (File No. 70-5630), (2) the proceeds from the sales of certain transmission facilities to Oglethorpe Electric Membership Corporation in the aggregate amount of $101,300,000 (File Nos. 70-5658 and 70-5696), (3) proceeds from the sale of $100,000,000 principal amount of additional first mortgage bonds and 750,000 shares ($75,000,000) of preferred stock later in 1975, (4) funds provided through the issuance of tax-exempt revenue bonds by public authorities for construction of certain pollution control facilities for Georgia, and (5) any excess cash on hand to finance in part its 1975 construction program (estimated at $473,751,000), to pay notes payable in the form of bank notes and commercial paper notes incurred for construction purposes and for other lawful purposes. The issuance, later in 1975, of the long-term securities referred to above will be the subject of future filings with this Commission. Georgia estimates that it will not be necessary to sell any additional securities in 1975 for construction purposes except for commercial paper and short-term notes. Georgia estimates that upon successful consummation of its porgram for sale of long-term securities during 1975, no notes payable will be outstanding at December 31, 1975.

The Commission has issued an order (HCAR No. 19037) giving Georgia authority to issue and sell, through August 31, 1975, short-term notes to banks and dealers in commercial paper up to $300,000,000 at any one time outstanding, and, thereafter through March 31, 1975 up to $140,000,000 at any one time outstanding.

It is stated that the Georgia Public Service Commission has authority over the proposed issuance and sale of the bonds by Georgia. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees and expenses to be incurred in connection with the transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than July 9, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-16122 Filed 6-19-75;8:45 am]

[70-5692]

NATIONAL FUEL GAS CO., ET AL.

Proposed Merger of Non-Utility Subsidiaries and of Intrasystem Sale of Assets

JUNE 12, 1975.

Notice is hereby given that National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York 10020 ("National"), a registered holding company, and its three wholly-owned non-utility subsidiaries, The Sylvania Corporation ("Sylvania"), The Mars Company ("Mars") and National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16031 ("Supply Corporation") have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a)(1), 10, 12(c) and 12(f) of the Act and Rules 42 and 43 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Sylvania, Mars and Supply Corporation are organized under the laws of Pennsylvania. Sylvania is principally engaged in the production, transmission, storage, purchase and sale of natural gas in New York and Pennsylvania and sells all of its gas to Supply Corporation. In addition, Sylvania operates an unrelated business which accounts for approximately 15 percent of its total revenues. Supply Corporation is engaged in the purchase, production, transmission and storage of natural and synthetic natural gas, selling approximately 98 percent of its gas to National Fuel Gas Distribution Corporation ("Distribution Corporation"), National's sole gas utility subsidiary, for resale to customers in portions of Pennsylvania, New York and Ohio.

The applicants-declarants propose a two-step plan of corporate simplification, to be implemented as of August 1, 1975. The first step provides for Sylvania to convey to Mars all of its properties which are unrelated to gas production, transmission or storage. Thereafter, in a second step, Sylvania will be merged into and survived by Supply Corporation. Upon completion of the proposed simplification, National will have one utility subsidiary, Distribution Corporation, and two non-utility subsidiaries, Mars and Supply Corporation.

The property to be conveyed to Mars by Supply Corporation consists of approximately 485 separate parcels of land in New York and Pennsylvania. In respect to these lands, however, Sylvania

will reserve all rights related to gas supply for the use of Supply Corporation after the merger. The transfers of these properties will be made at their cost, net of applicable reserves, appearing on the books of Sylvania on the date of transfer, less amounts related to the gas rights reserved by Sylvania. Mars will make cash payments to Sylvania which, on the basis of net book values as of January 31, 1975, would be $15,825.

The proposed plan of merger between Sylvania and Supply Corporation provides, among other things, for the assumption by Supply Corporation of all of Sylvania's assets and liabilities; for the cancellation of Sylvania's issued and outstanding common stock; and for the payment by Supply Corporation of all expenses incident to the merger. As of February 28, 1975, Sylvania and Supply Corporation had outstanding 15,000 and 1,013,802 shares of capital stock, respectively. As of such date, their capitalization appeared as follows:

	Supply Corp.	Sylvania
Stated capital	$25,345,050	$1,500,000
Capital surplus	5,061,772	
Earned surplus	38,753,745	1,455,606
Funded debt	40,469,700	3,600,000
Total	109,630,267	6,555,606

Upon competition of the merger, Sylvania's stock will be retired and the stated capital represented thereby will be credited to Supply Corporation's capital surplus. All other items of the capitalization will be consolidated, and no other securities will be issued or retired. Accordingly the pro forma capitalization of the surviving company will appear as follows:

Stated capital	$25,345,050
Capital surplus	6,561,772
Earned surplus	40,209,351
Funded debt	44,069,700
Total	116,185,873

It is stated that the proposed transactions will serve a substantial purpose and be in the public interest. Specifically, the applicants-declarants believe that the transactions will simplify the existing corporate structure of National and its subsidiaries by combining, in Supply, all of the gas production, transmission and storage functions now carried by the two merging subsidiaries. National projects that the merger will result in achieving greater operating efficiencies by eliminating the need to separately account for services and expenses associated with arranging for separate financing programs. Furthermore, after the merger, only one company, rather than two, will be subject to Federal Power Commission regulation. Thus, it is believed that savings will be achieved by eliminating the need for separate filings and appearances before that commission. It is further stated that the preliminary sale to Mars by Sylvania of properties unrelated to the gas business will free Supply Corporation of performing functions not related to its primary obligation of supplying gas to Distribution Corporation.

The fees, commissions and expenses paid or incurred in connection with the proposed transactions are estimated to total $27,100, which includes fees of outside counsel totalling $10,000. It is stated that the Federal Power Commission has jurisdiction over the abandonment by Sylvania and the acquisition by Supply Corporation of certain facilities being transferred to Supply Corporation, and that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 7, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-16123 Filed 6-19-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

NATIONAL LABOR RELATIONS BOARD

DISCRIMINATION CASES

Memorandum of Understanding Between OSHA and NLRB

The Occupational Safety and Health Administration, U.S. Department of Labor, and the General Counsel, National Labor Relations Board entered into an agreement on April 16, 1975, which establishes a procedure for coordinating section 11(c) litigation under the Occupational Safety and Health Act (OSH Act) and litigation under Section 8 of the National Labor Relations Act (NLRA). The purpose of the agreement is to avoid duplicate litigation and insure that the exercise by employees of their rights in the area of health and safety will be protected. Thus, the agreement recognizes that although many employee rights relating to safety and health may be protected under both the NLRA or the OSH Act, such activities should primarily be protected under the OSH Act.

The memorandum of understanding is set forth below.

Signed at Washington, D.C. this 16th day of June, 1975.

WILLIAM J. KILBERG,
Solicitor of Labor.

MEMORANDUM OF UNDERSTANDING BETWEEN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, U.S. DEPARTMENT OF LABOR, AND THE GENERAL COUNSEL, NATIONAL LABOR RELATIONS BOARD

The Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, and the General Counsel, National Labor Relations Board (General Counsel) enter into this agreement in order to establish a procedure for coordinating 11(c) litigation under the Occupational Safety and Health Act (OSH Act) and litigation under section 8 of the National Labor Relations Act (NLRA) which will (1) obviate duplicate litigation and (2) insure that employee rights in the area of safety and health will be protected.

A. *Background.* 1. Section 7 of the NLRA in relevant part provides that "Employees shall have the right to * * * engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection * * *." Section 8 of the NLRA prohibits unfair labor practices which restrain or coerce employees in the exercise of the rights guaranteed in section 7. Unfair labor practice proceedings are held before Administrative Law Judges. The Judges' Decisions are appealable to the Board and thereafter may be reviewed by Circuit Courts of Appeal.

2. Section 11(c)(1) of the OSH Act provides that "no person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act." Jurisdiction for enforcement of alleged 11(c) violations rests with the United States District Courts, whose decisions are reviewable by the Circuit Courts of Appeal.

3. Although there may be some safety and health activities which may be protected solely under the OSH Act, it appears that many employee safety activities may be protected under both Acts. However, since an employee's right to engage in safety and health activity is specifically protected by the OSH Act and is only generally included in the broader right to engage in concerted activities under the NLRA, it is appropriate that enforcement actions to protect such safety and health activities should primarily be taken under the OSH Act rather than the NLRA.

B. Procedural agreement. 1. Where a charge involving issues covered by Section 11(c) of the OSH Act has been filed with the General Counsel and a complaint has also been filed with OSHA as to the same factual matters, the General Counsel will, absent withdrawal of the matter, defer or dismiss the charge. The General Counsel will inform the charging party of its action and will send a copy of such letter to OSHA.

2. Where a charge involving issues covered by section 11(c) of the OSH Act has been filed with the General Counsel, but no complaint has been filed with OSHA, the General Counsel will notify the employee of his right to file a complaint under section 11(c), which right should be exercised within 30 days. If the employee notifies the General Counsel of the filing of an OSHA complaint, or if the General Counsel is so informed by OSHA pursuant to consultations at the end of the 30-day period, then the General Counsel will proceed in accordance with paragraph B–1 above.

3. The General Counsel will process under the NLRA those charges involving issues covered by section 11(c) of the OSH Act where, after notice pursuant to paragraph B–2 above, the charging party has not filed or, having filed, has withdrawn a complaint with OSHA.

4. Where a charge has been filed with the General Counsel which includes both issues covered by section 11(c) of the OSH Act and matters within the exclusive jurisdiction of the General Counsel, the General Counsel and the Office of the Solicitor of Labor will consult in order to determine the appropriate handling of the matter.

5. The parties to this agreement will engage in periodic consultations in order to review its implementation.

Dated: April 16, 1975.

WILLIAM J. KILBERG,
Solicitor,
Department of Labor.
PETER G. NASH,
General Counsel,
National Labor Relations Board.

[FR Doc.75-16088 Filed 6-19-75;8:45 am]

Office of the Secretary

MAGNAVOX CO.

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–8: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 17, 1975 in response to a worker petition received on April 16, 1975 which was filed by the International Union of Electrical, Radio, and Machine Workers (AFL–CIO) on behalf of workers producing television receivers and radio/stereo/tape combination sets at the Jefferson City, Tennessee plant of Magnavox Company, Ft. Wayne, Indiana. The investigation was expanded to also include workers producing Odyssey electronic games and cabinets for televisions and combination sets at the Jefferson City plant, and workers producing console color television receivers at the Greeneville, Tennessee plant of Magnavox Company.

The notice of investigation was published in the Federal Register (40 FR 18517) on April 28, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Magnavox Company, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivisions have decreased absolutely, and

(3) That increases of imports af articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The subjects of this investigation were monochrome and color television receivers, radio/stereo/tape combination sets, Odyssey electronic games, and cabinets for television receivers and combination sets, all produced at the Jefferson City plant; and color television receivers produced at the Greeneville plant.

Significant total or partial separations. Significant total or partial separations of hourly and salaried workers at both the Jefferson City and the Greeneville plant occurred in late 1974. Employment of hourly electronic workers at Jefferson City declined 24 percent in the fourth quarter of 1974 from the same period in 1973; and employment of hourly workers at Greeneville declined 47 percent in the fourth quarter of 1974 from previous year's levels.

Sales or production, or both, have decreased absolutely. Sales and production of all products of the Greeneville and Jefferson City plants declined in 1974 from 1973 levels. Production levels continued to decline in the first quarter of 1975, falling sharply from the same period in 1973.

Increased imports contributed importantly. Imports of color television receivers increased 60 percent from 1970 to 1973, then declined 12 percent in 1974. However, during the 1970–1974 period the ratio of imports to production increased from 23.9 percent to 26.1 percent. Imports of console color television receivers, with screen sizes of 21 to 25 inches, like or directly competitive with those produced at Magnavox's Greeneville plant have been negligible. Nearly 42 percent of all color televisions imported into the United States in 1974 had screen sizes of 13 to 17 inches, and adversely affected similar screen size televisions produced at the Jefferson City plant.

Imports of monochrome television receivers increased 30 percent from 1970 to 1974. Imports as a ratio of domestic production increased from 97 percent in 1970 to 198 percent in 1974, and as a ratio of domestic consumption imports increased from 50 percent in 1970 to 68 percent in 1974.

Imports of radio/stereo/tape combination sets increased nearly 19 percent from 1970 to 1974. As a ratio of production, however, imports declined from 185 percent in 1970 to 142 percent in 1974. Imports of console and consolette sets of the type produced by Magnavox comprised less than five percent of imports of combination sets in 1973 and 1974.

The evidence developed in the Department's investigation indicates that increased imports did not contribute importantly to unemployment of workers producing larger screen size console color television receivers, radio/stereo/tape combination sets and cabinets for these products at the Greeneville and Jefferson City plants. Imports of console and consolette sets of the type produced by Magnavox have comprised less than five percent of total imports of combination sets in 1973 and 1974. Several Magnavox customers—dealers selling directly to the public—indicate that imports do not compete with console television and combination sets produced by Magnavox.

Imports were not a factor in reduced sales of Magnavox's Odyssey electronic games. Magnavox officials and the company's customers agreed that no imported product is competitive with Odyssey.

Increased imports have contributed importantly to separations of workers producing portable color and monochrome sets at the Jefferson City plant. Imports of monochrome television receivers comprised more than two-thirds of domestic consumption in 1974. Although those Magnavox customers surveyed did not sell competitive imported products, the customers indicated that sales of Magnavox monochrome and color sets have been lost to imports in increasing quantities.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with color and monochrome television receivers produced at Magnavox's Jefferson City plant have contributed importantly to the separation of workers and decline in production and sales of those products at the plant. I further conclude that increased imports did not contribute importantly to either the separation of workers engaged in activities other than the production of monochrome and color television receivers at the Jefferson City plant or the separation of workers at the Greeneville plant. After due consideration I make the following certification:

All hourly and salaried workers engaged in employment related to the production of

monochrome and color television receivers at the Jefferson City plant of the Magnavox Company, who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of June 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-16091 Filed 6-19-75;8:45 am]

MOUNTAINTOP, PENNSYLVANIA PLANT OF RCA CORP.

Determination Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-7; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 17, 1975 in response to a worker petition filed on April 16, 1975 on behalf of workers and former workers producing power transistors at the Mountaintop, Pennsylvania plant of RCA Corp., New York, New York.

The notice of investigation was filed in the FEDERAL REGISTER (40 FR 18517) on April 28, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Mountaintop, Pennsylvania plant of RCA Corp., the Plant's major customers, industry analysts, the International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. From 1972 to mid-October 1974 no workers had been layed off at the Mountaintop plant of RCA. In October 1974 about 10 percent of the employees were layed off. Another 20 percent of the workforce was layed off in January 1975 and substantial layoffs have occurred as recently as May 16, 1975.

Sales or production, or both have decreased absolutely. Mountaintop's sales decreased 7.5 percent in the fourth quarter of 1974 from both the previous quarter and the fourth quarter of 1973. Sales in the first quarter of 1975 decreased 21.3 percent from the first quarter of 1974.

Mountaintop's fourth quarter 1974 production decreased 5.9 percent from the previous quarter and 12.6 percent from the fourth quarter of 1973. Production for the first quarter of 1975 was 33.6 percent lower than the first quarter of 1974.

Increased imports contributed importantly. Aggregate imports of semiconductors rose 12.6 percent in 1974 over 1973. Imports as a proportion of domestic shipments rose from 59.4 percent in 1973 to 71.8 percent in 1974. The imports as a proportion of domestic consumption rose from 39.7 percent in 1973 to 44.5 percent in 1974. In addition imports of semiconductors from RCA's Malaysian plant increased irregularly reaching peak levels in the first quarter of 1975. The increase in the level of quarterly shipments from Malaysia from the fourth quarter of 1974 through the first quarter of 1975 was equivalent to about 10 percent of the decline in total Mountaintop production for the same period.

In October 1974 RCA had the choice of reducing production at and shipments from the Malaysia plant or taking such measures at Mountaintop. The company decided to continue and gradually expand Malaysian production and shipments thereby reducing production and employment at the Mountaintop facility. Shipments from the Malaysian facility in the first quarter of 1975 increased by more than one third over the fourth quarter of 1975 and contributed importantly to reductions in employment at Mountaintop that occurred in the first quarter of 1975. Malaysian production is not expected to expand significantly in the immediate future under current market conditions. Subsequent to March 31, 1975, layoffs cannot be attributed importantly to increased imports in light of the sharp decline of aggregate imports of semiconductors in both absolute and relative terms that occurred in the first quarter of 1975, and the stabilization of production and shipments at RCA's Malaysia plant.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with power transistors produced by the Mountaintop, Pennsylvania Plant of RCA Corp., contributed importantly to the total or partial separation of the workers of that firm during the period October 19, 1974 through March 31, 1975. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker who was last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act, I make the following certification:

All hourly and salaried employees of the Mountaintop, Pennsylvania Plant of RCA Corp., New York, New York who became or will become totally or partially separated from employment on or after October 19, 1974 and before March 31, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of June, 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-16092 Filed 6-19-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[AB 20]

TEXAS AND PACIFIC RAILWAY CO.

Abandonment

JUNE 17, 1975.

In the matter of Texas and Pacific Railway Company abandonment between Plaquemine and McWilliams, in Iberville Parish, Louisiana.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Iberville Parish, La., on or before July 2, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 10th day of June, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] RICHARD W. KYLE,
Acting Secretary.

TEXAS AND PACIFIC RAILWAY COMPANY ABANDONMENT BETWEEN PLAQUEMINE AND MCWILLIAMS, IN IBERVILLE PARISH, LOUISIANA

The Interstate Commerce Commission hereby gives notice that by order dated June 10, 1975, it has been determined that the proposed abandonment of the Texas and Pacific Railway Company of its line from Plaquemine to the end of the line at McWilliams, a distance of 2.09 miles, all in Iberville Parish, La., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) the subject segment has had little traffic in the past and, since 1972, has had no traffic at all, (2) nearby team tracks and adequate highways exist in the affected area and can accommodate the relatively low volume of traffic, (3) there are no economic development plans dependent upon the existence of the subject segment, and (4) adverse impacts on local water, air, and historic aspects are either absent or negligible.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 17, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-16159 Filed 6-19-75;8:45 am]

[Notice 793]

ASSIGNMENT OF HEARINGS

JUNE 17, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancelation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 35794, Northville Dock Pipe Line Corp., and Consolidated Petroleum Terminal, Inc.—Petition for Declaratory Order or Investigation and No. 35852, Northville Dock Pipe Line Corp., Northville Industries Corp., Consolidated Petroleum Terminal, Inc., and Total Resources, Inc.—Investigation of Operations; continued to July 28, 1975 (2 days), in Room B-2231, 26 Federal Plaza, New York, New York.

MC 123407, Sub 209, Sawyer Transport, Inc., now assigned, July 8, 1975, at Jackson, Miss., will be held in the Grand Jury Room, U.S. Post Office & Courthouse, Capitol & West Streets.

MC 133490, Sub 9, Lee's Trucking, Inc., application dismissed.

MC-C-8498, Edward Ketwenske-Revocation of Certificate, now being assigned July 30, 1975 (1 day), in Room B-2231, 26 Federal Plaza, New York, New York.

MC 71598, Sub 3, C. G. Potter, DBA Maumee Express, now being assigned July 31, 1975 (2 days), in Room B-2231, 26 Federal Plaza, New York, New York.

MC-C-8320, Fidelity Storage & Van Co., Inc.—Revocation of Certificate—, now assigned July 16, 1975, at Lincoln, Nebraska, will be held in Room 228, Federal Building & U.S. Courthouse, 129 N. 10th Street.

MC 139960, Western Pacific Transport Company, now assigned July 14, 1975, at Salt Lake City, Utah; will be held in Room B-20, Federal Office Building, 125 S. State Street.

MC 78228, Sub 52, J Miller Express, Inc., now assigned July 9, 1975 at Washington, D.C., is canceled and transferred to Modified Procedure.

F.D. 27773, Missouri Pacific Railroad Company—Merger—The Texas and Pacific Railway Company and Chicago & Eastern Illinois Railroad Company and F.D. 27774, Missouri Pacific Railroad Company-Securities, now being reopened for limited hearing July 9, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 96881, Sub 16, Orville M. Fine, d.b.a. Fine Truck Line, now assigned July 21, 1975 at Fayetteville, Arkansas; will be held in Room 409 Federal Building, 356 Mountain Street.

MC 107913, Sub 14, F & W Express, Inc., now assigned August 8, 1975 at Little Rock, Arkansas; will be held in Room 3412 Federal Office Building, Building 700 W. Capitol Street.

MC-F 12333, Ehrlich-Newmark Trucking Co., Inc.—Purchase (Portion)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC 76065, Sub 24, Ehrlich-Newmark Trucking Co., Inc., MC-F 12334, Tredways Express, Inc.—Purchase (portion)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC-F 12345 Hempstead Delivery Co., Inc.—Purchase (portion)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC-F 12345 Hempstead Delivery Co., Inc.—Purchase (portion)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC 121393, Sub 5, Hempstead Delivery Co., Inc., and MC 34975, Sub 9, Tredways Express, Inc., now being assigned September 8, 1975 (1 week) at New York, New York; in a hearing room to be designated later.

No. 36170, Houston Lighting & Power Company v. The Atchison, Topeka and Santa Fe Railway Company et al., now being assigned for prehearing conference July 29, 1975, at the Office of the Interstate Commerce Commission, Washington, D.C.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-16158 Filed 6-19-75;8:45 am]

[Notice 11]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 20, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 10, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75799. By order entered June 16, 1975 the Motor Carrier Board approved the transfer to James J. Borda, doing business as Hart's Rapid Delivery, Laconia, N.H., of the operating rights set forth in Certificate No. MC-64831, issued March 29, 1955, to Andre W. Dupuis, doing business as Dupuis the Mover, Manchester, N. H., authorizing the transportation of various specified commodities, from, to, or between points in New Hampshire, Massachusetts, Connecticut, New York, Rhode Island, and Maine. James J. Borda, 127 Court St., Laconia, N.H. 03246, for transferee, and Andre W. Dupuis, 113 Mammoth Rd., Manchester, New Hampshire 03103, for transferor.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-16157 Filed 6-19-75;8:45 am]

[No. MC-113388 (Sub-No. 103)]

LESTER C. NEWTON TRUCKING CO.

Extension—Frozen Poultry

JUNE 17, 1975.

At a session of the Interstate Commerce Commission, Review Board Number 3, held at its office in Washington, D.C., on the 6th day of June, 1975.

It appearing, that by application filed January 16, 1974, as amended, Lester C. Newton Trucking Co., a corporation, of Seaford, Del., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of frozen poultry, frozen poultry products, and frozen vegetables, from Presque Isle, Caribou, and Portland, Maine, to points in Delaware, Florida, Georgia, Maryland, New York, North Carolina, Pennsylvania, and South Carolina, and the District of Columbia;

It further appearing, that the application has been processed under the Commission's modified procedure; that applicant has filed verified statements in support of the application; that protestants Worster Motor Lines, Inc., separately, and Cole's Express and St. Johnsbury Trucking Company, Inc., jointly, have filed verified statements in opposition to the application; and that

applicant and the supporting shipper have filed verified statements in rebuttal;

It further appearing, that applicant is a motor common carrier specializing in the transportation of foodstuffs from and to points on the East Coast; that it maintains a terminal at Presque Isle; that applicant operates 66 tractors and 65 trailers, and at the time of execution of its verified statement (July 3, 1974) was awaiting the delivery of 10 new tractors and 10 trailers; that it presently holds authority to transport frozen potatoes, frozen potato products, and potato flakes from Caribou, Presque Isle, and Portland to some or all of the destination States pertinent to this application; that in addition, it holds authority to transport frozen fruit, frozen berries, and frozen vegetables from Caribou to New York, N.Y., and Carnegie, Pa.; that it seeks the additional authority sought herein so that it can expand its present operations by handling additional commodities for the supporting shipper in order to meet shipper's changing transportation requirements; that it submits as part of its evidence, a traffic study which indicates that between January 1 and June 30, 1974, applicant transported 114 shipments for shipper from Caribou and Presque Isle to various East Coast points, including the points involved herein; that such shipments weighed in excess of 4 million pounds and produced revenues of $72,650; and that applicant submitted financial and safety data;

It further appearing, that J–S Industries, Inc., a non-operating holding company, owns, as pertinent, subsidiary corporations which operate the two plants involved in this proceeding. (Potato Service, Inc., of Presque Isle and American Kitchen Foods, of Caribou); that Potato Service produces in excess of 1 million pounds daily at its Presque Isle plant and American Foods 630,000 pounds daily at the Caribou plant; that J–S indicates that the volume of production at both plant sites frequently outstrips the capacity to move products to customers located in the destination territory, and, as a result, the overflow is moved by rail to various public warehouses including, as pertinent, one at Portland; that during 1973, a total of 1 million pounds moved from the J–S plant sites to the Portland warehouse; that these plants presently produce a variety of potato products, however, these plants will be offering in the near future a wider selection of products, including frozen poultry products and frozen vegetables, which will be sold to retail, wholesale, and institutional buyers; that a breakdown of shipper's 1973 sales volumes for its potato and potato products to each of the destination States and to the District of Columbia and New Jersey was submitted, which it believes illustrates the projected breakdown for the sale of the commodities pertinent to this application to the involved destination territory and New Jersey; that although shipper indicates that it is difficult to project the actual degree of acceptance for these new products, it estimates that the new products will account for a total sales increase of between 15 and 20 percent to the pertinent territory and New Jersey; that in addition shipper includes as part of its evidence a list of representative destination points for this traffic within these States; that shipper indicates that its use of rail and private carriage will remain the same, and the projected increase in production will move by motor carrier; that it will tender this traffic to applicant and other carriers providing service from and to these points; that it does not believe existing carriers alone can handle the additional traffic; that it states that applicant is its principal carrier, consistently provides it with equipment on a daily basis from its terminal at Presque Isle, and regularly performs a satisfactory transportation service involving multiple delivery service to its customers throughout the involved destination territory; and that it maintains that a grant of the authority sought will enable applicant to provide it with an efficient transportation service on its full line of products;

It further appearing, that protestant Worster is authorized, as pertinent, to transport the involved commodities from points in Maine to points in New York, Pennsylvania, and Maryland; that it maintains terminals at Bergen and Salamanca, N.Y., and Boston, Mass., and operates 130 tractors and 75 mechanically refrigerated trailers; that it argues that New York, Pennsylvania, and Maryland receive the bulk of shipper's traffic, and the additional traffic which applicant seeks to transport from New England points to these States would help balance its operations; that it submits that with respect to these three States, the record fails to show a need for the additional service sought herein; and that it urges that the application be denied to the extent that it seeks service to New York, Pennsylvania, and Maryland;

It further appearing, that protestant Cole's is authorized, as pertinent, to transport general commodities from points in Maine to Boston, where it interlines with protestant St. Johnsbury, which holds pertinent authority to points in New York, and those points in Pennsylvania within 35 miles of the City Hall in Philadelphia; that protestants indicate that they have been interlining traffic for many years and provide a through trailer service from and to these points; that Cole's maintains terminals at several points in Maine, including Presque Isle and Portland, and operates 92 tractors and 106 semitrailers, 30 of which are refrigerated; that Cole's avers that it has satisfactorily handled frozen food traffic from the pertinent origin points for many years, including traffic for the supporting shipper's subsidiaries; that it contends that there has been a decrease in the volume of traffic from points in Aroostock County, Maine, including Caribou and Presque Isle, and from Portland, which has seriously affected its operational efficiency; and that the involved traffic would help balance its operations and it requests therefore that the additional authority sought herein be denied;

It further appearing, that applicant indicates, in rebuttal that the application as filed inadvertently failed to include New Jersey as a destination State; that it notes, however, that the certificate of support filed by the supporting shipper indicates that it is supporting a request for authority to serve New Jersey, and the evidence submitted by the supporting shipper included evidence pertaining to a need for service to New Jersey; and that it requests that any authority granted in this proceeding include service from the pertinent origin points to New Jersey;

It further appearing, that the evidence of record demonstrates a clear need for the service sought herein; that applicant is already handling a substantial amount of the traffic from shipper's plant sites, and from a public warehouse located at Portland under its existing permanent motor carrier authority; that a grant of the additional authority sought herein will enable applicant to handle the involved commodities which shipper anticipates adding to its line of products in the very near future; that shipper anticipates that these new commodities will account for an increase of between 15 and 20 percent in its production levels at both plant sites and in its traffic moving from its Portland warehouse to the pertinent destination territory; that the evidence indicates that this additional traffic will move by motor carrier, and will be offered to applicant and existing motor carriers as well; that it appears, therefore, that a grant of the additional authority sought herein will not have an adverse effect on motor carriers presently providing service from and to these points, and at the same time will permit applicant to provide a more complete service for the supporting shipper; and that we conclude, therefore, that need has been shown for the authority granted below;

It further appearing, that the evidence of record also supports a need for service from the pertinent origin points to New Jersey; and that the authority as set forth below will authorize service from the sought origin points to New Jersey;

It further appearing, that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority granted below will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth the precise manner in which it has been so prejudiced;

It further appearing, that inasmuch as the authority granted in this order

duplicates applicant's existing authority to a certain extent, such authority granted herein and applicant's existing authority that it duplicates shall be construed as conferring only a single operating right;

And it further appearing, that otherwise the evidence of record warrants the service authorized below and demonstrates that applicant is fit, financially and otherwise, to conduct the service authorized;

Wherefore, and good cause appearing therefor:

We find, that the public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of frozen poultry, frozen poultry products, and frozen vegetables, from Presque Isle, Caribou, and Portland, Maine, to points in Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, and South Carolina, and the District of Columbia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that the authority granted herein and applicant's other authority which it duplicates shall be construed as conferring only a single operating right; that an appropriate certificate should be granted, subject to the condition described above; and that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is ordered, That upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, within the time specified in the next succeeding paragraph, a certificate be issued to applicant authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle in the manner described above, subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted by this order.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board Number 3.

[SEAL] RICHARD W. KYLE,
Acting Secretary.

[FR Doc.75-16160 Filed 6-19-75;8:45 am]

federal register

FRIDAY, JUNE 20, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 120

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

HUMAN DRUGS

Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

[Docket No. 75N-0055]

DRUGS FOR HUMAN USE

New Drugs on the Market Without Approved New Drug Applications; Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw the proposal to add § 130.—— New drugs on the market without approved new-drug applications, published in the FEDERAL REGISTER of February 23, 1971 (36 FR 3372), to the new drug regulations in 21 CFR Part 130. (The provisions of Part 130 were recodified and transferred to Parts 310, 312, 314, and 330 by an order published in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680).)

On reconsideration of the agency's implementation of the new drug provisions of the Drug Amendments of 1962, it has become apparent to the Commissioner of Food and Drugs that efficient enforcement demands a new approach. This is discussed in detail in a notice published elsewhere in this issue of the FEDERAL REGISTER relating to enforcement policy and proposed rule making for drugs under Part 310 subject to the effectiveness requirements of the Drug Amendments of 1962.

Accordingly, the Commissioner concludes that the proposal published in the FEDERAL REGISTER of February 23, 1971 (36 FR 3372), is now superseded, and is hereby withdrawn.

This withdrawal is issued under authority of the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–1053, as amended, 1055 (21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 13, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-15965 Filed 6-19-75;8:45 am]

[21 CFR Part 130]

[Docket No. 75N-0053]

NEW PRESCRIPTION DRUGS

Bioavailability Requirements; Withdrawal of Proposed Rule Making

The purpose of this notice is to withdraw the proposal to add § 130.—— *Bioavailability requirements for prescription drugs* and amend § 130.4 to add bioavailability requirements, published in the FEDERAL REGISTER of January 5, 1973 (38 FR 885), to the new drug regulations in 21 CFR Part 130. (The provisions of Part 130 were transferred to Parts 310, 312, 314, and 330 pursuant to recodification published in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680).)

In a notice published elsewhere in this issue of the FEDERAL REGISTER relating to bioavailability, the Commissioner is reproposing regulations defining the term "bioavailability," setting out the purposes of bioavailability studies, and establishing methods and procedures for determining the bioavailability of prescription drug products.

Accordingly, the Commissioner concludes that the proposal published in the FEDERAL REGISTER of January 5, 1973 (38 FR 885) is now superseded, and is hereby withdrawn.

This withdrawal is issued under authority of the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–1053 as amended, 1055 (21 U.S.C. 355, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 13, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-15964 Filed 6-19-75;8:45 am]

[21 CFR Part 310]

[Docket No. 75N-0052]

CONDITIONS FOR MARKETING HUMAN PRESCRIPTION DRUGS

Proposed Rule Making and Notice of Enforcement Policy for Drugs Subject to the Effectiveness Requirements of the Drug Amendments of 1962

This notice revokes and supersedes the notice issued by the Commissioner of Food and Drugs, published in the FEDERAL REGISTER of July 14, 1970 (35 FR 11273), relating to the conditions under which new drugs evaluated for effectiveness may be marketed in accordance with section 505 of the act. It also revokes and supersedes the specific requirements for submission of a full or abbreviated new drug application (NDA) or bioavailability data contained in each drug efficacy study implementation (DESI) notice for an effective drug published in the FEDERAL REGISTER prior to the date of this notice except for those specific drugs and DESI notices listed. It states the interim enforcement policy of the Commissioner that all drug products covered by a DESI notice may lawfully be marketed without submission or approval of a full or abbreviated NDA if they meet all of the remaining requirements set forth in the applicable DESI notice, including any amendment thereof, and in this notice. It states that the submission or approval of an NDA for a drug that was not evaluated in the drug efficacy study, but was covered by an NDA which became effective prior to October 10, 1962, will not be required as a condition for marketing until the Food and Drug Administration completes its own effectiveness evaluation or establishes a bioequivalence requirement for products containing the drug. Finally, this notice proposed a new regulation to codify present enforcement policy in order to inform the public fully about these matters.

I. BACKGROUND

A. *The Federal Food, Drug, and Cosmetic Act of 1938.* Until 1938, Federal law did not provide for any kind of administrative premarketing approval for pharmaceuticals sold in interstate commerce. The Food and Drugs Act of 1906 prohibited introduction into commerce of adulterated and misbranded drugs, narrowly defined, and provided only criminal sanctions and seizure.

In 1938, however, spurred by a tragedy resulting from the marketing of an untested toxic drug, "Elixir Sulfanilamide," Congress provided in the Federal Food, Drug, and Cosmetic Act for regulatory clearance of drugs prior to marketing and for later administrative suspension of such clearance if required for public safety. Section 505(a) of the act prohibited the introduction of any "new drug" into interstate commerce unless an application filed with the Secretary (which function has been delegated to the Commissioner of Food and Drugs (21 CFR 2.120)) was "effective with respect to such drug." Such "new drug applications" have become known as "NDA's." A "new drug" was defined in section 201(p) of the 1938 act as "any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe" for its intended use. The application automatically became effective within a fixed period unless the Secretary, after notice and opportunity for hearing, refused to permit it to become effective after finding that he could not determine from existing evidence, or had not been shown, that the drug was safe. Any effective NDA could be suspended, after notice and opportunity for hearing, if clinical experience or new testing methods showed that the drug was not safe.

B. *FDA's Implementation of the 1938 Act and the Problem of Identical, Related, and Similar Drug Products.* The agency's administration of the new drug provisions of the 1938 act was directly affected by three factors: the large number of NDA's it was required to review in relation to its limited resources; the absence of any requirement that manufacturers and packagers register drug products with the agency before or after putting them on the market; and the Food and Drug Administration's lack of authority, in determining whether to permit an NDA to become effective, to consider whether products which were safe were also therapeutically effective.

From the outset, the Food and Drug Administration received a swelling number of NDA's supported by voluminous data. By June 20, 1939, the agency had received 1,277 NDA's. See 1939 Annual Report of the Food and Drug Administration, reprinted in Federal Food, Drug, and Cosmetic Law Administrative Reports, 1907–1949 (hereafter "FDA Admin. Reps.") at 927. By 1941, the number filed had increased to 4,128

(FDA Admin. Reps. at 1006). To cope with this problem, which was aggravated by war-related staff shortages, the agency adopted the practice in 1942 of examining each application to determine whether the product was in fact a new drug under the statutory definition of that term, and of advising the manufacturer of its determination. By 1949, the Commissioner was able to report that the "growing disposition on the part of the drug industry to ask the opinion of the Food and Drug Administration in advance as to the status of proposed new products * * * has led to a steady decline in applications ruled not new drugs" (FDA Admin. Reps. at 1415).

Nevertheless, in the 24 years between 1938 and 1962 the number and total sales of new drugs on the market had grown enormously. Expenditures for drugs increased from $1.8 billion in 1951 to more than $5 billion in 1962 (Annual Reports of the U.S. Department of Health, Education, and Welfare (1961) at 315, (1963) at 285). In 1954, the Secretary reported that: "In the drug field at least half of the drugs in prominent use today were unknown when the Food, Drug, and Cosmetic Act was enacted" (Annual Report of U.S. Department of Health, Education, and Welfare (1954) at 193). By June 30, 1962, the agency had permitted 9,457 NDA's to become effective, as well as some 12,000 supplemental NDA's for labeling, manufacturing and formulation changes on articles previously covered. See Annual Reports of the Federal Security Agency (1938–1952); Annual Reports of the U.S. Department of Health, Education, and Welfare (1953–1962). The Food and Drug Administration estimates that, of the 5,737 NDA's that became effective between 1950 and 1962, approximately 1,500 were for veterinary products.

In addition to products for which an NDA had become effective, however, there were many thousands of identical, related, and similar formulations for which the manufacturer had not filed an NDA. These manufacturers either concluded that their products were generally recognized as safe because an NDA was in effect for the "pioneer" drug, or received an advisory opinion from the agency that an NDA was not required because their product was generally recognized as safe, or marketed their products illegally without being discovered. A "not new drug" letter or, as it was more commonly known, "old drug" letter was issued when one or more NDA's were already effective on similar drugs. Such identical, related, or similar products are also known as "me-too" drug products. While the precise number of all such identical, related, or similar drug products has not been ascertained, the Food and Drug Administration estimated in 1969 that for every drug product with an effective NDA there were five such identical, related, or similar drug products. The agency's recent experience indicates that this estimate is low. The agency is now finding an average ratio of 13 identical, related, or similar drug products for each NDA's drug withdrawn from the market because of a lack of substantial evidence of effectiveness.

The legality of marketing identical, related, or similar drug products without an effective NDA, in the absence of an "old drug" determination from the agency, was questionable. A number of products were seized even though there were effective applications for drug products containing the same active ingredients manufactured by others. However, the agency's resources to prevent such products from being marketed were limited. A major part of its professional staff was continuously engaged in reviewing for safety the large number of NDA's filed in the decade prior to 1962, which it received at an average rate of more than one per day. Moreover, the law did not require manufacturers and packagers of drugs to register their products with the agency, and no general census of products on the market existed. The agency therefore could not effectively police the market for identical, related, and similar drug products without an NDA except by occasional, random proceedings.

In some instances, where the product and its labeling appeared virtually identical with products for which an NDA had become effective under the act's safety standard, the agency's staff issued opinions advising that the products would not be treated as new drugs under the act (FDA Admin. Reps. at 1415). There are no data to show the number of drugs for which the agency issued old drug letters or oral opinions. It is fair to say, however, that several thousand opinions were issued between 1938 and 1968 (Annual Reports of U.S. Department of Health, Education, and Welfare (1963) at 312, (1964) at 301). This policy was abandoned in 1968, as discussed in this preamble.

C. *The Drug Amendments of 1962.* From late 1959 until mid-1961, the Senate Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, conducted a study of administered prices in the drug industry. See S. Rept. 448, 87th Cong., 1st sess. This was followed by the introduction of legislation to amend the 1938 act. On July 19, 1962, the Committee reported out a bill (S. 1552, 87th Cong.) designed to "keep unfit drugs off the market * * * and speed their removal should they reach the market."

At about the same time, reports of the thalidomide drug disaster startled the country. On August 4, 1962, President Kennedy sent to the Chairman of the Senate Committee on the Judiciary a series of proposed amendments to the pending bill (108 Cong. Rec. 15692–15698).

Because of the President's proposals and nationwide concern over the thalidomide tragedy, the Senate Committee met again "to give further special consideration to the adequacy of the present provisions of the Food and Drug Act" from a safety and effectiveness standpoint. On August 21, 1962, it issued a second part to its report, setting forth a substitute version of S. 1552 which was designed to "insure the reliability of drugs." See S. Rep. No. 1744, Part 2, 87th Cong., 2d sess., at 1. The bill finally enacted was substantially the revised bill proposed by the Senate Committee.

The Drug Amendments of 1962, Pub. L. 87–781, 76 Stat. 780, made four important changes in the law with respect to the marketing of new drugs.

First, the amendments provided that no new drug could go on the market without affirmative approval by the Food and Drug Administration.

Second, it added effectiveness to the safety standard in the definition of a new drug. The Senate Committee explained that "The effect of this change is to require that all claims for effectiveness, whether made initially in a new drug application or at any time thereafter, must be supported by 'substantial evidence' " as defined in the amendments.

Third, the amendments specifically defined "substantial evidence" in terms of adequate and well-controlled studies by experts, as distinguished from anecdotal evidence by individual practitioners.

Fourth, the amendments contained detailed transitional provisions, including a grandfather clause, for the new effectiveness standard. These provided that outstanding NDA's would be treated as approved under the new standard unless they were made the subject of further proceedings; that manufacturers would have a 2-year grace period in which to gather substantial evidence of effectiveness; and that "in the case of a drug on the market which was never subject to the new drug procedure before," the new effectiveness standard "would not apply to existing labeling claims."

D. *FDA's Implementation of the 1962 Amendments.* During the 4 years following enactment of the 1962 amendments, the Food and Drug Administration concentrated on processing the large number of NDA's filed as a result of the new legislation. By 1966, the backlog was overcome, as the number of original NDA's received in that year dwindled to 147 from a high in 1963 of 1,149 (Annual Report of U.S. Department of Health, Education, and Welfare (1966) at 198, (1963) at 311). The agency then took its first steps to review effectiveness claims for drugs that had been cleared for marketing before 1962 on the basis of safety data only.

1. The NAS/NRC drug efficacy study: As an aid in reviewing efficacy claims for every drug cleared for marketing before passage of the 1962 amendments, the Food and Drug Administration called upon the National Academy of Sciences/National Research Council (NAS/NRC). This organization established a Drug Efficacy Study Group to determine whether there was appropriate scientific evidence to support the effectiveness claims of those drugs. Thirty panels, each composed of six experts in a particular field of drug therapy, reviewed the claims and evidence of effectiveness for the drugs in their field of expertise. See Drug Efficacy Study: Final Report to the Commissioner of Food and Drugs, Food and Drug Administration, from the Division of

Medical Sciences, National Academy of Sciences, National Research Council, Washington, DC (1969) at 1 through 3 (hereafter "NAS/NRC Report"). To facilitate this review, manufacturers were requested by notices published in the FEDERAL REGISTER of July 9, 1966 (31 FR 9426) and October 6, 1966 (31 FR 13014), to submit to the appropriate panel or panels a special report containing the best available evidence in support of the effectiveness claims for their drug products. The report was to include identification of the drug product, copies of its labeling, a bibliography of publications pertinent to the claims, and any available unpublished data that the manufacturer wished to have considered.

The panels based their conclusions upon factual information from scientific literature, the Food and Drug Administration, the manufacturer, and other sources, as well as upon the experience and informed judgment of the members of the panels. Of the roughly 4,000 drug formulations still marketed by 237 firms, the panels found a "considerable number" effective and about 7 percent ineffective or ineffective as fixed combinations for all claims. The majority received varying findings of "probably effective," "possibly effective," "effective but," and "effective" for some of the numerous claims made in each drug's labeling. The Academy expressed concern over the quality of evidence available to support the effectiveness claims of these drugs:

> * * * Many of the presentations submitted by manufacturers in support of the claims made for the use of their drugs consisted of bulky files of reports of uncontrolled observations and testimonial-type endorsements. The lack of substantial evidence based on well-controlled investigations by experienced investigators was conspicuous. Moreover, searches of the medical literature indicated that there existed little convincing scientific evidence to support many of the cited indications for the use of drugs that are currently in good standing in medical practice.

The Academy concluded that most drug package inserts "fail in their primary purpose of providing the physician and the pharmacist with authoritative and objective guides to prescribing or dispensing the drug in question."

Of some 16,500 claims made in the labeling of these drug products, only about 19 percent were found to be effective. The other claims, rated variously from "ineffective" to "effective but," were found not to be supported by substantial evidence of effectiveness. After allocation of "effective but" claims to other categories, about 30 percent of the claims were deemed effective. Although the NAS/NRC panels reviewed more than 4,000 drug products for which NDA's were effective, they did not specifically evaluate the still unknown larger number of identical, related, or similar drug products.

2. Implementation of the NAS/NRC study: On January 23, 1968, the Food and Drug Administration held a government-industry conference and announced its policy of applying to all drugs, including identical, related, or similar drug products, the applicable NAS/NRC effectiveness findings. See *FDA Papers*, March 1968.

The agency concluded that it would be inconsistent and unjust to drug manufacturers and to the public to construe the act as requiring manufacturers of the "pioneer" drug products, who had an NDA, to produce substantial evidence of effectiveness or lose their marketing approval, while at the same time permitting identical, related, or similar drug products, which owed their marketability to the pioneer NDA's, to remain on the market without demonstrating effectiveness. Construing the 1962 amendments as a mandate to assure that all pre-1962 drugs be shown effective as well as safe, the agency interpreted the words "covered by an effective application" in the 1962 grandfather clause (section 107(c)(4)(C) of the 1962 amendments) to refer "generically" to all types of drugs for which at least one NDA had become effective. This interpretation precluded "grandfather" protection for all pre-1962 drug products identical, related, or similar to those for which an NDA was permitted to become effective. Accordingly, participants at the January 1968 conference were told that the NAS/NRC findings would be applied not only to drug products which were specifically the subject of prior effective NDA's but also any identical, related, or similar drug products.

The Commissioner issued a proposal, published in the FEDERAL REGISTER of February 10, 1972 (37 FR 2969) and promulgated in the FEDERAL REGISTER of October 31, 1972 (37 FR 23185), now codified under § 310.6 of the regulations, declaring the manner in which Drug Efficacy Study Implementation ("DESI") notices and notices of opportunity for hearing apply to identical, related, or similar drug products. It defines an "identical, related, or similar" drug product to include "other brands, potencies, dosage forms, salts, and esters of the same drug moiety as well as of any drug moiety related in chemical structure or known pharmacological properties." It also provides all persons with an interest in such drug products an opportunity for hearing on any proposed withdrawal of NDA approval for the basic drug moiety.

3. Determinations of "old drug" ("not new drug") status: As already explained above, by 1968 the Food and Drug Administration had issued several thousand letters and oral determinations to drug manufacturers stating that various types of drugs were no longer covered by the definition of new drug in section 201(p) of the act, in that they had become generally recognized as safe and had been used to a material extent or for a material time, and thus that they had achieved "old drug" ("not new drug") status. Under the statute, an old drug need not be the subject of an effective or approved NDA prior to marketing. Moreover, the agency had no complete file or list of the oral and written opinions that had been given on such matters, or the drugs they covered.

It was apparent that, in order to fulfill the mandate of the 1962 amendments to apply the requirements of effectiveness to all identical, related, or similar drug products as well as to the pioneer NDA's, all such opinions relating to old drug status had to be revoked. Accordingly, the Commissioner published in the FEDERAL REGISTER of May 28, 1968 (33 FR 7758), a formal statement, now codified as § 310.100, revoking all opinions previously given to the effect that a drug is no longer a new drug.

At the same time, the agency fully realized that it would not be feasible from an administrative standpoint, or necessary for protection of the public health, or consistent with the definition of new drug in section 201(p) of the act, to require either a full or an abbreviated NDA for all human prescription drugs. Accordingly, at the conference held on January 23, 1968, the agency announced that it would publish in the FEDERAL REGISTER those drugs classified as old drugs, and the labeling and other conditions essential to this determination. Pursuant to that policy, the Commissioner also issued a notice, published in the FEDERAL REGISTER of May 28, 1968 (33 FR 7762), proposing a new procedure for determining, by rule making, those drugs for which a full or abbreviated NDA would no longer be required.

The 1968 proposal was not promulgated in final form, for two reasons. First, it was recognized that the proposal did not adequately consider all the procedural aspects involved in making determinations of this type. Second, prior to the four Supreme Court decisions handed down in June 1973, interpreting the drug provisions of the act, there was apprehension that the only way that the agency could assert adequate regulatory control over any drug would be to classify it as a new drug. The concepts embodied in the 1968 proposal have now been expanded and refined, and will be superseded by the proposed regulations governing old drug monographs that will be published by the Commissioner for comment in the FEDERAL REGISTER in the near future.

4. Publication of the DESI notices: The results of the NAS/NRC review have, since 1968, been announced by DESI notices published in the FEDERAL REGISTER. Those notices which have determined the drug to be effective have provided that identical, related, or similar drug products must file a full or abbreviated NDA. Those notices which have found the drug less than effective either have given additional time for providing the necessary evidence of effectiveness or have provided a notice of opportunity for hearing on withdrawal of approval of the drug. Since 1972, implementation of the NAS/NRC review has been conducted pursuant to the order handed down in *American Public Health Ass'n* v. *Veneman*, 349 F. Supp. 1311 (D.D.C. 1972), reproduced in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), which established an orderly schedule of priorities.

Although the early DESI notices for effective drugs provided that manufacturers of identical, related, or similar drug products must file an abbreviated NDA, no general regulations governing the format or other conditions relating to these applications existed. To remedy this situation, the Commissioner of Food and Drugs issued a proposal, published in the FEDERAL REGISTER of February 27, 1969 (34 FR 2673), and promulgated regulations published in the FEDERAL REGISTER of April 24, 1970 (35 FR 6574), governing abbreviated NDA's, now codified as § 314.1(f). These regulations provide that an abbreviated NDA need not contain safety and effectiveness data, except for those drugs for which the DESI notice published in the FEDERAL REGISTER requires submission of clinical data adequate to assure the bioavailability of each drug product.

As published in the FEDERAL REGISTER of July 14, 1970 (35 FR 11273), the Commissioner issued a general notice establishing uniform conditions for the marketing of all new drugs which are covered by a DESI notice. This notice provided that any person who does not hold an approved NDA and who distributes or intends to distribute a drug which is covered by a DESI notice must submit a full NDA or an abbreviated NDA in accordance with the following rules: (1) within 60 days of the DESI notice, an abbreviated NDA if no bioavailability data are required; (2) within 180 days of the DESI notice, an abbreviated NDA if bioavailability data are required; or (3) within 180 days of the DESI notice, a full NDA if such is required. Subsequent DESI notices incorporated this notice by reference, to establish the conditions for marketing identical, related, or similar drugs.

In neither the July 1970 notice nor in subsequent DESI notices, however, was it explicitly stated whether an identical, related, or similar drug product already on the market without an NDA, or an identical, related, or similar drug product not yet on the market, could be marketed prior to approval of the abbreviated NDA or full NDA required to be submitted pursuant to the July 1970 notice. By implication, since the July 1970 notice covered identical, related, or similar drug products which were already marketed as well as those which were not yet marketed, and simply required submission of an abbreviated NDA or full NDA within a specified period of time, approval of those applications was not required prior to marketing. Subsequent DESI notices have also required only "submission" of a full or abbreviated NDA to justify marketing.

Clearly, the Food and Drug Administration has never intended that identical, related, or similar drug products already on the market should be removed from the market pending approval of an abbreviated NDA or full NDA submitted pursuant to a DESI notice. Nor was it the intent of the Food and Drug Administration to give a competitive advantage to identical, related, or similar drug products marketed prior to a DESI notice by allowing them to remain on the market pending approval of an abbreviated NDA while keeping competitive identical, related, or similar drug products marketed subsequent to a DESI notice off the market until approval was granted. It would be contrary to the intent of the 1962 amendments, the public interest, and basic concepts of fairness, not to treat all identical, related, or similar drug products on an equal basis.

Moreover, the Commissioner is aware that some drug manufacturers have retained on the market, or marketed for the first time, drug products covered by a DESI notice without filing or obtaining approval of a full or abbreviated NDA. Attempts by the agency to bring regulatory action against such products have been limited, for two basic reasons. First, the agency's compliance resources are limited, and must be concentrated primarily in those areas where a potential health problem exists. Accordingly, compliance activities have been directed primarily toward those drug products which have been found ineffective, rather than toward those which have been found effective. Second, where the NAS/NRC has found a drug effective, it is widely recognized by scientific experts and leading medical texts as safe and effective, and no bioavailability or special manufacturing problem is known or suspected, the possibility of successfully contending that a specific version is a new drug, requiring an approved full or abbreviated NDA, is slim. Under such circumstances, it is likely that a court would determine that the drug product no longer falls within the definition of a new drug set out in section 201(p) of the act. For these reasons, it was determined in 1972 that the agency would develop a procedure for promulgating old drug monographs by rule making in the FEDERAL REGISTER, as discussed below.

Accordingly, in the interim it has been the practice of the Food and Drug Administration, with certain limited exceptions, to permit the marketing of an identical, related, or similar drug product upon submission to the Food and Drug Administration of an abbreviated NDA covering the product, pursuant to a DESI notice. This practice is directly analogous to the provisions of § 314.8(d) (21 CFR 314.8(d)), which permit the immediate implementation of certain types of changes in labeling and manufacturing of a new drug promptly upon submission of a supplement to an approved NDA but without awaiting approval of the supplement. In both instances, it is in the public interest and consistent with the intent of the act that the relevant action be permitted to be implemented immediately upon submission of an application.

The Food and Drug Administration has now received over 6,000 abbreviated NDA's, of which approximately 1,100 have been approved. In addition, over 5,200 supplements to abbreviated NDA's have been submitted, of which approximately 3,450 have been approved. It is not feasible from an administrative standpoint to handle all abbreviated NDA's expeditiously, in view of the lack of resources available to the agency. Many of the drug products involved have been determined to be safe and effective when labeled in accordance with the applicable DESI notice and present no bioavailability or special manufacturing problems. To require that an abbreviated NDA be approved prior to the marketing of such drug products would necessarily disrupt the distribution of important human prescription drugs, reduce competition in a way directly contrary to the public interest, and serve no public health purpose.

5. Pre-1962 prescription drugs not reviewed by the NAS/NRC: Two categories of human prescription drugs marketed prior to 1962 were not included in the NAS/NRC review, and therefore have not been the subject of DESI notices.

There are a small number of prescription drugs which were first marketed prior to 1038, whose current labeling contains the same representations concerning conditions of use as it did prior to 1938, which have never been the subject of an effective or approved NDA, and which are therefore exempt from the new drug provisions of the law pursuant to the grandfather clauses contained in the 1938 act and the 1962 amendments. As discussed in paragraph 35 of the preamble to the notice promulgating the present regulations governing hearings for new drugs, published in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), the grandfather clauses have been construed narrowly by the Supreme Court and will be applied very narrowly by the Commissioner, so that very few drug products will be recognized as grandfathered. Those very few drugs which qualify for this exemption are in any event not exempt from the adulteration and misbranding provisions of the law.

There are also a small number of drugs which were the subject of an effective NDA between 1938 and 1962, but which were not included in the NAS/NRC review because their manufacturers failed to submit the information requested for that review in the FEDERAL REGISTER of July 9, 1966 (31 FR 9426) and October 6, 1966 (31 FR 13014), or because of administrative oversight. Some of the drug products involved are identical, related, or similar to drugs reviewed by the NAS/NRC, and thus have been included in subsequent DESI notices. About 30 NDA's, however, have up to this time not received a full review for effectiveness under the 1962 amendments.

6. The Drug Listing Act of 1972: By May 1972, 102 final orders effecting withdrawal of approval for 452 NDA's had been published. These orders also resulted in removal from the market of an additional 1,473 identical, related, or similar drug products. However, the Food and Drug Administration still had no assurance that its implementation efforts were broadly effective, for a census of the market place was not authorized by the statute.

On August 16, 1972, Congress enacted the Drug Listing Act of 1972, Pub. L. 92-387, 86 Stat. 559. It requires manufacturers to submit to the agency a list of

all drug products they market, including data showing the composition of the drug products, their labeling and advertising. The Senate report explained the necessity for this legislation (S. Rept. 92–924, 92d Cong., 2d. sess., at 2):

> The effective enforcement of the drug provisions of the Act requires the ready availability of a current inventory of all marketed drugs. The Secretary is just completing a thorough review of the effectiveness of drugs marketed pursuant to new drug applications during the period 1938–1962, as required by the Drug Amendments of 1962. Application of the results of this important review to related drugs would be frustrated if a list of all marketed drugs were not easily obtained.

The first filing of the drug lists by the industry took place during June 1973, pursuant to the regulations implementing this act, promulgated in the FEDERAL REGISTER of March 7, 1973 (38 FR 6258). Accordingly, the Food and Drug Administration is now compiling a complete list of all drug products manufactured in every pharmaceutical establishment in this country, as well as a complete list of all drug products manufactured abroad for marketing in this country.

7. Regulations pertaining to over-the-counter drugs: The Food and Drug Administration also concluded that it was impossible for it to apply the Drug Amendments of 1962 effectively to over-the-counter (OTC) drugs on a case-by-case basis. There are estimated to be between 100,000 and 500,000 of these products, few of which were previously approved under the act and many of which are of questionable effectiveness. Only 420 OTC drug products were considered in the NAS/NRC review. The Food and Drug Administration does not have the resources to proceed against these products individually, and the time consumed by litigation would deny the public of protection for many years to come. A procedure was therefore proposed in the FEDERAL REGISTER of January 5, 1972 (37 FR 85) and promulgated in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), to determine by rule making, by therapeutic class, those OTC drug products which are generally recognized as safe and effective and not misbranded, under the standards of the act.

The procedure, now codified under § 330.10, involves the establishment of independent expert panels for different categories of OTC drugs to review all available data (including any that manufacturers, consumer groups, or others wish to submit) and prepare monographs prescribing drug product composition and labeling. Products conforming to the monograph will not be considered to be new drugs requiring an NDA or to be misbranded. The regulation provides for substantial procedural safeguards at the administrative level (a hearing before the expert panel, opportunity to submit comments and rebuttal comments on the proposed monograph, and objections to and hearing before the Commissioner on the tentative final monograph) and judicial review of the monograph, which, if upheld, could thereafter be enforced in the courts as binding.

In order to provide an opportunity for completion of the OTC drug review before implementation of any DESI findings related to the 420 OTC drug products considered by the NAS/NRC, for which an NDA became effective prior to 1962, paragraph XV of the order handed down in *American Public Health Ass'n* v. *Veneman*, 349 F. Supp. 1311 (D.D.C. 1972), reproduced in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), provided that OTC drugs would be handled pursuant to OTC drug review procedure rather than the DESI procedure. Accordingly, the Commissioner proposed in the FEDERAL REGISTER of April 20, 1972 (37 FR 7807) and promulgated in the FEDERAL REGISTER of January 11, 1974 (39 FR 1580), a regulation, now codified as § 330.12, deferring action on most of the OTC drugs previously reviewed under DESI until the OTC review covering those drugs is completed.

The use of "old drug monographs" for OTC drugs is proving to be extremely successful. The first old drug monograph, for antacid drugs, was the subject of a proposal in the FEDERAL REGISTER of April 5, 1973 (38 FR 8714), a tentative final order published in the FEDERAL REGISTER of November 12, 1973 (38 FR 31260), an oral hearing before the Commissioner announced in the FEDERAL REGISTER of January 8, 1974 (39 FR 1359), and a final monograph published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19862). Upon promulgation of the final monograph, a notice of opportunity for hearing on OTC antacids was published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19882) proposing to withdraw approval of all NDA's not in compliance with the monograph, and such withdrawal of approval was published in the FEDERAL REGISTER of November 8, 1974 (39 FR 39591). A monograph for topical antimicrobial drugs has been proposed in the FEDERAL REGISTER of September 13, 1974 (39 FR 33103) and for laxative, antidiarrheal, emetic, and antiemetic drugs in the FEDERAL REGISTER of March 21, 1975 (40 FR 12902), and other monographs will be proposed shortly.

8. Old drug monographs for human prescription drugs: Shortly after implementing the old drug monograph approach for OTC drug products, the Food and Drug Administration concluded in 1972 that use of old drug monographs should be explained, with appropriate modification, to human prescription drugs. At about the same time, the United States Court of Appeals for the Fourth Circuit handed down decisions in three cases, the net result of which would have denied to the Food and Drug Administration the authority to apply the DESI program to identical, related, or similar drug products or to issue notices and regulations determining the new drug/old drug status of drug products. Accordingly, it was determined that development of an old drug monograph system for the regulation of human prescription drugs should await the decision of the United States Supreme Court in these cases.

On June 18, 1973, the Supreme Court handed down four decisions interpreting the 1962 amendments: *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609 (1973); *Ciba Corp.* v. *Weinberger*, 412 U.S. 640 (1973); *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973); and *USV Pharmaceutical Corp.* v. *Weinberger*, 412 U.S. 655 (1973). The Supreme Court broadly sustained the Food and Drug Administration's application of all DESI notices to identical, related, or similar drug products and upheld the agency's primary jurisdiction to determine the status of drugs under the act, subject to judicial review.

On the basis of these court decisions, the Food and Drug Administration concluded to proceed with the development of an old drug monograph system for regulating human prescription drugs. The concepts involved were widely discussed, and were the subject of public speeches. See, e.g., McEniry, "Drug Monographs," *Food Drug Cosmetic Law Journal* 29(3):166 (March 1974), a speech delivered by the Assistant to the Director for Regulatory Affairs, Bureau of Drugs, at the Annual Food and Drug Administration-Food and Drug Law Institute Conference. Since then, the procedural regulations necessary to implement this new system have been drafted but, because of other high priority matters that have arisen in the past year, have not yet been published in the FEDERAL REGISTER. The Commissioner anticipates that these regulations will be published as a proposal in the near future.

9. Proof of bioequivalence: In the FEDERAL REGISTER of January 5, 1973 (38 FR 885), the Commissioner issued a proposed regulation on bioavailability requirements for human prescription drugs. Under this proposal, bioavailability requirements would be established for all new chemical entities for which an NDA is submitted, and for those previously approved drugs for which a notice specifically requiring bioequivalence testing is published in the FEDERAL REGISTER.

Subsequent to the publication of this proposal, the Food and Drug Administration has spent a substantial amount of time and effort in reviewing both the need for bioavailability and bioequivalence testing for specific drugs, and the procedures by which this should be required. Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is publishing a proposed regulation on bioavailability testing for new chemical entities, together with a proposed regulation for establishing a bioequivalence requirement for those human prescription drugs already marketed for which there is a known or suspected bioequivalence problem. An abbreviated NDA will be required for all drug products evaluated as effective in the drug efficacy study for which a bioequivalence requirement is established.

II. FUTURE POLICY

The Commissioner has carefully reviewed the agency's experience and procedures since 1938 in exercising its regulatory control over human prescription drugs. Now that implementation of the

effectiveness provisions of the Drug Amendments of 1962 is nearing completion, it is apparent that a clear policy must be established for handling such matters in the future.

Since enactment of the Federal Food, Drug, and Cosmetic Act, the Food and Drug Administration has recognized that it is essential to sound administration of the new drug provisions of the law that a mechanism be established to distinguish between those drugs which require both premarket and postmarket approval of changes in order to assure protection of the public health, and those drugs for which such approval can be replaced with general surveillance and monitoring controls without loss of public protection. This distinction is necessary both in light of the specific terms of the statute and efficient use of agency resources. A requirement that every human prescription drug product be the subject of an approved full or abbreviated NDA, thus requiring also the submission of a supplemental NDA for every change, is neither required by public health considerations nor permitted by law.

The Commissioner concludes that the system of making "old drug" determinations by letter, which prevailed from 1938 until all such letters were revoked in 1968, is clearly inadequate. Any such determinations can properly be made only through publication in the FEDERAL REGISTER, which will assure that all such determinations will be a matter of public record and that all competing products will be handled in a uniform way.

The Commissioner recognizes that abbreviated NDA's have been used, since 1968, as a partial substitute for old drug determinations. Since their inception, it has been well understood that an abbreviated NDA is appropriate only for those drugs which, from a generic standpoint, are generally recognized as safe and effective when they are properly labeled and manufactured. The submission of an abbreviated NDA has thus been required only to assure the quality of drug products and their proper labeling and manufacture, not to show the basic safety and effectiveness of the generic chemical entity involved.

The Commissioner has carefully reviewed the agency's experience with the use of abbreviated NDA's pursuant to the notice of July 14, 1970 (35 FR 11273) and the DESI notices published to date, and has determined that their purpose can best be served by a new approach to the regulatory control of human prescription drugs.

With respect to assuring drug quality, the Commissioner has concluded that, except for those drugs for which there is evidence or good reason to believe that a bioequivalence or special manufacturing problem exists, the agency's surveillance and monitoring programs are sufficient to protect the public health. These programs include plant inspection to enforce current good manufacturing practice controls, systematic analysis of marketed drug products, and a product defect reporting system.

Section 510(h) of the act requires that every drug firm be inspected every 2 years. Such inspections are done primarily to determine whether the plant is operating in compliance with the current good manufacturing practices (GMP) regulations set forth in Part 211. These regulations specify the basic standards to which a drug manufacturer must adhere in order to control his production process.

Considerable effort is being devoted to improving these regulations. A draft of proposed revisions to the regulations is on display in the office of the Hearing Clerk, as announced in the FEDERAL REGISTER of March 19, 1975 (40 FR 12535), and will be published as a proposal in the FEDERAL REGISTER in the near future. Among the principal changes in these regulations will be that manufacturing and control operations must be described in written procedures, appropriate statistical sampling techniques must be followed in quality control testing, a quality control unit must be established with a director who reports to management independent from those responsible for production, all drug products must carry an expiration date on their labels, no penicillin contamination will be permitted in nonpenicillin products, and a new section on sanitation will be added.

The Food and Drug Administration is also giving priority attention to the development of separate GMP regulations for specific processes such as the production of large volume parenterals, tablets or capsules, medicinal gases, and radiopharmaceuticals, and for manufacturers of bulk drugs and for repackers and relabelers.

While there are some 8,000 drug firms registered with the Food and Drug Administration, the number of prescription drug manufacturers is much lower. There are approximately 400 basic manufacturers of prescription drugs in the country, and each of these is inspected at least every 2 years. The larger manufacturers are inspected more frequently, as they should be in view of their market impact.

The Food and Drug Administration also conducts a surveillance program of marketed drug products to determine their adherence to compendial and other standards. The analytical work under this program is carried out by the agency's National Center for Drug Analysis in St. Louis, MO, and by its 19 field laboratories. Where feasible, drugs of similar composition are assigned to a single laboratory for analysis to permit the use of modern automated testing methods and thus increase laboratory efficiency and reliability. During fiscal year 1975, the agency will analyze over 20,000 human drug product samples which requires approximately 250,000 individual assays. In general, the agency has found that only a small percentage of drug products are not in compliance with official standards and require regulatory action.

When these monitoring activities reveal problems with an entire class or type of drug, specific intensive programs are established. The drug classes that have been studied in this sampling program include diuretics, antiarrythymics, anticonvulsants, antibacterials, tranquilizers, oral hypoglycemics, bronchodilators, anti-inflammatories, antihistamines, coronary vasodilators, and sedatives. While some individual products have failed to meet standards, the agency does not have evidence of any widespread industry problems in meeting appropriate standards of identity, purity, or potency.

Batches of antibiotics and of insulin are certified by the Food and Drug Administration before they are released. Such batches are now tested to assure, among other things, their potency, purity, and sterility. In the future, testing will include dissolution rates as requirements are established. The agency certifies approximately 20,000 batches of antibiotics and 600 batches of insulin each year. The overall rejection rate is less than 1 percent, indicating a high degree of industry performance in this area.

Although the Food and Drug Administration has the authority to use court enforcement measures such as seizure or injunction to remove defective drug products from the marketplace, such action is relatively uncommon today. Currently, the usual means of removing products from the market is the recall. A list of all recalls of drug products in fiscal year 1974 and through February 28 in fiscal year 1975 with an actual or potential hazard to health which involved a quality control problem has been placed on public display in the office of the Hearing Clerk, Food and Drug Administration. The list includes 130 such recalls for fiscal year 1974, and 94 for the first 8 months of fiscal year 1975. The list reveals the names of many large and small manufacturers, and the agency is unable to conclude from this list that there is any clear difference between these two groups based on recalls.

As the recall list reveals, mistakes do occur and defective products may on occasion appear on the market. It is, therefore, important that the Food and Drug Administration have a mechanism for identifying such products rapidly. In 1970, the agency established a Product Defect Reporting System to accomplish this. The system relies on practicing pharmacists and nurses in hospitals, and pharmacists in community pharmacies who report defects such as deformed tablets, leaky vials, and cloudy solutions to the United States Pharmacopeia and the agency. To date, over 13,000 such reports have been received. Recalls and plant inspections are frequently precipitated by the reports. The data in this system do not reveal any clear differences between various segments of the prescription drug industry.

Experience during the past 6 years has demonstrated that the submission to the agency of the outline of information on manufacturing methods and controls presently required in abbreviated NDA's is either unnecessary or inadequate to assure the safety and effectiveness of drug products. For the vast majority of drugs, where there is no bioequivalence or special manufacturing problem, the Food and Drug Administration can properly rely upon the customary monitoring

and surveillance activities described above. For those drugs for which there is a known or suspected bioequivalence or special manufacturing problem, full information on manufacturing controls is needed as part of an abbreviated NDA, and § 314.1(f) (21 CFR 314.1(f)) will be amended accordingly. The requirements applicable to all prescription drugs will, of course, be refined and strengthened over a period of time.

The Commissioner recognizes that it is essential that important information relating to all human prescription drugs be reported to the Food and Drug Administration. Two statutory provisions of the Federal Food, Drug, and Cosmetic Act permit the agency to obtain such information: section 505(j), relating to new drugs; and section 704, relating to all prescription drugs. Because it is essential to obtain such reports in order to assure the safety and effectiveness of a drug, the Commissioner concludes that a prescription drug product can be determined to be generally recognized as safe and effective only if the reports specified in § 310.300(b) (1) and (2) (21 CFR 310.300(b) (1) and (2)) as requiring submission immediately or within 15 working days, continue to be submitted. Any drug product for which such submissions are not made will be regarded as a new drug, subject to the requirement for an approved NDA, and thus subject to immediate regulatory action for removal from the market.

Moreover, section 704(a) of the act permits the Food and Drug Administration to obtain all such records upon factory inspection. Section 704(a) distinguishes between physical entry of an establishment for inspection of the premises, and inspection of records which are maintained by an establishment. Physical entry is not required to inspect records, which are readily removable from an establishment. In the Commissioner's opinion, the law presently permits the adoption of a requirement for submission of such records directly to the Food and Drug Administration, rather than requiring agency representatives to visit each facility in order to obtain such records. Accordingly, a requirement of periodic submission to the agency of the specific type of information described in § 310.300(b) (1) and (2) is also authorized by the statutory authority contained in section 704(a).

With respect to assuring proper drug labeling, each DESI notice has specified those indications for which a drug has been proved safe and effective. The Commissioner has issued a proposed regulation, published in the FEDERAL REGISTER of April 7, 1975 (40 FR 15392), to establish a new uniform format for human prescription drug labeling. In addition, Part 207 of the regulations, which governs drug establishment registration and drug product listing, now requires pursuant to the Drug Listing Act of 1972 that the Food and Drug Administration be informed of each newly marketed drug product, and that the labeling for each listed drug product be submitted to the Food and Drug Administration as part of the information required under the law. It is therefore apparent that an abbreviated NDA is no longer the most appropriate or efficient means of assuring that drug product labeling complies with all legal requirements.

Ultimately, the labeling of most human prescription drugs will be controlled through the promulgation of old drug monographs. The promulgation of such monographs will, however, take several years. The Commissioner concludes that, if a specific problem develops with respect to a class of drugs or a particular drug product, the Commissioner will either amend the applicable DESI notices to assure proper labeling for all such drug products or will bring direct regulatory action against the drug product which is improperly labeled.

Accordingly, rather than require an abbreviated NDA for all DESI drugs found to be safe and effective, the Commissioner has concluded that this form of regulatory control should be reserved for those drugs for which there is evidence or good reason to believe that a bioequivalence or special manufacturing problem exists. For those drugs for which there is no known or suspected bioequivalence or special manufacturing problem, the agency will no longer require an abbreviated NDA. The Commissioner concludes that this form of control constitutes a more efficient allocation of the Food and Drug Administration's resources by restricting the use of abbreviated NDA's to those drug products for which affirmative marketing approval is necessary, while continuing to assure, through other means, the quality and labeling of those drug products which do not require such close control.

Of course, the Commissioner may, in the future, receive information which indicates that a bioequivalence or special manufacturing problem exists with respect to a drug that is not then subject to an abbreviated NDA. At that time, an appropriate notice will announce the requirement for an abbreviated NDA for all drug products involved, and will establish reasonable transition provisions depending upon the circumstances involved.

The failure of the agency clearly to distinguish between those DESI drugs which raise bioequivalence or special manufacturing problems and thus require special regulatory controls through an abbreviated NDA, and those for which all available evidence indicates that no such problems exist, has contributed substantially to the present inefficiencies in handling the regulation of human prescription drugs. It is apparent to the Commissioner that, rather than expend agency resources equally on those drugs which do raise serious problems and those which do not, it is far more effective to concentrate agency resources on the former and to exert only that degree of regulatory control over the latter that is necessary to monitor compliance with the law.

The Commissioner notes that eliminating the requirement for an abbreviated NDA for the vast majority of effective drugs covered by a DESI notice will also automatically eliminate the requirement for any supplemental NDA's to be submitted by the manufacturers who hold the pioneer NDA's or by any other persons who have already submitted or received approval of full or abbreviated NDA's for those drugs. Accordingly, for those drugs which no longer require a full or abbreviated NDA, the only submissions that need be made in the future by any manufacturer will be those specified by regulation or in the applicable DESI notice, including any amendment or supplement to such notice. Existing NDA's for those drugs are no longer operative and will be held in abeyance in the agency's files unless and until the Commissioner concludes that they are once again regarded as new drugs, in which case they will be reactivated.

The Commissioner is aware that the manufacturer who holds the "pioneer" NDA for a drug may well have an economic interest in retaining the new drug status of that drug. As long as either a full or an abbreviated NDA is required, entry into the market place, and thus increased competition, will be impeded. The Commissioner concludes that it was not the intention of Congress that section 505 of the act would be used as an economic trade barrier. It is in the public interest, and consistent with the purpose of the act, to permit the marketing of drugs with the least restrictions necessary to assure their safety and effectiveness. The Commissioner concludes that this is an additional reason why the prior requirements relating to abbreviated and full NDA's for DESI drugs should be reevaluated and revised at this time. The new conditions for marketing discussed above incorporate the minimum restrictions on competition that are consistent with assuring safe and effective drugs to the public.

The Commissioner similarly advises that the patent status of a drug is not relevant to its status under the new drug provisions of the act. The fact that a drug is still subject to a patent, or is no longer subject to a patent, will not influence a determination of whether a full or abbreviated NDA is or is not required. Such a determination will be based solely upon the conditions necessary to assure the safety and effectiveness of the drug. Accordingly, it is entirely possible that, in some circumstances, it will be determined that a drug which is subject to a patent no longer requires a full or an abbreviated NDA. Similarly, the agency will review and act upon a full or abbreviated NDA regardless of any patent issues. Such agency action does not constitute a determination that identical, related, or similar drug products may or may not lawfully be marketed under the patent laws. Whether a particular patent operates to prohibit the marketing of a particular identical, related, or similar drug product must be determined by the courts and is not within the jurisdiction of the Food and Drug Administration.

It is therefore apparent that the Food and Drug Administration is now in an interim period, between the policy in effect since 1968, under which virtually all human prescription drugs were regarded

as new drugs requiring an NDA of some form (whether full or abbreviated), and the new policy under which a clear distinction will be made between those drugs requiring a full NDA, those drugs requiring an abbreviated NDA because there is evidence of or good reason to believe that a bioequivalence or special manufacturing problem exists, and those drugs which may lawfully be marketed without any form of premarket approval pursuant to an old drug monograph. It is impossible to develop, propose, and promulgate bioequivalence or special manufacturing requirements and old drug monographs for the many human prescription drugs for which they are now appropriate, in any short period of time. Accordingly, it is essential that clear interim rules be established for differentiating between these three categories of drugs, and for the regulatory control of these drugs pending the establishment of bioequivalence and special manufacturing requirements and old drug monographs.

The Commissioner has concluded that a three-step process is necessary in order to proceed with implementation of this new policy in an orderly way.

1. First, it is essential to establish an interim enforcement policy with respect to marketing any human prescription drug product which was evaluated by the NAS/NRC and determined by the agency in a DESI notice published prior to the date of publication of this notice in the FEDERAL REGISTER to be effective for one or more indications for use. Such a policy is established in division III of this notice.

The interim enforcement policy supersedes and revokes the notice of July 14, 1970 (35 FR 11273), and establishes agency enforcement policy with respect to effective drugs subject to a DESI notice against which the Food and Drug Administration will and will not institute enforcement action in the courts for lack of a full or abbreviated NDA. Because it is simply a statement of enforcement policy, it imposes no new legal requirements and will serve only as an interim measure until the regulation proposed in division IV of this notice is promulgated in final form.

The interim enforcement policy lists those human prescription drugs for which the Commissioner presently has information indicating that there is a known or potential bioequivalence or special manufacturing problem, and for which an abbreviated NDA will be required in the future. These lists do not, however, impose any immediate requirement with respect either to submission or to approval of an abbreviated NDA. Specific bioequivalence requirements will be established on an individual drug basis in future FEDERAL REGISTER notices. Regulations setting out those classes of drug products for which there is a known or potential special manufacturing problem and which require the submission and approval of an abbreviated NDA will also be proposed in the future. Pending publication of those requirements, a manufacturer of one of the drugs listed in the interim enforcement notice should take all other steps in preparation for submitting an abbreviated NDA. All of the information required for such a submission should be gathered at this time. Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is proposing that § 314.1 (f) be revised to require the same information in an abbreviated NDA with respect to the labeling, composition, and facilities and controls used for manufacturing, processing, and packaging, as is required in paragraphs 4 through 8 of the NDA Form FD-356H set out in § 314.1(c)(2). It is also proposed that § 314.1(f) be revised to require batch-to-batch testing and certification by the Food and Drug Administration where necessary to assure the safety and effectiveness of a drug product.

In addition, for those drugs listed as requiring an in vivo bioavailability study, the manufacturer should immediately undertake the human testing necessary to develop such data. Any manufacturer may obtain from the Bureau of Drugs, Food and Drug Administration, information on the testing necessary to satisfy this requirement for in vivo bioavailability data for these specific drugs. All other drugs listed as requiring bioequivalence data will be subject to the in vitro bioequivalence testing requirements to be promulgated for each such drugs, but it is not anticipated at this time that in vivo bioavailability testing will be required for these drugs. If it should later be determined that in vivo testing will also be required for additional drugs, the Commissioner will amend the regulations accordingly.

Upon establishment of a bioequivalence requirement for a human prescription drug pursuant to the procedures in § 320.3 (published as a proposal elsewhere in this issue of the FEDERAL REGISTER) governing these requirements, the submission and approval of an abbreviated NDA will also be required except for grandfathered drugs. Unless specified otherwise in a FEDERAL REGISTER notice, the abbreviated NDA must be submitted within 60 days after the bioequivalence requirement is established. The product may remain on the market unless and until the abbreviated NDA is disapproved.

The same procedures will be applicable upon establishment of a requirement for the submission and approval of an abbreviated NDA for drug products for which there is a known or potential manufacturing problem. The Commissioner in the near future will propose a regulation setting out classes of drug products which present special manufacturing problems, e.g., small volume parenterals for intrathecal or intraventricular use and extracts of biological preparations. The proposed regulation will also list drug products in each of the classes which were evaluated as effective for at least one indication in the drug efficacy study. When the final regulation is promulgated, submission and approval of an abbreviated NDA will be required for marketing any of these drug products. The regulation will state the time within which the abbreviated NDA must be submitted. The drug product evaluated as effective in the drug efficacy study may remain on the market unless and until the abbreviated NDA is disapproved.

If the abbreviated NDA is disapproved, it is subject to the same procedural requirements that apply upon disapproval of any other NDA. Because it constitutes disapproval of an NDA, rather than withdrawal of approval, however, the drug product involved can no longer be marketed as of the moment of disapproval unless the Commissioner concludes, in his discretion, to stay disapproval with respect to the specific drug product involved.

Those drugs which have been evaluated as effective pursuant to a DESI notice, but which also have less than effective indications on which there has been no final determination made, may continue to use those less-than-effective claims until such a determination is made. Labeling and advertising for drug products with such claims will continue to be subject to the box warning requirement in § 201.200. When an abbreviated or supplemental NDA is required because of known or potential bioequivalence or special manufacturing problems, marketing of the drug will be permitted by letter from the agency in lieu of approval of the abbreviated or supplemental NDA, pending a final determination on the validity of those less-than-effective claims. This is the same procedure now used in § 314.8(g) of the regulations for supplemental NDA's for DESI drugs.

Those drugs reviewed by the NAS/NRC for which there is presently no DESI notice determining that any claim is effective, are not presently subject to the requirement for an abbreviated NDA. Such drugs are still in the process of being reviewed and evaluated in accordance with the implementation schedule established in the court order handed down in the case of *American Public Ass'n v. Veneman*, discussed above. None of the drugs included on the lists in the interim enforcement policy falls into this category.

For those drugs listed in the interim enforcement policy as requiring abbreviated NDA's in the future because of known or potential bioequivalence or special manufacturing problems, those manufacturers who already have an approved NDA (whether full or abbreviated) will be subject to the same requirements as those manufacturers who do not. Thus, all manufacturers of these drugs will be required to submit the same type of data with respect to bioequivalence and manufacturing and quality control procedures. Some NDA's may, of course, already contain data which meet this requirement.

Bioequivalence testing must be conducted using the most accurate and sensitive method available. Where in vitro testing is not sufficient, the preferred methods of in vivo bioavailability testing, in descending order of accuracy and sensitivity, are (1) in vivo testing in which the concentrations of the therapeutic moiety or its metabolites in whole blood, plasma, serum, or other appropri-

ate biological fluid are measured as a function of time, or such testing in which the urinary excretion of the therapeutic moiety or its metabolites is measured as a function of time; (2) in vivo testing in which the therapeutic or acute pharmacological effect of the therapeutic moiety is measured as a function of time; and (3) well-controlled clinical trials in humans that establish the safety and effectiveness of the drug product. Therefore, if a bioequivalence requirement includes in vivo bioavailability testing and a more accurate and sensitive method is available (e.g., measurements of the concentration of the therapeutic moiety in the blood), all manufacturers who have an existing approved NDA must nonetheless conduct such an in vivo bioavailability study even though the NDA for their drug product contains clinical evidence of the safety and effectiveness of the currently marketed formulation.

2. Second, the Commissioner concludes that the interim enforcement policy in division III of this notice, together with additional requirements mentioned above that are necessary to assure the safety and effectiveness of human prescription drug products, should be established by regulation in order adequately to assure protection of the public health pending the promulgation of bioequivalence and special manufacturing requirements and old drug monographs covering those drugs for which an NDA is not required. Such a regulation is proposed in division IV of this notice. Upon promulgation, this regulation will revoke and supersede the interim enforcement policy established in division III of this notice.

In addition to the enforcement policy, the proposed regulation sets out those conditions which, in the opinion of the Commissioner, are essential to a determination that a drug product is generally recognized as safe and effective and does not require a full or abbreviated NDA: labeling in compliance with the DESI notice, submission of reports pursuant to § 310.300(b) (1) and (2), and compliance with the good manufacturing practice regulations in Part 211, including the stability studies required by § 211.60(d). It is the opinion of the Commissioner that any drug product which does not comply with these requirements would be a new drug marketed without an approved NDA, and thus would be subject to immediate removal from the market through court enforcement action.

The following drugs were not evaluated by the NAS/NRC but were covered by an NDA which became effective prior to October 10, 1962, and, therefore, under the mandate of the Drug Amendments of 1962 must be reviewed for effectiveness:

Acetaminophen, aspirin, phenobarbital, hyoscyamine sulfate, scopolamine hydrobromide and atropine sulfate tablets
Acetaminophen, aspirin, phenobarbital, hyoscyamine sulfate, scopolamine hydrobromide, atropine sulfate and codeine tablets
Alphaprodine hydrochloride injection
Angiotensin amide injection
Bisacodyl enema
Chloroprocaine hydrochloride injection
Chlorpropamide tablets
Chlorthalidone tablets
Clidinium bromide and chlordiazepoxide hydrochloride capsules
Delta-5-hemisuccinoxypregnenolone cream
Florantyrone tablets
Hydrocortisone acetate and gum tragacanth denture powder
Hydroxyzine hydrochloride injection
Hydroxyzine pamoate capsules and oral suspension.
Isocarboxazid tablets
Levorphanol tartrate injection and tablets
Oxyphenbutazone tablets
Phenylbutazone tablets
Propylidone aqueous, suspension, and oily suspension
Sodium iothalamate injection
Spironolactone tablets
Sulfinpyrazone tablets
Vitamin K5 (synthetic) injection and capsules

Supplemental applications for some of these drugs were approved subsequent to October 10, 1962. However, such approvals were not based upon a complete review of the entire application and do not constitute a determination that all indications are supported by substantial evidence of effectiveness. The Food and Drug Administration on a priority basis, consistent with other agency priorities, will publish notices in the FEDERAL REGISTER requestng submission of data and information relating to the effectiveness of these drugs. The Food and Drug Administration will review these data and information and determine whether these drugs are effective or lack substantial evidence of effectiveness for their labeled indications for use. The results of the effectiveness determinations will be the subject of future DESI notices. Once the Food and Drug Administration has made a determination that any of these drugs are effective for at least one indication, the Commissioner will propose to amend § 310.7 to include such drugs and thereby set out conditions under which the drugs may lawfully be marketed, i.e., with or without submission or approval of an abbreviated NDA.

On the basis of preliminary review, the Commissioner believes that when the Food and Drug Administration completes its evaluation of the effectiveness of the drugs listed above, most of the single ingredient products are likely to be found effective for at least one indication. However, the Food and Drug Administration has evidence to believe that certain of the drugs have a known or potential bioequivalence problem. The drugs believed to have such a problem are chlorpropamide, chlorthalidone, oxyphenbutazone, phenylbutazone, spironolactone, and sulfinpyrazone. Once the Food and Drug Administration establishes a bioequivalence requirement for a product containing any of these drugs, any person marketing the drug product will be required to submit and obtain approval of an abbreviated or supplemental application containing evidence of bioequivalence. Until a bioequivalence requirement is established for a product containing any of the drugs listed above, or until a notice is published in the FEDERAL REGISTER regarding the effectiveness of each of the drugs and the conditions of marketing, an approved full or abbreviated NDA will not be required as a condition of marketing. If a bioequivalence requirement is established for one of the drugs listed above before a determination is made of the effectiveness of the drug, in lieu of approval of any abbreviated or supplemental NDA that is required, marketing will be permitted by written notification from the Food and Drug Administration pending a determination of the drug's effectiveness.

The proposed regulation basically restates the same essential provisions as the interim enforcement policy. Thus, the requirement for an abbreviated NDA for the drugs listed in the proposed regulation will not become effective on the date of publication of the final order, but rather will become effective as each individual drug becomes subject to a bioequivalence or special manufacturing requirement.

The interim enforcement policy and the proposed regulation establish conditions for the marketing of certain human prescription drug products which were covered by an NDA that became effective prior to October 10, 1962, and are subject to the effectiveness requirements of the Drug Amendments of 1962. Drug products meeting these conditions may be marketed without submission or approval of an abbreviated or full NDA. However, the provisions of the interim enforcement policy and the proposed regulation are not applicable to any drug product for which a specific regulation promulgated by the Food and Drug Administration requires an approved NDA as a condition for marketing the drug product, even though that drug product is not listed in the interim enforcement policy or proposed regulation as being subject to the requirement for an approved abbreviated or full NDA. Examples of specific regulations that require an approved NDA as a condition for marketing drug products subject to DESI announcements are § 200.31 (timed release dosage forms), § 250.250 (prescription drug products containing hexachlorophene), and § 310.504 (single entity amphetamine or dextroamphetamine dosage forms).

Certain classes of drug products, for which there are no compendial or other public standards, present widely different variations in product formulations and labeling claims. The nature of these classes of drug products is such that any variation in product formulation raises questions as to the safety and effectiveness of the product. Each drug product in these classes is therefore unique, and clinical evidence as required in a full NDA may be needed to determine the safety, effectiveness, and directions for use of each drug product even though the generic chemical entity has been determined to be safe and effective in the drug efficacy study. Examples of such classes of drug products are certain enteric coated tablets, controlled release dosage forms, suppositories, aerosols for inhalation, and radiopharmaceuticals.

The Commissioner believes that the requirement for the submission and approval of a full NDA for some of these

classes of drug products is widely known and in certain cases has been set out in the regulations, e.g., for controlled release preparations and radiopharmaceuticals. However, nowhere in a single regulation is this requirement clearly set out for all of these classes of drug products. Therefore, in the near future, the Commissioner will propose a regulation to clarify when the submission and approval of a full NDA containing clinical evidence of safety and effectiveness is required for marketing a drug product in certain classes of drug products. When the final regulation is promulgated, the submission and approval of a full NDA will be required for marketing any drug product in these classes including those products containing a generic chemical entity which was determined to be effective in the drug efficacy study. The regulation will state the time within which the full NDA must be submitted and approval obtained.

3. Third, comprehensive procedures governing the establishment of old drug monographs for human prescription drugs must be promulgated through regulations published for comment in the FEDERAL REGISTER. These procedural regulations are presently being reviewed in draft form within the agency, and will be published in the FEDERAL REGISTER as a proposal in the near future, consistent with other agency priorities.

Once the old drug monograph procedure is promulgated, and bioequivalence or special manufacturing requirements are established for those drugs for which they are reasonably applicable, old drug monographs will be developed for many, if not all, of the drugs subject to such requirements. The Commissioner concludes that there is no scientific or legal barrier to assuring bioequivalence and proper manufacturing as readily through an old drug monograph as through an abbreviated NDA.

Pertinent background information on the existence of bioequivalence problems has been placed on public display in the office of the Hearing Clerk. Detailed data and information relating to individual drugs will be placed on public display as bioequivalence requirements for those individual drugs that are published in future FEDERAL REGISTER notices.

III. INTERIM ENFORCEMENT POLICY FOR MARKETING HUMAN PRESCRIPTION DRUG PRODUCTS COVERED BY A DESI NOTICE

The following interim enforcement policy shall apply with respect to any human prescription drug product evaluated in the drug efficacy study and determined in a DESI notice to be effective for at least one indication or covered by such a DESI notice pursuant to § 310.6.

(a) A human prescription drug product for which an applicable DESI notice was published in the FEDERAL REGISTER prior to the date of publication of this notice in the FEDERAL REGISTER may lawfully be marketed without submission or approval of an abbreviated or full NDA if all of the following conditions apply:

(1) The drug product meets all the requirements and limitations established in the applicable DESI notice, including labeling, potency, dosage, and manufacturing, and in any amendments or supplements to such notice.

(2) The drug product is not required to be subject to a full NDA pursuant to paragraph (b) below.

(3) The drug product is not required to be subject to an abbreviated NDA pursuant to paragraph (c) or (d) below.

(4) The drug product is not otherwise a new drug for any reason stated in 21 CFR 310.3(h).

(5) The drug product is not required to be subject to an approved full or abbreviated NDA pursuant to a regulation in Chapter I of Title 21 of the Code of Federal Regulations.

(b) The following drugs for which a DESI notice was published in the FEDERAL REGISTER prior to the date of publication of this notice in the FEDERAL REGISTER shall be the subject of an approved full NDA submitted in accordance with § 314.1(c)(2) as provided in this paragraph. The manufacturer of any drug product subject to the requirements of this paragraph for which a full NDA has not previously been approved shall, within the time specified in a regulation establishing a requirement for the submission and approval of a full NDA for certain classes of drug products, submit such a full NDA to the Food and Drug Administration. If a full NDA is submitted in accordance with this paragraph for a drug product already on the market, the drug product involved may continue to be marketed unless and until the full or supplemental NDA is disapproved.

AEROSOLS FOR INHALATION

Dexamethasone sodium phosphate
Isoproterenol hydrochloride
Isoproterenol hydrochloride and phenylephrine bitartrate
Isoproterenol sulfate

ENTERIC COATED TABLETS

Aminophylline
Aminosalicylic acid
Diethylstilbestrol
Diethylstilbestrol dipropionate
Diphenhydramine hydrochloride
Sodium sulfoxone
Urethan

CONTROLLED RELEASE DRUG PRODUCTS

Acetazolamide capsules
Chlorpheniramine maleate tablets
Chlorpromazine capsules
Corticotropin zinc hydroxide aqueous suspension
Cyanocobalamine oleaginous suspensions for intramuscular or subcutaneous injection
Desoxycorticosterone acetate oleaginous solutions or pellets for intramuscular injection or subcutaneous implantation
Desoxycorticosterone pivalate aqueous suspension for intramuscular repository administration
Diethylpropion hydrochloride tablets
Diethylstilbestrol solution in oil and ethyl oleate for intramuscular injection
Dimercaprol solution in oil for intramuscular injection
Estradiol valerate oleaginous solution
Fluphenazine hydrochloride tablets
Golbin zinc insulin suspension for subcutaneous injection
Hexocyclium methylsulfate tablets
Insulin zinc extended suspension for subcutaneous injection
Insulin zinc (prompt) suspension for subcutaneous injection
Insulin zinc suspension for subcutaneous injection
Isophane insulin suspension for intramuscular and subcutaneous injection
Meprobamate capsules
Methylprednisolone capsules
Perphenazine tablets
Phenformin hydrochloride capsules
Phenmetrazine hydrochloride tablets
Prochlorperazine capsules
Pyridostigmine bromide tablets
Quinidine sulfate tablets
Sulfaethidole suspension
Sulfaethidole tablets
Testosterone enanthate solution in oil for intramuscular injection
Testosterone pellets for subcutaneous implantation
Testosterone phenylacetate suspension for intramuscular repository administration
Testosterone propionate solution in oil for intramuscular injection
Tridihex ethyl chloride capsules
Trimeprazine capsules
Tripelennamine hydrochloride tablets
Vasopressin tannate in oil oleaginous suspension for intramuscular injection

RADIOPHARMACEUTICALS

Cyanocobalamin cobalt 60 capsules for oral administration
Cyanocobalamin cobalt 60 sterile solution for intravenous injection
Gold AU 198 sterile colloidal for intracavity injection
Sodium chromate Cr 51 sterile solution for intravenous administration
Sodium phosphate P32 sterile solution for intravenous administration

SUPPOSITORY DRUG PRODUCTS

Aminophylline with benzocaine
Chlorpromazine
Dimenhydrinate
Ergotamine tartrate plus caffeine
Isoproterenol hydrochloride
Perphenazine
Prochlorperazine
Promethazine hydrochloride
Sodium thiopental
Theophylline sodium glycinate

(c) The following drugs for which a DESI notice was published in the FEDERAL REGISTER prior to the date of publication of this notice in the FEDERAL REGISTER shall, because of a bioequivalence requirement, be the subject of an approved abbreviated NDA submitted in accordance with § 314.1(f) as provided in this paragraph. The manufacturer of any drug product subject to the requirements of this paragraph for which a full or abbreviated NDA has not previously been approved shall, within 60 days after the date of publication in the FEDERAL REGISTER of a regulation establishing a bioequivalence requirement for the drug pursuant to § 320.3 (published elsewhere in this issue of the FEDERAL REGISTER), submit an abbreviated NDA to the Food and Drug Administration. Any holder of an approved NDA for a drug product subject to the requirements of this paragraph shall, within 60 days after the date of publication in the FEDERAL REGISTER of a regulation establishing a bioequivalence requirement for the drug pursuant to § 320.3 (published elsewhere in this issue of the FEDERAL REGISTER), submit a

supplement to the NDA showing that the drug product meets the bioequivalence requirement so established. Certain drugs are listed in this paragraph as requiring in vivo bioavailability testing to establish bioequivalence. Any interested person may obtain from the Office of Drug Monographs (HFD–500), Bureau of Drugs, Food and Drug Administration, information on the type of in vivo testing that will satisfy this requirement. If an abbreviated or supplemental NDA is submitted in accordance with this paragraph for a drug already on the market, the drug product involved may continue to be marketed unless and until the NDA is disapproved.

DRUGS REQUIRING IN VITRO TESTING ONLY

ANTI-HYPERTENSIVE/DIURETICS

Alseroxylon tablets
Bendroflumethiazide tablets
Benzthiazide tablets
Chlorothiazide tablets
Deserpidine tablets
Hydrochlorothiazide tablets
Hydroflumethiazide tablets
Methyclothiazide tablets
Polythiazide tablets
Quinethazone tablets
Rauwolfia serpentina tablets
Reserpine tablets
Rescinnamine tablets
Trichlormethiazide tablets

ANTI-HYPERTENSIVE/DIURETICS IN COMBINATION

Chlorothiazide and reserpine tablets
Hydralazine and reserpine tablets
Hydralazine hydrochloride and hydrochlorothiazide tablets
Hydrochlorothiazide and deserpidine tablets
Hyrdochlorothiazide and reserpine tablets
Methyclothiazide and deserpidine tablets
Reserpine, hydralazine hydrochloride and hydrochlorothiazide tablets
Spironolactone and hydrochlorothiazide tablets
Trichloromethiazide and reserpine tablets

ANTI-INFECTIVES

Salicylazosulfapyridine tablets
Sulfadiazine tablets
Sulfadimethoxine tablets
Sulfamerazine tablets
Sulfamethoxypyridazine acetyl tablets
Sulfapyridine tablets
Sulfisomidine tablets
Sulfisoxazole tablets

ANTI-MALARIALS

Pyrimethamine tablets

ANTI-NEOPLASTICS

Chlorambucil tablets
Methotrexate tablets
Triethylene melamine tablets
Uracil mustard capsules

ANTI-THYROID

Propylthiouracil tablets

CARBONIC ANHYDRASE INHIBITORS

Dichlorphenamide tablets
Ethoxzolamide tablets
Methazolamide tablets

CORTICOIDS

Betamethasone tablets
Cortisone acetate tablets
Dexamethasone tablets
Fluorocortisone acetate tablets
Fluprednisolone tablets
Hydrocortisone acetate tablets and powder
Hydrocortisone tablets
Methylprednisolone tablets
Paramethasone acetate tablets
Prednisolone tablets
Prednisone tablets
Triamcinolone tablets

ESTROGENS

Dienestrol tablets
Diethylstilbestrol diphosphate tablets
Diethylstilbestrol tablets
Ethinyl estradiol tablets

MISCELLANEOUS

Desoxycorticosterone acetate tablets
Ethisterone tablets
Isoproterenol sublingual tablets
Methyltestosterone tablets

THYROID SUPPLEMENT

Liothyronine, sodium tablets

TRANQUILIZERS

Chlordiazepoxide hydrochloride capsules
Fluphenazine hydrochloride tablets
Perphenazine tablets
Prochlorperazine tablets
Promazine tablets
Promethazine tablets
Thioridazine tablets
Trifluoperazine tablets
Triflupromazine tablets
Trimeprazine tablets

VITAMIN K

Phytonadione tablets
Menadione tablets

DRUGS REQUIRING IN VIVO TESTING

ANTI-ARRHYTHMICS

Procainamide hydrochloride capsules
Quinidine polygalacturonate tablets

ANTI-COAGULANTS

Bishydroxycoumarin tablets and capsules
Warfarin, sodium and potassium tablets

ANTI-CONVULSANTS

Diphenylhydantoin suspension
Ethosuximide capsules
Ethotoin tablets
Mephenytoin tablets
Methsuximide capsules
Paramethadione capsules
Phenacemide tablets
Phensuximide capsules and suspension
Primidone tablets and suspension
Trimethadione capsules

ANTI-INFECTIVES

Nitrofurantoin tablets and suspension
Sulfadiazine sodium bicarbonate suspension
Sulfadiazine, sulfamethazine, and sulfamerazine (triple sulfa) tablets and suspension
Sulfadimethoxine drops and suspension
Sulfamethoxypyridazine acetyl suspension
Sulfaphenazole suspension
Sulfisoxazole acetyl suspension

ANTI-TUBERCULAR

Aminosalicylic acid and isoniazid tablets
Aminosalicylic acid powder, tablets, and resin
Aminosalicylic calcium granules, tablets, and capsules
Aminosalicylic potassium tablets, capsules, and powder
Aminosalicylic sodium powder, tablets, and granules
Benzoylpas calcium tablets and powder
Para-aminosalicylate sodium and isoniazid tablets
Phenylaminosalicylate powder and tablets

BRONCHIAL DILATORS

Aminophylline tablets
Dyphylline tablets
Oxtriphylline tablets
Theophylline sodium glycinate tablets

CARDIAC GLYCOSIDES

Acetyldigitoxin tablets

CARBONIC ANHYDRASE INHIBITORS

Acetazolamide tablets

HYPOGLYCEMICS

Tolbutamide tablets

MISCELLANEOUS

Imipramine hydrochloride tablets
Probenecid tablets
Sodium sulfoxone tablets

PARENTERAL DRUGS

Cortisone acetate sterile aqueous suspension for intramuscular injections
Diphenylhydantoin, sodium powder for injections
Estrone sterile aqueous suspension for injections
Hydrocortisone acetate sterile aqueous suspension
Hydrocortisone butylacetate sterile aqueous suspension
Prednisolone butylacetate sterile suspension for intramuscular and intra-articular injections
Triamcinolone acetonide sterile suspension
Triamcinolone diacetate sterile suspension

TRANQUILIZERS

Chlorpromazine tablets

(d) The following drugs for which a DESI notice was published in the FEDERAL REGISTER prior to the date of publication of this notice shall, because of a special manufacturing requirement, be the subject of an approved abbreviated NDA submitted in accordance with § 314.1(f) of this chapter as provided in this paragraph. The manufacturer of any drug product subject to the requirements of this paragraph for which a full or abbreviated NDA has not previously been approved shall, after publication in the FEDERAL REGISTER of a regulation requiring submission and approval of an abbreviated NDA because of a special manufacturing problem, submit such an abbreviated NDA to the Food and Drug Administration within the time specified in the regulation. Any holder of an approved NDA for a drug product subject to the requirements of this paragraph shall, within such time period, submit a supplement to the NDA to make the application current to the extent required for an abbreviated NDA in accordance with § 314.1(f). If an abbreviated or supplemental NDA is submitted in accordance with this paragraph for a drug already on the market, the drug product involved may continue to be marketed unless and until the abbreviated or supplemental NDA is disapproved.

DRUG PRODUCTS INVOLVING EXTRACTS OF BIOLOGICAL PREPARATIONS

Chorionic gonadotropin lyophilized forms suitable for intramuscular administration after reconstitution
Conjugated estrogen powder for intramuscular or intravenous injection
Corticotropin aqueous solution, gel, or lyophilized powder for intramuscular, intravenous, or subcutaneous injection
Insulin solution for intramuscular, intravenous, or subcutaneous injection
Oxytocin nasal spray

Sodium heparin aqueous or gelatin solution for intramuscular, intravenous, or subcutaneous injection
Thyrotropin lyophilized powder for reconstitution for intramuscular or subcutaneous injection

DRUG PRODUCTS FOR INTRATHECAL OF INTRAVENTRICULAR INJECTION

Dibucaine hydrochloride with dextrose sterile injectable solutions used for the production of spinal anesthesia
Hexylcaine hydrochloride with dextrose sterile injectable solutions used for the production of spinal anesthesia
Isophendylate solutions for intraspinal administration
Lidocaine hydrochloride 5 percent and dextrose sterile injection solutions used for production of spinal anesthesia
Lidocaine hydrochloride 0.5 percent, 1.0 percent, 2.0 percent with and without epinephrine injection sterile injectable solutions used for the production of caudal or epidural block by the intraspinal route
Mepivacaine hydrochloride 1 percent and 2 percent sterile solutions used for local anesthesia by infiltration injection, nerve block, caudal or other epidural blocks
Procaine hydrochloride sterile injectable solutions for parenteral administration, i.e., intramuscular, intravenous, subcutaneous, or intraspinal

(e) Upon receipt of new information, drugs subject to paragraphs (a), (b), (c), or (d) of this section may be reclassified and made subject to the requirements of a different paragraph of this division, e.g., a drug may be reclassified from paragraph (c) to paragraph (a), or vice versa. Any such notice amending or supplementing a DESI notice and reclassifying a drug pursuant to this paragraph shall contain reasonable transition provisions consistent with the protection of the public health.

(f) All conditions for marketing drugs established in individual DESI notices previously published in the FEDERAL REGISTER, relating to the need for an abbreviated or full NDA or bioavailability data or referring to the notice of July 14, 1970 (35 FR 11273), that are inconsistent with this notice are hereby revoked and superseded.

(g) A human prescription drug product for which the applicable DESI notice is subsequently published in the FEDERAL REGISTER may lawfully be marketed if it meets all the requirements and conditions established in the notice, including any amendment or supplement to such notice.

(1) The Food and Drug Administration shall periodically revise paragraphs (c) and (d) of this division to list such additional drugs subject to the requirement of an abbreviated NDA.

(2) Any drug product being marketed on the date of publication in the FEDERAL REGISTER of such an applicable DESI notice may continue to be lawfully marketed only if, after the date of publication of the applicable DESI notice in the FEDERAL REGISTER, the manufacturer of the drug product fully complies with all of the conditions and requirements specified in the applicable DESI notice.

(3) Any drug product not being marketed on the date of publication in the FEDERAL REGISTER of such an applicable DESI notice may thereafter lawfully be marketed only if, prior to such marketing, the manufacturer of the drug product has fully complied with all of the conditions and requirements specified in the applicable DESI notice.

(h) Every DESI notice subsequently published in the FEDERAL REGISTER published in the FEDERAL REGISTER shall state whether the drugs covered by the notice are subject to the conditions established in paragraphs (a), (b), (c), or (d) of this division. The failure of any such notice to specify such conditions shall be deemed to mean that drugs covered by that notice shall be subject to paragraph (a) of this division.

(i) A drug product for which an applicable DESI notice was published in the FEDERAL REGISTER either before or after the date of publication of this notice in the FEDERAL REGISTER, evaluating one or more indications as effective, but which also has less-than-effective indications (possibly effective or probably effective) on which no final determination has been made, may continue to be labeled with the less-than-effective indications until such final determination is made, providing the labeling and advertising for the drug product comply with § 201.200. Marketing of any such drug product is subject to paragraph (a), (b), (c), (d), or (g) of this section except than in lieu of approval of any full or abbreviated or supplemental NDA that is required, marketing will be permitted by written notification from the Food and Drug Administration pending a final determination on the less-than-effective indications.

(j) Drug products subject to this notice may be marketed only in accordance with the provisions of this notice. A marketed drug product not in complete compliance with this notice, e.g., an abbreviated NDA has not been submitted as required or has been disapproved, is in violation of law and subject to regulatory action.

(k) Upon issuance of a letter disapproving a full or supplemental or abbreviated NDA submitted pursuant to this notice, the administrative and judicial procedures applicable to disapproval of any NDA pursuant to section 505(d) of the act shall be applicable. Marketing of the drug product involved shall be illegal immediately upon issuance of any such disapproval letter unless there is an existing approved NDA for the drug product, or the Commissioner, in his discretion, determines to stay such disapproval.

(l) The Food and Drug Administration will, in the future, establish by regulation old drug monographs determining the conditions under which human prescription drug products may lawfully be marketed without an approved full or abbreviated NDA. Such regulations shall, when promulgated, supersede and revoke the provisions of any applicable DESI notices and of this notice with respect to the specific drug products so covered.

(m) Upon promulgation of § 310.7 (proposed in division IV of this notice), the provisions in this divison III shall be revoked and superseded by the provisions of that section.

IV. PROPOSED REGULATION

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 505, 510, 701(a), 704, 52 Stat. 1049–1053, 1055, 1057 as amended, 76 Stat. 794 as amended (21 U.S.C. 351, 352, 355, 360, 371(a), 374)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 310 of Title 21 of the Code of Federal Regulations be amended to add the following new § 310.7:

§ 310.7 Conditions for marketing a human prescription drug product which was covered by an NDA which became effective prior to October 10, 1962, and is subject to the effectiveness requirements of the Drug Amendments of 1962.

The following requirements shall apply with respect to any human prescription drug product determined in a DESI notice to be effective for at least one indication or covered by such a DESI notice pursuant to § 310.6.

(a) A human prescription drug product for which an applicable DESI notice was published in the FEDERAL REGISTER prior to the effective date of this section may lawfully be marketed without submission or approval of an abbreviated or full NDA if all of the following conditions apply:

(1) The drug product meets all the requirements and limitations established in the applicable DESI notice, including labeling, potency, dosage, and manufacturing, and in any amendments or supplements to such notice.

(2) The drug product is not required to be subject to a full NDA pursuant to paragraph (b) of this section.

(3) The drug product is not required to be subject to an abbreviated NDA pursuant to paragraph (c) or (d) of this section.

(4) The drug manufacturer submits pursuant to § 310.300(b) (1) and (2) those reports which are required to be submitted either immediately upon receipt or within 15 working days of receipt. Such reports shall be submitted to the Division of Drug Product Quality, HFD–330, Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. No other reports need be submitted.

(5) The drug product is manufactured in accordance with good manufacturing practices, as determined by the requirements in Part 211 of this chapter. Upon written request or notice published in the FEDERAL REGISTER, the manufacturer shall promptly submit to the Food and Drug Administration the results of any studies or tests required to be recorded and maintained pursuant to Part 211 of this chapter, e.g., the stability studies required to be recorded and maintained pursuant to § 211.60(d) of this chapter.

(6) The drug product is properly labeled and in compliance with all other requirements of the act and this chapter. In determining whether a drug product is properly labeled, the Food

and Drug Administration will compare its labeling with the most recently approved labeling for a drug product listed in the applicable DESI notice as having been the subject of a full NDA. Any interested person may obtain from the Office of Drug Monographs (HFD–500), Bureau of Drugs, Food and Drug Administration, a copy of the most recently approved labeling for a drug product listed in an applicable DESI notice.

(7) The drug product is not otherwise a new drug for any reason stated in § 310.3(h).

(8) The drug product is not required to be subject to an approved full or abbreviated NDA pursuant to a regulation in this chapter.

(b) The drugs listed in this paragraph for which a DESI notice was published in the FEDERAL REGISTER prior to the effective date of this section shall be the subject of an approved full NDA submitted in accordance with § 314.1(c)(2) of this chapter as provided in this paragraph. The manufacturer of any drug product subject to the requirements of this paragraph for which a full NDA has not previously been approved shall, within the time specified in a regulation establishing a requirement for the submission and approval of a full NDA for certain classes of drug products, submit such a full NDA to the Food and Drug Administration. If a full NDA is submitted in accordance with this paragraph, for a drug already on the market, the drug product involved may continue to be marketed unless and until the full or supplemental NDA is disapproved.

AEROSOLS FOR INHALATION

Dexamethasone sodium phosphate
Isoproterenol hydrochloride
Isoproterenol hydrochloride and phenylephrine bitartrate
Isoproterenol sulfate

CONTROLLED RELEASE DRUG PRODUCTS

Acetazolamide capsules
Chlorpheniramine maleate tablets
Chlorpromazine capsules
Corticotropin zinc hydroxide aqueous suspension
Cyanocobalamine oleaginous suspensions for intramuscular or subcutaneous injection
Desoxycorticosterone acetate oleaginous solutions or pellets for intramuscular injection or subcutaneous implanation
Desoxycorticosterone pivalate aqueous suspension for intramuscular repository administration
Diethylpropion hydrochloride tablets
Diethylstilbestrol solution in oil and ethyl oleate for intramuscular injection
Dimercaprol solution in oil for intramuscular injection
Estradiol valerate oleaginous solution
Fluphenazine hydrochloride tablets
Golbin zinc insulin suspension for subcutaneous injection
Hexocyclium methylsulfate tablets
Insulin zinc extended suspension for subcutaneous injection
Insulin zinc (prompt) suspension for subcutaneous injection
Insulin zinc suspension for subcutaneous injection
Isophane insulin suspension for intramuscular and subcutaneous injection
Meprobamate capsules
Methylprednisolone capsules
Perphenazine tablets
Phenformin hydrochloride capsules
Phenmetrazine hydrochloride tablets
Prochlorperazine capsules
Pyridostigmine bromide tablets
Quinidine sulfate tablets
Sulfaethidole suspension
Sulfaethidole tablets
Testosterone enanthate solution in oil for intramuscular injection
Testosterone pellets for subcutaneous implantation
Testosterone propionate solution in oil for intramuscular injection
Testosterone phenylacetate suspension for intramuscular repository administration
Tridihex ethyl chloride capsules
Trimeprazine capsules
Tripelennamine hydrochloride tablets
Vasopressin tannate in oil oleaginous suspension for intramuscular injection

ENTERIC COATED TABLETS

Aminophylline
Aminosalicylic acid
Diethylstilbestrol
Diethylstilbestrol dipropionate
Diphenhydramine hydrochloride
Sodium sulfoxone
Urethan

RADIOPHARMACEUTICALS

Cyanocobalamin cobalt 60 capsules for oral administration
Cyanocobalamin cobalt 60 sterile solution for intravenous injection
Gold AU 198 sterile colloidal for intracavity injection
Sodium chromate Cr 51 sterile solution for intravenous administration
Sodium phosphate P32 sterile solution for intravenous administration

SUPPOSITORY DRUG PRODUCTS

Aminophylline with benzocaine
Chlorpromazine
Dimenhydrinate
Ergotamine tartrate plus caffeine
Isoproterenol hydrochloride
Perphenazine
Prochlorperazine
Promethazine hydrochloride
Sodium thiopental
Theophylline sodium glycinate

(c) The drugs listed in this paragraph for which a DESI notice was published in the FEDERAL REGISTER prior to the effective date of this section shall, because of a bioequivalence requirement, be the subject of an approved abbreviated NDA submitted in accordance with § 314.1(f) of this chapter as provided in this paragraph. The manufacturer of any drug product subject to the requirements of this paragraph for which a full or abbreviated NDA has not previously been approved shall, within 60 days after the date of publication in the FEDERAL REGISTER of a regulation establishing a bioequivalence requirement for the drug pursuant to § 320.3 of this chapter submit an abbreviated NDA to the Food and Drug Administration. Any holder of an approved NDA for a drug product subject to the requirements of this paragraph shall, within 60 days after the date of publication in the FEDERAL REGISTER of a regulation establishing a bioequivalence requirement for the drug pursuant to § 320.3 of this chapter, submit a supplement to the NDA showing that the drug product meets the bioequivalence requirement so established. Certain drugs are listed in this paragraph as requiring in vivo bioavailability testing to establish bioequivalence. Any interested person may obtain from the Office of Drug Monographs (HFD–500), Bureau of Drugs, Food and Drug Administration, information on the type of in vivo testing that will satisfy this requirement. If an abbreviated or supplemental NDA is submitted in accordance with this paragraph for a drug already on the market, the drug product involved may continue to be marketed unless and until the abbreviated or supplemental NDA is disapproved.

DRUGS REQUIRING IN VITRO TESTING ONLY

ANTI-HYPERTENSIVE/DIURETICS

Alseroxylon tablets
Bendroflumethiazide tablets
Benzthiazide tablets
Chlorothiazide tablets
Chlorthalidone tablets
Deserpidine tablets
Hydrochlorothiazide tablets
Hydroflumethiazide tablets
Methyclothiazide tablets
Polythiazide tablets
Quinethazone tablets
Rauwolfia sepentina tablets
Rescinnamine tablets
Reserpine tablets
Trichlormethiazide tablets

ANTI-HYPERTENSIVE DIURETICS IN COMBINATION

Chlorothiazide and reserpine tablets
Hydralazine and reserpine tablets
Hydralazine hydrocholoride and hydrochlorothiazide tablets
Hydrochlorothiazide and deserpidine tablets
Hydrochlorothiazide and reserpine tablets
Methyclothiazide and deserpidine tablets
Reserpine, hydralazine hydrochloride and hydrochlorothiazide tablets
Spironolactone and hydrochlorothiazide tablets
Trichloromethiazide and reserpine tablets

ANTI-INFECTIVES

Sulfadiazine tablets
Sulfamerazine tablets
Sulfisomidine tablets
Sulfisoxazole tablets
Sulfapyridine tablets
Sulfamethoxypyridazine acetyl tablets
Sulfadimethoxine tablets
Salicyclazosulfapyridine tablets

ANTI-MALARIALS

Pyrimethamine tablets

ANTI-NEOPLASTICS

Chlorambucil tablets
Methotrexate tablets
Triethylene melamine tablets
Uracil mustard capsules

ANTI-THYROID

Propylthiouracil tablets

CARBONIC ANHYDRASE INHIBITORS

Dichlorphenamide tablets
Ethoxzolamide tablets
Methazolamide tablets

CORTICOIDS

Betamethasone tablets
Cortisone acetate tablets
Dexamethasone tablets
Fluorocortisone acetate tablets
Fluprednisolone tablets
Hydrocortisone acetate tablets and powder

Hydrocortisone tablets
Methylprednisolone tablets
Paramethasone acetate tablets
Prednisolone tablets
Prednisone tablets
Triamcinolone tablets

ESTROGENS

Dienestrol tablets
Diethylstilbestrol diphosphate tablets
Diethylstilbestrol tablets
Ethinyl estradiol tablets

MISCELLANEOUS

Desoxycorticosterone acetate tablets
Ethisterone tablets
Isoproterenol sublingual tablets
Methyltestosterone tablets

THYROID SUPPLEMENT

Liothyronine, sodium tablets

TRANQUILIZERS

Chlordiazepoxide hydrochloride capsules
Fluphenazine hydrochloride tablets
Perphenazine tablets
Prochlorperazine tablets
Promazine tablets
Promethazine tablets
Thioridazine tablets
Trifluoperazine tablets
Triflupromazine tablets
Trimeprazine tablets

VITAMIN K

Menadione tablets
Phytonadione tablets

DRUGS REQUIRING IN VIVO TESTING

ANTI-ARRHYTHMICS

Procainamide hydrochloride capsules
Quinidine polygalacturonate tablets

ANTI-COAGULANTS

Bishydroxycoumarin tablets and capsules
Warfarin, sodium and potassium tablets

ANTI-CONVULSANTS

Diphenylhydantoin suspension
Ethosuximide capsules
Ethotoin tablets
Mephenytoin tablets
Methsuximide capsules
Paramethadione capsules
Phenacemide tablets
Phensuximide capsules and suspension
Primidone tablets and suspension
Trimethadione capsules

ANTI-INFECTIVES

Nitrofurantoin tablets and suspension
Sulfadiazine sodium bicarbonate suspension
Sulfadiazine, sulfamethazine, and sulfamerazine (triple sulfa) tablets and suspension
Sulfadimethoxine drops and suspension
Sulfamethoxypyridazine acetyl suspension
Sulfaphenazole suspension
Sulfisoxazole acetyl suspension

ANTI-TUBERCULAR

Aminosalicylic acid and isoniazid tablets
Aminosalicylic acid powder, tablets, and resin
Aminosalicylic calcium granules, tablets, and capsules
Aminosalicylic potassium tablets, capsules, and powder
Aminosalicylic sodium powder, tablets, and granules
Benzoylpas calcium tablets and powder
Para-aminosalicylate sodium and isoniazid tablets
Phenylaminosalicylate powder and tablets

BRONCHIAL DILATORS

Aminophylline tablets
Dyphylline tablets
Oxtriphylline tablets
Theophylline sodium glycinate tablets

CARBONIC ANHYDRASE INHIBITORS

Acetazolamide tablets

CARDIAC GLYCOSIDES

Acetyldigitoxin tablets

HYPOGLYCEMICS

Tolbutamide tablets

MISCELLANEOUS

Imipramine hydrochloride tablets
Probenecid tablets
Sodium sulfoxone tablets

PARENTERAL DRUGS

Cortisone acetate sterile aqueous suspension for intramuscular injections
Diphenylhydantoin, sodium powder for injections
Estrone sterile aqueous suspension for injections
Hydrocortisone acetate sterile aqueous suspension
Hydrocortisone butylacetate sterile aqueous suspension
Prednisolone butylacetate sterile suspension for intramuscular and intra-articular injections
Triamcinolone acetonide sterile suspension
Triamcinolone diacetate sterile suspension

TRANQUILIZERS

Chlorpromazine tablets

(d) The drugs listed in this paragraph for which a DESI notice was published in the FEDERAL REGISTER prior to the effective date of this section shall, because of a special manufacturing problem, be the subject of an approved abbreviated NDA submitted in accordance with § 314.1(f) of this chapter as provided in this paragraph. The manufacturer of any drug product subject to the requirements of this paragraph for which a full or abbreviated NDA has not previously been approved shall, after publication in the FEDERAL REGISTER of a regulation requiring submission and approval of an abbreviated NDA for the drug product because of a special manufacturing problem, submit such an abbreviated NDA to the Food and Drug Administration within the time specified in the regulation. Any holder of an approved NDA for a drug product subject to the requirements of this paragraph shall, within such time period, submit a supplement to the NDA to make the application current to the extent required for an abbreviated NDA in accordance with § 314.1(f) of this chapter. If an abbreviated or supplemental NDA is submitted in accordance with this paragraph for a drug already on the market, the drug product involved may continue to be marketed unless and until the abbreviated or supplemental NDA is disapproved.

DRUG PRODUCTS INVOLVING EXTRACTS OF BIOLOGICAL PREPARATIONS

Chorionic gonadotropin lyphilized forms suitable for intramuscular administration after reconstitution
Conjugated estrogens powder for intramuscular or intravenous injection
Corticotropin aqueous solution, gel, or lyophilized powder for intramuscular, intravenous, or subcutaneous injection
Insulin solution for intramuscular, intravenous, or subcutaneous injection
Oxytocin nasal spray
Sodium heparin aqueous or gelatin solution for intramuscular, intravenous, or subcutaneous injection
Thyrotropin lyophilized powder for reconstitution for intramuscular or subcutaneous injection

DRUG PRODUCTS FOR INTRATHECAL OR INTRAVENTRICULAR INJECTION

Dibucain hydrochloride with dextrose sterile injectable solutions used for production of spinal anesthesia
Hexylcaine hydrochloride with dextrose sterile injectable solutions used for the production of spinal anesthesia
Isophendylate solutions for intraspinal administration
Lidocaine hydrochloride 5 percent and dextrose sterile injection solutions used for production of spinal anesthesia
Lidocaine hydrochloride 0.5 percent, 1.0 percent, 2.0 percent with and without epinephrine injection sterile injectable solutions used for the production of caudal or epidural block by the intraspinal route
Mepivacaine hydrochloride 1 percent and 2 percent sterile solutions used for local anesthesia by infiltration injection, nerve block, caudal or other epidural blocks
Procaine hydrochloride sterile injectable solutions for parenteral administration, i.e., intramuscular, intravenous, or subcutaneous, or intraspinal

(e) Upon receipt of new information, drugs subject to paragraphs (a), (b), (c), or (d) of this section may be reclassified and made subject to the requirements of a different paragraph of this section, e.g., a drug may be reclassified from paragraph (c) to paragraph (a) of this section, or vice versa. Any such notice amending or supplementing a DESI notice and reclassifying a drug pursuant to this paragraph shall contain reasonable transition provisions consistent with the protection of the public health.

(f) All conditions for marketing drugs established in individual DESI notices published in the FEDERAL REGISTER prior to the effective date of this section, relating to the need for an abbreviated or full NDA or bioavailability data or referring to the notice of July 14, 1970 (35 FR 11273), that are inconsistent with this section are hereby revoked and superseded.

(g) A human prescription drug product for which the applicable DESI notice is published in the FEDERAL REGISTER subsequent to the effective date of this section may lawfully be marketed if it meets all the requirements and limitations established in the notice, including labeling, potency, dosage, and manufacturing, and in any amendment or supplement to such notice.

(1) The Food and Drug Administration shall periodically revise paragraphs (c) and (d) of this section to list such additional drugs subject to the requirement of an abbreviated NDA.

(2) Any drug product being marketed on the date of publication in the FEDERAL REGISTER of such an applicable DESI notice may continue to be lawfully marketed only if, after the date of publication of the applicable DESI notice in the FEDERAL REGISTER, the manufacturer of the drug product fully complies with all of the requirements and limitations specified in the applicable DESI notice.

(3) Any drug product not being marketed on the date of publication in the FEDERAL REGISTER of such an applicable DESI notice may thereafter lawfully be marketed only if, prior to such marketing, the manufacturer of the drug product has fully complied with all of the requirements and limitations specified in the applicable DESI notice.

(h) Every DESI notice published in the FEDERAL REGISTER after the effective date of the section shall state whether the drugs covered by the notice are subject to the conditions established in paragraphs (a), (b), (c), or (d) of this section. The failure of any such notice to specify such conditions shall be deemed to mean that drugs covered by that notice shall be subject to paragraph (a) of this section.

(i) A drug product for which an applicable DESI notice was published in the FEDERAL REGISTER either before or after the effective date of this section, evaluating one or more indications as effective, but which also have less-than-effective indications (possibly effective or probably effective) on which no final determination has been made, may continue to be labeled with the less-than-effective indications until such final determination is made, provided the labeling and advertising for the drug product comply with § 201.200 of this chapter. Marketing of any such drug product is subject to paragraphs (a), (b), (c), (d), or (g) of this section except that in lieu of approval of any full or abbreviated or supplemental NDA that is required, marketing will be permitted by written notification from the Food and Drug Administration pending a final determination on the less-than-effective indications.

(j) Drug products subject to this section may be marketed only in accordance with the provisions of this section. A marketed drug product not in complete compliance with this section, e.g., an abbreviated NDA has not been submitted as required or has been disapproved, is in violation of law and subject to regulatory action.

(k) Upon disapproval of a full or abbreviated NDA submitted pursuant to this section, the procedures for disapproval of any NDA pursuant to section 505(d) of the act shall be applicable. Marketing of the drug product involved shall thereafter be illegal unless the Commissioner, in his discretion, determines to stay such disapproval or to defer enforcement action.

(l) Upon promulgation of a final regulation revising § 201.56 of this chapter to establish a new uniform format for human prescription drug labeling, all persons marketing drug products subject to this section shall, within 180 days after the effective date of that regulation revise their labeling to comply with the requirements of revised § 201.56 of this chapter.

(m) The Food and Drug Administration will, in the future, establish by regulation old drug monographs determining the conditions under which human prescription drug products may lawfully be marketed without an approved full or abbreviated NDA. Such regulations shall, when promulgated, supersede and revoke the provisions of any applicable DESI notices and of this section with respect to the specific drug products so covered.

(n) Upon promulgation of this section, the provisions in division III of the preamble to the notice of June 20, 1975, are hereby revoked and superseded.

Interested persons may, on or before August 19, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments shall be filed in quintuplicate and shall be identified with the Hearing Clerk docket number found in the document heading. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 13, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75–15962 Filed 6–19–75;8:45 am]

[21 CFR Part 314]

[Docket No. 75N–0054]

DRUGS FOR HUMAN USE

Proposed Revision of Requirements for Information in Abbreviated New Drug Applications

The Commissioner of Food and Drugs proposes to revise the format of an abbreviated new drug application. Interested persons have until August 19, 1975, to submit comments.

Section 314.1(f) (21 CFR 314.1(f)) describes the kinds of information required in abbreviated new drug applications (NDA). The section requires relatively minimal information concerning the composition of the drug product and the methods used in, and the facilities and controls used for, its manufacture, processing, and packing. It contains no reference to the submission of samples.

The Commissioner has carefully reviewed the agency's experience with the use of abbreviated NDA's and has determined that their purpose can be served best by a new approach to the regulatory control of human prescription drug products. Rather than require abbreviated NDA's for all drug products found to be safe and effective through the Drug Efficacy Study, the Commissioner has concluded that the abbreviated NDA requirement should be reserved for those products for which there is evidence or good reason to believe that a bioavailability or special manufacturing problem exists. For those drug products that have no known or suspected bioavailability or special manufacturing problem that would cause the drug to lack general recognition of effectiveness and/or general recognition of safety, the agency is proposing to substitute general surveillance and monitoring controls in place of abbreviated NDA's, without loss of public health protection. Appearing elsewhere in this issue of the FEDERAL REGISTER are notices of interim enforcement policy and of proposed rule making that discuss this new approach in detail. A proposal to establish a new § 320.2 (21 CFR 320.2) setting forth procedures for determining the bioavailability of drugs, and a proposal to promulgate procedures for establishing bioequivalence requirements for certain drug products also appear elsewhere in this issue of the FEDERAL REGISTER.

Since it is being proposed that the abbreviated NDA requirement be concerned mainly with drug products with bioavailability and/or special manufacturing problems, the Commissioner is of the opinion that some of the requirements of the present § 314.1(f) are clearly inadequate and that full information with respect to composition of the drug product, methods, facilities and controls used in its manufacture, and the availability of appropriate samples for testing by the Food and Drug Administration are prerequisites to a meaningful evaluation of the application.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(a) and (f), 505, 701(a), 52 Stat. 1050–1053, 1055, as amended (21 U.S.C. 352(a) and (f), 355, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 314.1 be amended by revising paragraph (f) to read as follows:

§ 314.1 Applications

* * * * *

(f) *Abbreviated new drug applications.* Such applications shall contain:

(1) Full information of the kinds described in items 1 (table of contents), 4 (label and all other labeling), 5 (Rx or OTC statement), 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new drug application Form FD–356H.

(2) Labeling that is in accord with the labeling conditions described in the notice, or any subsequent amendment thereof, that an abbreviated new drug application is required.

(3) If a bioequivalence requirement has been established for the drug product pursuant to § 320.3 of this chapter, data adequate to fulfill that requirement.

(4) Any information available to the applicant, including preclinical or clinical data developed by the applicant or by other persons on behalf of the applicant, on adverse effects of the drug product that are not reflected in the labeling.

(5) A commitment to furnish, upon request, samples of the drug product and/or its components and pertinent reference standards for testing by the Food and Drug Administration. This may include submission of appropriate samples pertaining to each batch manufactured when the Commissioner determines that such testing is necessary to assure batch-to-batch uniformity.

(6) Additional information that may be required for approval of the application as specified in a written communication from the Food and Drug Administration.

(7) An environmental impact analysis report analyzing the environmental im-

pact of the manufacturing process and ultimate use or consumption of the drug product pursuant to § 6.1 of this chapter.

(8) The signature of the applicant or responsible official or agent on a completed form FD-356H.

Interested persons may, on or before August 19, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments shall be filed in quintuplicate and shall be identified with the Hearing Clerk docket number found in the document heading. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 13, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-15963 Filed 6-19-75;8:45 am]

[21 CFR Parts 314 and 320]

[Docket No. 75N-0051]

PROCEDURES FOR DETERMINING THE IN VIVO BIOAVAILABILITY OF DRUG PRODUCTS

Notice of Proposed Rule Making

The Commissioner of Food and Drugs proposed regulations, published in the FEDERAL REGISTER of January 5, 1973 (38 FR 885), regarding bioavailability requirements for prescription drugs. Interested persons were invited to submit comments on the proposed regulations by March 6, 1973. Seventeen comments were received from manufacturers and scientific associations, pharmacy groups, university professors, and pharmaceutical manufacturers.

The Commissioner is now reproposing regulations defining the term "bioavailability," setting out the purposes of bioavailability studies, and establishing methods and procedures for determining the bioavailability of prescription drug products. Interested persons have until August 4, 1975, to submit comments.

The regulations as originally proposed were intended to define the term "bioavailability," set forth acceptable methods and procedures for determining the bioavailability of a drug product, and establish procedures under which manufacturers would be required to submit bioavailability data for specific drug products for which the Commissioner concludes that bioavailability testing is required. The proposed regulations attempted to set out general requirements not only for determining the bioavailability of a single drug product but also for determining the comparative bioavailability, i.e., bioequivalence, of two or more formulations of the same drug products.

Since the proposed regulations were published in the FEDERAL REGISTER, there has been a great deal of discussion in Congress, the Food and Drug Administration, the drug industry, and medical and scientific communities regarding evidence that certain drug products that are intended to be used interchangeably for the same therapeutic effect have produced measurable differences in blood levels, which are the result of differences in the bioavailability of these drug products.

The Commissioner concludes that the methods and procedures set out in the proposed regulations for determining the bioavailability of a drug product, as revised to reflect comments received regarding the proposal, shall be reproposed for public comment prior to promulgation of a final regulation. The procedures set out in the January 1973 proposal for identifying drug products that need data to show that they are comparable in bioavailability to other drug products which are intended to be used interchangeably, and the methods for determining such bioequivalence, have been revised and are proposed as separate regulations elsewhere in this issue of the FEDERAL REGISTER.

The regulations reproposed herein define the term bioavailability; set out the purposes of bioavailability studies; establish methods and procedures for in vivo testing to determine the bioavailability of drug products; and require specific bioavailability data in all new drug applications and in supplemental applications, if any such supplement concerns a significant change in product formulation, except where waiver of this requirement is granted.

In the proposal published elsewhere in this issue of the FEDERAL REGISTER the Commissioner is proposing regulations to define certain terms relating to bioequivalence, set out criteria to be used to identify specific drug products for which a bioequivalence requirement should be established, and set out procedures which the Food and Drug Administration will follow in establishing a bioequivalence requirement for a specific drug product or class of drug products. Where a bioequivalance requirement is established by regulation, all persons marketing the drug product will be required to demonstrate that their drug product meets the established bioequivalence requirement. The proposed regulations provide that any proposed bioequivalence requirement will be published in the FEDERAL REGISTER and interested persons will be invited to submit written comments on the proposal. Such comments will be considered by the Commissioner in his decision regarding a final regulation establishing a bioequivalence requirement. If a bioequivalence requirement necessitates in vivo bioavailability testing, such testing will be conducted pursuant to the provisions of § 320.2 (21 CFR 320.2), proposed herein.

In addition, elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is proposing to revise the requirements of § 314.1(f) (21 CFR 314.1(f)) regarding the information which should be included in an abbreviated new drug application. The Commissioner in the near future will propose regulations establishing bioavailability and bioequivalence requirements for antibiotic drug products; these regulations parallel those for nonantibiotic new drugs.

The comments relating to the bioequivalence of drug products, received in response to the proposal of January 5, 1973, have been considered in the development of proposed regulations on this subject published elsewhere in this issue of the FEDERAL REGISTER. The comments received relating to the general principles of in vivo bioavailability testing as they apply to any drug product and the Commissioner's conclusions based on his evaluation of these comments are summarized as follows:

1. One comment disagreed with the preamble statement that the parameters associated with defining the bioavailability of a drug product have been identified and the factors for assessing the bioavailability of a drug product are in most instances known or can be determined. Another comment stated that the technology necessary to make bioavailability determinations and to evaluate them for all products is not always present today. One manufacturer recommended the inclusion in the regulations of a statement that blood or urinary measurements are not required for a marketed new drug product where a method has not been developed for making such a measurement.

Although the Commissioner recognizes that the techniques employed in in vivo bioavailability studies are in a state of evolution and that available technology must be considered in obtaining data for a particular drug product, he believes that the basic approach to defining drug bioavailability is adequately described in the scientific literature. Section 320.2 (b) (1) of this proposal states that bioavailability may be determined by several direct or indirect methods, the selection of which often depends upon the purpose of the study, the analytical method available, and the nature of the drug product. Technical limitations affect the degree to which precise pharmacokinetic studies can be applied and in some cases necessitate the use of other methods. Section 320.2(b) (2) of this proposal provides for alternative approaches for determining the bioavailability of a drug product where methods for determining blood levels or urinary excretion rates of the product have not been developed. In addition, § 320.2(c) of this proposal provides that, under certain specified circumstances, any interested person may request the Food and Drug Administration to waive the requirement for evidence of in vivo bioavailability. The proposed regulations thus accommodate the range of methods currently available for bioavailability testing and provide for continuing technological innovation.

For clarification, the Commissioner has set out in § 320.2(d) (1) the purpose of in vivo bioavailability studies. For new drug products containing a therapeutic moiety that has not been previously marketed, the purpose of an in vivo bioavailability test is to determine the bioavailability of the formulation proposed for marketing and to determine, if this has not been done previously as part of the investigation of the drug, the essential pharmacokinetic characteristics of the therapeutic moiety, such as the extent of

absorption, the half-life of the therapeutic moiety in vivo, and the rate(s) of excretion and/or metabolism. For a new formulation, a new dosage form, or a new salt or ester of an already marketed therapeutic moiety, the purpose of an in vivo bioavailability test is to determine that the new formulation, dosage form, or salt or ester is comparable to similarly labeled currently marketed drug products containing the same therapeutic moiety or otherwise meets any comparative labeling claims made in relation to such other currently marketed drug products. For a new drug product for which a controlled release claim is made, the purpose of an in vivo bioavailability test is to determine that the new product meets the claims made for it. For a drug product undergoing testing to determine whether it meets a bioequivalence requirement established under proposed § 320.3, the purpose of an in vivo bioavailability test is to determine that the product is comparable to other marketed drug products.

2. Several comments suggested revision of the definition of bioavailability.

In response to these comments, the Commissioner proposes to revise the definition of the term bioavailability in § 320.1 to mean the rate and extent to which the active therapeutic moiety is absorbed from a drug product and becomes available to the site of drug action, usually as estimated by its concentration in body fluids, by the rate of excretion, or by an acute pharmacological effect.

3. A number of comments were received regarding paragraph (b)(2) of the proposed regulation. One comment recommended that effectiveness, as established by clinical trials, be viewed as substantiation of bioavailability. Another comment recommended that the regulations allow for the bioavailability of a drug product to be determined through the use of any technique or methodology agreed upon by the Food and Drug Administration and the applicant. Still another comment recommended the addition of the phrase "where appropriate" to make it clear that the regulation does not necessitate statistical evaluation of the results of clinical trials where the evaluation would be meaningless or unnecessary.

Because these comments reflect some misunderstanding of the intent of paragraph (b)(2), the Commissioner is reproposing a revised portion of this paragraph as a separate § 320.2(b)(2). This new paragraph sets forth acceptable methods for determining the bioavailability of drug products including, but not limited to, clinical trials and any other technique or methodology approved by the Food and Drug Administration. However, in all cases a bioavailability test shall be conducted using the most accurate and sensitive method available. A clinical trial to establish the safety and effectiveness of a drug product is the least accurate and sensitive of the methods set out in § 320.2(b)(2) and is adequate only when other methods are not available. In addition, § 320.2(d)(8) provides that a proposed protocol for a bioavailability study include chemical and statistical analytical methods, as appropriate.

4. A number of comments were received regarding the requirements for the filing of a "Notice of Claimed Investigational Exemption for a New Drug" (IND) for a bioavailability study. Several comments stated that an IND should be filed for any such study, some would waive the requirement where the labeled dosage is not exceeded, and one would not require an IND for a study involving normal subjects even though the dosage would exceed that specified in the labeling.

The Commissioner is of the opinion that an IND should be required for a bioavailability study where it is necessary to protect the safety of the subjects and patients. The Commissioner proposes that, in the interest of subject and patient protection, an IND shall be submitted for any in vivo bioavailability study in humans involving a drug product containing a new chemical entity which is not the subject of an approved new drug application. If the drug product involved in the study is currently commercially available for an approved indication, is the subject of an approved new drug application, or is identical, similar, or related to such a drug product, an IND is required only for (1) a single dose study in normal subjects or patients where the dose exceeds that specified in the labeling, (2) a steady-state study in patients where the dose exceeds that specified in the labeling, or (3) a steady-state study in normal subjects whether or not the dose exceeds that specified in the labeling. Section 320.2(e) of this proposal sets out these requirements.

5. Two comments stated that the first sentence in paragraph (c)(1)(iii) of the proposed regulation could be misleading and should be reworded to clarify that "peer review," i.e., institutional review, is required only in those studies being conducted in institutional settings and that written consent is not required for Phase III trials.

The Commissioner is of the opinion that institutional review is required under § 312.1 for a bioavailability study conducted under an IND on institutionalized subjects or patients or that is conducted by an individual affiliated with an institution which agrees to assume responsibility for the study. There is no requirement under § 312.1 for institutional review of a study conducted in noninstitutional settings. Because of the likelihood of bioavailability studies being conducted on normal subjects to whom little personal benefit can accrue and who will be subjected to some potential risk, albeit small in most instances, the Commissioner is proposing that written informed consent under § 310.102 be required for all bioavailability studies that are conducted under an IND. As proposed herein, § 320.2(e) states that the provisions of § 312.1 are applicable to any bioavailability study conducted under an IND and written informed consent is required.

6. One manufacturer commented that, while he agrees with the statement in paragraph (c)(1)(iii) of the regulation proposed in January 1973 that bioavailability testing shall not be done on critically ill patients, there are certain drug products presently on the market that are used to treat such patients which would be medically dangerous to administer to normal subjects. He recommended that the regulations make clear that methods other than human testing may be used to establish the bioavailability of such drugs.

The Commissioner is of the opinion that, in these cases, a bioavailability study may be conducted on suitable noncritically ill patients. In addition, he proposes that § 320.2(d)(4) provide that bioavailability testing shall not be conducted in humans if an appropriate animal model exists and correlation of results in animals and human has been satisfactorily demonstrated.

7. One comment suggested that paragraph (b) of the proposed regulation include a statement referring persons seeking to conduct bioavailability studies to a recognized text for an understanding of comparative and absolute bioavailability. In addition, questions have been raised that indicate there is a need for guidelines for the conduct of bioavailability studies.

The Commissioner is now proposing that § 320.2(d) include guidelines for the conduct of in vivo bioavailability studies. These provisions are based on information in the scientific literature regarding the conduct of such studies, e.g., *Clinical Pharmacokinetics, A Symposium*, American Pharmaceutical Association, Academy of Pharmaceutical Sciences, October 1974, and *The Bioavailability of Drug Products*, American Pharmaceutical Association, July 1973. Copies of these references have been placed on public display in the office of the Hearing Clerk, Food and Drug Administration.

The Commissioner proposes, under the provisions of § 320.2(d)(5), that such studies shall ordinarily be single-dose comparisons of the drug product to be tested and the appropriate reference material, conducted in normal adults. These studies shall be cross-over in design unless a parallel design or other design is more appropriate for valid scientific reasons. Drugs shall be administered to subjects in the fasting state unless some other approach is more appropriate for valid scientific reasons.

When comparison of the test product and the reference material is to be based on concentration-time curves of the therapeutic moiety or its metabolites in blood or plasma, blood samples shall be taken at similar time intervals for both the test product and the reference material. Such samples shall be taken with sufficient frequency to permit a reasonable estimate of the peak concentration in the blood or plasma of the therapeutic moiety or its metabolites and of the total area under the curve for a time period at least three times the half-life of the therapeutic moiety or the metabolite measured in the circulation, unless some other approach is more appropriate for valid scientific reasons.

When comparison of the test product and the reference material is to be based

on concentration-time curves of the therapeutic moiety or its metabolites in the urine, samples of the urine shall be collected at similar time intervals for both the test product and the reference material. Such samples shall be collected with sufficient frequency to permit a reasonable estimate of the rate and extent of urinary excretion of the therapeutic moiety or its metabolites.

When comparison of the test product and the reference material is to be based on acute pharmacological effect-time curves, measurements of this effect shall be with sufficient frequency to permit a reasonable estimate of the total area under the curve for a time period at least three times the half-time of decay of the pharmacological effect, unless some other approach is more appropriate for valid scientific reasons. The use of acute pharmacological effects to determine bioavailability may further require demonstration of a dose-related response. In such cases, bioavailability may be determined by comparison of the dose response curves as well as the total area under the effect-time curves for any given dose.

Whenever the test product and the reference material are administered to the same subject as part of a cross-over design, the drug elimination period between such administration to an individual subject should be at least five times the half-life of the therapeutic moiety in the blood, plasma, or urine, or five times the half-time of decay of the acute pharmacological effect, whichever is relevant, unless some other approach is more appropriate for valid scientific reasons.

Correlation of bioavailability with acute pharmacological effects or clinical effects may be required, if needed to establish the clinical significance of special claims, e.g., in the case of a controlled release preparation.

In selected circumstances, it may be necessary for the test product and the reference material to be compared after repeated administrations in order to determine steady-state levels of the therapeutic moiety or its metabolites in the body.

As proposed herein § 320.2(d)(6) provides that multiple dose steady-state studies may be required to determine the bioavailability of a drug product, e.g., where (1) there is a difference in the rate of absorption but not in the extent of absorption, (2) there is excessive variability in bioavailability from subject to subject, (3) the concentration of the therapeutic moiety in the blood or plasma resulting from the administration of a single dose is too low for accurate determination by the analytical method, or (4) the drug is in a controlled release dosage form. Multiple dose steady-state studies shall ordinarily be cross-over in design using normal adults or noncritically ill patients and provide for an adequate drug elimination period between administration of the drugs to be compared unless some other approach is more appropriate for valid scientific reasons.

Whenever multiple dose studies are conducted, sufficient doses shall be administered to establish the steady-state levels, e.g., steady-state plasma concentrations. The method of administration, e.g., fasting, non-fasting, etc., shall reflect the labeling of the drug product.

Whenever blood or plasma concentrations or urinary excretion rates are to be compared at steady-state, sufficient samples of blood or urine shall be taken to define adequately the maximum (C max) and minimum (C min) concentrations on two or more consecutive days to establish that steady-state conditions were met. A complete characterization of the blood or plasma level or urinary excretion rate during the absorptive and elimination phase of a single dose administered at steady-state is encouraged to permit estimation of the total area under the concentration-time curves.

Whenever pharmacological effects are to be compared at steady-state, sufficient sampling time points shall be employed to demonstrate a maximum effect and a lack of significant difference between the test product and the reference material.

8. One comment requested that paragraph (c)(2) of the proposed regulation be clarified to indicate that review of proposed protocols with the Food and Drug Administration is optional. Another comment would require that the Food and Drug Administration complete its review of proposed protocols within 14 days after receipt.

Although § 320.2(d)(8) of this proposal does not require the submission of proposed protocols to the Food and Drug Administration, the Commissioner highly recommends such submission for review prior to the initiation of a bioavailability study. This recommendation is made in order to avoid the conduct of a scientifically improper study and, therefore, unnecessary human research. The Commissioner is of the opinion that, while every effort will be made to complete the review of proposed protocols as soon as possible, it is impractical and not in the public interest to encourage hasty or superficial review of protocols by establishing a requirement that such review be completed in 14 days. Ordinarily, the Bureau of Drugs will attempt to review these protocols within 30 days of their receipt.

9. One comment recommended revision of paragraph (c)(3) of the proposed regulation to include a requirement that, in the case of combination drug products, bioavailability data demonstrate that each active ingredient is as available from the combination product as it is when separate preparations of each active ingredient are given concomitantly.

The Commissioner agrees that such a requirement applies for a combination drug product, and he proposes that the recommendation be incorporated in § 320.2(d)(3).

10. Several comments would revise those parts of paragraphs (c)(3) and (d)(4) of the proposed regulation dealing with the selection of a reference preparation in a bioavailability study. One comment would revise the paragraphs to allow specifically for a capsule v. tablet comparison. Another comment questioned the appropriateness of testing a formulation in comparison with a reference material such as the pure drug in solution.

The Commissioner advises that the objective of paragraphs (c)(3) and (d)(4) was to specify that a bioavailability study shall provide for comparison of the formulation with an appropriate reference material. The examples of suitable reference materials are intended to serve as guidance in the selection of a reference material and are not all inclusive. Guidelines regarding the use of a reference material are specified in § 320.2(d)(1) of this proposal.

11. One comment would revise the fifth sentence of paragraph (c)(3) of the proposed regulation so that pertinent parts of the sentence would read "* * * and, where applicable, content uniformity, disintegration times, and dissolution rates."

This change would correct an inconsistency and has been incorporated in § 320.2(d)(2).

12. Several comments were received regarding the provisions of paragraph (c)(4) of the proposed regulation for the use of an animal model in lieu of human testing, the use of suitable patients instead of normal adults, and the conduct of multiple dose tests. One comment supported the usefulness of animal bioavailability data, while another stated that animal data may not always be meaningful. One comment suggested that correlation of the animal model with the human model must be satisfactorily demonstrated. One comment recommended that the paragraph be reworded to indicate that in some situations bioavailability studies may preferably and more properly be done in suitable patients rather than in normals. A comment regarding multiple dose tests stated that such tests should not be considered as rare and they may be necessary to document adequately the bioavailability of a number of types of existing drugs and formulations.

Section 320.2(d)(4) of this proposal provides that the guiding principle in bioavailability testing is that no unnecessary human research should be done. Bioavailability testing shall not be conducted in humans if an appropriate animal model exists and correlation of results in animals and humans has been satisfactorily demonstrated. However, where an appropriate animal model does not exist, bioavailability testing shall ordinarily be done in normal adults under standardized conditions. The Commissioner agrees that, in some situations, bioavailability testing may preferably and more properly be done in suitable patients; however, proposed § 320.2(d)(4) provides that such testing shall not be done using critically ill patients. Recognizing that multiple dose studies may be necessary, the Commissioner proposes in § 320.2(d)(6) procedures for the conduct of such studies.

13. Several comments recommended revision of paragraph (c)(5) of the proposed regulation regarding procedures to demonstrate a lack of substantial inequality between the test product and the reference material in a bioavailability study. One comment suggested a revision

in the last sentence of the paragraph to allow for the application of alternative statistical procedures.

Section 320.2(d)(9) of this proposal provides that a drug product shall be deemed to be bioavailable or bioequivalent if the rate and extent of absorption of the drug product, as determined by comparison of measured parameters, e.g., concentrations of the drug in the plasma, urinary excretion rates, pharmacological effects, etc., do not show a statistically significant difference from those of the reference material. However, the bioavailability test shall be sufficiently sensitive to discriminate between inequivalent products. A drug product may be equivalent to the reference material in the extent of absorption but not in its rate of absorption and yet may be considered to be bioavailable or bioequivalent because such differences in rate of absorption may be considered medically insignificant for the particular drug product.

14. One comment stated that, whereas section 505 of the Federal Food, Drug, and Cosmetic Act requires evidence of safety and effectiveness prior to approval of a new drug application, there is no comparable authority for requiring bioavailability data. The comment further held that section 505(d) of the act does not mention bioavailability or its lack as one of the six justifications for refusing approval of an application.

The Commissioner disagrees and is of the opinion that the act contains ample authority for him to require the submission of bioavailability data where it is determined that such data are necessary to demonstrate that a drug product is safe and effective. Similarly, section 505 (d) provides authority to refuse to approve an application that does not include all data deemed necessary to demonstrate that the drug product is safe and effective. Elsewhere in this issue of the FEDERAL REGISTER the Commissioner proposes to amend §§ 314.111 and 314.115 to specify that failure to submit required bioavailability or bioequivalence data shall be reason for refusal to approve a new drug application or to withdraw approval of an application.

15. Comments in response to paragraph (d)(1) of the proposed regulation recommended that, in order to avoid making arbitrary decisions, conclusions by the Commissioner that bioavailability data are required for specific drugs should state the reasons for such conclusions and should provide an opportunity for comment.

Section 320.2(a) of this proposal sets forth in general terms those drug products for which bioavailability data are required. Under § 320.2(a) any new drug application or supplemental application concerning a significant change in product formulation submitted to the Food and Drug Administration 30 days after the date of publication of the final regulation in the FEDERAL REGISTER must contain either evidence obtained in vivo that the therapeutic moiety in the drug product is bioavailable or appropriate information to permit waiver of this requirement. The evidence required to demonstrate the in vivo bioavailability of a drug product must be obtained pursuant to one of the approaches set out in proposed § 320.2(b). The information to permit waiver of demonstration of in vivo bioavailability must be submitted pursuant to the criteria set out in proposed § 320.2(c).

No specific drug products are listed in proposed § 320.2. Elsewhere in this issue of the FEDERAL REGISTER the Commissioner has proposed new procedures for establishing a bioequivalence requirement for drug products. The proposed procedures will establish a mechanism for determining that a bioequivalence problem exists and for imposing a bioequivalence requirement for specific drug products. Under the provisions of the proposed regulations, the Commissioner, on his own initiative or in response to a petition by any interested person, may propose to establish a bioequivalence requirement for a particular drug product. The proposal, together with supporting data, will be published in the FEDERAL REGISTER and interested persons will have an opportunity to comment and submit any data or information on the proposal. In this manner, the Commissioner intends to establish a bioequivalence requirement only for specific drug products and only after all interested persons are made aware of a proposal to establish such a requirement and have the opportunity to comment.

16. Several comments stated that the 180-day period specified in paragraph (d)(2) of the proposed regulation for submission of bioavailability data for a drug product subject to an approved new drug application was unrealistic and that addressing problems such as potential interaction of active ingredients in combination products was too complex to be accomplished within the time frame.

As proposed herein, § 320.2 does not require the submission of bioavailability data for any drug product that is the subject of an approved new drug application except where a supplement is submitted for a proposed product reformulation. Section 320.2(a)(2) provides that in vivo bioavailability data or information to permit waiver shall be included in any supplemental application submitted 180 days after the date of publication of the final regulation in the FEDERAL REGISTER if the supplement concerns a significant change in product formulation.

17. One comment objected to the requirement in paragraph (d)(4) of the proposed regulation that an original new drug application for a new chemical entity pending on the effective date of the regulation contain bioavailability data. The comment stated that this requirement is unrealistic and unfair.

The Commissioner proposes that any new drug application or supplemental application shall contain all required bioavailability data. Section 320.2(a)(3) provides, however, that any such application under review as of 180 days after the date of publication of the final regulation in the FEDERAL REGISTER may be approved without such information, if the application is otherwise approvable, but all required bioavailability data must be submitted as soon as possible after approval of the application.

18. Numerous other comments were received pertaining to paragraph (d)(4) of the proposed regulation. Two comments concerned the statement that waiver or deferral of a bioavailability requirement for original new drug applications may be granted if adequate analytical methodology is unavailable and the applicant demonstrates a negligible potential for bioavailability problems. The comments recommend that the statement be revised to allow for such deferral or waiver if either of these two conditions are met. Several other comments recommended revision or deletion of the requirement that original new drug applications include studies that correlate concentrations of the therapeutic moiety and/or its metabolites in blood or tissue with degree of effectiveness. These comments contended that such a requirement is neither realistic within the framework of existing methodology nor has anything to do with the issue of bioavailability.

The Commissioner proposes in § 320.2 (c) the criteria for waiver of the requirement that a new drug application or supplemental application contain the results of a bioavailability study.

In regard to the comments concerning correlation of concentrations of the therapeutic moiety and/or its metabolites in blood or tissue with degree of effectiveness, proposed § 320.2(d)(5)(vii) states that correlation of bioavailability with acute pharmacological effects or clinical effects may be required if needed to establish the clinical significance of special claims, e.g., in the case of a controlled release preparation.

19. One comment concerning paragraph (d)(5) of the proposed regulation recommended that provision be made for the use of in vitro data to demonstrate bioavailability of reformulated products. Another comment would permit product reformulations to be filed under § 314.8 (d) and (e) where the reformulation gives increased assurance that the drug will have the characteristics of identity, strength, quality, and purity that it purports to possess. Still another comment would not require bioavailability data for reformulations involving changes in dyes, flavors, or preservatives.

The Commissioner, while agreeing that in vitro data may be useful in some cases, is not aware of a scientific data base sufficient to justify an across-the-board provision for the use of in vitro data alone to demonstrate the bioavailability of reformulated products. He also rejects the suggestion that bioavailability data should not be required for reformulations involving changes in dyes, flavors, or preservatives since no data have been submitted to support a claim that these reformulations could not adversely affect the bioavailability of the drug product. Until adequate evidence is obtained concerning the subtleties of reformulation and their effect on drug bioavailability, it is inappropriate to allow for such reformulation under § 314.8 (d) and (e). Therefore, any supplements

to a new drug application to provide for product reformulation shall be submitted under § 314.8(a) and require prior approval by the Food and Drug Administration before the reformulated product may be marketed. Proposed requirements for the submission of bioavailability data for reformulated products are set forth in § 320.2(a) and provide for waiver of these requirements under § 320.2(c).

20. One comment questioned why a reference to drugs not subject to the new drug provisions of the act was included in 21 CFR Part 130 entitled "New Drugs."

At the time the proposal was published in the FEDERAL REGISTER the general organization of the Code of Federal Regulations mandated that provisions regarding drug bioavailability be included in 21 CFR Part 130—New Drugs even though portions of the regulation referred to old drugs. Since that time, the Food and Drug Administration has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations. In accordance with the provisions of the recodification program, the Commissioner proposes to establish a new Part 320—Bioavailability and Bioequivalence Requirements, under Subchapter D—Drugs for Human Use. Bioavailability and bioequivalence requirements for all prescription drug products for human use will be set forth in this proposed new Part 320.

21. One comment suggested that bioequivalence data should be required from every new manufacturer as a prerequisite for approval of any abbreviated new drug application within the limits of paragraph (e) of the January 1973 proposal.

Where the Commissioner, pursuant to the procedures set out in proposed regulations published elsewhere in this issue of the FEDERAL REGISTER, determines that a bioequivalence requirement shall be established for a specific drug product subject to the new drug provisions of the Federal Food, Drug, and Cosmetic Act, all persons marketing the drug product will be required to submit and obtain approval of a full or abbreviated new drug application containing data and information showing that their drug product complies with the bioequivalence requirement.

22. Several comments recommended changes in the proposed revision of § 314.1(f)(3).

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is proposing to revise the kinds of information which must be contained in an abbreviated new drug application as set out in § 314.1(f).

23. A few comments stated that methodology, acceptable protocols, and data concerning bioavailability studies on a drug product or class of drug products should be made available to the public to conserve resources and to keep practitioners informed about the quality of drug products.

The Food and Drug Administration is bound by the applicable statutes (18 U.S.C. 1905 and 21 U.S.C. 313(j)) to maintain the confidentiality of trade secrets. The Commissioner believes that a number of drug manufacturers will claim that information on methodology and protocols regarding bioavailability studies is intimately related to the company's ability to compete and is exempt from public disclosure under § 4.61 (21 CFR 4.61). However, the Commissioner is of the opinion that the fact that the underlying data cannot be released does not mean that a bioequivalence requirement proposing a specific in vitro or in vivo test based on that information cannot be promulgated as a Food and Drug Administration regulation. See paragraph 187 of the preamble to the public information regulations published in the FEDERAL REGISTER of December 24, 1974 (39 FR 44602). Thus, if a company has developed data which demonstrate that a specific test, e.g., dissolution rate test, not currently required by the official compendia is necessary to assure the quality of individual batches of a drug product, the Food and Drug Administration can impose the new testing requirement by regulation on all manufacturers even though the data to support such requirement are not in the public domain. Procedures to accomplish this are included in the proposed regulations published elsewere in this issue of the FEDERAL REGISTER.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 501, 502, 505, 701(a), 52 Stat. 1041–1042, 1049–1053 as amended, 1055 (21 U.S.C. 321(p), 351, 352, 355, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Title 21 of the Code of Federal Regulations be amended as follows:

PART 314—NEW DRUG APPLICATIONS

Part 314 is amended in § 314.1 by adding a new subitem h. to item 12. in Form FD–356H in paragraph (c)(2) as follows:

§ 314.1 Applications.

* * * * *

(c) * * *
(2) * * *
FD–356H * * *
12. * * *

h. In vivo bioavailability data in accord with § 320.2 *Procedures for determining the bioavailability of drug products* (21 CFR 320.2).

* * * * *

A new Part 320 to Subchapter D to read as follows:

PART 320—BIOAVAILABILITY AND BIOEQUIVALENCE REQUIREMENTS

Sec.
320.1 Definitions.
320.2 Procedures for determining the bioavailability of drug products.

AUTHORITY: Secs. 201(p), 501, 502, 505, 701(a), 52 Stat. 1041–1042, 1049–1053 as amended, 1055 (21 U.S.C. 321(p), 351, 352, 355, 371(a)).

§ 320.1 Definitions.

"Bioavailability" means the rate and extent to which the therapeutic moiety is absorbed from a drug product and becomes available to the site of drug action, usually as estimated by its concentrations in body fluids, rate of excretion, or acute pharmacological effect.

§ 320.2 Procedures for determining the bioavailability of drug products.

(a) *Drug products for which in vivo bioavailability data are required.* (1) Any new drug application or supplemental application concerning a significant change in product formulation submitted to the Food and Drug Administration after (180 days after the date of publication of the final regulation in the FEDERAL REGISTER) shall contain either evidence obtained in vivo that the therapeutic moiety in the drug product which is the subject of the application is bioavailable or appropriate information to permit waiver of this requirement.

(i) The evidence required to demonstrate the in vivo bioavailability of a drug product shall be obtained pursuant to one of the approaches set out in paragraph (b) of this section.

(ii) The information required to permit a waiver of demonstration of in vivo bioavailability shall be submitted pursuant to the criteria set out in paragraph (c) of this section.

(2) Any new drug application or supplemental application under review as of (180 days after the date of publication of the final order in the FEDERAL REGISTER) may be approved without the required evidence of in vivo bioavailability or information to permit waiver of this requirement, if the application is otherwise approvable, but the required evidence or information shall be submitted within the time specified in the order approving the application.

(b) *General approaches for determining bioavailability.* (1) Bioavailability may be determined by several direct or indirect in vivo methods, generally involving testing in humans. The selection of the method depends upon the purpose of the study, the analytical method available, and the nature of the drug product. These limitations affect the degree to which precise pharmacokinetic studies can be applied and in some cases necessitate the use of other methods. Bioavailability testing shall be conducted using the most accurate and sensitive approach available among those set out in paragraph (b)(2) of this section.

(2) Within the meaning of this part, the following in vivo approaches, in descending order of accuracy and sensitivity, are acceptable for establishing the bioavailability of a drug product.

(i) In vivo testing in humans in which the concentration of the therapeutic moiety and/or its metabolites in whole blood, plasma, serum, or other appropriate biological fluid is measured as a function of time or in which the urinary excretion of the therapeutic moiety and/or its metabolites is measured as a function of time. This approach is particularly applicable to dosage forms intended to deliver the therapeutic moiety to the blood stream for systemic distribution within the body, i.e., injectable drugs, most oral dosage forms, most suppositories, certain drugs administered by inhalation, and some drugs administered

by local application to mucous membranes.

(ii) In vivo testing in humans in which an acute pharmacological effect of the therapeutic moiety is measured as a function of time where such effect can be measured with sufficient sensitivity and is reproducible. This approach is applicable when appropriate methods are not available for measurement of the concentration of the therapeutic moiety or its metabolites in biological fluids but a method is available for the measurement of an acute pharmacological effect. This approach is applicable to the same dosage forms listed in paragraph (b)(2)(i) of this section.

(iii) Well-controlled clinical trials in humans that establish the effectiveness of the drug product. This approach is the least sensitive of the general approaches for demonstrating in vivo bioavailability in humans. For dosage forms intended to deliver the therapeutic moeity to the blood stream for systemic distribution within the body, this approach shall be considered as providing a sufficiently accurate estimate of in vivo bioavailability only when analytical methods are not available to permit use of the approaches outlined in paragraph (b)(2)(i) and (ii) of this section. This approach shall also be considered as sufficiently accurate for determining the bioavailability of dosage forms intended to deliver the therapeutic moiety locally, i.e., topical preparations for the skin, eye, ear, mucous membranes; oral dosage forms not intended to be absorbed, e.g., poorly absorbed antacids; and bronchodilators administered by inhalation.

(iv) Any other in vivo approaches approved by the Food and Drug Administration. This provision is intended for special situations and to include those circumstances where the in vivo bioavailability of a drug product might be demonstrated appropriately in animals rather than in humans.

(c) *Criteria for waiver of evidence of in vivo bioavailability.* (1) Any person who wishes to submit a new drug application or supplemental application for a significant change in product formulation may request the Food and Drug Administration to waive the requirement for the submission of evidence of in vivo bioavailability. Any such request for waiver shall be submitted with the new drug application or supplemental application.

(2) For certain drug products the in vivo bioavailability of the therapeutic moiety may be self evident and the requirement of evidence of in vivo bioavailability shall be waived on the submission of adequate information which demonstrates that the drug product meets one of the following criteria:

(i) The drug product is a solution intended solely for intravenous administration.

(ii) The drug product is one in which the intended therapeutic effect is due to the vehicle, e.g., emollients to the skin, sirups used as flavored placebos.

(iii) The drug product is a device such as lenses for the eye and surgical sutures.

(iv) The drug product is administered by inhalation as a gas or vapor, e.g., medicinal gases and inhalational general anesthetics.

(3) For certain drug products the in vivo bioavailability of the therapeutic moiety may be assured by an in vitro test applicable to the drug product and the requirement of evidence of in vivo bioavailability shall be waived on the submission of adequate information which demonstrates that the drug product meets one of the following criteria:

(i) The drug product is one for which the Food and Drug Administration has established a bioequivalence requirement pursuant to the provisions of § 320.3 which specifies only an in vitro test as evidence of bioavailability or bioequivalence.

(ii) The drug product is a dosage form which is identical in its relative proportions of active and inactive ingredients to another dosage form of the drug product made by the same manufacturer and which differs only in dosage strength, provided the bioavailability of the other dosage form has been demonstrated and provided both dosage forms meet an appropriate in vitro dissolution test approved by the Food and Drug Administration.

(iii) The drug product is one which, on the basis of scientific evidence submitted in the new drug application or supplemental application, can be shown to meet an in vitro test which assures the bioavailability of the therapeutic moiety.

(d) *Guidelines for the conduct of in vivo bioavailability studies.* (1) The basic design of the study is determined by the scientific question to be answered, the nature of the reference material and dosage form to be tested, the availability of analytical methods, and benefit-risk considerations in regard to testing in humans. Testing of a drug product shall ordinarily be in comparison with an appropriate reference material.

(i) For a new drug product containing a therapeutic moiety that has not been previously marketed, the purpose of an in vivo bioavailability test is to determine the bioavailability of the formulation proposed for marketing and to determine, if this has not been done previously as part of the investigation of the drug, the essential pharmacokinetic characteristics of the therapeutic moiety, such as the rate of absorption, the extent of absorption, the half-life of the therapeutic moiety in vivo, and the rate(s) of excretion and/or metabolism. In this case, the reference material shall ordinarily be the pure drug substance in a solution or suspension containing the same quantity as the formulation proposed for marketing. The reference material should be administered by the same route as the proposed new drug product unless an alternative or additional route of administration is necessary to answer the scientific question under study. For example, in the case of a drug which is poorly absorbed after oral administration, it may be necessary to compare oral dosage forms proposed for marketing with the pure drug substance administered both orally in solution and also intravenously in solution.

(ii) For a new formulation, a new dosage form, or a new salt or ester of an already marketed therapeutic moiety, the purpose of an in vivo bioavailability test is to determine that the new formulation, or dosage form, or salt or ester is comparable to similarly labeled currently marketed drug products containing the same therapeutic moiety or otherwise meets any comparative labeling claims made in relation to such other currently marketed drug products. The reference material in this case should ordinarily be taken from a current batch of an appropriately related drug product containing the same therapeutic moiety which has been the subject of an approved new drug application. When necessary for full characterization of the new formulation, dosage form, salt or ester, e.g., in the case of a newly marketed table of a drug already marketed for intravenous injection only, the reference material shall ordinarily be not only the currently marketed drug product but also the pure drug substance in solution or suspension administered by the same route of administration as the new product under study.

(iii) For a new drug product for which a controlled release claim is made, the purpose of an in vivo bioavailability test is to determine that the new product meets the claims made for it. The reference material(s) shall be chosen to permit an appropriate scientific evaluation of the new controlled release product and its claims, and might include the pure drug substance in solution or suspension, a currently marketed noncontrolled release dosage form administered according to its usual dosage schedule, a currently marketed noncontrolled release dosage form administered according to the dosage form proposed for the controlled release product, or any combination of these or other reference materials appropriate for valid scientific reasons.

(iv) For a drug product undergoing testing to determine whether it meets a bioequivalence requirement established under § 320.3, the purpose of an in vivo bioequivalence test is to determine that the product is comparable to other marketed drug products. The reference material in this case shall ordinarily be taken from a current batch of an appropriately related drug product containing the same therapeutic moiety which is the subject of an approved new drug application.

(v) Where appropriate or where necessary to demonstrate the sensitivity of the test, the reference material may be a placebo in a test measuring therapeutic or acute pharmacological effect of the therapeutic moiety or in a clinical trial to establish effectiveness of the drug product.

(2) Both the drug product to be tested and the reference material, if it is another drug product, shall be shown to meet all compendial or other applicable standards of identity, strength, quality,

and purity, including potency and, where applicable, content uniformity, disintegration times, and dissolution rates.

(3) In the case of combination drug products, in vivo bioavailability data shall demonstrate that the therapeutic moiety of each active ingredient is as bioavailable from the combination drug product as it is when separate preparations of each active ingredient are given simultaneously.

(4) The guiding principle in bioavailability testing is that no unnecessary human research should be done. Bioavailability testing shall not be conducted in humans if an appropriate animal model exists and correlation of results in animals and humans has been satisfactorily demonstrated. However, where an appropriate animal model does not exist, bioavailability testing shall ordinarily be done in normal adults under standardized conditions. In some situations, bioavailability testing may preferably and more properly be done in suitable patients; however, such testing shall not be done using critically ill patients.

(5) Bioavailability studies shall ordinarily be single dose comparisons of the drug product to be tested and the appropriate reference material conducted in normal adults.

(i) Such studies shall be cross-over in design unless a parallel design or other design is more appropriate for valid scientific reasons.

(ii) Drugs shall be administered to subjects in the fasting state unless some other approach is more appropriate for valid scientific reasons.

(iii) When comparison of the test product and reference material is to be based on concentration-time curves of the therapeutic moiety or its metabolites in blood or plasma, blood samples shall be taken at similar time intervals for both the test product and the reference material. Such samples shall be taken with sufficient frequency to permit a reasonable estimate of the peak concentration in the blood or plasma of the therapeutic moiety or the metabolite measured and of the total area under the curve for a time period at least three times the half-life of the therapeutic moiety or the metabolite measured in the circulation, unless some other approach is more appropriate for valid scientific reasons.

(iv) When comparison of the test product and the reference material is to be based on concentration-time curves of the therapeutic moiety or its metabolites in the urine, samples of the urine shall be collected at similar time intervals for both the test product and the reference material. Such samples shall be collected with sufficient frequency to permit a reasonable estimate of the rate and extent of urinary excretion of the therapeutic moiety or its metabolites.

(v) When comparison of the test product and the reference material is to be based on acute pharmacological effect-time curves, measurements of this effect shall be noted with sufficient frequency to permit a reasonable estimate of the total area under the curve for a time period at least three times the half-time of decay of the pharmacological effect, unless some other approach is more appropriate for valid scientific reasons. The use of acute pharmacological effects to determine bioavailability may further require demonstration of a dose-related response. In such case, bioavailability may be determined by comparison of the dose response curves as well as the total area under the effect-time curves for any given dose.

(vi) Whenever the test product and the reference material are administered to the same subject as part of a cross-over design, the drug elimination period between such administrations to an individual subject should be at least five times the half-life of the therapeutic moiety or its metabolite in the blood, plasma, or urine or five times the half-time of decay of the acute pharmacological effect, whichever is relevant, unless some other approach is more appropriate for valid scientific reasons.

(vii) Correlation of bioavailability with acute pharmacological effects or clinical evidence of effectiveness may be required, if needed to establish the clinical significance of special claims, e.g., in the case of a controlled release preparation.

(6) In selected circumstances it may be necessary for the test product and the reference material to be compared after repeated administration in order to determine steady-state levels of the therapeutic moiety or its metabolite in the body.

(i) Such multiple dose steady-state studies may be required to determine the bioavailability of a drug product, e.g., where there is a difference in the rate of absorption but not in the extent of absorption, there is excessive variability in bioavailability from subject to subject, the concentration of the therapeutic moiety in the blood or plasma resulting from administration of a single dose is too low for accurate determination by the analytical method, or the drug is in a controlled release dosage form.

(ii) Multiple dose steady-state studies shall ordinarily be cross-over in design using normal adults or noncritically ill patients and provide for an adequate drug elimination period between administration of the drugs to be compared unless some other approach is more appropriate for valid scientific reasons.

(iii) Whenever multiple dose studies are conducted, sufficient doses shall be administered to establish the steady-state levels, e.g., steady-state plasma concentration. The method of administration, e.g., fasting, nonfasting, shall reflect the proposed labeling of the drug product.

(iv) Whenever blood or plasma concentrations or urinary excretion rates are to be compared at steady-state, sufficient samples of blood or urine shall be taken to adequately define the maximum (C max) and minimum (C min) concentrations on 2 or more consecutive days to establish that steady-state conditions were met. A more complete characterization of the blood or plasma level or urinary excretion rate during the absorption and elimination phases of a single dose administered at steady-state is encouraged to permit estimation of the total area under the concentration-time curves.

(v) Whenever pharmacological effects are to be compared at steady-state, sufficient sampling time points shall be employed to demonstrate a maximum effect and a lack of significant difference between the test product and the reference material.

(7) The analytical method used in any bioavailability study to measure the concentration of active moiety or metabolite in body fluids or the method used to measure acute pharmacological effect shall be demonstrated to be accurate and of sufficient sensitivity to measure with appropriate precision the actual concentration of active moiety or metabolite achieved in the study. When the analytical method is not sensitive enough to measure accurately the concentration produced in blood, plasma, or urine by a single tablet or capsule of the dosage form under consideration, two or more such dosage units may be given together to produce higher concentration providing the requirements of paragraph (d) (2) of this section are met.

(8) The Commissioner of Food and Drugs highly recommends that the proposed protocols for a bioavailability study be submitted to the Food and Drug Administration for review prior to the initiation of the study in order to determine that the design of the study is appropriate; that an appropriate reference material is used; and that, where appropriate, chemical and statistical analytical methods are adequate. This recommendation is made to avoid the conduct of an improper study and unnecessary human research.

(9) A drug product shall be deemed to be bioavailable or bioequivalent if the rate and extent of absorption of the drug product, as determined by comparison of measured parameters, e.g., concentrations of the drug in the plasma, urinary excretion rates, pharmacological effects, etc., do not differ significantly from those of the reference material. However, the bioavailability test shall be sufficiently sensitive to discriminate between inequivalent products. A drug product may be equivalent to the reference material in the extent of absorption but not in its rate of absorption and yet may be considered to be bioavailable or bioequivalent because such differences in rate of absorption may be considered medically insignificant for the particular drug product.

(e) *Requirements for the filing of a "Notice of Claimed Investigational Exemption for a New Drug."* (1) A "Notice of Claimed Investigational Exemption for a New Drug" (IND) shall be submitted for any in vivo bioavailability study in humans involving a drug product containing a new chemical entity which is not the subject of an approved new drug application.

(2) If the drug product involved in an in vivo bioavailability study in humans is currently commercially available for an approved indication and is the subject

of an approved new drug application, or is identical, similar, or related to such a drug product, an IND shall be submitted only for:

(i) A single dose study in normal subjects or patients where the dose exceeds that specified in the labeling of the drug product which is the subject of an approved new drug application.

(ii) A steady-state study in patients where the dose exceeds that specified in the labeling of the drug product which is the subject of an approved new drug application.

(iii) A steady-state study in normal subjects whether or not the dose exceeds that specified in the labeling of the drug product which is the subject of an approved new drug application.

(3) The provisions of § 312.1 of this chapter are applicable to any bioavailability study conducted under an IND. Written informed consent is required pursuant to § 310.102 of this chapter.

(f) General inquiries relating to in vivo bioavailability requirements and methodology shall be submitted to the Food and Drug Administration, Bureau of Drugs, Division of Biopharmaceutics (HFD–520), 5600 Fishers Lane, Rockville, MD 20852.

Interested persons may, on or before August 4, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments shall be filed in quintuplicate and shall be identified with the Hearing Clerk docket number found in the document heading. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 13, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

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[21 CFR Parts 314 and 320]

[Docket No. 75N-0050]

PROCEDURES FOR ESTABLISHING A BIOEQUIVALENCE REQUIREMENT

Notice of Proposed Rule Making

The Commissioner of Food and Drugs is proposing procedures for establishing a bioequivalence requirement when there is evidence that drug products containing the same therapeutic moiety and intended to be used interchangeably for the same therapeutic effect are not or may not be bioequivalent. The Commissioner also proposes to define certain terms relating to bioequivalence. In addition, the Commissioner proposes to amend the regulations to specify that failure to submit required bioavailability or bioequivalence data shall be reason for refusal to approve, or to withdraw approval of, a new drug application. Interested persons have until August 4, 1975, to submit comments.

In the FEDERAL REGISTER of January 5, 1973 (38 FR 885), the Commissioner proposed regulations regarding bioavailability requirements for prescription drugs. Since that time, there has been a great deal of discussion in the Food and Drug Administration, Congress, the drug industry, and medical and scientific communities regarding evidence that certain drug products, which are intended to be used interchangeably for the same therapeutic effect, have produced clinically important and measurable differences in the therapeutic effect, and that these differences were the result of differences in the bioavailability of these drug products.

Since the January 5, 1973 proposal, there have been numerous reports, symposia, and publications from academic institutions, industry, professional groups such as the Academy of Pharmaceutical Sciences, and organizations such as the National Academy of Sciences and the World Health Organization dealing with the subject of drug bioavailability. The Food and Drug Administration has participated in several symposia and meetings, some of which were cosponsored by the Agency, dealing with the subject of bioavailability of new drugs, old drugs, and antibiotics. From such meetings and discussions have evolved the definitions of problems and procedures for their solutions proposed in this document. These definitions and concepts have been shared with the Drug Bioequivalence Study Panel, the Bioequivalence Task Force of the Academy of Pharmaceutical Sciences, and biopharmaceutic experts and have been included in congressional testimony and speeches.

Beginning on April 12, 1974, the Drug Bioequivalence Panel formed by the Congress of the United States, Office of Technology Assessment (OTA), began to examine the relationships between the chemical and therapeutic equivalence of drug products and to assess the capability of current technology—short of therapeutic trials in man—to determine whether drug products with the same physical and chemical composition produce comparable therapeutic effects. On July 15, 1974, the OTA released the panel's conclusions and recommendations in a report entitled "Drug Bioequivalence." Among the conclusions and recommendations contained in the report were the following:

1. Current standards and regulatory practices do not ensure bioequivalence of drug products.

2. Variations in the bioavailability of drug products have been recognized as responsible for a few therapeutic failures. It is probable that other therapeutic failures (or toxicity) of a similar origin have escaped recognition.

3. Most of the analytical methodology and experimental procedures for the conduct of bioavailability studies in man are available. Additional work may be required to develop means of applying them to certain drugs and to special situations of drug use.

4. It is neither feasible nor desirable that studies of bioavailability be conducted for all drugs or drug products. Certain classes of drugs for which evidence of bioequivalence is critical should be identified. Selection of these classes should be based on clinical importance, ratio of therapeutic to toxic concentration in blood, and certain pharmaceutical characteristics.

5. Additional research aimed at improving the assessment and prediction of bioequivalence is needed. This research should include efforts to develop in vitro tests or animal models that will be valid predictors of bioavailability in man.

The Commissioner recognizes that the January 5, 1973 proposal attempted to set forth general requirements not only for determining the bioavailability of a single drug product but also for determining the comparable bioavailability (i.e., bioequivalence) of two or more drug products. He is now of the opinion that consideration of distinctly different issues (i.e., bioavailability and bioequivalence) under the broad general heading of "bioavailability problems" will cause unnecessary confusion and controversy, if continued in the future. Therefore two separate regulations are now being proposed, § 320.2 relating to bioavailability and § 320.3 relating to bioequivalence. Because these regulations have been changed substantially from the January 5, 1973 proposal, both are being offered at the present time as new proposals for comment.

The Commissioner is of the opinion that the term "bioavailability" should be defined as the rate and extent to which the therapeutic moiety is absorbed and becomes available to the site of drug action usually as estimated by its concentrations in body fluids, rate of excretion, or acute pharmacological effect. A determination of the bioavailability of any drug product requires in vivo testing. The Commissioner agrees with the conclusion of the OTA Drug Bioequivalence Study Panel that most of the analytical methodology and experimental procedures for the conduct of bioavailability studies in man are available, except that additional work may be required to develop means of applying them to certain drug products and special situations of drug use. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is proposing regulations defining the term bioavailability, defining the purposes of bioavailability studies, establishing methods and procedures for in vivo testing to determine the bioavailability of drug products, and requiring specific bioavailability data in new drug applications and in supplements to approved new drug applications if the supplement concerns a significant change in product formulation and in vitro tests are not sufficient to assure the bioavailability of the reformulated product.

The Commissioner also is of the opinion that the procedures set forth in the January 5, 1973 proposal for identifying drug products which need data to show that they are comparable in bioavailability to other drug products which are intended to be used interchangeably, and the methods for determining such bioequivalence, need to be revised and proposed as a separate regulation. Therefore, the Commissioner now pro-

poses regulations to define certain terms relating to bioequivalence, set forth criteria to be used to identify specific drug products for which a bioequivalence requirement should be established, and set forth procedures which the Food and Drug Administration will follow in establishing a bioequivalence requirement for specific drug products or classes of drug products.

The Commissioner proposes to define certain terms as follows:

1. "Drug product" means a finished dosage form (e.g., tablet, capsule, solution, etc. that contains the active drug ingredient generally, but not necessarily, in association with inactive ingredients.

2. "Pharmaceutical equivalents" means drug products that contain identical amounts of the identical active drug ingredient (i.e., the same salt or ester of the same therapeutic moiety) in identical dosage forms (but not necessarily containing the same inactive ingredients) and that meet the identical compendial or other applicable standard of identity, strength, quality, and purity, including potency and, where applicable, content uniformity, disintegration times and/or dissolution rates. Examples of pharmaceutical equivalents are two different brands of tetracycline hydrochloride capsules, each containing 250 mg of tetracycline hydrochloride.

3. "Pharmaceutical alternatives" means drug products that contain the identical therapeutic moiety (or its precursor), but not necessarily in the same amount or dosage form, or as the same salt or ester. Each such drug product individually meets either the identical or its own respective compendial or other applicable standard of identity strength, quality, and purity, including potency and, where applicable, content uniformity, disintegration times, and/or dissolution rates. Examples of pharmaceutical alternatives are tetracycline hydrochloride capsules and tetracycline phosphate capsules, the latter containing an amount of tetracycline equivalent to that in 250 milligrams of tetracycline hydrochloride.

4. "Bioequivalent drug products" means pharmaceutical equivalents or pharmaceutical alternatives whose rate and extent of absorption do not show a statistically significant difference when administered at the same molar dose of the therapeutic moiety under similar experimental conditions (either single dose or multiple dose). Some pharmaceutical equivalents or pharmaceutical alternatives may be equivalent in the extent of their absorption but not in their rate of absorption and yet may be considered bioequivalent because such differences in rates of absorption may be considered medically insignificant for the particular drug products studied.

5. "Bioequivalance requirement" means a requirement, imposed by the Food and Drug Administration for in vitro and/or in vivo testing of specific drug products, which will be required of all manufacturers as a condition of marketing. The requirement consists of the following:

a. A current in vitro test (usually a dissolution rate test) not correlated with in vivo data, by a method specified by the Food and Drug Administration, in which the drug product is compared with a reference material, or

b. An in vitro bioequivalence standard which has been correlated with in vivo data on bioavailability, and

c. Where so specified, an in vivo bioavailability test. Such in vivo bioavailability testing will ordinarily be required whenever methodology is available to conduct the study by the most sensitive approaches available and there is documented evidence that the particular drug has a strong potential for lacking bioavailability or is a so-called "critical dose" drug or is necessary for the treatment or prevention of a serious disease or condition. The reference material will be a similar dosage form which is the subject of an approved new drug application or another material specified by the Food and Drug Administration (e.g., the active ingredient in solution or suspension).

The Commissioner proposes procedures to deal with bioequivalence problems that arise when pharmaceutical equivalents or pharmaceutical alternatives, administered at the same molar dose of the same therapeutic moiety and intended to be used interchangeably for the same therapeutic effect are not, or may not be, bioequivalent drug products. Such a problem implies that the existing in vitro standards for the drug are not adequate to assure that the products meeting these standards are bioequivalent and/or the drug is not appropriately labeled to reflect its bioavailability characteristics. There are specific drug products (i.e., pharmaceutical alternatives) that meet all applicable in vitro standards, are labeled to be used interchangeably at the same molar dose, and for which the Food and Drug Administration has evidence of lack of bioequivalence when comparison is made to an appropriate reference material. Such differences suggest the need for specific dosage recommendations and/or differences in medical use. Further examination of each specific example may reveal that the in vitro standards are appropriate to optimize the absorption of the therapeutic moiety, but that the drug's labeling may be misleading to the medical profession in that it does not appropriately reflect the pharmacokinetic properties of the drug. The solution in such cases is to require in vivo bioavailability studies only if needed to determine the degree of drug absorption and to relabel the drug whenever medically feasible (i.e., whenever the label can be reasonably understood and not be misleading) to reflect its pharmacokinetic characteristics.

The Commissioner is of the opinion that efforts should be made to develop in vitro tests that will be valid predictors of bioequivalence. He believes that the solution to a bioequivalence problem is to develop an in vitro bioequivalence standard and/or alter the labeling when medically appropriate and feasible. An in vitro bioequivalence standard will assure not only the bioequivalence of different drug products but also batch-to-batch uniformity of the same drug product. However, where an in vitro bioequivalence standard does not exist, an interim solution is, where practicable, (1) in vitro testing alone using a current method specified by the Food and Drug Administration and/or (2) a requirement for in vivo bioavailability testing. This interim requirement should be imposed only until an in vitro bioequivalence standard is available.

The Commissioner recognizes that a few bioequivalence problems have been noted in the past and others may become apparent in the future. However, he believes that relatively few of the currently marketed drug products meeting current in vitro standards and current good manufacturing practices will be found to have medically significant bioequivalence problems. For this reason, he does not believe that it is necessary or in the public interest to undertake the task of developing new in vitro bioequivalence standards for all drug products. The procedures being proposed by the Commissioner are intended to identify bioequivalence problems involving currently marketed drug products and to develop adequate in vitro bioequivalence standards for these drug products.

The Commissioner is of the opinion that it is neither necessary nor feasible to require in vivo bioavailability testing of all drug products which were evaluated as effective under the drug efficacy study. For many such drug products, such testing would involve human risk and would be a waste of human resources with little benefit to the public health. Furthermore, the Commissioner is of the opinion that, for many drug products, the use of a current in vitro test comparing the drug product to a reference material may be adequate to assure the quality and uniformity of drug products which are intended to be used interchangeably as well as all batches of the same drug product.

The procedures in proposed § 320.3 establish a mechanism for determining that a bioequivalence problem exists that requires the imposition of (1) a current in vitro test and, in some cases, a requirement for in vivo bioavailability testing or (2) an in vitro bioequivalence standard. The proposed regulation also provides for amendment of the requirement for in vivo bioavailability testing and/or in vitro testing using a current test specified by the Food and Drug Administration when an in vitro bioequivalence standard is established.

Section 320.3 sets forth the factors, among others, which will be considered by the Commissioner in determining whether a bioequivalence requirement should be established for pharmaceutical equivalents or pharmaceutical alternatives that are labeled to be administered at the same molar dose of the same therapeutic moiety and are intended to be used interchangeably for the same therapeutic effect. These factors are as follows:

1. Evidence from well-controlled clinical trials or controlled observations in

patients that such drug products do not give comparable therapeutic effects.

2. Evidence from well-controlled bioequivalence studies that such products are not bioequivalent drug products.

3. Evidence that such drug products exhibit a narrow therapeutic ratio and/or have an effective concentration in the plasma that is in close proximity to the toxic concentration in the plasma and require careful dosage titration and patient monitoring.

4. Evidence that a lack of bioequivalence of such drug products would have serious adverse effect in the treatment or prevention of a serious disease or condition.

5. Physicochemical evidence that:

a. The active ingredient has a low solubility in water, i.e., less than 5 mg/ml, and/or the volume of liquid required to dissolve the recommended dose far exceeds that volume of fluids present in the stomach (taken to be 100 ml).

b. The dissolution rate of one or more such products is slow, i.e., less than 50 percent in 30 minutes, and/or differs significantly from that of an appropriate reference material such as an identical drug product which is the subject of an approved full new drug application (NDA).

c. The particle size and/or surface area of the active ingredient is critical in determining its bioavailability.

d. Certain polymorphic forms of the active ingredient are poorly absorbed.

e. Such drug products have a high ratio of excipients to active ingredients, i.e., greater than 5 to 1.

f. Specific inactive ingredients, e.g., hydrophilic or hydrophobic excipients, lubricants, etc., either may be required for absorption of the therapeutic moiety or, alternatively if present, may interfere with such absorption.

6. Pharmacokinetic evidence that:

a. The therapeutic moiety is absorbed in large part in a particular segment of the gastrointestinal tract or is absorbed from a localized site.

b. The degree of absorption of the therapeutic moiety is poor, e.g., less than 50 percent, even when it is administered in pure form, as in solution.

c. There is a rapid metabolism of the therapeutic moiety in the intestinal wall or liver during the process of absorption (first pass metabolism) so the therapeutic effect of such drug products is determined by the rate as well as the degree of absorption.

d. The therapeutic moiety is rapidly metabolized or excreted so that rapid dissolution and absorption are required for effectiveness.

e. The therapeutic moiety is unstable in specific portions of the gastrointestinal tract and requires special coatings or formulations, e.g., buffers, enteric coatings, film coatings, etc., to assure adequate absorption.

7. Evidence that the pharmaceutical equivalents or pharmaceutical alternatives are members of a class of drug products that have close, structural similarity and similar physicochemical and/or pharmacokinetic properties and evidence that other drug products in this same drug class are not bioequivalent drug products.

Section 320.3(c) provides that the Commissioner, on his own initiative or in response to a petition by an interested person, may issue a proposal in the FEDERAL REGISTER to establish a bioequivalence requirement for pharmaceutical equivalents or pharmaceutical alternatives. Such a proposal shall be based on documentation that there is evidence or good reason to believe that a bioequivalence problem exists with specific pharmaceutical equivalents or pharmaceutical alternatives. A proposed bioequivalence requirement shall specify the documentation that justifies such a requirement and call for data and information in support of or in opposition to the proposal. Any petition to the Commissioner to establish a bioequivalence requirement must contain documentation that fully justifies the establishment of such a requirement as well as a full description of the proposed in vitro and/or in vivo test and reference material used, which will assure that the subject products are bioequivalent or otherwise comparable in drug quality.

After review of all data and information submitted in response to a proposed regulation to require assurance of bioequivalence or product comparability for certain pharmaceutical equivalents or pharmaceutical alternatives, the Commissioner shall either withdraw the proposal if these data and information refute the need for establishing a bioequivalence requirement or issue a final regulation establishing a bioequivalence requirement for these drug products. The bioequivalence requirements may be (1) a requirement for in vitro testing using a method specified by the Food and Drug Administration comparing the drug product with a reference material, or (2) testing using an in vitro bioequivalence standard if such a standard is available and is based on correlative in vivo data, or (3) a requirement for in vivo bioavailability testing and, if feasible, in vitro testing using a current method specified by the Food and Drug Administration. If the bioequivalence requirement provides for in vivo bioavailability testing, an appropriate reference material will be specified by the Food and Drug Administration. If the bioequivalence requirement specifies an in vitro bioequivalence standard or a current in vitro test, such standard or test must be applied to a sample of each batch of the drug product to assure batch-to-batch uniformity.

Under the proposal, if a bioequivalence requirement is established for a drug product that is subject to a new drug application which became effective prior to October 10, 1962, or that is covered by such a new drug application pursuant to 21 CFR 310.6, and evaluated as effective in the drug efficacy study, the provisions of proposed 21 CFR 310.7, published elsewhere in this issue of the FEDERAL REGISTER, relating to submission and approval of a supplemental or abbreviated new drug application and other conditions for lawfully marketing such a drug product will apply.

Section 320.3(h) provides that if a bioequivalence requirement is established for a drug product subject to a new drug application which was approved after October 10, 1962, marketing of the product may lawfully be continued as follows:

1. Any manufacturer who holds an approved full new drug application must submit and obtain approval by the Food and Drug Administration of a supplemental application which provides evidence that the drug product meets the bioequivalence requirement. If a supplemental application is submitted within the time frame specified in the regulation establishing the bioequivalence requirement, the drug product involved may continue to be marketed unless and until the supplemental application is disapproved.

2. Any manufacturer who does not hold an approved full new drug application may lawfully market such drug product only if, prior to such marketing, the manufacturer has submitted and obtained approval from the Food and Drug Administration of an abbreviated new drug application containing evidence that the drug product meets the bioequivalence requirement.

The Commissioner recognizes it is essential that important information relating to all human prescription drug products be reported to the Food and Drug Administration. Two statutory provisions permit the agency to obtain such information: section 505(j) (relating to new drugs) and section 704 (relating to all prescription drug products) of the Federal Food, Drug, and Cosmetic Act. Because it is essential to obtain such reports to assure the safety and effectiveness of a drug, the Commissioner concludes that a prescription drug product can be determined to be generally recognized as safe and effective only if the reports specified in § 310.300(b) (1) and (2) as requiring submission immediately or within 15 working days, continue to be submitted. Any drug product for which such reports are not submitted will be regarded as a new drug, subject to the requirement for an approved NDA, and thus subject to immediate regulatory action to effect its removal from the market.

Moreover, section 704(a) of the act permits the Food and Drug Administration to obtain all such records upon factory inspection. Section 704(a) of the act distinguishes between physical entry of an establishment for inspection of the premises, and inspection of records which are maintained by an establishment. Physical entry is not required to inspect records, which are readily removable from the establishment. In the Commissioner's opinion, the law presently permits the adoption of a requirement for submission of such records directly to the Food and Drug Administration, rather than requiring agency representatives to visit each facility to obtain such records. Accordingly, the requirement for periodic submission of the

specific type of information described in § 310.300(b) (1) and (2) is also authorized by, and based upon, the statutory authority contained in section 704 (a) of the act.

Therefore, if a bioequivalence requirement is established for pharmaceutical equivalents or pharmaceutical alternatives which are not subject to the new drug provisions of the act, marketing of such drug products may be continued if all of the following conditions apply:

1. The manufacturer of the drug product submits pursuant to 21 CFR 310.300 (b) (1) and (2) those reports which are required to be submitted either immediately upon receipt or within 15 working days of receipt.

2. The manufacturer records and maintains evidence that the drug product complies with the bioequivalence requirements. Upon written request or notice published in the FEDERAL REGISTER, the manufacturer shall promptly submit such evidence to the Food and Drug Administration.

3. The drug product is manufactured in accordance with current good manufacturing practices, as determined by the requirements in 21 CFR Part 211 (formerly 21 CFR Part 133 prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13996)).

4. The drug product is labeled in compliance with the Federal Food, Drug, and Cosmetic Act and Title 21 of the Code of Federal Regulations.

Any pharmaceutical equivalent or pharmaceutical alternative for which a bioequivalence requirement is established may be marketed only in accordance with the provisions of § 320.3. A drug product not in compliance with § 320.3 is illegal and subject to regulatory action.

Upon disapproval of an abbreviated new drug application, the procedures for disapproval of any new drug application pursuant to section 505(d) of the act will be applicable. Marketing of the drug product involved will thereafter be illegal unless the Commissioner in his discretion, determines to stay such disapproval.

Where the Commissioner determines that individual batch testing by the Food and Drug Administration is necessary to assure product uniformity, the bioequivalence requirement will specify that the manufacturer submit samples of each batch and withhold distribution of the batch until notified by the Food and Drug Administration that the batch is bioequivalent. The Commissioner will ordinarily terminate a requirement for a manufacturer to submit such samples on a finding that the manufacturer has produced four consecutive batches which were tested and found to be bioequivalent, unless the public health requires that such batch testing be extended to additional batches.

All in vivo bioavailability testing conducted pursuant to an established bioequivalence requirement must be conducted pursuant to the procedures set forth in § 320.2 using the most accurate and sensitive method available. Clinical trials are adequate to establish bioavailability only where other methods are not available. If a bioequivalence requirement includes in vivo bioavailability testing, all manufacturers of the drug product shall conduct such testing using the most accurate and sensitive method available even though their drug product is the subject of a new drug application containing clinical evidence of safety and effectiveness.

The Commissioner, on his own initiative or in response to a petition by any interested person, may amend a bioequivalence requirement to provide for a new or revised current in vitro test, in vitro bioequivalence standard, or in vivo bioavailability test and/or a requirement for batch testing of each manufacturer's drug product by the Food and Drug Administration.

If the Commissioner establishes an old drug monograph for a drug for which a bioequivalence requirement has been established, the provisions of § 320.3 as they relate to such drug will be revoked.

Following publication of a final regulation establishing an in vitro bioequivalence standard for specific drug products, any manufacturer failing to meet such a standard will be required to reformulate his product and to demonstrate that the reformulated drug product meets the in vitro standard. In lieu of reformulation, the manufacturer may demonstrate bioequivalence of his product by in vivo bioavailability testing of three consecutive batches, using as a reference material a drug product that meets the in vitro bioequvalence standard and developing a current in vitro test which assures the dissolution characteristics of his product.

The Commissioner proposes in § 320.3 (q) to require that all records of in vivo and/or in vitro tests conducted on any marketed batch of a drug product to assure that such product meets a bioequivalence requirement should be maintained by the manufacturer for at least 2 years after the expiration date of the batch and submitted to the Food and Drug Administration on request.

The Commissioner proposes to amend §§ 314.111 and 314.115 to specify that failure to submit required bioavailability or bioequivalence data will be reason for refusal to approve, or to withdraw approval of, a new drug application.

The Commissioner is of the opinion that data and information necessary for the development of new in vitro standards to assure bioequivalence have been voluntarily submitted to the Food and Drug Administration. The Agency intends to maintain the confidentiality of such data and information which are trade secrets under 21 CFR 4.61. However, the fact that the underlying data and information cannot be released does not mean that a specific in vivo or in vitro test based on those data and information cannot be proposed and promulgated in a regulation. Thus if a company has developed data and information that show that an in vitro bioequivalence standard is available and voluntarily submits such data and information to the Food and Drug Administration, although these data and information are not in the public domain under present law, the Commissioner by regulation can impose such an in vitro bioequivalence standard on all identical, similar, or related drug products. Section 320.3(m) provides that a bioequivalence requirement may specify an in vivo bioavailability test or an in vitro bioequivalence standard that is based on data and information voluntarily submitted to the Food and Drug Administration even though these data and information are exempt from public disclosure pursuant to 21 CFR 4.61.

It is important to note that the proposed regulations do not address certain problems which, although frequently compared with true problems of bioequivalence, involve fundamentally separate issues. Certain drug products contain the same therapeutic moiety but are intended to be different as reflected in the labeling. These drug products may differ in that the therapeutic moiety may be present in different dosage forms used for the same purpose, or different formulations may release the active therapeutic moiety at differing rates, e.g., a controlled release formulation vs. a standard formulation. In addition, different salts and esters of therapeutic moieties may differ in their pharmacokinetic characteristics, thereby affecting the pharmacological and toxicological nature of the product. While this general area may contain examples of drug products which are not bioequivalent and are misleading to the medical profession and the consumer, regulatory solutions to these problems will generally involve changes in drug labeling, formulation, or marketing status. The regulations proposed in this document address only bioequivalence problems involving drug products which are intended to be identical, related, or similar, have essentially the same labeling, and are intended to be used interchangeably for the same therapeutic intent.

Where a bioequivalence requirement is established for an oral dosage form of a drug, the requirement will extend to all oral dosage forms of the drug. For example, if a bioequivalence requirement is established for a drug in tablet form, other oral dosage forms such as capsules or suspensions will be subject to this requirement. Unless otherwise noted, however, dosage forms of the drug completely in solution such as syrups, elixirs, and tinctures would not be included.

In the future, the Commissioner will propose regulations establishing bioavailability and bioequivalence requirements for antibiotic drug products; these regulations will parallel those for nonantibiotic new drugs.

The Commissioner advises that upon final promulgation of § 320.3, the Food and Drug Administration will propose to establish a bioequivalence requirement for each of the drugs listed below. Detailed data and information relating to bioequivalence problems in individual drugs will be placed on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and

may be seen during working hours, Monday through Friday. Proposals to establish bioequivalence requirements for those individual drugs will be published in future issues of the FEDERAL REGISTER. It is currently anticipated that certain drugs, as indicated below, will require in vivo testing. All others will require only in vitro testing. This notification is to provide ample time for manufacturers of such drug products to assemble all pertinent data and information and to conduct any appropriate studies in anticipation of a bioequivalence requirement of such drugs.

Pertinent background information showing the existence of bioequivalence problems and the type of testing needed to solve such problems has been placed on public display in the office of the Hearing Clerk (address noted above) and may be seen during working hours, Monday through Friday.

Current evidence indicates that only about 20 to 25 drug entities have had documented bioequivalence problems. Nevertheless, the following list is considerably longer because it includes those drugs with potential as well as previously documented bioequivalence problems. For example, it includes all salts and esters of those drug entities with documented bioequivalence problems and all other drugs in the same class which, because of structural similarities or similar physicochemical and/or pharmacokinetic properties, might have the potential for bioequivalence problems. As noted previously, the Commissioner believes it is prudent and in the public interest to require that all drugs in a closely related class meet the same standards; and therefore, he is proposing to establish bioequivalence requirements on the basis of potential as well as documented bioequivalence problems. All such drugs, except antibiotics, have been included on the list to ensure that manufacturers are advised as early as possible that the Food and Drug Administration anticipates the establishment of a bioequivalence requirement for these drugs. The list of drugs for which a bioequivalence requirement is currently anticipated is as follows:

DRUGS REQUIRING IN VIVO TESTING

ANTI-ARRHYTHMICS

Procainamide hydrochloride capsules.
Quinidine polygalacturonate tablets.
Quinidine sulfate capsules and tablets.

ANTI-COAGULANTS

Bishydroxycoumarin tablets and capsules.
Warfarin, sodium and potassium tablets.

ANTI-CONVULSANTS

Diphenylhydantoin, sodium capsules.
Diphenylhydantoin suspension.
Ethosuximide capsules.
Ethotoin tablets.
Mephenytoin tablets.
Methsuximide capsules.
Paramethadione capsules.
Phenacemide tablets.
Phensuximide capsules and suspension.
Primidone tablets and suspension.
Trimethadione capsules.

ANTI-INFECTIVES

Nitrofurantoin tablets and suspension.
Sulfadiazine sodium bicarbonate suspension.
Sulfadiazine, sulfamethazine, sulfamerazine (Triple Sulfa) tablets and suspension.
Sulfadimethoxine drops and suspension.
Sulfamethoxypyridazine acetyl suspension.
Sulfaphenazole suspension.
Sulfisoxazole acetyl suspension.

ANTI-INFLAMMATORY

Oxyphenbutazone tablets.
Phenylbutazone capsules and tablets.
Sulfinpyrazone tablets.

ANTI-TUBERCULAR

Aminosalicylic acid powder, tablets, and resin.
Aminosalicylic acid, isoniazid tablets.
Aminosalicylic calcium granules, tablets, and capsules.
Aminosalicylic potassium tablets, capsules, and powder.
Aminosalicylic sodium powder, tablets, and granules.
Benzoylpas calcium tablets and powder.
Para-aminosalicylate sodium and isoniazid tablets.
Phenylaminosalicylate powder and tablets.

BETA BLOCKER

Propranolol tablets.

BRONCHIAL DILATORS

Aminophylline tablets.
Dyphylline tablets.
Oxtriphylline tablets.
Theophylline tablets and capsules.

CARBONIC ANHYDRASE INHIBITORS

Acetazolamide tablets.

CARDIAC GLYCOSIDES

Acetyldigitoxin tablets.
Digitoxin tablets and powder.
Digoxin tablets.
Gitalin tablets.
Lanatoside C tablets.

HYPOGLYCEMICS

Chloropropamide tablets.
Tolbutamide tablets.

MISCELLANEOUS

Imipramine hydrochloride tablets.
Probenecid tablets.
Sodium sulfoxone tablets.

PARENTERAL DRUGS

Cortisone acetate sterile aqueous suspension for intramuscular injections.
Diphenylhydantoin, sodium powder for injections.
Estrone sterile aqueous suspension for injections.
Hydrocortisone acetate sterile aqueous suspension.
Hydrocortisone butylacetate sterile aqueous suspension.
Prednisolone butylacetate sterile suspension for intramuscular and intra-articular injections.
Triamcinolone acetonide sterile suspension.
Triamcinolone diacetate sterile suspension.

SEDATIVE HYPNOTIC

Methaqualone tablets.

TRANQUILIZERS

Chlorpromazine tablets.

DRUGS REQUIRING IN VITRO TESTING ONLY

ANTI-HYPERTENSIVE/DIURETICS

Alseroxylon tablets.
Bendroflumethiazide tablets.
Benzthiazide tablets.
Chlorothiazide tablets.
Chlorthalidone tablets.
Deserpidine tablets.
Hydrochlorothiazide tablets.
Hydroflumethiazide tablets.
Methyclothiazide tablets.
Polythiazide tablets.
Quinethazone tablets.
Rauwolfia serpentina tablets.
Rescinnamine tablets.
Reserpine tablets.
Syrosingopine tablets.
Trichlormethiazide tablets.

ANTI-HYPERTENSIVE/DIURETICS IN COMBINATION

Chlorothiazide and reserpine tablets.
Hydralazine hydrochloride and hydrochlorothiazide tablets.
Hydralazine and reserpine tablets.
Hydrochlorothiazide and deserpidine tablets.
Hydrochlorothiazide and reserpine tablets.
Methyclothiazide and deserpidine tablets.
Reserpine, hydralazine hydrochloride and hydrochlorothiazide tablets.
Spironolactone and hydrochlorothiazide tablets.
Trichloromethiazide and reserpine tablets.

ANTI-INFECTIVES

Salicylazosulfapyridine tablets.
Sulfadiazine tablets.
Sulfadimethoxine tablets.
Sulfamerazine tablets.
Sulfamethoxypyridazine acetyl tablets.
Sulfaphenazole tablets.
Sulfapyridine tablets.
Sulfisomidine tablets.
Sulfisoxazole tablets.

ANTI-MALARIALS

Pyrimethamine tablets.

ANTI-NEOPLASTICS

Chlorambucil tablets.
Methotrexate tablets.
Triethylene melamine tablets.
Uracil mustard capsules.

ANTI-THYROID

Propylthiouracil tablets.

CARBONIC ANHYDRASE INHIBITORS

Dichlorphenamide tablets.
Ethoxyzolamide tablets.
Methazolamide tablets.

CORTICOIDS

Betamethasone tablets.
Cortisone acetate tablets.
Dexamethasone tablets.
Fluorocortisone acetate tablets.
Fluprednisolone tablets.
Hydrocortisone acetate tablets and powder.
Hydrocortisone tablets.
Methylprednisolone tablets.
Paramethasone acetate tablets.
Prednisolone tablets.
Prednisone tablets.
Triamcinolone tablets.

ESTROGENS

Dienestrol tablets.
Diethylstilbestrol diphosphate tablets.
Diethylstilbestrol tablets.
Estradiol tablets.
Ethinyl estradiol tablets.

MISCELLANEOUS

Desoxycorticosterone acetate tablets.
Ethisterone tablets.
Isoproterenol sublingual tablets.
Methyltestosterone tablets.

THYROID SUPPLEMENT

Liothyronine, sodium tablets.

TRANQUILIZERS

Chlordiazepoxide hydrochloride capsules.
Perphenazine tablets.
Prochlorperazine tablets.
Promazine tablets.
Promethazine tablets.
Fluphenazine hydrochloride tablets.
Thioridazine tablets.
Trifluoperazine tablets.
Triflupromazine tablets.
Trimeprazine tablets.

VITAMIN K

Menadione tablets.
Phytonadione tablets.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701(a), 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055 (21 U.S.C. 321(p), 352, 355, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

PART 314—NEW DRUG APPLICATIONS

Part 314 is amended

1. By adding to § 314.111 a new paragraph (a)(8) to read as follows:

§ 314.111 Refusal to approve the application.

(a) * * *

(8) The applicant fails to submit bioavailability or bioequivalence data required under §§ 320.2 or 320.3 of this chapter.

* * * * *

2. By adding to § 314.115 a new paragraph (c)(5) to read as follows:

§ 314.115 Withdrawal of approval of an application.

* * * * *

(c) * * *

(5) That the applicant has failed to submit bioavailability or bioequivalence data required under §§ 320.2 or 320.3 of this chapter.

* * * * *

PART 320—BIOAVAILABILITY AND BIOEQUIVALENCE REQUIREMENTS

Part 320 is amended as follows:

3. By redesignating the present text in proposed § 320.1, published elsewhere in the FEDERAL REGISTER, as paragraph (a) and adding new paragraphs (b) through (f) to read as follows:

§ 320.1 Definitions.

(a) * * *

(b) "Drug product" means a finished dosage form, e.g., tablet, capsule, solution, etc., that contains the active drug ingredient generally, but not necessarily, in association with inactive ingredients.

(c) "Pharmaceutical equivalents" means drug products that contain identical amounts of the identical active drug ingredient, i.e., the same salt or ester of the same therapeutic moiety, in identical dosage forms (but not necessarily containing the same inactive ingredients) and that meet the identical compendial or other applicable standard of identity, strength, quality, and purity, including potency and, where applicable, content uniformity, disintegration times and/or dissolution rates.

(d) "Pharmaceutical alternatives" means drug products that contain the identical therapeutic moiety (or its precursor), but not necessarily in the same amount or dosage form or as the same salt or ester. Each such drug product individually meets either the identical or its own respective compendial or other applicable standard of identity, strength, quality, and purity, including potency and, where applicable, content uniformity, disintegration times and/or dissolution rates.

(e) "Bioequivalent drug products" means pharmaceutical equivalents or pharmaceutical alternatives whose rate and extent of absorption do not show a statistically significant difference when administered at the same molar dose of the therapeutic moiety under similar experimental conditions (either single dose or multiple dose). Some pharmaceutical equivalents or pharmaceutical alternatives may be equivalent in the extent of their absorption but not in their rate of absorption and yet may be considered bioequivalent because such differences in rate of absorption may be considered medically insignificant for the particular drug product studied.

(f) "Bioequivalence requirement" means a requirement imposed by the Food and Drug Administration for in vitro and/or in vivo testing of specified drug products which must be satisfied as a condition of marketing. A bioequivalence requirement will consist of the following:

(1)(i) A current in vitro test, usually a dissolution rate test not correlated with in vivo data, by a method specified by the Food and Drug Administration, in which the drug product is compared to a reference material, or

(ii) An in vitro bioequivalence standard which has been correlated with in vivo data on bioavailability, and

(2) Where so specified, an in vivo bioavailability test. Such in vivo bioavailability testing will ordinarily be required whenever methodology is available to conduct the study by the approaches outlined in § 320.2(b)(1) (i) and (ii) and there is documented evidence that the particular drug meets the criteria outlined in § 320.3(b) (1), (2), or (3). The reference material will be a similar dosage form which is the subject of an approved new drug application or another material specified by the Food and Drug Administration, e.g., the active ingredient in solution or suspension.

5. By adding a new § 320.3 to read as follows:

§ 320.3 Procedures for establishing a bioequivalence requirement.

(a) The Commissioner of Food and Drugs may establish a bioequivalence requirement, as defined in § 320.1(g), as a condition for marketing specific pharmaceutical equivalents, as defined in § 320.1(c), or pharmaceutical alternatives, as defined in § 320.1(d), that are intended to be used interchangeably for the same therapeutic effect, on the basis of data or information that such drug products are not or may not be bioequivalent drug products.

(b) The following factors, among others, will be considered by the Commissioner in determining whether a bioequivalence requirement should be estblished:

(1) Evidence from well-controlled clinical trials or controlled observations in patients that such drug products do not give comparable therapeutic effects.

(2) Evidence from well-controlled bioequivalence studies that such products are not bioequivalent drug products, as defined in § 320.1(e).

(3) Evidence that such drug products exhibit a narrow therapeutic ratio and/or have an effective concentration in the plasma that is in close proximity to the toxic concentration in the plasma, e.g., there is less than a 2-fold difference between the effective and toxic concentrations in the plasma, and safe and effective use requires careful dosage titiation and patient monitoring.

(4) Evidence that a lack of bioequivalence of such drug products would have serious adverse effect in the treatment or prevention of a serious disease or condition.

(5) Physicochemical evidence that:

(i) The active ingredient has a low solubility in water, i.e., less than 5 milligrams per 1 milliliter, and/or the volume of liquid required to dissolve the recommended dose far exceeds the volume of fluids present in the stomach (taken to be 100 milliliters).

(ii) The dissolution rate of one or more such products is slow, i.e., less than 50 percent in 30 minutes, and/or differs significantly from that of an appropriate reference material such as an identical drug product which is the subject of an approved full new drug application.

(iii) The particle size and/or surface area of the active ingredient is critical in determining its bioavailability.

(iv) Certain polymorphic forms of the active ingredient are poorly absorbed.

(v) Such drug products have a high ratio of excipients to active ingredients, i.e., greater than 5 to 1.

(vi) Specific inactive ingredients, e.g., hydrophilic or hydrophobic excipients, lubricants, etc., either may be required for absorption of the therapeutic moiety or, alternatively, if present, may interfere with such absorption.

(6) Pharmacokinetic evidence that:

(i) The therapeutic moiety is absorbed in large part in a particular segment of the gastrointestinal tract or is absorbed from a localized site.

(ii) The degree of absorption of the therapeutic moiety is poor, e.g., less than 50 percent, even when it is administered in pure form, as in solution.

(iii) There is rapid metabolism of the therapeutic moiety in the intestinal wall or liver during the process of absorption (first pass metabolism) so the therapeutic effect and/or toxicity of such drug product is determined by the rate as well as the degree of absorption.

(iv) The therapeutic moiety is rapidly metabolized or excreted so that rapid dissolution and absorption are required for effectiveness.

(v) The therapeutic moiety is unstable in specific portions of the gastrointestinal tract and requires special coatings or formulations, e.g., buffers, enteric coatings, film coatings, etc., to assure adequate absorption.

(7) Evidence that the pharmaceutical equivalents or pharmaceutical alternatives are members of a class of drug products that have close structural similarity and similar physicochemical and/or pharmacokinetic properties and evidence that other drug products in this same class are not bioequivalent drug products.

(c) The Commissioner, on his own initiative or in response to a petition by any interested person, may issue a proposal in the FEDERAL REGISTER to establish a bioequivalence requirement for pharmaceutical equivalents or pharmaceutical alternatives. A petition to establish a bioequivalence requirement shall be submitted pursuant to the provisions of §§ 2.5 and 2.7 of this chapter and shall contain the following information, as applicable:

(1) *Justification of the bioequivalence requirement.* (i) A statement summarizing the bioequivalence problem.

(ii) A presentation of the evidence that the drug products for which a bioequivalence requirement should be established are pharmaceutical equivalents or pharmaceutical alternatives that are labeled to be administered at the same dose of the same therapeutic moiety for the same therapeutic effect.

(iii) Presentation of scientific evidence and data in the categories listed in this paragraph, as applicable, to support the contention that a documented or potential bioequivalence problem exists.

(A) Scientific evidence that the subject pharmaceutical equivalents or pharmaceutical alternatives do not give comparable therapeutic effects, together with a citation of supporting well-controlled observations or clinical trials in patients and a summary of their contents.

(B) Scientific evidence that the subject pharmaceutical equivalents or pharmaceutical alternatives are not bioequivalent drug products, together with appropriate data and/or citations of supporting well-controlled bioequivalence studies and a summary of their contents.

(C) Documentation that the subject pharmaceutical equivalents or pharmaceutical alternatives have a narrow therapeutic ratio and/or have an effective concentration in the plasma that is in close proximity to the toxic concentration in the plasma and/or safe and effectiye use requires careful dosage titration and patient monitoring.

(D) Documentation that lack of bioequivalence would have a serious adverse effect in the treatment of a serious disease or condition.

(E) Scientific evidence and data that the subject pharmaceutical equivalents or pharmaceutical alternatives, because of the physicochemical and/or pharmacokinetic characteristics set forth in paragraphs (b) (5) and (6) of this section, may not be bioequivalent drug products.

(F) Evidence and data to support a finding that the pharmaceutical equivalents or pharmaceutical alternatives are members of a class of drug products that have close structural similarity and similar physicochemical and/or pharmacokinetic properties to other drug products which have been specifically shown to lack therapeutic equivalance or bioequivalence.

(2) *Proposed bioequivalence requirement.* (i) A description of the proposed current in vitro test to be used pending the development of a definitive in vitro bioequivalence standard together with the scientific evidence that this current in vitro test is suitable for comparing the subject pharmaceutical equivalents or pharmaceutical alternatives to a reference material.

(ii) A description of any proposed in vitro bioequivalence standard, including a citation of in vivo data which support the applicability of the proposed in vitro bioequivalence standard.

(iii) A description of any proposed in vivo bioavailability test, including the reference material to be used and other technical specifications needed to assure uniform testing of the subject pharmaceutical equivalents or pharmaceutical alternatives together with a citation of supporting evidence and a summary of its contents.

(3) *Scientific evidence.* Scientific evidence cited in the petition shall include specific, precise information such as:

(i) The product names, batch numbers, labeling, and the identity of the manufacturer, packer, or distributor of the batches of the subject pharmaceutical equivalents or pharmaceutical alternatives included in the studies on which the evidence is based.

(ii) The results of all in vitro physical and chemical tests conducted on the batches of the subject pharmaceutical equivalents or pharmaceutical alternatives to determine whether they meet compendial or other applicable standards of identity, strength, quality, and purity, including potency and, where applicable, content uniformity, disintegration rates, and dissolution rates.

(iii) The results of any in vitro physicochemical tests conducted on the batches of the subject pharmaceutical equivalents or pharmaceutical alternatives studies other than those specified in the compendial or other applicable standard, e.g., particle size.

(iv) The results of any in vivo bioavailability test and/or invitro bioequivalence test conducted on the batches of the subject pharmaceutical equivalents or pharmaceutical alternatives studied. These results shall present a validation of the analytical methodology, including the standard curve used and a description of the method of calculation of results, and a description of the pharmacokinetic model and/or statistical model used in analyzing the data.

(v) A full description of the analytical procedures and equipment used in conducting and in vivo or in vitro test on the subject pharmaceutical equivalents or pharmaceutical alternatives.

(4) *Published reports.* Copies of published reports in the scientific literature and/or unpublished material from physicians or investigators cited in the petition as scientific evidence that a bioequivalence requirement should be established for the subject pharmaceutical equivalents or pharmaceutical alternatives.

(5) *Availability of samples.* Information as to the availability of sufficient samples of the subject pharmaceutical equivalents or pharmaceutical alternatives studied to permit confirmatory testing by the Food and Drug Administration.

(d) If the Commissioner determines that the petition presents adequate evidence that specific pharmaceutical equivalents or pharmaceutical alternatives are not or may not be bioequivalent drug products, he shall issue a proposal in the FEDERAL REGISTER to establish a bioequivalence requirement for these drug products pursuant to § 2.10 of this chapter.

(e) If the Commissioner determines that individual batch testing by the Food and Drug Administration is necessary to assure that all batches of the same drug product meet an appropriate in vitro test, the bioequivalence requirement shall include a requirement for manufacturers to submit samples of each batch to the Food and Drug Administration and to withhold distribution of the batch until notified by the Food and Drug Administration that the batch may be shipped into interstate commerce. The Commissioner will ordinarily terminate a requirement for a manufacturer to submit such samples on a finding that the manufacturer has produced four consecutive batches which were tested by the Food and Drug Administration and found to be bioequivalent, unless the public health requires that such batch testing be extended to additional batches.

(f) If the bioequivalence requirement provides for in vivo bioavailability testing, an appropriate reference material will be specified by the Food and Drug Administration. Such in vivo bioavailability testing shall be conducted according to the procedures set forth in § 320.2, using the most accurate and sensitive method available. Clinical trials are adequate to establish bioavailability only where other methods are not available. If a bioequivalence requirement includes in vivo bioavailability testing, all manufacturers of the drug product shall conduct such testing using the most accurate and sensitive method available even though their drug product is the subject of an approved full new drug application containing clinical evidence of safety and effectiveness.

(g) If a bioequivalence requirement is established for a drug product subject to a new drug application which became effective prior to October 10, 1962, or for a drug product covered by such a new drug application pursuant to § 310.6 of

this chapter, the provisions of § 310.7 of this chapter relating to submission and approval of a supplemental or abbreviated new drug application and other conditions for lawfully marketing such a drug product shall apply.

(h) If a bioequivalence requirement is established for a drug product subject to a new drug application which was approved after October 10, 1962, marketing of the product may lawfully be continued as follows:

(1) Any manufacturer who holds an approved full new drug application shall submit and obtain approval by the Food and Drug Administration of a supplemental application which provides evidence that the drug product meets the bioequivalence requirement. If a supplemental application is submitted within the time frame specified in the regulation establishing the bioequivalence requirement, the drug product involved may continue to be marketed unless and until the supplemental application is disapproved.

(2) Any manufacturer who does not hold an approved full new drug application may lawfully market such drug product only if, prior to such marketing, the manufacturer has submitted and obtained approval from the Food and Drug Administration of a full or an abbreviated new drug application containing evidence that the drug product meets the bioequivalence requirement.

(i) If a bioequivalence requirement is established for pharmaceutical equivalents or pharmaceutical alternatives which are not subject to the new drug provisions of the act, marketing of such drug products may be continued if all of the following conditions apply:

(1) The manufacturer of the drug product submits pursuant to § 310.300 (b) (1) and (2) of this chapter those reports which are required to be submitted either immediately upon receipt or within 15 working days of receipt.

(2) The manufacturer records and maintains evidence that the drug product complies with the bioequivalence requirement. Upon written request or notice published in the FEDERAL REGISTER, the manufacturer shall promptly submit such evidence to the Food and Drug Administration.

(3) The drug product is manufactured in accordance with current good manufacturing practices, as determined by the requirements in Part 211 of this chapter.

(4) The drug product is labeled in compliance with the act and this chapter.

(j) Any drug product for which a bioequivalence requirement is established may be marketed only in accordance with the provisions of this section. A marketed drug product not in compliance with this section, e.g., an abbreviated new drug application has not been submitted as required or has been disapproved, is illegal and subject to regulatory action.

(k) Upon disapproval of a full or an abbreviated new drug application, the procedures for disapproval of any new drug application pursuant to section 505 (d) of the act shall be applicable. Marketing of the drug product involved shall thereafter be illegal unless the Commissioner, in his discretion, determines to stay such disapproval.

(l) If a bioequivalence requirement specifies a current in vitro test or a bioequivalence standard comparing the drug product to a reference standard, such test shall be conducted on a sample of each batch of the drug product to assure batch to batch uniformity.

(m) A bioequivalence requirement established pursuant to this section may specify a current in vitro test, an in vitro bioequivalence standard, or an in vivo bioavailability test that is based on data and information voluntarily submitted to the Food and Drug Administration even though these data and information are exempt from public disclosure pursuant to § 4.61 of this chapter.

(n) The Commissioner, on his own initiative or in response to a petition submitted pursuant to the provisions of §§ 2.5 and 2.7 of this chapter, may amend a bioequivalence requirement established pursuant to this section to provide for a new or revised current in vitro test, in vitro bioequivalence standard, in vivo bioavailability test, or individual batch testing by the Food and Drug Administration.

(o) If the Commissioner establishes an old drug monograph for a drug for which a bioequivalence requirement has been established under this section, the provisions of this section as they relate to that drug are thereby revoked.

(p) If any product fails to meet an in vitro standard promulgated by the Food and Drug Administration and the manufacturer nevertheless wishes to market the product without reformulation, he may in lieu of reformulation, demonstrate the bioequivalence of the product by in vivo bioavailability testing of three consecutive batches of the drug product using as a reference material a drug product which meets the in vitro bioequivalence standard, and he shall develop an in vitro test which assures the dissolution characteristics of his product.

(q) All records of in vivo and/or in vitro tests conducted on any marketed batch of a drug product to assure that such product meets a bioequivalence requirement shall be maintained by the manufacturer for at least 2 years after the expiration date of the batch and submitted to the Food and Drug Administration on request.

Interested persons may, on or before August 4, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments shall be filed in quintuplicate and shall be identified with the Hearing Clerk docket number found in the document heading. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 13, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-15961 Filed 6-19-75;8:45 am]

federal register

FRIDAY, JUNE 20, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 120

PART III

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

■

ALUMINUM

Proposed Changes in Defense Materials System

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[32A CFR Ch. VI]

ALUMINUM

Proposed Rulemaking

Notice is hereby given that the Deputy Assistant Secretary for Domestic and International Business, pursuant to section 704 of the Defense Production Act of 1950, as amended and extended, and Executive Order 10480, as amended, is proposing to revise DMS Order 3 (formerly Order M–5A).

The last general revision of the subject order was published in the FEDERAL REGISTER with an effective date of May 6, 1953. Although particular sections of the order have been amended since that date, there has been no general revision of the order since 1953.

This proposed revision would supersede DMS Order 3 (formerly Order M–5A) of May 6, 1953, as amended by Amdt. 1 of December 31, 1956, Amdt. 2 of January 20, 1958, and Amdt. 3 of July 1, 1971 (order and amendments codified in 32A CFR 147 (1974)). The changes proposed between the currently effective order, as amended, and this revision are substantial and numerous. The principal purposes of the proposed revision are to update, simplify and clarify the order, and to bring it into conformity mainly with DMS Reg. 1 (Basic Rules of the Defense Materials System) and also with DPS Reg. 1 (Basic Rules of the Defense Priorities System), both of which regulations were substantially revised effective July 1, 1974 (32A CFR 111, 159 (1974)).

The changes that would be effected by this proposal are comprehensive in scope and include, but are not limited to:

1. In section 2 (current section 3) many of the definitions have been revised, some definitions have been added and some deleted.

2. In section 4 (current section 5) it is provided that acceptance by an aluminum producer, prior to the date he opens his order books, of an ACM order directly from an agency of the U.S. Government or of an ACM–DX order shall not effect an opening of his books so as to require acceptance of other ACM orders. The comparable provision in the current section 5 is limited to acceptance of ACM orders directly from the Department of Defense or the Atomic Energy Commission and does not cover ACM–DX orders.

3. Under section 5 (current section 6) an aluminum producer who receives an ACM order must transmit written notification of its acceptance or rejection within ten calendar days, except that in the case of an ACM–DX order such notification must be transmitted within five calendar days. The current section 6 makes no distinction between ACM orders and ACM–DX orders and requires an aluminum producer to "immediately notify" his customer of acceptance or rejection.

4. In section 6 (current section 7) a number of changes have been made in the grounds for rejection of ACM orders by aluminum producers. An ACM–DX order may not be rejected even though received after commencement of lead time; the provision requiring approval by BDC of minimum quantities of aluminum controlled materials established by each mill has been eliminated; an ACM–DX order must be accepted without regard to set-asides; and revisions have been made concerning rejection of ACM orders received from aluminum distributors and aluminum producers.

5. The revisions in section 7 (current section 8) were made essentially for editorial and technical reasons and to bring the section into conformity with DMS Reg. 1, including its Direction 2.

6. In section 8 (current section 9) the basis for establishing set-asides for primary aluminum ingot and primary aluminum molten metal has been changed from past shipments to production capacity. For other aluminum controlled materials, past shipments would continue to be the basis for establishing set-asides.

7. In section 9 (current sections 10 and 11) the requirement for individuals authorizations from BDC to aluminum producers to obtain production materials has been eliminated. Instead, aluminum producers must obtain needed production materials consisting of aluminum by self-authorization using the program identification FC (currently AM); and must obtain other production materials by self-authorization using the program identification D–1. References to the program identifications AF and AP have been eliminated. In the case of inventory replacement, all aluminum producers shall place ACM orders or rated orders, as appropriate, only in the calendar month in which products or materials were taken from inventory to fill mandatory acceptance orders, or in the immediately succeeding two calendar months. Other revisions were made in section 9 for editorial and technical reasons and to bring the section into conformity with DMS Reg. 1, including its Direction 2.

8. In section 10 (current section 12) a number of additions have been made in the grounds for rejection of ACM orders by aluminum distributors. These include rejection if the order is not for immediate delivery; if the material ordered is not in stock; if the distributor's established terms of sale are not met; and if an applicable set-aside has been reached or would be exceeded by acceptance (except for ACM–DX orders). Further, the current ground for rejection based on orders exceeding specific listed quantities has been changed to rejection based on established minimum mill quantities. In addition, the current provision permitting rejection by a distributor whose base period shipments were small has been eliminated. The program identification D–8 has been substituted for the program identification AM–9000 for use by distributors in obtaining aluminum controlled materials to fill mandatory acceptance orders or for inventory replacement of materials used to fill such orders.

9. A new section 11 has been added which provides that aluminum producers and distributors need not use program identifications and ratings in the case of any individual purchase order of $500 or less.

10. An express provision authorizing appeals from adverse decisions by BDC has been added to section 13 (current section 14).

The inflationary effect of this proposal has been evaluated in accordance with Executive Order 11821 (Inflation Impact Statements), 39 FR 41501 (November 29, 1974), and a determination made that the proposed revision would have no major inflationary impact.

Interested persons who desire to submit written views or comments on the proposed revised order should file them, in triplicate, with the Deputy Assistant Secretary for Domestic and International Business, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DMS Order 3, within 30 days from date of publication of this notice in the FEDERAL REGISTER.

The proposed revised order is presented below:

DMS ORDER 3—ALUMINUM

Sec.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17775; DMO 8400.1, 32A CFR 17 (1974); Department of Commerce Organization Orders 10–3, as amended, 39 FR 27484, 40 FR 8977, 40 FR 12534, and 40–1, as amended, 40 FR 8978, 40 FR 12532; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, 40 FR 12696, 45–1, 40 FR 10218, and 45–2, 40 FR 10218; Department of Commerce Organization Order 20–11, 32 FR 10825.

Section 1. What this order does.

This revised order supplements DMS Regulation 1 (Basic Rules of the Defense Materials System), including its Schedules and Directions, and sets forth certain rules regarding operations of aluminum producers and aluminum distributors.

Sec. 2. Definitions.

As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other orga-

nized group of persons, and includes any agency of the United States Government or any other government.

(b) "BDC" means the Bureau of Domestic Commerce, Domestic and International Business Administration, United States Department of Commerce.

(c) "Controlled material" means domestic and imported steel, copper, aluminum, and nickel alloys, in the forms and shapes specified in Schedule I of DMS Reg. 1, whether new, remelted, rerolled, or redrawn.

(d)(1) "Aluminum controlled material" means the forms and shapes of aluminum specified in Schedule I of DMS Reg. 1. These forms and shapes are:

Rolled bar, rod, structural shapes, and bare wire.
Aluminum conductor steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube).
Sheet and plate.
Ingot, granular or shot, and molten metal.
Foil.
Powder, flake, paste.

(2) "Primary aluminum ingot" means ingot produced from alumina.

(3) "Primary aluminum molten metal" means molten metal produced from alumina.

(e) "Aluminum producer" means any person who produces an aluminum controlled material. It includes a primary producer, a secondary smelter, and an independent fabricator.

(f) "Primary producer" means any person who produces primary aluminum ingot or primary aluminum molten metal and one or more of the other aluminum controlled materials.

(g) "Secondary smelter" means any person who remelts ingot or scrap to produce properly alloyed, chemically tested, specification ingot, and who has the equipment and technical knowledge necessary to perform this function without downgrading; and includes a primary producer to the extent that he performs such function.

(h) "Independent fabricator" means any person (except a primary producer or a secondary smelter) who does not produce aluminum ingot or aluminum molten metal, but who produces other aluminum controlled materials for sale.

(i) "Aluminum distributor" means any person (including a warehouseman or jobber, but not a retailer) engaged in the business of stocking aluminum controlled materials at a location regularly maintained by him for sale or resale in the form or shape as received, or after performing such operations as cutting to length or shape, slitting, shearing, or sorting and grading.

(j) "Aluminum importer" means any person who imports an aluminum controlled material.

(k) "Set-aside" means the amount and kind of any aluminum controlled material which a person is required to reserve for filling mandatory acceptance orders during specified periods of time, as prescribed by BDC.

(l) "Authorized controlled material order" (ACM order) means any delivery order for any controlled material (as distinct from a product containing controlled material) bearing an authorized program identification, the calendar quarter in which delivery is required, and the certification required by DMS Reg. 1 or any other applicable regulation or order of BDC. The term "ACM order" shall have the same meaning as "authorized controlled material order."

(m) "ACM–DX order" means an authorized controlled material order identified by the suffix "DX" as provided in section 5 of DMS Reg. 1.

(n) "Rated order" means any delivery order for any product, service, or material other than controlled material bearing an authorized rating and the certification required by DPS Reg. 1 or any other applicable regulation or order of BDC.

(o) "Mandatory acceptance order" means an ACM order, a rated order, or any other delivery order which a person is required to accept pursuant to any regulation or order of BDC, or pursuant to a specific authorization or directive of BDC.

(p) "Lead time" means the period of time in advance of the month of required shipment for controlled materials as specified in Schedule III of DMS Reg. 1.

(q) "Production material" means, with respect to any aluminum producer, any products or materials (including controlled materials) which will be physically incorporated into aluminum controlled materials which he produces and the portion of such products and materials normally consumed or converted into scrap or by-products in the course of processing. It also includes chemicals used directly in the production of the materials he produces, and products and materials used for packaging or containers required to make delivery of the materials he produces. It does not include products and materials for plant improvement, expansion or construction, production equipment, or maintenance, repair and operating supplies (MRO). Direction 1 to DMS Reg. 1 provides a separate self-authorization procedure to obtain MRO needed to fill mandatory acceptance orders.

(r) "FC program identification" means the letters "FC" used by aluminum producers in placing ACM orders for aluminum controlled materials in accordance with section 9 of this order.

Sec. 3. Directives.

Each aluminum producer and aluminum distributor shall comply with such production, delivery or other directives as may be issued from time to time by BDC, and with all applicable regulations and orders of BDC.

Sec. 4. Opening of order books.

(a) Each aluminum producer shall open his order books for the acceptance of ACM orders no later than 105 days prior to the first day of each calendar quarter during which deliveries are to be made.

(b) An aluminum producer may open his order books for acceptance of ACM orders for delivery in any calendar quarter as long in advance of such 105-day period as he may choose, but after his order books are opened he shall accept all ACM orders as provided in this order and in DMS Regulation 1: *Provided*, That acceptance prior to the date he opens his order books of (1) an ACM order directly from an agency of the United States Government or (2) an ACM–DX order, shall not effect an opening of his books so as to require acceptance of other ACM orders.

Sec. 5. Acceptance of orders by aluminum producers.

(a) Except as provided in this order and other applicable regulations and orders of BDC, an aluminum producer must accept all ACM orders.

(b) Each aluminum producer who receives an ACM order must transmit written notification to the person who tendered such order of its acceptance or rejection within ten consecutive calendar days after its receipt, except that in the case of an ACM–DX order such notification must be transmitted within five consecutive calendar days after its receipt. Receipt of such an order shall mean when received at the place where the aluminum producer usually processes such orders.

Sec. 6. Rejection of orders by aluminum producers.

An aluminum producer may reject ACM orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(a) If the order is received after commencement of the applicable lead time: *Provided*, That an ACM–DX order must be accepted without regard to lead time unless it is impracticable for him to make delivery within the required delivery month in which event he must accept such order for the earliest practicable delivery date.

(b) If the order is one for less than the minimum mill quantity specified in Schedule IV of DMS Reg. 1.

(c) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(d) If the applicable set-aside has been reached or would be exceeded by acceptance, except that an ACM–DX order must be accepted without regard to such set-aside.

(e) If the order is received from an aluminum distributor who did not purchase aluminum controlled materials from the producer-supplier during the preceding calendar year.

(f) If the order is received from a primary producer.

(g) If the order is received from a secondary smelter or an independent fabricator who did not purchase aluminum controlled materials from the producer-supplier during the preceding calendar year.

Sec. 7. Priority status of orders.

(a) All ACM orders shall have equal preferential status and shall take precedence in acceptance and delivery over

other orders previously or subsequently received. All ACM–DX orders shall have equal preferential status and shall take precedence in acceptance and delivery over ACM orders previously or subsequently received and over other orders previously or subsequently received.

(b) Orders pursuant to directives issued by BDC shall take precedence in acceptance and delivery over ACM–DX orders, ACM orders and other orders previously or subsequently received, unless a contrary instruction appears in the directive.

(c) An aluminum producer must make shipment on each ACM order as close to the requested delivery date as is practicable. If an aluminum producer, after accepting an ACM order finds that, due to contingencies he could not reasonably have foreseen, he is obliged to postpone the delivery date, he must promptly advise his customer of the approximate date when shipment can be made, and keep his customer advised of any changes in that date. Shipment of any such carry-over order must be scheduled and made in preference to any order originally scheduled for a later date. When the new date for shipment on a carry-over order falls within a later quarter than that indicated on the original order, the producer must make shipment on the basis of the original order even if that order shows a quarterly identification earlier than the one in which shipment is actually made. Carry-over orders shall not be applied against the set-aside established pursuant to section 8 of this order for the month in which such carry-over orders are rescheduled but shall be in addition thereto.

Sec. 8. Set-asides.

BDC will notify each primary producer, secondary smelter and independent fabricator of the maximum aggregate quantities of aluminum controlled materials, by form and shape, which must be set aside for the acceptance by him of ACM orders for delivery during each calendar month. For primary aluminum ingot and primary aluminum molten metal, these set-aside quantities will be determined on the basis of production capacity during a representative base period or on a representative date; for other aluminum controlled materials, these set-aside quantities will be determined on the basis of shipments during a representative base period.

Sec. 9. Production requirements of aluminum producers.

(a) An aluminum producer must place ACM orders using the program identification FC in obtaining production materials consisting of aluminum controlled materials needed to fill mandatory acceptance orders or to replace in inventory aluminum controlled materials which he has used to fill such orders.

(b) An aluminum producer must place ACM orders using the program identification D–1 in obtaining production materials consisting of controlled materials (other than aluminum) needed to fill mandatory acceptance orders or to replace in inventory controlled materials (other than aluminum) which he has used to fill such orders.

(c) An aluminum producer who requires controlled materials to fill an ACM–DX order to replace in inventory controlled materials used to fill an ACM–DX order must, in addition to complying with paragraphs (a) and (b) of this section, indicate the suffix DX on his delivery orders for such controlled materials.

(d) An aluminum producer must place rated orders using the rating DO–D–1 in obtaining production materials other than controlled materials needed to fill mandatory acceptance orders or to replace in inventory such production materials which he has used to fill such orders.

(e) An aluminum producer who requires materials other than controlled materials to fill an ACM–DX order or to replace in inventory such materials used to fill an ACM–DX order must, in addition to complying with paragraph (d) of this section, use the rating DX–D–1 (in lieu of the rating DO–D–1) on his delivery orders for such materials.

(f) An aluminum producer may combine his requirements of controlled materials needed to fill mandatory acceptance orders in one or more ACM orders. He may also combine his requirements for other production materials needed to fill mandatory acceptance orders in one or more rated orders.

(g) Persons obtaining controlled materials or products and materials other than controlled materials to replace in inventory materials used to fill mandatory acceptance orders pursuant to this section shall place ACM orders or rated orders, as appropriate, for such inventory replacement, only in the calendar month in which such products or materials were taken from inventory to fill such mandatory acceptance orders, or in the immediately succeeding two calendar months.

Sec. 10. Rules applicable to aluminum distributors.

(a) Except as provided in this order and other applicable regulations and orders of BDC, an aluminum distributor must accept all ACM orders.

(b) An ACM order placed with an aluminum distributor shall be considered as calling for immediate delivery unless such order specifically provides otherwise.

(c) An aluminum distributor must accept all mandatory acceptance orders; however, he may reject ACM orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(1) If the order is not for immediate delivery.

(2) If he does not have the material ordered in stock, unless he knows that such material is in transit to him.

(3) If the person seeking to place the order is unwilling or unable to meet such distributor's regularly established prices and terms of sale or payment.

(4) If a set-aside has been established, and the applicable set-aside has been reached or would be exceeded by acceptance, except that an ACM–DX order must be accepted without regard to such set-aside.

(5) If the person seeking to place the order is another aluminum distributor.

(6) If acceptance of the order for delivery in any calendar month of any aluminum form or shape, together with the quantity of such form or shape for which he has previously accepted ACM orders for delivery during such month, would exceed 130 percent of the average monthly quantity of such form or shape delivered by him during the preceding calendar year pursuant to ACM orders, except that an ACM–DX order must be accepted without regard to such limitation.

(7) If the order is for a quantity equal to or greater than the minimum mill quantity established by such distributor's principal producer-supplier pursuant to Schedule IV of DMS Reg. 1.

(d) An aluminum distributor must place ACM orders using the program identification D–8 in obtaining aluminum controlled materials needed to fill mandatory acceptance orders or to replace in inventory aluminum controlled materials which he has used to fill such orders.

(e) An aluminum distributor who requires aluminum controlled materials to fill an ACM–DX order or to replace in inventory aluminum controlled materials used to fill an ACM–DX order must, in addition to complying with paragraph (d) of this section, indicate the suffix DX on his delivery orders for such controlled materials.

(f) An aluminum distributor obtaining aluminum controlled materials to replace in inventory aluminum controlled materials used to fill mandatory acceptance orders pursuant to this section shall place ACM orders only in the calendar month in which such materials were taken from inventory to fill such mandatory acceptance orders, or in the immediately succeeding two calendar months.

Sec. 11. Small order exemption.

The provisions of this order requiring aluminum producers and aluminum distributors to use ratings and program identifications need not be followed in the case of any individual delivery order of $500 or less.

Sec. 12. Records and reports.

(a) Each person participating in any transaction covered by this order shall make, and preserve for at least three years thereafter, accurate and complete records thereof. Such records shall be maintained in sufficient detail to permit the determination, upon examination or audit, whether or not each transaction complies with the provisions of this order or any other applicable regulation or order of BDC. However, this order does not specify any particular accounting method or system to be used. Records may be retained in the form of microfilm or other record-keeping systems which provide the information contained in the original records.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of BDC at the usual place of business of the person involved.

(c) Upon request by BDC, each aluminum producer, aluminum importer and such other persons who may be requested, shall each month complete and submit Form BDCF-122 in accordance with the instructions applicable to such form.

(d) Persons subject to this order shall develop and maintain such records and submit such reports to BDC as it shall require, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501-3511).

Sec. 13. Requests for adjustment or exception and appeals.

(a) Any person subject to any provision of this order may submit a request for adjustment or exception to BDC upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by any provision of this order, consideration will be given to the requirements of public health and safety, civil defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, addressed as provided in section 14(a) of this order, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Any person may appeal to the Appeals Board for the Department of Commerce from an adverse decision against him by BDC pursuant to this order. Each appeal shall be submitted to the Appeals Board not later than 45 days after receipt by the appellant of an adverse decision and shall be in writing, by letter in triplicate, addressed as provided in section 14(b) of this order, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. In addition, one copy of such letter shall be furnished to BDC by the appellant, addressed as provided in section 14(a) of this order. The decision of the Appeals Board shall be final within the Department and shall be provided in writing to the appellant and to BDC.

Sec. 14. Communications.

(a) All communications concerning this order or requests for adjustment or exception pursuant to section 13(a) of this order shall be addressed to the Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DMS Order 3.

(b) All appeals pursuant to section 13 (b) of this order shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DMS Order 3.

Sec. 15. Violations.

(a) Any person who willfully violates any provision of this order, or who willfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both.

(b) Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving deliveries of products or materials, or using products, materials or facilities. In addition to such administrative action, an injunction and order may be obtained from a court of appropriate jurisdiction prohibiting any such violation and enforcing compliance with the provisions hereof.

Dated: June 17, 1975.

For Domestic and International Business Administration, Bureau of Domestic Commerce.

DONALD E. JOHNSON,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.75-16124 Filed 6-19-75;8:45 am]

federal register

FRIDAY, JUNE 20, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 120

PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR
Employment Standards Administration
MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION
General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following the Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specfied classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writng 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.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Florida:	
FL75–1010	Jan. 24, 1975
FL75–1016	Jan. 21, 1975
FL75–1018	Feb. 7, 1975
FL75–1035, FL75–1037	Mar. 21, 1975
Illinois:	
AR–3064	Aug. 9, 1975
IL75–2078	May 30, 1975
Louisiana:	
LA75–4100	May 23, 1975
North Dakota:	
ND75–5058	Do.
Oklahoma:	
OK75–5069	Mar. 28, 1975
OK75–4080	Apr. 18, 1975
Pennsylvania:	
AR–2004; AR–2005	July 12, 1975
Texas:	
TX75–4090; TX75–4094	May 16, 1975
TX75–4105; TX75–4108	May 23, 1975
TX75–5110	May 30, 1975
Utah:	
UT75–5026	Feb. 21, 1975
Wyoming:	
WY75–5011	Jan. 31, 1975

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL75–1032(AL75–1063)	Mar. 21, 1975
Arkansas:	
AR75–5032(AR75–5074)	Feb. 28, 1975
Illinois:	
AR–3059(IL75–2082); AR–3060(IL75–2083)	Aug. 2, 1974
Kentucky:	
AR–4014(KY75–1065)	Do.
AR–4016(KY75–1064)	Aug. 9, 1974
Louisiana:	
AR75–5032(AR75–5074)	Feb. 28, 1975
Maryland:	
MD75–3003(MD75–3062)	Jan. 3, 1975
Mississippi:	
AR75–5032(AR75–5074)	Feb. 28, 1975
Missouri:	
AR–79(MO75–4115)	Nov. 15, 1974
Nebraska:	
AQ–79(NE75–4113)	Feb. 15, 1974
New Jersey:	
AR–2073(NJ75–3049); AR–2077(NJ75–3049)	Nov. 15, 1974
AR–2080; AR–2081; AR–2082(NJ75–3049)	Nov. 22, 1974
AR–2088; AR–2089; AR–2090(NJ75–3049)	Nov. 29, 1974
New York:	
NY75–3037(NY75–3063)	Apr. 11, 1975
Tennessee:	
AR–4021(TN75–1057)	Aug. 30, 1974
AR75–5032(AR75–5074)	Feb. 28, 1975
Texas:	
TX75–4107(TX75–4114)	May 23, 1975
Virginia:	
MD75–3003(MD75–3062)	Jan. 3, 1975
Washington, D.C.:	
DC75–3002(DC75–3061)	Do.
Wyoming:	
(WY75–5028(WY75–5073)	Feb. 21, 1975

Signed at Washington, D.C., this 13th day of June 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
DECISION # FL75-1010 - Mod. #4 (40 FR 3884 - January 24, 1975) Hillsborough County, Florida					
Change:					
Painters:					
Brush and roller	7.30	.30	.30		.06
Swing stage and window jacks, spray, sandblasting	7.80	.30	.30		.06
Dry wall tapers	8.15	.30	.30		.06
Paperhangers	7.80	.30	.30		.06
Omit:					
Painters:					
Structural steel, bridge & Ind.:					
Brush, roller, swing stage bos'n chair	7.05	.25	.20		.06
Spray and sandblasting	7.30	.25	.20		.06
DECISION #FL75-1016 - Mod. #3 (40 FR-4807 - January 21, 1975) Duval County, Florida					
Change:					
Carpenters and Soft floor layers	8.12	.44	.30	.30	.03
Millwrights	8.80	.44	.30	.30	.03
Piledrivermen	8.12	.44	.30	.30	.03
Acoustical workers	8.12	.44	.30	.30	.03
DECISION #FL-1018 - Mod. #3 (40 FR-6018 - February 7, 1975) Dade County, Florida					
Change:					
Linemen Construction:					
Linemen	9.00	4%	1%+.20	5%	of %
Cable splicer	9.25	4%	1%+.20	5%	of %
Groundmen	5.23	4%	1%+.20	5%	of %
Heavy equipment operator	9.00	4%	1%+.20	5%	of %

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
DECISION #FL75-1035 - Mod. #1 (40 FR-12972 - March 21, 1975) Brevard and Volusia (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only and including Base Radar Site), Florida					
Change:					
Laborers:					
Common laborers	4.70	.45	.30		.01
Hod carriers, Kettlemen, Mason tenders, mortar mixers, pipelayers (conc. & clay) air tool op., vibrator, plasterers tenders, well water dewatering powderman, paving form setters, concrete workers	4.85	.45	.30		.01
Nozzlemen (handling the nozzle of cement gun	5.52	.45	.30		.01
Curb and gutter form setters	4.85	.45	.30		.01
Sidewalk	4.85	.45	.30		.01
DECISION #75-1037 - Mod. #3 (40 FR 12974 - March 21, 1975) Alachua County, Florida					
Change:					
Description of Work to Read: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)					

DECISION #AR-3064 - Mod. #3
(39 FR 28800 - August 9, 1974)
Cook County, Illinois

CHANGE:
Laborers Schedules

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Common Laborers; Plasterers Laborers; Pumps for Dewatering & other Unclassified Laborers	$7.20	.57	1.10		
Cement Gun Laborers	7.275	.57	1.10		
Scaffold Laborers & Chimney Laborers over 40'	7.30	.57	1.10		
Windlass & Cement Gun Nozzle Laborers - Gunnite	7.35	.57	1.10		
Stone Handlers & Derricknen	7.40	.57	1.10		
Jackhammermen	7.425	.57	1.10		
Concrete Vibrator; Plumbers Laborer & Chain Saw Operator	7.45	.57	1.10		
Firebrick & Boiler Setters' Laborers	7.525	.57	1.10		
Chimney Laborers on Firebrick; Caisson Diggers & Well Point System Men	7.55	.57	1.10		
Boiler Setter Plastic Laborers	7.65	.57	1.10		
Jackhammermen on Firebrick Only	7.775	.57	1.10		
WRECKING LABORERS:					
Brick Cleaners	6.47	.57	.85		
Laborers	7.12	.57	.85		
Wreckers	7.12	.57	.85		
Stackman or Highman	7.47	.57	.85		
Burners, Wallmen & Jackhammermen	7.12	.57	.85		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #IL75-2078 - Mod. #1 (40 FR 23637 - May 30, 1975) Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will Counties, Illinois					
CHANGE:					
Laborers:					
DeKalb County:					
Common, Landscaping & Carpenter Tenders.	$8.00	.30	.20		.035
Mortar Mixers, Mason & Plasterer Tenders, Vibrator Operator	8.20	.30	.20		.035
Bottom Sewer Workers, Jack-Hammer Operator, Cofferdam, Caisson Workers, Gunnite Nozzlemen	8.30	.30	.20		.035
OMIT:					
Laborers Schedules					
ADD:					
Laborer Schedule					

DECISION #IL75-2078 CONT'D

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Common Laborers; Plasterers Laborers; Pumps for Dewatering & other Unclassified Laborers	$7.20	.57	1.10		
Cement Gun Laborers	7.275	.57	1.10		
Scaffold Laborers & Chimney Laborers over 40'	7.30	.57	1.10		
Windlass & Cement Gun Nozzle Laborers - Gunnite	7.35	.57	1.10		
Stone Handlers & Derrickmen	7.40	.57	1.10		
Jackhammermen	7.425	.57	1.10		
Concrete Vibrator; Plumbers Laborer & Chain Saw Operator	7.45	.57	1.10		
Firebrick & Boiler Setters' Laborers	7.525	.57	1.10		
Chimney Laborers on Firebrick; Caisson Diggers & Well Point System Men	7.55	.57	1.10		
Boiler Setter Plastic Laborers	7.65	.57	1.10		
Jackhammermen on Firebrick Only	7.775	.57	1.10		

DECISION #LA75-4100 - Mod. #2
(40 FR 22745 - May 23, 1975)
Statewide Louisiana

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Electricians:					
Electricians:					
Zone 2	$8.75		1%		
Cable splicers:					
Zone 2	9.25		1%		

DECISION #ND75-5058 - Mod. #1
(40 FR 22776 - May 23, 1975)
Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Stonemasons:					
Grand Forks, Steele and Walsh Counties	$9.25		.15		
Cass and Richland Counties	9.24	.40	.15	.30	
Cement Masons:					
Grand Forks and Steele Cos.	7.00		.15		
Carpenters:					
Burleigh and Morton Counties					
Carpenters	7.40				.02
Piledrivermen	7.525				.02
Grand Forks, Steele (Northern Area) and Walsh Counties					
Carpenters	8.01		.20		.02
Piledrivermen	8.27		.20		.02
Cass, Richland and Steele (Southern Area) Counties	8.08		.30		
Ward County					
Carpenters	7.03				.02
Piledrivermen	7.51				.02
Millwrights	7.26				.02
Laborers (See Attached)					
Plasterers:					
Grand Forks and Steele Cos.	7.62		.15		
Sprinkler Fitters:					
(Except Walsh County)	8.75	.50	.80		.08
Add:					
Supersedeas No. ND75-5058 Counties: Walsh					

DECISION NO. ND75-5058 (Cont'd)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
Grand Forks and Steele Counties					
Group 1:					
Laborers; Concrete bucket dumpman	$5.72	.20			
Group 2:					
All power tools (air, gas and electric); Operators of tools that come under the laborers' jurisdiction; Brick, plaster and finisher tender; Sandblaster and gunnite pot tender; Hose tender where under the laborers' jurisdiction	5.87	.20			
Group 3:					
Hod carriers; Non-metallic pipelayer; Gas line wrapping or taping; Sand blaster and gunnite nozzleman where under laborers' jurisdiction; Cutting torch for demolition	6.07	.20			
Burleigh and Morton Counties					
Group 1:					
Laborers; Concrete bucket man; Brick and plasterer tender	5.10	.20			
Groups 2 and 3:					
All power tool operator of tools that come under the laborers' jurisdiction; Mortar mixer; Hod carriers; Non-metallic pipe layer; Gas line wrapping or taping; Cutting torch for demolition	5.20	.20			

DECISION NO. ND75-5058 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS: (Cont'd)					
Cass and Richland Counties					
Group 1:					
Laborers; Concrete bucket dumpman; Bricktender	$5.29	.20			
Group 2:					
All power tool operators of tools that come under the laborers' jurisdiction; Plasterers tender; and Mortar mixer	5.44	.20			
Group 3:					
Hod carriers; Non-metallic pipe layer; Gas line wrapping and taping (Distribution only); Cutting torch for demolition	5.44	.20			
Ward County					
Group 1:					
Laborer; Concrete bucket dumpman	5.29	.20			
Group 2:					
All power tool operators of all tools that come under the laborers' jurisdiction; Mortar mixer; and Plasterer tender	5.39	.20			
Group 3:					
Non-metallic pipe layer; Gas line wrapping or taping (Distribution only); Cutting torch for demolition	5.54				

DECISION NO. OK75-4069 - Mod. #3
(40 FR 14257 - March 28, 1975)
Muskogee, Adair and Cherokee Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Elevator constructors	$8.25	.445	.29	3%+a+b	.02
Ironworkers	8.90	.30	.35		.10

DECISION NO. OK75-4080 - Mod. #2
(40 FR 17530 - April 18, 1975)
Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Pottawatomie & Seminole Counties, Oklahoma

Change:					
Painters:					
Brush	$7.20	.45	.35	.30	.03
Spray under 30 ft.	7.70	.45	.35	.30	.03
Spray over 30 ft.	8.20	.45	.25	.30	.03
Sandblasting under 30 ft.	7.70	.45	.35	.30	.03
Sandblasting over 30 ft.	8.20	.45	.35	.30	.03
Hazardous work	7.70	.45	.35	.30	.03
Paperhanging	8.20	.45	.35	.30	.03
Tapers using machine tools	7.70	.45	.35	.30	.03
Truck Drivers:					
Group I	6.52				
Group II	6.52				
Group III	6.22				
Elevator Constructors helpers	70%IR	.445	.29	2½%+a+b	.02
CARPENTERS - ZONE II					
Carpenters	8.30	.30			.04
Millwrights-Piledrivermen	8.55	.30			.04
Power saw operator	8.55	.30			.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2004 - Mod. #8 (39 FR 25899 - July 12, 1974) Montgomery County, Pennsylvania					
Change:					
Electricians:					
Springfield, Glenside, Jenkintown Township	$11.52	.52	1%+.46		.23
Upper Hanover	10.35	.30	1%		.01
DECISION #AR-2005 - Mod. #7 (39 FR 25902 - July 12, 1974) Philadelphia County, Pennsylvania					
Change:					
Electrians	11.52	.52	1%+.46		.23

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4090 - Mod. #3 (40 FR 21679 - May 16, 1975) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Carpenters	$8.10				
DECISION #TX75-4094 - Mod. #1 (40 FR 21685 - May 16, 1975) Lubbock County, Texas					
Change:					
Plumbers & steamfitters	7.90		.40		.04
DECISION #TX75-4105 - Mod. #2 (40 FR 22797 - May 23, 1975) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Carpenters:					
Zone 1:					
Carpenters	8.10				
Millwrights	8.45				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4108 - Mod. #2 (40 FR 22803 - May 23, 1975) Wichita County, Texas					
Change:					
Electricians:					
Zone 1:					
Electricians	$8.90	.20	1%		1/4%
Cable splicers	9.15	.20	1%		1/4%
Zone 2:					
Electricians	9.25	.20	1%		1/4%
Cable splicers	9.50	.20	1%		1/4%
DECISION #TX75-4110 - Mod. #1 (40 FR 23692 - May 30, 1975) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Change:					
Electricians:					
Zone 1	8.45		1%		1/4%
Lathers	7.30			.50	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. UT75-5026 - Mod. #4 (40 FR 7860 - February 21, 1975) Statewide, Utah					
Change:					
Boilermakers	$ 9.80	.65	1.00	.50	.02
Painters:					
Area north of 41st Parallel:					
Brush, Roller, Taper	7.46	.21	.18		.03
Spray; Sandblast; Steeple Jack	7.66	.21	.18		.03
Spray (swing stage):					
Sandblaster (swing stage)	7.86	.21	.18		.03
Painters:					
Remaining part of State:					
Brush; Roller	7.72	.21	.18		.02
Brush (swing stage); Brush (steel and bridge); Spray, Sandblaster; Steeple Jack; Wall covering hanger	8.02	.21	.18		.02
Spray (swing stage); Spray (steel and bridge); Sandblaster (swing stage)	8.27	.21	.18		.02
Sprinkler Fitters	9.75	.50	.80		.08
DECISION #WY75-5011 - Mod. #2 (40 FR 4879 - January 31, 1975) Statewide, Wyoming					
Change:					
Line Construction:					
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:					
Cable Splicer	$8.86	.35	1%		3/4%
Linemen	8.15	.35	1%		3/4%
Equipment Operators	7.36	.35	1%		3/4%
Groundmen	6.05	.35	1%		3/4%
All work 34.5 KV and under					
Linemen	8.15	.35	1%		3/4%
Line Equipment Operator	7.05	.35	1%		3/4%
Groundman	6.05	.35	1%		3/4%

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Madison
DECISION NO.: AL75-1063 DATE: Date of Publication
Supersedes Decision No.: AL75-1032 dated March 21, 1975 in 40 FR 12959
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	8.61	.30	.30		.05
Boilermakers	7.50	.40	.90		.02
Bricklayers	8.20				
Carpenters	7.49				.03
Cement Masons	6.75				
Electricians; Linemen	8.35	.30	9%		3%
Glaziers	6.00				
Ironworkers:					
Reinforcing	7.605	.40	.25		.03
Structural	7.605	.40	.25		.03
Laborers:					
Laborers; Mason tenders	4.38	.15	.25		
Air tool op. (jackhammer, vibrator); Mortar Mixers	4.63	.15	.25		
Millwrights	7.88				.03
Painters:					
Commercial	7.00		.20		.05
Industrial	7.75		.20		.05
Plumbers; Pipefitters	8.50	.40	.45		.10
Roofers	4.85				
Sheet metal workers	9.00	.45	.40		.05
Truck Drivers	3.67				
POWER EQUIPMENT OPERATORS					
Group A	8.43	.25	.25		
Group B	7.16	.25	.25		
Group C	6.48	.25	.25		

GROUP A - Backhoe, bulldozers, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge drill, elevating grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, piledriver, post hole digger, scraper (pull type & self prop) shovel, sweeper, tractor (spec. equip.), trenching machine, well point & winch truck operators

AL75-1063 - (Cont'd)

POWER EQUIPMENT OPERATORS
Cont'd)

GROUP B - Bituminous dist., central air comp., concrete mixer (port.) fireman floating equip., front end loader, rubber tire, ¾ cu. yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 ton crane & over) outboard motor boat (when used for towing), paving machine, portable hoist "Buck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

GROUP C - Air compressor (port.) conveyor, fireman stationary equip., mechanic helper, oiler, outboard motor boat & pump operators

Oiler driver - additional $.10 per hour

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators - additional $1.25 per hour

SUPERSEDEAS DECISION

STATES: Arkansas, Louisiana, Mississippi and Tennessee
DECISION NUMBER: AR75-5074 DATE: Date of Publication
Supersedes Decision No. AR75-5032, dated February 28, 1975 in 40 FR 8706
DESCRIPTION OF WORK: For construction of all river, harbor and flood control work on the Mississippi River and tributaries (excluding the metropolitan areas of Vicksburg, Greenville and Natchez, Mississippi; Pine Bluff, Little Rock and Ft. Smith, Arkansas; Memphis, Tennessee and New Orleans, Baton Rouge, Alexandria, Monroe and Shreveport, Louisiana)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Unskilled	$2.25				
Revetment and dikes	2.25				
Chain saw operator or filer	2.65				
Air tool operator	2.90				
Powderman	3.50				
POWER EQUIPMENT OPERATORS:					
Pile driver operator; Mechanic (heavy equipment); Cranes, derricks, draglines; Welder; Power shovels and backhoes; Mixer (concrete, 21 cu. ft. & over); Asphalt plant operator; Trenching machine (over 18")	5.00				.05
BULLDOZER (finisher, push cat & on barges); Motor patrol finisher; Scrapers and like equipment; Front end loader; Backhoe (tractor mounted); Asphalt finisher or spreading machine; Well point system operator; Self-propelled loader (conveyor type)	4.50				.05
FIREMAN (Heavy construction); Pile driver leadsman; Winchman	3.85				.05
ASPHALT PLANT DRYER OPERATOR; Asphalt distributor; Asphalt roller; Bulldozer (rough, including disc, plow or roller); Motor patrol (haul roads); Trenching machine (18" and under); Self-propelled roller (except asphalt); End dump equipment (off highway); Mixer (concrete up to 21 cu. ft.); Bottom dump euclids (and like equipment)	3.55				.05
OILER; Pump mechanic helper; Greaser; Welder helper; Tractor (farm type including disc, plow or roller)	3.00				.05
TRUCK DRIVERS:					
1-1/2 tons or less	2.45				
Over 1-1/2 tons	2.55				

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: See Below
DECISION NO: IL75-2082 DATE: Date of Publication
Supersedes Decision No. AR-3059, dated August 2, 1974, 39 FR 28030
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN:					
Sangamon County (Illiopolis & Vicinity)	$8.06	.30	.50		.08
Mason County	8.36	.35	.25		.02
Remainder of District #6	9.20	.45	.45		.06
CEMENT MASONS:					
Adams & Logan Counties	9.30				.01
Remainder of District #6	8.75	.35	.20		.01
ELECTRICIANS:					
Christian County	9.54	.30	1%+.25		.4%
Adams, Brown, Pike & Schuyler Counties	9.35	.30	1%		.2%
Sangamon, Logan, Menard, Cass, Morgan & Scott Counties; Twps. of Lynchburg, Bath, Kilbourne, Crane, Creek, Salt Creek, & Mason in Mason County	9.07	.30	1%+.30		.2%
Remainder of Mason County	9.17	.30	1%+.30		1%
IRONWORKERS:					
Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Scott Counties; Kingston & Vicinity in Adams County; Eastern ½ of Schuyler County	9.50	.55	.70		.05
Remainder of Adams & Schuyler Cos.	8.54	.40	.30		
LINEMEN:					
Sangamon Co., City of Springfield:					
Linemen	8.78	.35	1%		.5%
Groundman Equip. Opr.-Class I	8.20	.35	1%		.5%
Groundman Truck Driver:					
W/Winch	6.09	.35	1%		.5%
WO/Winch	5.80	.35	1%		.5%
Groundman Class "A"	5.53	.35	1%		.5%
Remainder of Counties:					
Linemen	9.66	.35	1%		.25%
Groundman Equip. Opr.-Class I	9.01	.35	1%		.25%
Groundman Truck Driver:					
W/Winch	6.74	.35	1%		.25%
WO/Winch	6.42	.35	1%		.25%
Groundman Class "A"	6.13	.35	1%		.25%

DECISION NO. IL75-2082

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Sangamon, Cass, Menard, Morgan, Christian, Scott & Logan Cos:					
Brush & Roller	$7.95	.40	.15		
Spray	8.45	.40	.15		
Pike County:					
Industrial	9.50	.45	.15		
Bridges	9.75	.45	.15		
Mason County:					
Brush	8.05	.40	.30		
Bridge Work & Spray	8.45	.40	.30		
Schuyler County:					
Brush & Structural Steel	7.00				
Spray	7.35				
Adams & Brown Counties:					
Brush	6.60				
Spray	7.60				

DECISION NO. IL75-2082

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Adams, Christian, Sangamon Cos., Petersburg & South in Menard Co:					
Unskilled	$6.71	.30	.30		.035
Semi-Skilled	6.91	.30	.30		.035
Skilled	7.06	.30	.30		.035
Logan County, North of Petersburg in Menard County:					
Unskilled	6.66	.35	.30		.035
Semi-Skilled	6.86	.35	.30		.035
Skilled	7.01	.35	.30		.035
Morgan, Brown, Cass, Mason, Pike, Scott & Schuler Counties:					
Unskilled	6.76	.25	.30		.035
Semi-Skilled	6.96	.25	.30		.035
Skilled	7.11	.25	.30		.035

LABORERS:

Unskilled — Common Laborers

Semi-Skilled — Blade Grade Operators; Concrete Saw Operators, Asphalt Saw Oprs; Chain Saw Oprs; Form Tampers, Sandblasting; Form Setters other than Highway Paving Forms; Rubbing of Concrete; Sewer Tile & Pipe Layers; Shoring & Bracing in Sewer & Tunnels; Hopper Men; Power Tool Oprs; Spotters & Dumpmen on Dry Batch Concrete Trucks; Hot Tar & Kettle Men; Puddlers behind Paving Mixers and on walls over ten (10) feet high; Setting & making of joints for wellpoints on dewatering system; Pipe Wrapper; Tape Coater & Torchmen on Pipeline; Stringline men & Batter Board Setters on Sewers; Hydraulic Trench Jacks.

Skilled — Jackhammer; Paving Breakers & Air Tampers; Asphalt Rakers; Cement & Rock Dust Handlers; Handling Creosote; Hot Dope Men; Vibrator Men; Cutters & Burners on Wrecking Jobs or Torchmen; Concrete Burners; Men Working in Caissons below water level; Boring Machine.

DECISION NO. IL75-2082

POWER EQUIPMENT OPERATORS MASON COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$8.895	.45	.55		.05
Group 2	8.695	.45	.55		.05
Group 3	8.42	.45	.55		.05
Group 4	8.145	.45	.55		.05
Group 5	8.035	.45	.55		.05

POWER EQUIPMENT OPERATORS: MASON COUNTY

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

DECISION NO. IL75-2082

POWER EQUIPMENT OPERATORS (Cont'd)
MASON COUNTY --

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, 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 crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO. IL75-2082

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pension	Vacation	Apr. Tr.
REMAINDING COUNTIES					
CLASS I	$ 8.90	.30	.40		.05
CLASS II	8.025	.30	.40		.05
CLASS III	7.55	.30	.40		.05

POWER EQUIPMENT OPERATORS: REMAINDING COUNTIES

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augerror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL75-2082

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

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 helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 exle 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.

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NO: IL75-2083
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. AR-3060, dated August 2, 1974, in 39 FR 28033
DESCRIPTION OF WORK: Heavy and Highway Construction

DECISION NO. IL75-2083

COUNTIES: Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawerence, Marion, Richland, Wabash, Wayne & White	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN:	$8.17	.45	.50		.02
CEMENT MASONS:					
Southern portion of Jefferson Co., Northern ½ of Hamilton Co., & the Southeastern portion of Wayne County; Marion County (Salem & Centralia)	8.45	.30			
Crawford, Clay, Edwards, Effingham, Fayette, Jasper, Lawerence, Richland, Wabash & White Cos., & Remainder of Hamilton, Jefferson, Wayne & Marion Counties	8.75				
ELECTRICIANS:					
Wabash County	10.00	.30	1%		1%
Crawford, Jasper, Lawrence & Richland Counties	9.40	.20	1%+.30		.02
Twps. of Bishop, Douglas, Lucas, Moccasin, St. Francis, Summit & Teutopolis in Effingham County	9.15	.30	1%+.20		.2%
Banner & Liberty Twps. in Effingham County; Twps. of Hurricane, S. Hurricane, Ramsey, Bowling Green, Carson & Louden in Fayette County	9.54	.30	1%+.25		.4%
Edwards, Hamilton, Jefferson, Marion, Clay, Wayne & White Cos; Remainder of Effingham & Fayette Counties	9.75	.30	1%+.60		¼ of 1%
IRONWORKERS:					
Edwards, Hamilton, Wabash, Wayne & White Cos; Louisville south thereof in Clay Co.; E. of Mt. Vernon in Jefferson Co., & Lawerenceville & south thereof in Lawerence Co., Olney & south thereof in Richland County	8.15	.25	.25		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
IRONWORKERS: (CONT'D)					
Crawford, Jasper Cos; N. of Olney in Richland Co., Dexter & East thereof in Effingham Co., North of Lawerenceville in Lawerence Co., & Remainder of Clay County	$9.35	.55	1.30		
Marion County; Brown & S. thereof in Fayette Co., & Mt. Vernon & west thereof in Lawerence County	9.55	.55	.75		
Effingham Co., West of Dexter & Avena & North thereof in Fayette County	9.50	.55	.70		.05
LABORERS	7.30		.30		.035
LINEMEN:					
Portion north of Avena, Bear Grove, Sefton & Sharon Twps. in Fayette County:					
Linemen	9.66	.35	1%		.25%
Groundman Equipment Opr.-Class 1	9.01	.35	1%		.25%
Groundman Truck Driver:					
W/Winch	6.74	.35	1%		.25%
WO/Winch	6.42	.35	1%		.25%
Groundman Class "A"	6.13	.35	1%		.25%
District #7 & Remainder of Fayette County:					
Linemen & Digging Machine Opr.	9.77	.35	1%		.25%
Groundman Equipment Opr.-Class 1	8.34	.35	1%		.25%
Groundman Equipment Opr.-Class 2	6.83	.35	1%		.25%
Groundman:					
Class "A"	6.23	.35	1%		.25%
1st 6 Months	5.95	.35	1%		.25%
PAINTERS:					
Clay Co; Salem & Vic. in Marion County:					
Brush	5.75				
Structural Steel & Spray	7.00				
Wabash Co; Centralia & Vic. in Marion County:					
Brush, Roller & Structural Steel	6.50				
Spray	7.50				

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PAINTERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Jefferson, Wayne, Edwards & Hamilton Counties:					
Brush & Roller	$5.55				
Spray	5.80				
Jasper & Effingham Counties:					
Brush	8.47	.40	.20		.03
Bridges	9.47	.40	.20		.03
Richland & Lawerence Counties:					
Industrial	6.65				
Spray	7.65				
White County:					
Brush	6.85	.45	.20		
Bridges:					
Brush	8.00	.45	.20		
Spray	8.75	.45	.20		
Crawford County:					
Brush	8.05	.45			
Fayette County:					
Industrial	9.50	.45	.15		
Bridges	9.75	.45	.15		
Spray	10.25	.45	.15		

DECISION NO. IL75-2083

POWER EQUIPMENT OPERATORS HAMILTON & WHITE COS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class 1	$9.00	.40	.60		.035
Class 2	8.25	.40	.60		.035
Class 3	8.00	.40	.60		.035
Class 4	7.70	.40	.60		.035
Class 5	7.30	.40	.60		.035
Class 6	8.25	.40	.60		.035
Class 7	8.00	.40	.60		.035
Class 8	7.50	.40	.60		.035
Class 9	7.45	.40	.60		.035
Class 10	7.20	.40	.60		.035
RIVER WORK and LEVEE WORK ON MISSISSIPPI and OHIO RIVERS					
Class 11	8.90	.40	.60		.035
Class 12	7.70	.40	.60		.035

POWER EQUIPMENT OPERATORS: HAMILTON & WHITE COS:

Class 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or which cat; Bituminous mixplace machine; Backsmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubber-tired; Flex-plane; Gradall; Hi-lift, handblade, power; Hoists, tugger type; Hoist, (2 drums) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bull-dozer or hi-lift (over 1/2 yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader

Class 2: Roller, self-propelled, Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (1/2 yd. or less)

DECISION NO. IL75-2083

POWER EQUIPMENT OPERATORS (Cont'd)
HAMILTON & WHITE COS:

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader; Heaters, (motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air

Class 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft.) two; Automatic bins, bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps, Light plants, welding machines, air compressor (under 200 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

DECISION NO. IL75-2083

POWER EQUIPMENT OPERATORS: FAYETTE, JEFFERSON & MARION COS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
GROUP I	$ 9.63	.42	.90		.05
GROUP II	8.80	.42	.90		.05
GROUP III	8.15	.42	.90		.05
GROUP IV	8.05	.42	.90		.05
GROUP V	7.80	.42	.90		.05
GROUP VI					
a.	11.78	.42	.90		.05
b.	12.08	.42	.90		.05
c.	9.90	.42	.90		.05
d.	10.40	.42	.90		.05

POWER EQUIPMENT OPERATORS: FAYETTE, JEFFERSON & MARION COS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derricks boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad opers., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills, (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats opers., (under 25', conveyors (1), distribution pors., on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in iar over 10 lbs pressure

DECISION NO. IL75-2083

POWER EQUIPMENT OPERATORS: REMAINDER OF DISTRICT #7	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$9.25	.40	.50		.05
CLASS II	8.50	.40	.50		.05
CLASS III	6.50	.40	.50		.05

POWER EQUIPMENT OPERATORS: REMAINDER OF DISTRICT #7

CLASS I: Power cranes, draglines, derrick, shovels, gradalls, mechanics, tractor highlift, tournadoser, concrete mixers with skep, tournamixer, two drum machine, one drum hoist with tower or boom, cable ways, tower machines, motor patrol, boom tractor, boom or winch truck, winch or hydraulic boom truck, truck crane, tournapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers on earth, rollers on asphalt mix, ross carrier or similar machine, gravel processing machine, asphalt farm tractor with half yard bucket and/or hoe attachment, dredging equipment, or dredge operator, central mix plant engineer, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, concrete plant engineer, ditching machine with dual attachment, tractor mounted loaders, cherry picker, hydro crane, air compressor 600 feet or over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, back filler, elevating machine, power blade, drilling machines including well testing, caissons, shaft or any similar type drilling machines, motor driven paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, apsco paver, boring machine, (Head Equipment Greaser), barber greene loaders, formless paver, (well point system) concrete spreader

CLASS II: Power Sub grader, bull float, form grader, finishing machine, concrete mixers w/o skips, self propelled pavement breaker, rock crusher, ditching machine under 6", curbing machine, truck crane oiler-driver, one drum machines without tower or boom air tugger, self-propelled concrete saw, machine mounted post hole digger, 2 to 4 generators, water pumps, or welding machines, or air compressor 300 cu. ft. or under, within 400 ft., rollers on aggregate and seal coat surfaces, fork lift, concrete and black top curb machine, farm tractor with less than half yard bucket

CLASS III: One water pump, oilers, air valves or steam valves, one welding machine, truck jack, mud jack, air compressor less than 300 cu. ft., gunite machine, house elevators when used for hoisting materials, engine tenders, fireman, wagon drill, flex plane, conveyors, siphons and pulsometer switchman, fireman on paint pots, fireman on asphalt plants distributor operator on trucks, tampers self-propelled power broom, striping machine (motor driven), form tamper seaman tiller, bulk cement plant equipment greaser, deck hand

DECISION NO. IL75-2083

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

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 helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 exle 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.

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: See below*
DECISION NUMBER:KY75-1064 DATE: Date of Publication
Supersedes Decision No.:AR-4016 dated August 19, 1974 in 39 FR 26833
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

*Counties: Hardin, Jefferson, & Meade

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	9.71	.35	.40		
Boilermakers - Blacksmith	8.10	.30	.70	.55	.01
Bricklayers:					
Bricklayers and concrete block layers	9.43	.40	.40		
Caulkers	9.43	.40	.40		
Cleaners	9.43	.40	.40		
Pointers	9.43	.40	.40		
Stone masons	9.43	.40	.40		
Carpenters:					
Carpenters	9.25	.30	.30		
Carpenters when work in excess of 30' to 100' above ground or a solid floor on scaffold, skip hoist, tower or slip form	9.50	.30	.30		
Carpenters, when working in excess of 100' above ground or a solid floor on scaffold, skip hoist, tower or slip form	9.75	.30	.30		
Carpenters, when working on suspended or swinging scaffold	9.50	.30	.30		
Cement masons	8.78	.40			
Electricians, linemen and hole diggers:					
Zone 1 (within 36 mile radius of 3rd & Broadway, Louisville)	10.38	.29	1%+.40		¼ of 1%
Zone 2 (over 36 mile radius)	10.78	.29	1%+.40		¼ of 1%
Elevator constructors	9.20	.445	.29	3%+a&b	.02
Elevator constructors' helpers	6.44	.445	.29	3%+a&b	.02
Elevator constructors' helpers (Prob.)	4.60				
Glaziers	7.40	.35	.35		
Ironworkers:					
Conveyormen, machinery movers	9.50	.55	.65		.04
Structural, ornamental and reinforcing	9.50	.55	.65		.04
Riggers, fence erectors, sheeters	9.50	.55	.65		.04
Lathers	8.84		.20		.01
Leadburners	8.25	.30		a	.01
Marble, tile and terrazzo workers	8.40	.25	.40		
Millwrights	9.70	.30	.30		.02
Painters:					1
Zone 1 - 35 mile radius from Jefferson Co. Courthouse, Louisville, Ky.					
New Construction:					
Basic	7.59	.25	.10		.03

KY75-1064 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
New Construction (cont'd)					
Special	7.94	.25	.10		.03
Painters					
Zone 1					
New Construction					
Spray	7.95	.25	.10		.03
Old Construction:					
Basic	7.35	.25	.10		.03
Special	7.70	.25	.10		.03
Spray	7.80	.25	.10		.03
Zone 2 - Over 35 mile radius from Jefferson Co., Courthouse, Louisville, Ky.					
New Construction:					
Basic	7.94	.25	.10		.03
Special	8.29	.25	.10		.03
Spray	8.39	.25	.10		.03
Old Construction:					
Basic	7.70	.25	.10		.03
Special	8.05	.25	.10		.03
Spray	8.19	.25	.10		.03
Work on bridges (Over navigable water) $2.00 per hour premium all zones					
Piledrivermen	8.75	.30	.30		
Plasterers	8.65				
Plumbers:					
Zone 1					
Jefferson & Warren Counties	9.77	.36	.75	.77	.07
Zone 2					
Outside Jefferson & Warren Counties 35-mile radius of Jefferson & Warren Counties Courthouse and entire Ft. Knox Reservation.	10.22	.36	.75	.77	.07
Zone 3					
Beyond 35-mile radius of Jefferson & Warren Counties Courthouses	10.47	.36	.75	.77	.07
Roofers:					
Roofers	7.00	.30	.20		
Slate, tile and precast concrete slab	7.40	.30	.20		
Helpers	4.80	.30	.20		

KY75-1064 (cond't)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sheet metal workers:					
Zone 1					
Jefferson County	8.95	.60	.60		.07
Zone 2					
Hardin & Meade Counties including Ft. Knox Reservation	9.70	.60	.60		.07
Soft floor layers	8.75	.30	.30		
Sprinkler fitters	9.50	.50	.70		.08
Steamfitters:					
Zone 1					
Jefferson & Warren Counties	9.99	.45	.60	.60	.08
Zone 2					
Outside Jefferson County to 35-mile radius of Jefferson & Warren Counties Courthouses and all of Ft. Knox	10.44	.45	.60	.60	.08
Zone 3					
Beyond 35-mile radius of Jefferson & Warren Counties Courthouses	10.69	.45	.60	.60	.08

Footnotes:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employer 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, Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I	$6.40	.25	.25			
GROUP II	6.55	.25	.25			
GROUP III	6.60	.25	.25			
GROUP IV	6.65	.25	.25			
GROUP V	6.75	.25	.25			
GROUP VI	6.80	.25	.25			
GROUP VII	6.85	.25	.25			
GROUP VIII	6.90	.25	.25			
GROUP IX	7.10	.25	.25			
GROUP X	7.40	.25	.25			
GROUP XI	7.85	.25	.25			

GROUP I: General Laborers

GROUP II: Power driven Georgia buggy and chain saw

GROUP III: Air tool operator and vibrator; Wagon drill, pipe layer, well man, burner man, joint maker, & asphalt raker

GROUP IV: Driller, air track

GROUP V: Side rail setter (metal), Mason tender

GROUP VI: Stackman

GROUP VII: Powderman

GROUP VIII: Gunnite nozzleman (sewer); Tunnel (free air)

GROUP IX: Sand hog or mucker (free air)

GROUP X: Sand miner (tunnel) (free air)

GROUP XI: Caisson worker

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
CLASS A	8.65	.25	.25			
CLASS B	6.66	.25	.25			
CLASS C	6.12	.25	.25			

CLASS A:
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift, (regardless of lift height), all types of boom cats, core drill, hoptc tow or push boat, concrete paver, Gradeall, hoist, hyster, pumpcrete, Ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader

CLASS B:
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C:
Bituminous distributor, cement gun, conveyor, mud jackm joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper

KY75-1064 (cont'd)

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I	$6.00	a	a	b		
GROUP II	5.90	a	a	b		
GROUP III	5.83	a	a	b		
GROUP IV	5.72	a	a	b		
GROUP V	5.60	a	a	b		

GROUP I: Euclid and other heavy moving equipment and lowboy; Winch truck and A-Frame and monorail truck used to transport building materials; Fork lift truck when used to transport building materials

GROUP II: Mechanic; Concrete mixers (all types), hauling only on job site

GROUP III: Over 3 tons; Semi-trailer, tandem axle or pole trailers & dumps

GROUP IV: 3 tons and under; Mechanic helpers; greasers and tire changers

GROUP V: Helpers

FOOTNOTE:
a. Employer contributes $13.50 per week to Health & Welfare; and $14.00 per week to Pensions for each employee whose name appears on the payroll that week who has been employed a minimum of 20 work days within any 90 consecutive day period.

b. Employees who have been regularly employed on a project by an employer for one year and who have worked a minimum of 1200 hours during the year receive a vacation and pay for 40 hours. Employees who have been regularly employed on a project by an employer for one year, and who have worked a minimum of 650 hours during the year receive a vacation and pay for 20 hours. Employees who have worked 1200 hours since their 2nd year of employment and have completed three years receive an additional week vacation (40 hours)

STATE: Kentucky COUNTY: McCracken
DECISION NUMBER: KY75-1065 DATE: Date of Publication
Supersedes Decision No.: AR-4014 dated August 2, 1974 in 39 FR 28004
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	9.35	.35	.30		
Boilermakers - Blacksmiths	8.10	.30	.60		.01
Bricklayers	7.65				
Carpenters:					
Carpenters	6.85	.25	.10		.03
Millwrights and piledrivermen	7.10	.25	.10		.03
Cement Masons	6.05	.40	.20		.03
Cement Masons working on swinging scaffold up to 50'	6.30	.40	.20		.03
Electricians:					
Electricians	8.80	.25	1%		½ of 1%
Cable splicers	9.05	.25	1%		½ of 1%
Elevator Constructors:					
Elevator Constructors	9.20	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers	6.44	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers (Prob.)	4.60				
Glaziers	7.415	.26	.20		.01
Ironworkers, structural, ornamental and reinforcing	7.55	.45	.50		.02
Laborers:					
Unskilled	5.10	.25	.25		
Hod carriers, mason and finishers' tenders, mortar mixers, jackhammers, vibrator, wagon drill, core drill, test drill and all power driven tools used by laborers (operators), all men in tunnel and crib ditch work, riprap, rock setters, and handlers, asphalt rakers, tampers and smothers, pipelayers, powdermen, tar kettlemen, grout pumpmen, deck hand, dumpmen, log turner, swamping and all straight cable booking, pipe doping and wrapping	5.30	.25	.25		
Lathers	7.16		.20		.01
Leadburners	8.25	.30		c	.01
Line Construction:					
Linemen	8.85	.20	1%		½ of 1%
Operator, truck with winch	8.85	.20	1%		½ of 1%
Groundmen	7.12	.20	1%		½ of 1%
Marble masons	7.65				
Painters: commercial					
Brush	6.35	.25			

KY75-1065 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters: Commercial (cont'd)					
Spray	7.25	.25			
Sandblasting	7.25	.25			
Painters: Industrial					
Brush	7.75	.25			
Spray	8.30	.25			
Sandblasting	8.30	.25			
Plasterers	7.51			.75	.01
Plumbers and Steamfitters	8.60	.45	.50	.50	.08
Roofers	6.70		.10		.03
Sheet metal workers	8.95	.60	.60		.07
Soft floor layers	6.85	.25	.10		.03
Sprinkler fitters	9.50	.50	.70		.08
Stone masons	7.65				
Terrazzo workers	7.65				
Tile setters	7.65				

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 employer who has worked in business less than 5 years.

c. Holidays: A through F plus Washington's Birthday and Good Firday, 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.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
CLASS A	8.65	.25	.25			
CLASS B	6.66	.25	.25			
CLASS C	6.12	.25	.25			

CLASS A:
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift, (regardless of lift height), all types of boom cats, core drill, hopto tow or push boat, concrete paver, Gradeall, hoist, hyster, pumpcrete, Koss carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader

CLASS B:
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C:
Bituminous distributor, cement gun, conveyor, mud jackn joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper

KY75-1065 (cond't)

TRUCK DRIVERS - BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck drivers up to, but not including 5 tons, such as Station wagon, autos, pick-up trucks, motorcycles, bicycles, dump trucks, flat beds and stake bodies	5.55		a		
Truck drivers on 5 tons and over, including special equipment such as Euclids, winch trucks, dempster dumpsters, crawler-type trucks, ambulances, buses, tandem dump trucks	5.90		a		
Truck drivers on all ready-mix truck	5.90		a		
Tractor trailer drivers and similar equipment such as low boys, distributor trucks, water tank trucks, fork lifts, truck mechanics	5.90		a		
Greasers tire changers, materials checkers and general warehouse	5.60		a		

Footnote:

A. Employer contributes $22.00 per week to Pension Fund per employee.

STATE: Maryland and Virginia

COUNTIES: Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the city of Alexandria and Dulles International Airport, Virginia

DECISION NO.: MD75-3062 DATE: Date of Publication

Supersedes Decision No. MD-75-3003, dated January 3, 1975, in 40 FR 937.

DESCRIPTION OF WORK: Building Construction(excluding all residential projects.)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.45	.45	.55		.015
BOILERMAKERS - Blacksmiths	9.40	.60	.90		.02
BRICKLAYERS	9.85	.60	.60		.10
CARPENTERS	9.55	.50	.49		.07
CEMENT MASONS:					
Cement Masons	9.15	.335	.35		.07
Grinding Machine	9.40	.335	.35		.07
ELECTRICIANS	9.35	.35	1%+.75		.10
ELEVATOR CONSTRUCTORS	9.775	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	6.84	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	4.89				
GLAZIERS	9.03	.56	.40		.05
IRONWORKERS:					
Structural, Ornamental and Chain Link Fence	9.55	.50	.60		.05
Reinforcing	9.35	.35	.60		.03
LABORERS:					
Common Laborers, Landscapers	7.23	.28	.40		.05
Acetylene Burners Used on Wrecking	7.73	.28	.40		.05
Air Tool Operator; Scaffold Builders; Paving Breakers; Towmasters; Buggy Mobiles; Spaders; Mortarmen and Scootcretes	7.38	.28	.40		.05
Pipelayers	7.38	.28	.40		.05
Plasterers' Tenders	7.03	.32	.35		.05
Plumbers' Laborers	6.93	.30	.40		.05
Powdermen	8.405	.28	.40		.05
Powerssw, Well Points	7.48	.28	.40		.05
LATHERS	8.73	.50	.50		.025
LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen, Cable Splicers, Equipment Operators	10.11	.35	1%		1/4%
Truck with Winch, Truck Pole or Steel handling	7.13	.35	1%		1/4%
Groundmen (0 to 1 year)	5.71	.35	1%		1/4%
Groundmen (1 to 2 years)	6.62	.35	1%		1/4%
Groundmen (over 2 years)	6.87	.35	1%		1/4%

DECISION NO. MD-75-3062

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS	$10.10	.45	.30		
MARBLE SETTERS' HELPERS	7.35				
MILLWRIGHTS	9.99	.50	.49		.07
PAINTERS:					
Brush, Spray, Paperhangers, Tapers	9.44	.41	.18		.06
Steel, Sandblasting, Swing Stage, Power Brushing	9.94	.41	.18		.06
CARPET LAYERS	6.07	.30			.05
PILEDRIVERMEN	9.75	.50	.49		.07
PLASTERERS	9.02	.45	.25		.06
PLUMBERS	9.43	.58	.55		18
ROOFERS:					
Composition	7.51	.42	.20		
Slate, Tile, Mopmen, Waterproofers, Sprayers, Sprandrel and Ironite	8.07	.42	.20		
Helpers	5.48	.42	.20		
SHEET METAL WORKERS	9.26	.64	.74		.12
SOFT FLOOR LAYERS	9.55	.50	.49		.07
SPRINKLER FITTERS	9.45	.50	.70		.08
STEAMFITTERS, REFRIGERATION and Air Conditioning Mechanic	9.45	.52	.65		.12
STONE MASONS	10.10	.45	.30		
STONE CUTTERS:					
Fitters and trimmers	9.90	.18	.20		
Ornamental Carvers	9.49	.18	.20	h	
Figure Carvers	10.11	.18	.20	h	
TERRAZZO and MOSAIC WORKERS	8.81	.40	.30		
TERRAZZO WORKERS' HELPERS	7.59	.40	.40		
TILE SETTERS	9.33	.40	.30		
TILE SETTERS' HELPERS	8.05	.40	.40		
TRUCK DRIVERS:					
Boom Trucks	6.40	.25	f	g+j	
Small Dump, Water Sprinkler, Grease and Oil	6.15	.25	f	g+j	
Flat, Pick-up Hauling Materials, Small Euclids, Dump over 8 wheels	6.25	.25	f	g+j	
Trailers, Low Boys, Tractor Pulls	6.45	.25	f	g+j	
Helpers	6.00	.25	f	g+j	

DECISION NO. MD-75-3062

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd)					
Carryalls, Large Euclids, Euclid Water Sprinkler, Tunpel Work under ground	$6.55	.25	f	g+j	
Mechanics	6.30	.25	f	g+j	
RIGGERS and WELDERS - Receive rates prescribed for crafts performing operations to which rigging and welding are incidental.					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A Through F.
b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided an employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday).
f. $8.00 per week when employee has worked 90 days and works 3 days in a work week.
g. Holidays: A-D-E and F (provided the employee works the regularly scheduled work days immediately preceding and following the holiday).
h. Five Paid Holidays: Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day and New Year's Day.
j. One week's paid vacation providing employee has worked 3 years and a minimum of 1450 hours during any calendar year.

MD75-3062

2-D.C. - FED-1-2-0

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
GROUP 1	$9.695	.50	.55		.12
GROUP 2	9.445	.50	.55		.12
GROUP 3	9.395	.50	.55		.12
GROUP 4	9.295	.50	.55		.12
GROUP 5	9.115	.50	.55		.12
GROUP 6	9.045	.50	.55		.12
GROUP 7	9.035	.50	.55		.12
GROUP 8	8.865	.50	.55		.12
GROUP 9	8.645	.50	.55		.12
GROUP 10	8.845	.50	.55		.12
GROUP 11	7.985	.50	.55		.12
GROUP 12	7.865	.50	.55		.12
GROUP 13	7.815	.50	.55		.12

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS
GROUP 1 - 35 ton cranes and above, tower and climbing cranes
GROUP 2 - Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent), paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops and scrapers (50 cu. yds, struck capacity or above), multiple concrete conveyors, front end loader (over 3-1/2 cu. yds.)
GROUP 3 - Hydrocranes and all other hydraulic cranes 12 tons or under
GROUP 4 - Hydraulic backhoes, under 1/2 yd., mounted on tractors, front end loader (over 2-3/4 cu. yds., to and including 3-1/2 cu. yds.)
GROUP 5 - Air compressors (on steel)
GROUP 6 - Front end loaders (hi-lift), fork lifts.
GROUP 7 - Boilers (skeleton), trenching machines, tug boats, well drilling machines
GROUP 8 - Air compressors (except on steel), concrete mixers, mechanics and maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points
GROUP 9 - Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders
GROUP 10 - Power driven wheel scoops and scrapers (under 50 cu. yds., struck capacity), blade graders, bulldozers, motor graders
GROUP 11 - Firemen
GROUP 12 - Truck crane oilers
GROUP 13 - Oilers

STATE: Missouri
DECISION NO. MO75-4115 DATE: Date of Publication
Supersedes Decision No. MO75-4076, dated April 11, 1975 in 40 FR 16532
DESCRIPTION OF WORK AND LOCATION
Highway Construction
Statewide except Jasper County
Heavy Construction

Adair	Gasconade	Montgomery
Andrew	Gentry	Morgan
Atchison	Greene	Newton
Audrain	Grundy	Nodaway
Barton	Harrison	Osage
Bates	Henry	Perry
Benton	Hickory	Pettis
Bollinger	Holt	Phelps
Boone	Howard	Pike
Buchanon	Jackson	Platte
Caldwell	Jefferson	Polk
Callaway	Johnson	Pulaski
Camden	Knox	Putnam
Cape Girardeau	Laclede	Ralls
Carroll	Lafayette	Randolph
Cass	Lawrence	Ray
Cedar	Lewis	St. Charles
Charlton	Lincoln	St. Clair
Clark	Linn	St. Francois
Clay	Livingston	St. Louis and City
Clinton	McDonald	Ste. Genevieve
Cole	Macon	Saline
Cooper	Madison	Schuyler
Crawford	Maries	Scott
Dade	Marion	Scotland
Dallas	Mercer	Shelby
Daviess	Miller	Sullivan
DeKalb	Moniteau	Vernon
Franklin	Monroe	Warren
		Washington
		Worth

DECISION NO MO75-4115

CARPENTERS & PILEDRIVERMEN:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1	$9.36	.45	.60	.50	.03
ZONE 2	9.22	.33	.30	.25	.05
ZONE 3	9.86	.45	.60		.05
ZONE 4	9.21	.45	.60	.50	.03
ZONE 5	9.87	.33	.30		.03
ZONE 6	9.27	.33	.30		.03
ZONE 7	8.35	.45	.60	.50	.03
ZONE 8	9.60	.30			.03
ZONE 9	9.57	.33			.03
ZONE 10	9.47	.23			.03
ZONE 11	9.42	.33	.15		.03

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES

ZONE 1 - Franklin, Jefferson, St. Charles, Lincoln and Warren Counties.
ZONE 2 - Clay, Jackson, Platte and Ray Counties
ZONE 3 - St. Louis County & City
ZONE 4 - Pike, St. Francois & Washington Counties
ZONE 5 - Cass and Lafayette Counties
ZONE 6 - Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
ZONE 7 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties.
ZONE 8 - Boone, Cooper & Howard Counties
ZONE 9 - Adair, Audrain, Benton, Callaway, Charlton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties
ZONE 10 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
ZONE 11 - Cole, Miller, Moniteau and Osage Counties.

DECISION NO. M075-4115

CEMENT MASONS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1	$9.225	.40	.50	.25	
ZONE 2	9.10	.75	.60		
ZONE 3	8.40	.75	.60		
ZONE 4	9.155	.40	.50	.75	
ZONE 5	6.40	.65		.45	
ZONE 6	8.25				
ZONE 7	7.45				
ZONE 8	8.575				
ZONE 9	9.25				
ZONE 10	7.00				
ZONE 11	7.65				
ZONE 12	8.55				

AREAS COVERED BY CEMENT MASONS ZONES

ZONE 1 - Bates, Carroll, Cass and Lafayette Counties
ZONE 2 - St. Charles County, St. Louis City and County, and Counties of Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste, Genevieve, Warren and Washington on projects $100,000.00 and over.
ZONE 3 - Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren & Washington Counties on projects less than $100,000.00.
ZONE 4 - Clay, Jackson, Platte, and Ray Counties
ZONE 5 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties
ZONE 6 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 7 - Dent, Phelps, Pulaski and Texas Counties
ZONE 8 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
AONE 9 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Knox, Linn, Macon, Moniteau, Monroe, Randolph, Shelby and Sullivan Counties
AONE 10 - Barry, Barton, Lawrence, McDonald, Newton and Vernon Counties
AONE 11 - Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties
ZONE 12 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery, and Osage Counties

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ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1					
Electrical contracts over $7,500.00	$9.10	4%	1%		1%
Electrical contracts $7,500.00 and under	7.75	4%	1%		1%
ZONE 2	9.57	.23	1%+.27	.80	.03
ZONE 3					
Electrical contracts over $5,000.	9.57	.23	1%+.27	.80	.03
Electrical contracts $5,000. and under	9.02	.23	1%+.27	.80	.03
ZONE 4					
Electrical contracts over $5,000.	9.57	.23	1%+.27	.80	.03
Electrical contracts $5,000. and under	9.02	.23	1%+.27	.80	.03
ZONE 5					
Electrical contracts over $5,000.	9.57	.23	1%+.27	.80	.03
Electrical contracts $5,000. and under	8.41	.23	1%+.27	.80	.03
ZONE 6	9.64	5%	1%+5½%	15½%	1%
ZONE 7					
Electrical contracts over $7,500.	9.64	5%	1%+5½%	15½%	1%
ZONE 8					
Electrical contracts $7,500. and under	7.03	5%	1%+5½%	15½%	1%
ZONE 9					
Electrical contracts $7,500. and under	6.89	5%	1%+5½%	15½%	1%
ZONE 10					
Electrical contracts $7,500. and under	6.75	5%	1%+5½%	15½%	1%

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ELECTRICIANS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
ZONE 11					
Electrical contracts $7,500.00 and under	$6.59	5%	1%+5½%	15½%	1%
ZONE 12	9.16	.37	1%	6%	.02
ZONE 13	9.65	.37	1%	6%	.02
ZONE 14	9.69	.35	1%	7%	.01
ZONE 15					
Electrical contracts over $10,000.	9.92	.35	1%	7%	.01
Electrical contracts $10,000. and under	9.69	.35	1%	7%	.01
ZONE 16					
Electrical contracts over $10,000.00	10.28	.35	1%	7%	.01
Electrical contracts $10,000. and under	9.69	.35	1%	7%	.01
ZONE 17					
Electricians	8.45	.35	1%		.01
Cable splicers	8.80	.35	1%		.01
ZONE 18					
Electricians	9.30	.27	1%	7%+.30	¼ of 1%
Cable Splicers	9.55	.27	1%	7%+.30	¼ of 1%

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AREAS COVERED BY ELECTRICIANS ZONES

ZONE 1 - Adair, Audrain (That part east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Counties:
Electrical contracts over $7,500.00
Electrical contracts $7,500.00 and under

ZONE 2 - Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; North Western portion of Cass Co. not including Pleasant Hill

ZONE 3 - Remainder of Clay, Jackson, Platte & Cass Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under

ZONE 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under

ZONE 5 - Carroll, Cooper, Morgan, Ray & Saline Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under

ZONE 6 - Franklin, Jefferson, Lincoln, St. Charles, St. Louis & City, & Warren Cos.

ZONE 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Washington, and Wayne Counties:
Electrical contracts over $7,500.00

ZONE 8 - Bollinger, Cape Girardeau, Perry, St. Francois, and Ste. Genevieve, Counties:
Electrical contracts $7,500.00 and under

ZONE 9 - Iron, Madison, Reynolds, Washington, and Wayne Counties:
Electrical contracts $7,500.00 and under

ZONE 10 - Butler, Carter, Mississippi, New Madrid, Ripley, Scott and Stoddard Counties:
Electrical contracts $7,500.00 and under

ZONE 11 - Dunklin and Pemiscot Counties:
Electrical contracts $7,500.00 and under

ZONE 12 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster and Wright Counties

ZONE 13 - Pulaski County

ZONE 14 - Andrew, Buchanan, Clinton and DeKalb Counties

ZONE 15 - Caldwell, Daviess, Gentry, Holt and and Nodaway Counties:
Electrical contracts over $10,000.00
Electrical contracts $10,000.00 and under

ZONE 16 - Atchinson, Grundy, Harrison, Livingston, Mercer and Worth Counties:
Electrical contracts $10,000.00 and under
Electrical contracts over $10,000.00

ZONE 17 - Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair, and Vernon Counties:

ZONE 18 - Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Osage Phelphs and Randolph Counties:

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IRONWORKERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1	$8.975	.55	.70		.05
ZONE 2	8.90	.60	.80	1.00	.05
ZONE 3	8.775	.60	.80	1.00	.05
ZONE 4	8.40	.30	.35		.10
ZONE 5	8.54	.40	.30		
ZONE 6	8.31	.45	.35		.04
ZONE 7	7.55	.45	.50		.02

AREAS COVERED BY IRONWORKERS ZONES

ZONE 1 - Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Charles, St. Francois, St. Louis & City, Ste. Genevieve, Texas, Warren, Washington, and Wright Counties.

ZONE 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Counties.

ZONE 3 - Christian, Dade, Douglas, Greene and Webster Counties:

ZONE 4 - Barry, Lawrence, McDonald, Newton and Stone Counties:

ZONE 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties:

ZONE 6 - Howell, Oregon, Ozark and Taney Counties

ZONE 7 - Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties;

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1					
ZONE 1	$7.48	.50	.50	.50	.10
ZONE 2	6.18	.50	.50	.50	.10
ZONE 3	5.93	.50	.50	.50	.10
ZONE 4	8.05	.40	.50		.10
ZONE 5	7.10	.40	.50		.10
ZONE 6	7.10	.40	.50		.10
GROUP 2					
ZONE 1	7.63	.50	.50	.50	.10
ZONE 2	6.33	.50	.50	.50	.10
ZONE 3	6.08	.50	.50	.50	.10
ZONE 4	8.20	.40	.50		.10
ZONE 5	7.25	.40	.50		.10
ZONE 6	7.25	.40	.50		.10
GROUP 3					
ZONE 1	7.78	.50	.50	.50	.10
ZONE 2	6.48	.50	.50	.50	.10
ZONE 3	6.23	.50	.50	.50	.10
ZONE 4	8.35	.40	.50		.10
ZONE 5	7.40	.40	.50		.10
ZONE 6	7.40	.40	.50		.10
GROUP 4					
ZONE 1	7.98	.50	.50	.50	.10
ZONE 2	6.68	.50	.50	.50	.10
ZONE 3	6.43	.50	.50	.50	.10
ZONE 4	8.55	.40	.50		.10
ZONE 5	7.60	.40	.50		.10
ZONE 6	7.60	.40	.50		.10
GROUP 5					
ZONE 1	8.23	.50	.50	.50	.10
ZONE 2	6.93	.50	.50	.50	.10
ZONE 3	6.68	.50	.50	.50	.10
ZONE 4	8.80	.40	.50		.10
ZONE 5	7.85	.40	.50		.10
ZONE 6	7.85	.40	.50		.10

CLASSIFICATION DEFINITIONS

GROUP 1 - General Labor - Carpenter Tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-Skill - Air tool operator; cement handler - bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman.

GROUP 3 - Second Semi-Skill - Aspha't plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river

GROUP 4 - Third Semi-Skill - Laser beam man; asphalt raker; barco tamper; jackson or anyother similar tamp; wagon driller; churn drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills; string line man for electronic grade control; pressure groutmen.

GROUP 5 - Fourth Semi-Skill - Manhole builders - brick or block; dynamite and powder men; welder

AREA COVERED BY LABORERS

ZONE 1 - Buchanan, Cass, and Lafayette Counties

ZONE 2 - Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties

ZONE 3 - Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and Worth Counties

ZONE 4 - Franklin, Jefferson, and St. Charles Counties

ZONE 5 - Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Charlton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Lincoln, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve, Scott, Warren and Washington Counties.

ZONE 6 - Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties.

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
ZONE 8					
GROUP 1	$7.80	.50	.50	.70	.10
GROUP 2	7.95	.50	.50	.70	.10
GROUP 3	8.10	.50	.50	.70	.10
GROUP 4	8.30	.50	.50	.70	.10
GROUP 5	8.60	.50	.50	.70	.10

CLASSIFICATION DEFINITIONS

GROUP 1 - General Laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-Skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pierhole men working below ground), riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only)

GROUP 3 - Second Semi-Skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

GROUP 4 - Third Semi-Skill - Spreader on screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving, curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builders helpers and mortar men on brick or block manholes; sand blasting and gunnite nozzle men; rubbing concrete; air tool operator in tunnels

GROUP 5 - Fourth Semi-Skill - Manhole builder (brick or block); dynamite and powder men.

AREA COVERED BY LABORERS

ZONE 8 - Clay, Jackson, Platte and Ray Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
ZONE 7 - St. Louis City and County:					
General laborer	$8.675	.40	.90		.03
Wrecking	8.55	.40	.90		.03
Plumbers laborer	9.05	.40	.90		.03
Dynamiter or powderman	9.175	.40	.90		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
ZONE 1					
Lineman	$9.60	.38	1%+.15		4%
Heavy equipment operator	8.93	.38	1%+.15		4%
Groundman Powderman	6.66	.38	1%+.15		4%
Groundman	6.32	.38	1%+.15		4%
Groundman (1st year)	5.42	.38	1%+.15		4%
ZONE 2					
Lineman	9.17	.38	1%+.15		4%
Heavy equipment operator	8.74	.38	1%+.15		4%
Groundman Powderman	6.36	.35	1%+.15		4%
Groundman	5.87	.35	1%+.15		4%
Groundman (1st year)	4.46	.35	1%+.15		4%
ZONE 3					
Lineman & Cable splicers	9.30	.30	1%	12½%	4%
Groundman - winch driver	6.86	.30	1%	12½%	4%
Groundman - driver	6.62	.30	1%	12½%	4%
Equipment operator	8.32	.30	1%	12½%	4%
Groundman - 1st 6 mos.	5.32	.30	1%	12½%	4%
Groundman - next 12 mos.	5.55	.30	1%	12½%	4%
Groundman - next 12 mos.	6.07	.30	1%	12½%	4%
Groundman - thereafter	6.62	.30	1%	12½%	4%
ZONE 4					
Lineman	9.77	.35	1%		.25%
Groundman - Class I	8.34	.35	1%		.25%
Groundman - Class II	6.83	.35	1%		.25%
Groundman - Class A	6.23	.35	1%		.25%
Groundman - 1st 6 mos.	5.95	.25	1%		.25%

AREAS COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties

ZONE 2 - Andrew, Atchison, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties

ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties

ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties

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PAINTERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1					
Brush & roller	$9.34	.30	.35		.06
Spray	10.34	.30	.35		.06
Bridge	10.09	.30	.35		.06
ZONE 2					
Brush	6.40		.25		
Spray	7.15		.25		
ZONE 3					
Brush	6.55				
Spray	6.95				
ZONE 4					
Brush or roller	6.75	.45	.35		
Spray, Structural steel and Sandblasting	10.00	.45	.35		
ZONE 5					
Brush	7.00				
Spray, taping machine	7.50				
Swing stages, window jacks,	7.25				
Bridges 75 ft. in height	7.75				
All structural steel over 50 ft. in height; sand blasting	7.50				
ZONE 6					
Brush	8.05	.20	.35		
Spray	8.60	.20	.35		
Structural steel 30 ft. or more	8.45	.20	.35		
ZONE 7					
Brush	7.25				
Spray	7.75				
ZONE 8					
Brush, roller	6.88		.20		
Spray	7.255		.20		

DECISION NO. HD75-4115

PAINTERS CONTD:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 9					
Brush	$7.90		.20		
Spray	8.40		.20		
ZONE 10					
Brush	8.83	.30	.30	.21	
Spray	10.33	.30	.30	.21	
ZONE 11					
Brush, bridge & construction steel	7.50				
Spray	8.00				

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Cass, Clay, Henry, Jackson, Johnson, Lafayette, Livingston, Platte, and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott and Stoddard Counties
ZONEN 3 - Lincoln and Pike Counties
ZONE 4 - Camden, Crawford, Dent, Laclede, Maries, Miller, Phelph, Pulaski, and Texas Counties
ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties
ZONE 6 - Andrew, Atchison, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties
ZONE 7 - Adair, Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties
ZONE 8 - Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 9 - Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties.
ZONE 10 - Jefferson, St. Charles, and St. Louis & City, Counties.
ZONE 11 - Christin, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties

DECISION NO. MD75-4115

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1					
GROUP I	$9.85	.50	.75	.75	.10
GROUP II	9.60	.50	.75	.75	.10
GROUP III	9.35	.50	.75	.75	.10
GROUP IV	8.35	.50	.75	.75	.10
GROUP V	10.10	.50	.75	.75	.10
GROUP VI	10.35	.50	.75	.75	.10
GROUP VII	9.85	.50	.75	.75	.10
GROUP VIII	8.85	.50	.75	.75	.10
ZONE 2					
GROUP I	8.52	.35	.40		
GROUP II	8.52	.35	.40		
GROUP III	7.97	.35	.40		
GROUP IV	7.52	.35	.40		
GROUP V	9.32	.35	.40		
GROUP VI	10.07	.35	.40		
GROUP VII	10.52	.35	.40		
GROUP VIII	11.27	.35	.40		
GROUP IX	9.02	.35	.40		
GROUP X	8.02	.35	.40		
GROUP XI	8.52	.35	.40		
ZONE 3					
GROUP I	9.50	.35	.65	.40	.02
GROUP II	9.30	.35	.65	.40	.02
GROUP III	9.10	.35	.65	.40	.02
GROUP IV	8.50	.35	.65	.40	.02
GROUP V	9.75	.35	.65	.40	.02
GROUP VI	10.00	.35	.65	.40	.02
GROUP VII	10.25	.35	.65	.40	.02
ZONE 4					
GROUP I	9.10	.35	.65	.40	.02
GROUP II	8.75	.35	.65	.40	.02
GROUP III	8.55	.35	.65	.40	.02
GROUP IV	7.70	.35	.65	.40	.02
GROUP V	9.35	.35	.65	.40	.02
GROUP VI	9.60	.35	.65	.40	.02
GROUP VII	9.85	.35	.65	.40	.02

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POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 5					
GROUP I	$9.85	.50	.75	.75	.10
GROUP II	9.65	.50	.75	.75	.10
GROUP III	9.45	.50	.75	.75	.10
GROUP IV	8.35	.50	.75	.75	.10
GROUP V	10.10	.50	.75	.75	.10
GROUP VI	10.35	.50	.75	.75	.10
GROUP VII	10.60	.50	.75	.75	.10
GROUP VIII	8.85	.50	.75	.75	.10
ZONE 6					
GROUP I	8.90	.50	.75	.75	.10
GROUP II	8.55	.50	.75	.75	.10
GROUP III	8.35	.50	.75	.75	.10
GROUP IV	7.35	.50	.75	.75	.10
GROUP V	9.15	.50	.75	.75	.10
GROUP VI	9.40	.50	.75	.75	.10
GROUP VII	9.65	.50	.75	.75	.10
GROUP VIII	7.85	.50	.75	.75	.10
ZONE 7					
GROUP I	9.75	.40	.25		.02
GROUP II	9.40	.40	.25		.02
GROUP III	9.20	.40	.25		.02
GROUP IV	7.95	.40	.25		.02
GROUP V	10.00	.40	.25		.02
GROUP VI	10.35	.40	.25		.02
GROUP VII	10.50	.40	.25		.02
GROUP VIII	8.70	.40	.25		.02
ZONE 8					
GROUP I	9.75	.40	.25		.02
GROUP II	9.40	.40	.25		.02
GROUP III	9.20	.40	.25		.02
GROUP IV	7.95	.40	.25		.02
GROUP V	10.00	.40	.25		.02
GROUP VI	10.35	.40	.25		.02
GROUP VII	10.50	.40	.25		.02
GROUP VIII	8.70	.40	.25		.02

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 1

GROUP I - Asphalt paver and spreader, asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift; hoising engine-2 active drums; locomotive operator, standard gauge; mechanics and welders, field or shop; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Ait Trac); shovel operator; side descharge spreader; side boom cats; skimmer scoop operator; slip-form paver (CMI, REX, OR Equal); throttle man; truck crane; welding machine maintenance operator-2

GROUP II - "A" frame truck; aspahlt hot mix silo; asphalt plant fireman; drum or boiler; aspahlt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engin-1 drum; Latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; toubost operator; tractor operator-over 50 h.p.

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type aspahlt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator- combination boiler and booster; tractor, 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintanance operator - 1

GROUP IV - Meachanic's helper, oiler

GROUP V - Clamshells, 3 yd. capacity or over, crane or rigs 80 ft. of boom or over (including jib); draglines, 3 yd. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels, 3 yd, capacity or over

GROUP VI - Crane or rigs, over 200 ft. of boom (including jib).

GROUP VII - Hoist (each additional drum over 1 drum)

GROUP VIII - Oiler driver, all types

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50c) per hour above the regular classification.

POWER EQUIPMENT OPERATORS ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradeall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric or other powers) switch boat; whirley

GROUP II - Air tugger w/air compressor; anchor-placing barge; asphalt spredder; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than five ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as a pump-crete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and barco equipment - no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mechanic, on job site; mixer, paving; mixermobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant, power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

GROUP III - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 6 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane;

POWER EQUIPMENT OPERATORS ZONE 2 CONTD

GROUP III CONTD - pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck

GROUP IV - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP V - Air pressure; oiler engineer; operating under ten pounds

GROUP VI Air pressure, oiler engineer operating over ten pounds

GROUP VII Air pressure engineer operating under ten pounds

GROUP VIII Air pressure engineer operating over ten pounds

GROUP IX Crane-pile driving with leads; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds, and over; crane, climbing (such as Linden); derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

GROUP X Heaters
Crane, with boom (including jib) over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane

GROUP XI Mud jack (where mud jack is used in conjunction with an air compressor, operator)
Work in tunnel or tunnel shaft, .25c above base rate

POWER EQUIPMENT OPERATORS ZONE 3 and 4

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe; blade operator - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane; shovel operator.

GROUP II - A-Frame; aspahlt hot-mix silo; aspahlt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; aspahlt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; powerbroom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

POWER EQUIPMENT OPERATORS ZONE 3 and 4 CONTD

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine, operator; fireman - rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator; Siphons & Jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination Boiler & Booster); winch, ulric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator - 1; Tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib); hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)

GROUP VII - Crane, rigs or piledrivers 200 ft of boom or over (incl. jib)

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; shovel operator; sideboom cats; skimmer scoop operator all types; trenching machine operator; truck crane.

GROUP II - A-frame; aspahlt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor, pavement breaker; powerbroom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

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POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8 CONTD

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman - rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator other than dredge; roller operator, other than high type asphalt; screening & washing plant operator; Siphons & Jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator; welding machine maintenance operator - 1; tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clam-shell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib), hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)

GROUP VII - Crane, rigs or piledrivers 200 ft. of boom or over (incl. jib).

GROUP VIII - Oiler - drivers

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties

ZONE 2 - St. Louis City & County

ZONE 3 - Franklin, Jefferson, Lincoln, St. Charles, and Warren Counties

ZONE 4 - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties

ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties

ZONE 6 - Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties

ZONE 7 - Christian, Greene, Lawrence and Taney Counties

ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties

DECISION NO. MO75-4115

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1 - St. Louis City and County:					
GROUP 1	6.99	a	b	c&d	
GROUP 2	7.19	a	b	c&d	
GROUP 3	7.29	a	b	c&d	

FOOTNOTES:

a - Employer contribution of $12.50 per week.

b - Employer contribution of $12.50 per week.

c - Paid Holidays; New Year's Day, Thanksgiving Day, Memorial Day, Independence Day, Friday after Thanksgiving Day, Labor Day, Veterans Day, Christmas Day.

d - Paid vacation of 3 days for 600 hours of service in any one contract year;
4 days paid vacation for 800 hours of service in any one contract year;
5 days paid vacation for 1,000 hours of service in any one contract year

CLASSIFICATION DEFINITIONS

GROUP 1 - Truck or trailers of a water level capacity of 11.99 cu. yds. or less, for lift trucks, job site ambulances, pick-up trucks, flat bed trucks

GROUP 2 - Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity

GROUP 3 - Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity

DECISION NO. M075-4115

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 2					
GROUP 1	$8.34	.50	.75	.75	
GROUP 2	8.54	.50	.75	.75	
GROUP 3	8.85	.50	.75	.75	
GROUP 4	9.00	.50	.75	.75	
GROUP 5	8.115	.50	.75	.75	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle

GROUP 2 - Two teams; material, tandem; semi-trailers; winch; fork; distributor drivers and operators; agitator and transit mix; tank wagon, tandem or semi-trailer; insley wagons; dump; excavating, 5 cu. yds. & over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment

GROUP 3 - A-frame; low boy; boom

GROUP 4 - Mechanics & welders

GROUP 5 - Mechanic's helpers, oilers & greasers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

DECISION NO. M075-4115

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 3					
GROUP 1	$10.15				
GROUP 2	10.30				
GROUP 3	10.37				
GROUP 4	10.26				
GROUP 5	10.05				
ZONE 4					
GROUP 1	9.45				
GROUP 2	9.60				
GROUP 3	9.67				
GROUP 4	9.56				
GROUP 5	9.35				
ZONE 5					
GROUP 1	9.19	.50	.75		
GROUP 2	9.34	.50	.75		
GROUP 3	9.41	.50	.75		
GROUP 4	9.30	.50	.75		
GROUP 5	9.09	.50	.75		
ZONE 6					
GROUP 1	8.33	.50	.75		
GROUP 2	8.48	.50	.75		
GROUP 3	8.60	.50	.75		
GROUP 4	8.49	.50	.75		
GROUP 5	8.23	.50	.75		
ZONE 7					
GROUP 1	7.60	.50	.75		
GROUP 2	7.75	.50	.75		
GROUP 3	7.87	.50	.75		
GROUP 4	7.76	.50	.75		
GROUP 5	7.50	.50	.75		

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
GROUP 2 - Flat bed trucks - tandem axle; material trucks, - tandem axle; tank wagon - tandem axle
GROUP 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, A-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
GROUP 4 - Agitator and transit mix trucks
GROUP 5 - Warehouseman

AREAS COVERED BY TRUCK DRIVERS ZONES

ZONE 3 - Franklin, Jefferson and St. Charles Counties
ZONE 4 - Lincoln and Warren Counties
ZONE 5 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 6 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Laclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster, and Wright Counties.
ZONE 7 - Adair, Atchison, Barry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney, and Worth Counties

SUPERSEDEAS DECISION

STATE: Nebraska

COUNTY: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux

DECISION NUMBER: NE75-4113

DATE: Date of Publication

Supersedes Decision No. AQ-79 dated February 15, 1974 in 39 FR 5933

DESCRIPTION OF WORK: Building construction (excluding single family homes garden type apartments up to and including four (4) stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$6.00				
BRICKLAYERS	7.60				
CARPENTERS	5.00				
CEMENT MASONS	4.30				
ELECTRICIANS	3.76				
GLAZIERS	3.00				
IRONWORKERS, Reinforcing	4.00				
LABORERS	2.50				
LATHERS	4.50				
MARBLE AND TILE SETTERS	6.00				
PAINTERS, Brush	3.50				
PLASTERERS	3.50				
PLUMBERS	6.00				
ROOFERS	3.75				
SHEET METAL WORKERS	6.00				
SOFT FLOOR LAYERS	3.50				
STEAMFITTERS	6.00				
TRUCK DRIVERS	3.00				
Welders - Receive rate prescribed for craft performing operation to which welding is incidental					
POWER EQUIPMENT OPERATORS:					
Bulldozers	3.75				
Cranes, derricks, draglines	4.15				
Graders	3.75				
End Loaders	3.25				
Rollers	3.00				
Scrapers	4.00				

SUPERSEDEAS DECISION

STATE: New Jersey

COUNTIES: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem

DECISION NUMBER: NJ75-3049

DATE: Date of Publication

Supersedes Decision Nos. AR-2077, dated November 15, 1974, in 39 FR 40467; AR-2080, dated November 22, 1974, in 39 FR 41130; AR-2081, dated November 22, 1974, in 39 FR 41139; AR-2082, dated November 22, 1974, in 39 FR 41146; AR-2088, dated November 29, 1974, in 39 FR 41677; AR-2089, dated November 29, 1974, in 39 FR 41685; AR-2090, dated November 29, 1974, in 39 FR 41693; AR-2073, dated November 15, 1974, in 39 FR 40371

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Zone 1	$10.52	.50	.50		
Zone 2	9.85	.50	.50		.025
Zone 3	9.202	.5803	.4974		.02
Zone 4	9.89	.50	1.00		.03
Zone 5	10.52	.50	.50		

AREA COVERED BY ASBESTOS WORKERS ZONES

Zone 1 - Atlantic, Burlington (Bass River and Washington Twps.), Cape May, Cumberland and Ocean (Eaglewood, Lacy, Little Egg Harbor, Long Beach, Ocean, Stafford, Tuckerton and Union Twps.) Counties.

Zone 2 - Burlington (Bordentown, Burlington, Chesterfield, Easthampton, Florence, Mansfield, Mount Holly, New Hanover, North Hanover, Pemberton, Roebling, Springfield, Wrightstown and Woodlawn Twps.), Mercer, Monmouth (Allentown, Blansinburg, Brielle, Englishtown, Farmingdale, Freehold, Howell, Manalapan, Manasquan, Millstone, Roosevelt, Sea Girt, South Belmar, Spring Lake Heights, Upper Freehold, Wall and West Belmar Twps.) and Ocean (Remainder of County) Counties.

Zone 3 - Monmouth (remainder of County) County

Zone 4 - Salem County

Zone 5 - Burlington (remainder of County, Camden and Gloucester Counties.

BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, STONEMASONS, MARBLE MASONS, CEMENT MASONS, PLASTERS, TILE LAYERS AND TERRAZZO WORKERS:					
Zone 1					
Bricklayers, Stonemasons, Marble Masons and Plasterers	9.27	.55	.20		.02
Cement Masons, Tile Layers and Terrazzo Workers	9.02	.55	.20		.02
Zone 2					
Bricklayers, Stonemasons, Marble Masons, Tile Layers and Terrazzo Workers	$ 9.80	.80	.80		
Cement Masons	9.15	.55	.70		
Plasterers	9.27				
Zone 3	8.95	.50	.25		.02
Zone 4	9.15	.55	1.00		.03
Zone 5	10.00		.40		

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

Zone 1 - Atlantic and Cape May Counties

Zone 2 - Camden, Gloucester and Salem Counties

Zone 3 - Cumberland County

Zone 4 - Burlington and Mercer Counties

Zone 5 - Monmouth and Ocean Counties

CARPENTERS, MILLWRIGHTS AND INSULATORS:					
Zone 1	9.91	.40	6%		.02
Zone 2					
Carpenters and Insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
Zone 3	9.73	6%	6%		.02
Zone 4	9.85	.50	.55		.02

DECISION NO. NJ75-3049

Zone 1 - Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem Counties

Zone 2 - Burlington (except the City of Bordentown), Monmouth and Ocean Counties

Zone 3 - Mercer (beginning from the present Post Office in Lawrenceville to a point northward through the present "Radio Site" to the junction of Rosedale Road and Read's Mill Road to the junction of Pennington and Mount Rose Road to the Somerset County Line; again starting at the present Post Office in Lawrenceville and eastward to the junction of Brunswick Pike and Delaware and Raritan Canal Bridge taking the center of the road to Clarksville then south on Providence Line Road to the Pennsylvania Railroad then east to Dutch Neck North to Grover's Mills to the Middlesex County Line) County

Zone 4 - Burlington (City of Bordentown only) and Mercer (remainder of County) Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DOCKBUILDERS & PILEDRIVERMEN:					
Zone 1	$ 9.92	1.28	.90	a	.07
Zone 2	9.86	.95	1.63	.61	.02

AREA COVERED BY DOCKBUILDERS & PILEDRIVERMEN ZONES

Zone 1 - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer (Trention Area), Ocean and Salem Counties

Zone 2 - Mercer (Princeton Area) and Monmouth Counties

DRYWALL TAPERS & FINISHERS:					
Statewide (excluding Camden, Gloucester and Salem Counties	9.75	.50	.50		.07
ELECTRICIANS and CABLE SPLICERS:					
Zone 1	11.15	4%	1%+.30		.01
Zone 2	12.20	4%	1%+.40		.10
Zone 3	10.70	4%	1%+.15		.05
Zone 4	10.07	4%	1%+.25		.04
Zone 5	9.89	4%	1%+.35		.02

DECISION NO. NJ75-3049

ARE COVERED BY ELECTRICIANS & CABLE SPLICERS ZONES

Zone 1 - Monmouth and Ocean Counties

Zone 2 - Burlington (that portion North of a line following the west and south limits of Burlington Borough from the Delaware River in a southeasterly direction to the Burlington - Mt. Holly Road, south - southeast along this road to and including the town of Mt. Holly, east along the Pennsylvania Railroad to and including New Lisbon, and continuing along the Pennsylvania Railroad to the Ocean County Line) and Mercer Counties.

Zone 3 - Burlington (remainder of County), Camden, Gloucester, Washington, Deptford, West Deptford, Greenwich, East Greenwich, Pamuta, Harrison, South Harrison, Woolwich, and Logan Twps. and Fitman Borough) and Salem (from Lower Penns Neck, Upper Penns Neck, Oldmans Twps. and that portion of Mannington and Pilesgrove Twps north of a line following State Hwy 643 Northeast from Fenswick Creek to the Borough of Woodstown, around and including Woodtown to U. S. Hwy #40 and east on #40 to Upper Pittsgrove Twp. line) Counties

Zone 4 - Atlantic (that portion south and west of a line following the White Horse Pile (U.S. Hwy #30) in a southeasterly direction from Camden County to the Mays Landing - DeCosta Road, continuing south along that road to the Great Egg Harbor River near Weymouth along that river to the Harding Hwy. to the Mays Landing - Tuckahoe Road, south on that road to the north limits of County) and Salem (remainder of County) Counties

Zone 5 - Atlantic (remainder of County) and Cape May Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Mechanics	$10.68	.445	.29	3%+b+c	.02
Helpers	7.48	.445	.29	3%+b+c	.02
Probationary Helpers	5.34				
GLAZIERS:					
Monmouth and Ocean Counties	10.05	.61	.65		.02
Atlantic and Cape May Counties	6.90		.30		
Camden, Gloucester and Salem Cos.	8.38	.35	.30		.01
IRONWORKERS-STRUCTURAL, ORNAMENTAL and REINFORCING:					
Atlantic and Cape May Counties	10.10	.64	1.06		.05
Camden Gloucester and Salem Cos.	10.30	.64	1.06		.03
Mercer County	9.74	.64	1.06		.05

DECISION NO. NJ75-3049

LABORERS, BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Zone 1					
Laborers, Mason Tenders and Plasterers Tenders	$ 6.85	.55	.15		
Air, gas, electric Tool Operators	7.10	.55	.15		
Gunnite Men	7.25	.55	.15		
Zone 2	6.85	.40	.55		
Zone 3					
Laborers	7.15	.40	.40		
Hod Carriers, Mason Tenders and Operators of jackhammers, Tampers and Electric Hammers	7.40	.40	.40		
Zone 4	7.60	.45			
Zone 5					
Laborers	7.10	.50	.45		
Jackhammers	7.35	.50	.45		
Zone 6					
Laborers	7.00	.40	.55		
Hod Carriers and Plasterers Tenders	7.10	.40	.55		

AREA COVERED BY LABORERS, BUILDING ZONES

Zone 1 - Atlantic, Burlington (Twps of Washington and Bass River), Cape May, Cumberland (Twps of Fairfield, Millville, Maurice River, Lawrence, Dawne and Commercial) and Ocean (that portion of the county up to and including Lacey Twp.) Counties

Zone 2 - Burlington (Twps of Edgewater Park, Delance, Willingsboro, West Hampton, East Hampton, Pemberton, Delran, Cinnaminson, Morrestown, Mt. Laurel, Hainesport, Lumberton, South Hampton, Evesham, Medford, Shamong, Tabernacle and Woodland), Camden, Gloucester and Salem Counties

Zone 3 - Mercer (Twps of Princeton, Lawrence and West Windsor and Boro of Princeton) County

Zone 4 - Monmouth (Twps of Matawan, Union Beach, Raritan, Keansburg, Highlands, Holmdel, Middletown, Fair Haven, Red Bank, Matawan Boro. and Marlboro) County

Zone 5 - Mercer (Twps of Washington, Highstown and East Windsor), Monmouth (remainder of County) and Ocean (remainder of County) Counties

Zone 6 - Burlington (remainder of County) and Mercer (remainder of County) Counties

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LABORERS, HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Zone 1					
Group 1	$ 7.75	.50	.75	d	
Group 2	7.45	.50	.75	d	
Group 3	7.40	.50	.75	d	
Group 4	7.25	.50	.75	d	
Group 5	7.15	.50	.75	d	
Group 6	6.90	.50	.75	d	
Group 7	6.85	.50	.75	d	
Group 8	6.75	.50	.75	d	
Zone 2					
Group 1	8.25	.50	.75	d	
Group 2	8.10	.50	.75	d	
Group 3	7.85	.50	.75	d	
Group 4	7.80	.50	.75	d	
Group 5	7.70	.50	.75	d	
Group 6	7.60	.50	.75	d	
Group 7	7.35	.50	.75	d	
Group 8	7.20	.50	.75	d	
Group 9	7.15	.50	.75	d	
FREE AIR TUNNEL JOBS					
Group 1	8.62	.50	.75	d	
Group 2	8.22	.50	.75	d	
Group 3	8.06	.50	.75	d	
Group 4	7.55	.50	.75	d	

AREA COVERED BY LABORERS, HEAVY & HIGHWAY CONSTRUCTION ZONES

Zone 1 - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean & Salem Counties.

Zone 2 - Monmouth County.

DECISION NO. NJ75-3049

CLASSIFICATION DEFINITIONS
LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 1

Group 1 - Blasters

Group 2 - Finisher, Rammers, Pavers, Gunnite Nozzle Men, Stone Cutters & Form Setters

Group 3 - Timbermen

Group 4 - Wagon Drill Operator, Drill Master, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Hammer & Tree Cutter Operators, Sandblasting, Cutting, Burning & such other power tools used to perform work usually done manually by Laborers

Group 5 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 6 - Wagon drill operator helpers, Drill Master Helpers, Power Carrior and Magazine Tenders

Group 7 - Wrapping and Coating of all pipes

Group 8 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Waterproofing, Rakers & Tampers on Cold Patch Work

LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 2

Group 1 - Blasters

Group 2 - Finishers, Rammers, Pavers, Gunnite Nozzle Men And Stonecutters

Group 3 - Timbermen

Group 4 - Form Setters

Group 5 - Wagon Drill Operators, Drill Maters, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Hammers and Tree Cutter Operators, Sandblasting, Cutting, Burning and Such other power tools used to perform work usually done manually by laborers

Group 6 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 7 - Wagon Drill Operator Helpers, Drill Master Helpers, Powder Carriers and Magazine Tenders

Group 8 - Wrapping and Coating of all Pipe

Group 9 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Water-Proofing, Rakers and Tampers on Cold Patch Work

DECISION NO. NJ75-3049

LABORERS - FREE AIR TUNNEL JOBS

Group 1 - Blasters

Group 2 - Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Block Layers, Cement Finishers, Rod Men, Caulkers, Powder Carriers, All other Skilled Men)

Group 3 - Semi-skilled men (including Miner's Helpers, Chuck Tenders, Track Men, Nippers, Brake Men, Derail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All other Semi-skilled Men)

Group 4 - All others (including Powder Watchmen, change house attendants, Top Laborers)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS, ASPHALT CONSTRUCTION:					
STREET:					
Head Rakers	$ 7.40	.50	.75	d	
Rakers & Screed Men	7.25	.50	.75	d	
Tampers, Smoothers, Kettlemen, Painters, Shovelers & Roller Boys	7.00	.50	.75	d	
PLANT:					
Scale Mixer & Burner Men	7.25	.50	.75	d	
Feeders & Dust Men	7.00	.50	.75	d	
LATHERS:					
Zone 1	9.10	.35	.25		.02
Zone 2	7.85		.15		.01

AREA COVERED BY LATHERS ZONES

Zone 1 - Burlington, Camden, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties

Zone 2 - Atlantic & Cape May Counties

DECISION NO. NJ75-3049

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LEADSIRPERS	$ 9.25	.35		e	.01
LINE CONSTRUCTION:					
Zone 1					
Lineman, Cable Splicers & Equipment Operators	10.20	4%	1%+.30		3/8of1%
Groundman	8.25	4%	1%+.30		3/8of1%
Zone 2					
Linemen, Cable Splicers & Equipment Operators	12.20	4%	1%+.40		3/8of1%
Groundmen & Winch Operators	9.75	4%	1%+.40		3/8of1%
Zone 3					
Linemen	10.70	4%	1%+.15		3/8of1%
Groundmen & Winch Operators	8.55	4%	1%+.15		3/8of1%
Zone 4					
Linemen	10.07	4%	1%+.25		3/8of1%
Line Digger Truck Drivers	6.00	4%	1%+.25		3/8of1%
Groundmen	7.02	4%	1%+.25		3/8of1%
Zone 5					
Linemen, Equipment Operators, Technicians & Centified Linemen Welders	10.50	.25	1%+.60		3/8of1%
Truck Drivers	7.55	.25	1%+.60		3/8of1%
Groundmen	7.00	.25	1%+.60		3/8of1%

DECISION NO. NJ75-3049

AREA COVERED BY LINE CONSTRUCTION ZONES

Zone 1 - Monmouth & Ocean Counties

Zone 2 - Burlington (that portion north of a line following the west and south limits of Burlington Borough from the Delaware River in a southeasterly direction to the Burlington - Mt. Holly Road, south - southeast along this road to and including the town of Mt. Holly, east along the Pennsylvania Railroad to and including New Lisbon, and continuing along the Pennsylvania Railroad to the Ocean County Line) & Mercer Counties

Zone 3 - Burlington (remainder of County), Camden, Gloucester (Washington, Deptford, West Deptford, Greenwich, East Greenwich, Hanuta, Harrison, South Harrison, Woolwich, and Logan Twps. and Pitman Borough) and Salem (from Lower Penns Neck, Upper Penns Neck, Oldmans Twps. and that portion of Mannington and Pilesgrove Twps. North of a line following State Hwy. #45 northeast from Penswick Creek to the Borough of Woodstown, around and including Woodstown to U. S. Hwy #40 and east on #40 to Upper Pittsgrove Twps. line) Counties

Zone 4 - Atlantic (that portion south and west of a line following the White Horse Pike (U. S. Hwy. #30) in a southeasterly direction from Camden County to the Mays Landing-DaCosta Road, continuing south along that road to the Great Egg Harbor River near Weymouth along that river to the Harding Hwy. to the Mays Landing - Tuckahoe Road, south on that road to the north limits of Corbin City to the Tuckahoe River), Cumberland, Gloucester (remainder of County) And Salem (remainder of County) Counties

Zone 5 - Atlantic (remainder of County) and Cape May Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Zone 1					
Base Rates:					
Paperhanding, Painting & Allied Work	$ 8.55		.50		
Spraying & Sandblasting	9.45		.50		
Middle Rates:					
Work performed 25' or more above the finished floor & from swinging scaffolds three stories or less in height	8.85		.50		
Spraying & Sandblasting under these conditions	9.75		.50		

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PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
Premium Rates:					
Work on Tanks, Stacks, Bridges, Radio & T.V. Towers, Water Towers, Open Structural Steel & all work above 3 stories on the exterior of all structures	$ 9.20		.50		
Spraying & Sandblasting under these conditions	10.10		.50		
Zone 2					
Painters	8.40	.50	.50	.10	
Exterior work exceeding three stories in height for Painting of Open Structural Steel & Tanks under three stories in height except Flat Tanks on the ground & on Interior Work which requires Painting higher than 20' above the ground or floor (excluding machinery or equipment located therein)	8.55	.50	.50	.10	
On Bridges, T.V. & Radio Towers, Structural Steel & Tank above three stories in height (30' or over), Smoke stacks, Water Towers, Sandblasting, Steam Cleaning, Spraying or Application of Hazardous or Dangerous Materials	9.00	.50	.50	.10	
Zone 3					
Commercial Brush or Roller	9.25	.50	.50		
Brushing Steel or Working Swing or Bosun Chair	10.00	.50	.50		
Commercial Spray or Dipping	10.00	.50	.50		
Spraying or Rolling on Steel or Tanks, Sandblasting or Power Tools	10.65	.50	.50		
Commercial Brushing or Rolling or Spraying of Special Material	10.65	.50	.50		

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PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
Zone 4					
Brush or Roller, Paperhanging & Vinyl-Wall Covering	$ 9.00	.45	.45		
Structural Steel, Tanks, Flag Poles, Spray, Swing, Sandblasting & Stripping of Lines by Mechanical Machines & Hazardous Material	10.00	.45	.45		
Zone 5					
Brush	7.20				
Brush-Steel & Swing	7.45				
Sandblasting, Spray & Roller	7.80				
Brush - Steel & Swing over 70'	7.85				
Spray & Roller - Steel & Swing; Sandblasting - Steel & Swing	8.05				
Spray & Roller - Exotic Material	8.80				
Exotic Material - Steel	9.05				
Exotic Material - Steel over 70'	9.45				

AREA COVERED BY PAINTERS ZONES

Zone 1 - Monmouth & Ocean (northern half of County) Counties

Zone 2 - Mercer County

Zone 3 - Burlington, Camden, Gloucester & Salem (the northern portion of County north of Salem Bridge) Counties

Zone 4 - Atlantic, Cape May & Ocean (remainder of County) Counties

Zone 5 - Cumberland & Salem (remainder of County) Counties

DECISION NO. 8375-3049

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS					
Zone 1	$10.58	.42	.42		.025
Zone 2	8.80	.37	.85	1.00	.05
Zone 3	9.15	.64	.74	1.10	.09
Zone 4	10.39	.57	.80		.05
Zone 5	10.45	5%	.75		.05
Zone 6	9.56	.41	.60	1.00	.20

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

Zone 1 - Atlantic, Burlington (that portion of the County including Atsion, Bass River Twp., Batsto, Chatsworth, Green Bank, Herman, Jenkins, New Gretna, Quaker Bridge, Wading River, Washington & Woodland Twp.), Cape May, Cumberland, Gloucester (Ashbury, Blue Bell, Maleys & Newfield Twps. only), Ocean (southern half of the County to and including Whiting, Bamber, Waretown & Barnegat Light) & Salem (that portion of the County including Aldine, Alliance, Alloway, Brotmanville, Canton, Centerton, Friesburg, Hancock's Bridge, Lower Alloways Creek Twp., Moore's Corner, Norma, Oakwood Beach, Olivet, Penn (Beach), Pittsgrove Twp., Quinton & Shirley) Counties

Zone 2 - Burlington (that portion of the County starting on the west by the Delaware River, on the north by a line following the center of High Street to the Pennsylvania Railroad running from Camden to Mount Holly, Birmingham, Seaside Park & Shore Points on the Jersey Coast. Along aforesaid Railroad to the Town of Whitings; thense diagonally across Burlington County to the junction of Burlington, Camden & Atlantic Counties), Camden, Gloucester (remainder of County) & Salem (remainder of County) Counties

Zone 3 - Mercer (Bakersville, Berrien City, Clarksville, Dutch Neck, East Windsor Twp., Edinburg, Etra, Grover's Mills, Hightstown, Locust Corner, Mount Rose, North Princeton, Penns Neck, Port Mercer, Princeton & Rosedale) County

Zone 4 - Burlington (remainder of County), Mercer (remainder of County) & Monmouth (Allentown only) Counties

Zone 5 - Monmouth (the southern half of the county to and including Manalapan, Eton, Jerseyville, West Farms, Collingwood Park & Deal) & Ocean (remainder of County) Counties

Zone 6 - Monmouth (remainder of County) County

DECISION NO. 8375-3049

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS: Building and Heavy Construction:					
Group 1	$11.25	7%	15%	f	3%
Group 2	10.40	7%	15%	f	3%
Group 3	10.20	7%	15%	f	3%
Group 4	9.51	7%	15%	f	3%
Group 5	9.36	7%	15%	f	3%
Group 6	9.31	7%	15%	f	3%
Group 7	8.60	7%	15%	f	3%
Group 8	8.45	7%	15%	f	3%
Group 9	8.15	7%	15%	f	3%
Group 10	9.46	7%	15%	f	3%
Group 11	8.05	7%	15%	f	3%
Group 12	10.50	7%	15%	f	3%
Group 13	8.96	7%	15%	f	3%
Group 14	12.88	7%	15%	f	3%
Group 15	9.76	7%	15%	f	3%
Group 16	10.65	7%	15%	f	3%

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS
BUILDING & HEAVY CONSTRUCTION

Group 1 - Autograde - combination Subgrader, Base Mix spreader and Base trimmer (CMI and similar types), Autograde placer-trimmer-spreader-combination (CMI and similar types), Autograde slipform paver (CMI and similar types), Backhoes (all types, including all combination hoe loaders), Central power plants (all types), Concrete paving machines, Cranes (all types including overhead and straddle traveling type), Cranes (gantry), Derricks (land or floating), Drillmaster, Quarrymaster (down the hole drill), Draglines, Elevator graders, Engines (large diesel 1620 HP and staging pump), Front end loaders (5 yards and over), Gradalls, Grader, Hago, Helicopters (co-pilot), Jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), Locomotive (large), Mucking machines, Pavers (21-E and over), Paver (resinous, broyhill), Pavement and concrete breaker (superhammer), Pavement breaker truck mounted, Pile-driver, Scooper (loader and shovel), Koehring, Shovels, Tree chopper, Trench machines

DECISION NO. NJ75-3049

POWER EQUIPMENT OPERATORS (Cont'd)
Building and Heavy Construction

Group 2 - "A" Frame, Boring and drilling machines, Brush chopper, Chipper and shredder, Cableways carryalls, Cherry pickers (6 tons and under), Concrete pump, Concrete pumping system, Pumpcrete, Squeezecrete and similar types, Conveyors (125' and over), Economobiles (hilo, Iull, hyster similar type equipment), Fork lifts, Front end loaders (2 yds. but less than 5 yds.), Grove cutting machine, Heater planer, Pans (Letourneau, DW's ukes), Pumpcrete (unit type), Pumpcrete machines (Squeezecrete and concrete pumping regardless of size), Scrapers (Letourneau, DW's ukes), Side booms, Squeezecrete, Straddle carrier (ross and similar types), Winch trucks (hoisting)

Group 3 - Aerial platform (used as hoist), Hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, Concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), Elevators or house cars, Roof hoist

Group 4 - Asphalt curbing machines, Asphalt plant engineer, Autograde tube finisher and texturing machine (CMI and similar), Autograde curecrete machine (CMI and similar), Autograde curb trimmer and sidewalk, Shoulder slipform (CMI and similar types), Bar bending machines (power), Batchers, Batching plant and crusher on site, Belt conveyor systems, Boilers and steam jennies (irrespective of their use), Boom type skimmer machines, Car dumpers (railroad), Compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), Concrete breaking machines, Concrete finishing machines, Concrete saws and cutters (ride on type), Concrete spreaders hetzel, Rexomatic and similar types, Conveyors (under 125'), Crushing machines, Ditching machines (small, ditch-witch or similar), Drill Doctor (duties include dust collector, maintenance), Dope pots (mechanical with or without pump), Dumpsters, Fine grade machine (large type), Front end loaders (under 2 yds.), Generators giraffe grinders, Graders and motor patrols, Gunite machines (excluding nozzle), Hammer vibrator (in conjunction with generators), Hoppers, Hopper doors (power operated), Ladders (motorized), Laddervator, Lights (portable generating light plants), Locomotive (dinky type), Maintenance and repair of asphalt curbing machines, Concrete finishing machines, Gas buggies, Leveling machines, Portable generators, Power saws, Compressor equipment or compressor units used in connection with cement, Paint, Insulating and acoustical sprays, Plaster, Curing and sandblasting (all and similar types), Mechanic, Mixers excepting paving mixers), Motor patrols and graders, Pavers (under 21-E), Pavement breakers (small, self-propelled ride on type, also maintains compressor or hydraulic unit), Pipe bending machine (power), Pitch pump, Plaster pump (regardless of size), Post hole digger, Rod bending machines (power), Scales (power), Seaman pulverizing mixer, Silos, Steam jennies and boilers (irrespective of their use), Steel cutting machine (service and maintains), Vibrating plants (used in conjunction with unloading, welder and repair mechanic)

DECISION NO. NJ75-3049

POWER EQUIPMENT OPERATORS (Cont'd)
Building and Heavy Construction

Group 5 - Welding machines (gas or electric converters of any type 2 or 3 in battery), Compressors (2 or 3 within a total distance of 100' constitutes a battery), Welding system, Multiple (rectifier transformer type)

Group 6 - Bulldozer, Fireman, Sprinkler and water pump trucks (used on job site or in conjunction with job site), Stone, Spreaders, Sweepers and brooms, tractors (D-8 and over), Water and Sprinkler trucks (used on job site or in conjunction with job site)

Group 7 - Compressor (single), Heaters (Nelson or other type including propane, natural gas or flow type units), Pumps (4 inch suction and over including submersible pumps), Temporary heating plant (Nelson or other type including propane, natural gas or flow type units), Welding machines (gas or electric converters of any type single), Wellpoint system (including installation and maintenance), Pumps (2 of less than 4 inch suction including submersible pumps)

Group 8 - Concrete spreaders (small type), Fertilizing equipment and Maintenance of), Grease, Gas, Fuel and oil supply trucks, Mulching equipment (operation and maintenance of), Seeding equipment (operation and maintenance of , Tamping machines (vibrating self propelled)

Group 9 - Assistant engineer/oiler, Mechanics helper, Tire repair and maintenance

Group 10 - Water operation: on all power boats used in conjunction with pipeline, river crossings and all types of construction: Captain (power boats), Tug master (power boats)

Group 11 - Water Operations: Deckhand

Group 12 - Pump (staging)

Group 13 - Rollers (grade fill or stone base), Tractors under D-8

Group 14 - Helicopters (pilot/engineer)

Group 15 - Asphalt spreaders, Bridge deck finisher, Grader finish only

Group 16 - Roller blacktop

DECISION NO. NJ75-3049

POWER EQUIPMENT OPERATORS (Cont'd) Highway, Road, Street and Sewer Construction:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Group 1	$11.28	7%	15%	f	3%
Group 2	10.40	7%	15%	f	3%
Group 3	9.51	7%	15%	f	3%
Group 4	9.31	7%	15%	f	3%
Group 5	8.60	7%	15%	f	3%
Group 6	9.16	7%	15%	f	3%
Group 7	12.88	7%	15%	f	3%
Group 8	10.50	7%	15%	f	3%
Group 9	8.96	7%	15%	f	3%
Group 10	9.46	7%	15%	f	3%
Group 11	9.21	7%	15%	f	3%
Group 12	8.45	7%	15%	f	3%
Group 13	10.20	7%	15%	f	3%
Group 14	8.15	7%	15%	f	3%
Group 15	9.76	7%	15%	f	3%
Group 16	10.65	7%	15%	f	3%

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS
HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION

Group 1 - Autograde - combination, Subgrader, Base MTL. spreader and base trimmer (CMI and similar types), Autograde placer - trimmer - spreader - combination (CMI and similar types), Autograde slipform paver (CMI and similar types), Backhoes (all types, including all combination hoe loaders), Central power plants (all types), Concrete paving machines, Cranes (all types including overhead and straddle travelling type), Cranes (gantry), Drillmaster, Quarrymaster (down the hole drill), Draglines, Elevator graders, Engines (large diesel 1620 HP and staging pump), Front end loader (5 yds. and over), Gradalls, Grader, Rago, Helicopters (co-pilot), Jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), Locomotive (large), Mucking machine, pavers (21-E and over), Paver (resimous, broyhill), Pavement and concrete breaker (super hammer), Pavement breaker truck mounted, Pile-driver, Scooper (loader and shovel), Koehring, Shovels, Tree chopper, Trench machines

DECISION NO. NJ75-3049

POWER EQUIPMENT OPERATORS (Cont'd)
Highway, Road, Street and Sewer Construction

Group 2 - "A" frame, Boring and drilling machines, Brush chopper, Chipper and shredder, Cableways, Carryalls, Cherry pickers (6 tons and under), Concrete pump, Concrete pumping system, Pumpcrete, Squeezecrete and similar types, Conveyors (125' and over), Economobiles (bilo, lull, hyster and similar type equipment), Fork lifts, Front end loaders 2 yds., but less than 5 yds., Groove cutter machine, Heater planer, Pans (Letourneau DW's ukes), Pumpcrete (unit type), Pumpcrete machines (squeezecrete and Concrete pumping machines regardless of size), Hoist (Chicago booms), Scrapers (Letourneau, DW's ukes), Side booms, Squeezecrete, Straddle carrier (ross and similar types), Winch trucks (hoisting)

Group 3 - Asphalt curbing machine, Asphalt plant engineer, Autograde tube finisher and texturing machine (CMI and similar), Autograde curecrete machine (CMI and similar types), Autograde curb trimmer and sidewalk, shoulder slip form (CMI and similar types), Bar bending machines (power), Batchers, Batching plant and crusher on site, Belt conveyor systems, Car dumpers (railroad), Compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials), Concrete breaking machines, Concrete finishing machines, Concrete saws and cutters (ride on type), Concrete spreaders, Hetzel, Rexomatic and similar types, Conveyors (under 125'), Crushing machines, Ditching machines (small ditch witch or similar), Drill doctor (duties include dust collector, maintenance), Dope pots (mechanical with or without pump), Dumpster, Fine grade machine (large type), Concrete vibrator, Skimmer machines (boom type), Generators, Giraffe grinders, Graders and motor patrols, Gunite machine (excluding nozzle), Hammer vibratory (in conjunction with generator), Hoppers, Hopper doors (power operated), Laddervator, lights (portable generating light plants), Locomotive (dinky type), Maintenance and repair of asphalt curbing machines, Concrete finishing machines, Concrete vibrators, Gas buggies, Leveling machines, Portable generators, Power saws, Compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), Mechanic, Mixers (excepting paving mixers), Motor patrols and graders, Pavers (under 21-E), Pavement breaker (small, self - propelled ride on type, also maintains compressor or hydraulic unit), Pipe bending machine (power), Pitch pump, Front end loaders (1 yd. and over, but less than 2 yds.), Post hole digger, Rod bending machine (power), Scales (power), Seaman pulverizing mixer, Silos, Steam jennies and boilers (irrespective of their use), Steel cutting machine (services and maintains), Vibrating plants (used in conjunction with unloading), Welder and repair mechanic

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POWER EQUIPMENT OPERATORS (Cont'd)
Highway, Street, Road and Sewer Construction

Group 4 - Bulldozer, Fireman, Sprinkler and water pump trucks (used on job site or in conjunction with job site), Stone spreaders, Sweepers and brooms, Tractors (D-8 and over), Water and sprinkler trucks (used on job site in conjunction with job site)

Group 5 - Compressors (single), Heaters (Nelson or other type including propane, natrual gas or flow type units), Pumps (4 inch suction and over including submersible pumps), Temporary heating plant (Nelson or other type including propane, natural gas or flow type units), Pumps (diesel engine and hydraulic immaterial of power), Wellpoint systems (including installation and maintenance), Welding machines (gas or electric converters of any type 2 or 3 in battery), Pumps (2 of less than 4 inch suction including submersible pumps

Group 6 - Front end loaders (under 1 yard)

Group 7 - Helicopters (pilot/engineer)

Group 8 - Pump (staging)

Group 9 - Rollers (grade fill or stone base), Tractors (under D-8)

Group 10 - Tug master (power boats), Captain (power boats)

Group 11 - Compressors (2 or 3 within a total distance of 100' constitutes a battery)

Group 12 - Concrete spreaders (small type), Fertilising equipment (operation and maintenance of), Grease, Gas, Fuel and oil supply trucks, Mulching equipment, Operation and maintenance of Seeding machines, Tamping Machines (vibrating, self-propelled), Farm tractors, Conveyors loaders (not including elevator graders), Fine grade machine (small type), Concrete mixers (small), Road finishing machines (small type), Welding machines (gas or electric converters of any type - single), Form line graders (small type)

Group 13 - Roof hoists, Aerial platform used as hoist

Group 14 - Tire repair and maintenance, Mechanics helpers and oiler

Group 15 - Asphalt spreaders, Bridge deck finisher, Grader (finish only)

Group 16 - Roller blacktop

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STEEL ERECTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	f	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	f	3%
A-frame, Cherry pickers, Elevators Permanent or temporary or any other hoisting machine regardless of motor power, Fork lifts, Hoists house cars, Side booms, Jacks	11.43	7%	15%	f	3%
Air compressors (2 or 3 in battery), Generators, Welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	f	3%
Air compressors single, Welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	f	3%
Firemen	9.38	7%	15%	f	3%
Oilers, Straddle carrier	8.55	7%	15%	f	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, Tugmaster	9.80	7%	15%	f	3%
Deckhand	8.50	7%	15%	f	3%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Zone 1					
Composition, Kettlemen and Kettlemen	$9.50	.40	.50		
Slate, Tile and Damproofing	10.25	.40	.50		
Zone 2					
Composition	9.97	1.20	.75	&	
Journeyman Assistant	5.20	1.20	.75	&	
Slate, Tile and Asbestos	9.40	1.00	.50		
Slate, Tile and Asbestos Helpers	5.83	1.00	.50		
Asphalt Shingle	7.94	1.00	.50		
Asphalt Shingle Helpers	5.83	1.00	.50		
Zone 3					
Composition, Damp and Waterproofing	10.25	.55	.50		
Slate and Tile	10.375	.55	.50		
Slate and Tile Helpers	9.25	.55	.50		
Zone 4					
Composition, Waterproofing, Slate and Asphalt Shingle	9.70	.40	.50		

AREA COVERED BY ROOFERS ZONES

Zone 1 - Atlantic, Cape May and Cumberland Counties

Zone 2 - Burlington (Beverly, Charleston, Kancocas, Lumberton, Medford, Fairview, Medford Lakes, Smalls, Atsion and areas inclusive to the Camden County Line), Camden, Gloucester and Salem Counties

Zone 3 - Monmouth (the entire county except the southwest corner which includes Perrineville and the towns west there of) and Ocean (from the county line southward to Cassville, Lakehurst, Whitings, Wheatland and Cedar Bridge inclusive) Counties

Zone 4 - Burlington (remainder of County), Mercer, Monmouth (remainder of county) and Ocean (remainder of County) Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
Zone 1	$10.15	.7105	.50		
Zone 2	9.49	6%	4%+.10	8%	.02
Zone 3	8.93	.30	.50		.02
Zone 4	10.74	.87	.50		.02

AREA COVERED BY SHEET METAL WORKERS ZONES

Zone 1 - Atlantic, Cape May & Cumberland Counties

Zone 2 - Monmouth & Ocean Counties

Zone 3 - Burlington & Mercer Counties

Zone 4 - Camden, Gloucester & Salem Counties

SOFT FLOOR LAYERS					
Zone 1	9.91	.40	6%		.02
Zone 2	9.91	6%	5%+.30		

AREA COVERED BY SOFT FLOOR LAYERS ZONES

Zone 1 - Atlantic, Camden, Cape May, Cumberland, Gloucester & Salem Counties

Zone 2 - Burlington, Mercer, Monmouth & Ocean Counties

SPRINKLER FITTERS:					
Zone 1	9.70	.30	.50		.02
Zone 2	10.00	.50	.70		.08

AREA COVERED BY SPRINKLER FITTERS ZONES

Zone 1 - Camden, Gloucester, Mercer (Town of Trenton) & Salem (Penns Grove excluding Penns Grove Airport) Counties

Zone 2 - Atlantic, Burlington, Cape May, Cumberland, Mercer (remainder of County), Monmouth, Ocean & Salem (remainder of County) Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS HELPERS:					
Atlantic & Monmouth Counties	$ 8.01	6%	7%		
TRUCK DRIVERS:					
Zone 1					
Group 1	5.45	g&h	f	j&k	
Group 2	5.55	g&h	f	j&k	
Group 3	5.70	g&h	f	j&k	
Group 4	5.85	g&h	f	j&k	
Zone 2					
Group 1	5.80	l	m	n+o	
Group 2	6.30	l	m	n+o	
Group 3	6.45	l	m	n+o	
Group 4	6.50	l	m	n+o	
Group 5	6.65	l	m	n+o	
Group 6	6.85	l	m	n+o	
Group 7	7.00	l	m	n+o	
Zone 3					
Group 1	7.27	.615	.69	p+q	
Group 2	7.50	.615	.69	p+q	
Group 3	7.55	.615	.69	p+q	
Group 4	7.65	.615	.69	p+q	
Group 5	7.75	.615	.69	p+q	

AREA COVERED BY TRUCK DRIVERS ZONES

Zone 1 - Atlantic & Cape May Counties

Zone 2 - Burlington (that portion west of the Jersey Turnpike to the Delaware River), Camde, Cumberland, Gloucester & Salem Counties

Zone 3 - Burlington (remainder of County), Mercer, Monmouth & Ocean Counties

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONE I

Group 1 - Warehousemen and Helpers

Group 2 - Teamsters & Chauffeurs

Group 3 - Drivers on Tractors, Trailers, 10 wheel Flats and Dumps

Group 4 - Drivers on Euclids, 10 wheel Tractors and Tractor Trailer Trucks, Low Beds and Pole Trailers

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TRUCK DRIVERS - ZONE 2

Group 1 - Ten wheel dump truck driver and trailer dump driver off site

Group 2 - Straight truck driver (helper)

Group 3 - Warehousemen, forl lift truck and part men

Group 4 - Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, Seeding trucks fertilizing trucks, dumpcrete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgater, asphalt distributor trucks, batch trucks and similar type of equipment and mechanics (helper), Pick-up trucks (only when transporting material), & Flat Bed trucks.

Group 5 - All truck towing

Group 6 - Winch straight tractor and trailor truck driver and Euclid trailer dump (not self-loading), fuel truck drivers and asphalt oil distributors on dumpcrete trucks, transit - mixers, flat bed trucks, low bed trucks, tanks, water tanks, fuel tanks, euclid water sprinkler, Asphalt distributor, pole trailor, winch trailor, I beam trucks, euclids (all), and similar type equipment

Group 7 - Mechanics

TRUCK DRIVERS - ZONE 3

Group 1 - Mechanic Helper

Group 2 - Drivers on the following type vehicles: Straight dumps, Flats, Floats, Pick-ups, container haulers, Fuel, Water Sprinkler, Road Oil, Stringer, Bead, Hot Pass, Bus, Dumpcrete, Transit Mixers, Agitator Mixer, Half truck, Winch Truck, Side-O-Matic, Dynamite, Powder, X-Ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, All dual purpose trucks, Trucks with mechanical tailgates, Asphalt distributor, batch trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (intransit), parts chaser, escort, scissor, Hi-lift, telescope, concrete breaker, gin pole, stone, sand, Asphalt distributor and spreader, Nipper, fuel trucks (drivers on fuel trucks including handling of unit), Skid truck (debris container - entire unit), concrete mobile trucks (entire unit), Expediter (parts chaser), Beltcrete trucks, Pumpcrete trucks, Line truck, Reel truck, Wreckers, Utility trucks, Tack trucks, Warehousemen, Warehouse Parts-men, Yardmen, Lift truck in warehouse, Helper when required on lift truck in warehouse, Warehouse clerk, Parts man, Material checkers, Receivers, Shippers, Binning men (materials), Cardex man; Helper when required on Broyhill coal tar epoxy truck and asphalt and bituminous distributor truck; Drivers on the following type vehicles: Broyhill Coal tar epoxy trucks, Little-Ford Bituminous distributor, Slurry seal truck or vehicle, Thiokol trackmaster pick-up (swamp cat pickup), Bucket loader dump truck and any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, similar type vehicles; Off-site and on-site repair shop, Team Drivers, Vacuum or Vac-all

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Trucks (entire unit)
Group 3 - Drivers on straight 3-axle materials: Truck & Floats

Group 4 - Drivers on all Euclid Type Vehicle: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors, and wagons, Dumptors, Straight, Bottom, Rear and side dumps, Carryalls and scrapers (not self-loading - loading over the top), Water sprinkler, Trailers, Water pulls and similar types of vechiles; Drivers on tractors and trailer type vehicles: Flat, Floats, I-beam, Low beds, Water sprinkler, Bituminous transit mix, Road Oil, Fuel, Bottom, Dump Hopper, Rear Dump, Office Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole, Spread, Bituminous Distributor, Water Pulls (entire unit) (Tractor Trailer), Reel Trailer, and similar types of vehicles

Group 5 - Winch Trailer Drivers

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day; Independence Day; Labor Day; Presidential Election Day, Veterans Day or Thanksgiving Day.

b. Paid Holidays: A through F

c. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day providing the employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.

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FOOTNOTES: (Cont'd)

e. Paid Holidays: A through F, plus Washington's Birthday, Good Friday, Christmas Eve, providing the employee has worked 45 full days for the employer during the 120 calendar days immediately prior to the holiday, and the employee works his regular scheduled work days immediately preceeding and following the holiday.

f. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans Day provided the employee works any of the 3 days in the 5 work days preceeding the holiday and the first work day after the recognized holiday.

g. $1.00 per week employer contribution to Life Insurance Fund per employee.

h. Employer contributes $2.30 per day per employee to Health and Welfare Funds.

i. Employer contributes $1.60 per day per employee to the Pension Fund.

j. One week vacation after one year's work; two weeks vacation after 3 year's work.

k. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day provided the employee works 3 days in the week in which the holiday falls.

l. Employer contributes $2.70 per day per employee to Health and Welfare Fund.

m. Employer contributes $2.20 per day per employee to Pension Fund.

n. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vaction pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 years but less than 15 years he will receive 125 hours of straight time vacation pay; 15 years or more he will receive 165 hours of straight time vacation pay.

o. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans' Day provided the employee is available for work on at least 2 days in the week in which the holiday falls.

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FOOTNOTES: (Cont'd)

p. Employees working or receiving pay for 80 days within a year receive one weeks paid vacation (48 hours); 125 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160).

q. Paid Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day provided the employee has been assigned to work or "shapes" one day of the calendar week during which the holiday falls.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: MONROE

DECISION NO.: NY-75-3063 DATE: DATE OF PUBLICATION

Supersedes Decision No. NY-75-3037 dated April 11, 1975 in 40 FR 16574

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$11.07	.73	.35		.03
BOILERMAKERS	9.85	.50	.95		.02
BRICKLAYERS, Plasterers and Stone Masons	11.115	.30	.58		.02
CARPENTERS, Heavy and Highway	8.38	.55	.89		.025
CARPENTERS, Building	10.25	.55	.59		.005
CEMENT MASONS, Building	10.915	.30	.58		.02
CEMENT MASONS, Heavy and Highway	8.82	.30	.58		
ELECTRICIANS	10.45	.50	1%+.25		1/2%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	10.615	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers	7.43	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers (Prob.)	5.31				
GLAZIERS	9.00	.67	.31		.05
IRONWORKERS:					
Structural, Ornamental, Reinforcing	9.38	.52	.82		.05
LABORERS, Building					
Laborers	8.25	.74	1.15		
Blasters	9.62	.74	1.15		
Air track, Wagon drill operator, Asphalt rakers	8.65	.74	1.15		
Jackhammers, Mortar mixers, Concrete vibrator, Pipelayers, Burners and cutters for wrecking and demolition	8.35	.74	1.15		
lathers	8.68		.50		.01
LEADBURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	10.10	.65	1%+.60	d	3/8%
Cable splicer	11.11	.65	1%+.60	d	3/8%
Groundman digging machine op.	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment op.	8.30	.65	1%+.60	d	3/8%
Groundman truck driver and mechanic	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%
MARBLE, TILE & TERRAZZO WORKERS	11.66				
MARBLE, TILE & TERRAZZO WORKERS' HELPERS	8.85		1.64		
PAINTERS:					
Brush and roller	8.19	.35	.62		.04
Swing scaffold	8.69	.35	.62		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Structural Steel:					
Up to 40'	$8.69	.35	.62		.04
Over 40'	8.89	.35	.62		.04
Spray	8.79	.35	.62		.04
PILEDRIVERMEN & MILLWRIGHTS:					
Building	10.59	.55	.89		
PILEDRIVERMEN & MILLWRIGHTS:					
Highway	8.67	.45	.70		.025
PLUMBERS & STEAMFITTERS	10.95	.405	1.52	.56	.06
ROOFERS:					
Roofers	10.67	.43	.43		
SHEET METAL WORKERS	10.86	.50	.65		.025
SOFT FLOOR LAYERS	9.42	.55	.59		.005
SPRINKLER FITTERS	9.60	.50	.70		.08
TERRAZZO MACHINE OPERATOR	8.58		1.14		
TRUCK DRIVERS, Building	8.59	.40	.40		
WELDER - Craft rate					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York, provided employee works the day before and the day after the holiday.
e. Holidays: A through F and Good Friday
f. One year's work or more - 1 weeks' vacation; 3 years' work or more - 2 weeks vacation
g. Holiday D, provided employee works the regular working day preceding the holiday and the regular working day after the holiday.

NY75-3063

19-LAB-2-H

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers					
Heavy Construction Excavating Pavings:					
Laborers & chuck tenders	$7.62	.74+.40	.75	a	
Asphalt rakers, air track, wagon drill op., curb stone setters, powder monkeys	7.87	.74+.40	.75	a	
Curb cookees, pipe layers, layers of conduit and all air, electric, gas and deisel motor driven tool op.	7.82	.74+.40	.75	a	
Relining of all types of pipe	8.02	.74+.40	.75	a	
Blasters	9.32	.74+.40	.75	a	
Meter setters and meter changers	7.92	.74+.40	.75	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing employee works the working day before and the working day after the holiday.

DECISION NO. NY-75-3063

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 6.70	.74	1.15	a	
CLASS B	6.90	.74	1.15	a	
CLASS C	7.10	.74	1.15	a	
CLASS D	7.30	.74	1.15	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I - Cranes (cable and hydraulic, climbing and tower)
I - A 121 ft. and under
I - B 121 ft. and 151 ft.
I - C 151 ft. and 201 ft.
I - D 201 ft. and 251 ft.
I - E 251 ft. and 301 ft.
I - F 301 ft. and 351 ft.
I - G 351 ft. and 401 ft.
I - H 401 ft. and 451 ft.

GROUP II - Air tugger, derrick, dredge, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, ross carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III - A frame truck, backfilling machine, hoist (1 or 2 drums), barber green and similar typer machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machines, bituminous spreading machine, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm combined capacity 3 or less with more than 1200 CFM, but not to exceed 2000 CFM, concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane-hoe-shovel 3/8 yd. capacity or less (factory rating), tournapull and similar types, dinky locomotives (all types), tower-noble and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler, Exception: single electric pumps up to and including 4 inches not be manned.

GROUP IV - Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical conveyor (over 12 ft in length), fireman, belt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float, Exception: single gasoline driven welding machines up to 300 amps need not be manned.

GROUP V - Truck crane oilers

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I:					
I-A	$9.45	.45	.45+.30	a	.10
I-B	9.70	.45	.45+.30	a	.10
I-C	9.95	.45	.45+.30	a	.10
I-D	10.20	.45	.45+.30	a	.10
I-E	10.70	.45	.45+.30	a	.10
I-F	11.20	.45	.45+.30	a	.10
I-G	11.70	.45	.45+.30	a	.10
I-H	12.20	.45	.45+.30	a	.10
GROUP II	9.45	.45	.45+.30	a	.10
GROUP III	9.27	.45	.45+.30	a	.10
GROUP IV	8.175	.45	.45+.30	a	.10
GROUP V	7.35	.45	.45+.30	a	.10

FOOTNOTES:
PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES - POWER EQUIPMENT OPERATORS:

GROUP I: Automatic fine grader, backhoe (except tractor mounted, rubber tired), black-top plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker-over 5 ton capacity, crane cranes and derricks (steel erection), dragline, dual drum paver, excavator purpose hydraulically operated, front end loader (4 c. y. and over), hoist, two or three drum, pile driver, power grader with elevating loader attachment, quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel.

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, black-top plant (non-automated), boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker-5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist, one drum, Kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance engineer, maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer power grader, pump crete, ready mix concrete plant road widener, roller (all above sub-grader), side boom, tractor scraper, tractor with dozer and/or pusher, trencher, winch, mechanical slurry machine, power broom.

GROUP III: Compressors: 4 not to exceed 2,000 c.f.m. combined capacity; or 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (four of any type or combinations), concrete pavement spreaders and finishers, conveyors, drill, core, drill well electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine fork lift, gunite machine, hammer-hydraulic-self propelled, locomotive, post hole digger and post driver, roller, (grader and fill), tractor with towed accessories, vibrator compactor, vibro tamp, well point, pumps, regardless of motive power power, no more than 4 in number not to exceed 20" in total capacity, submersible electric pumps when used in lieu of well points.

GROUP IV: Compressors (any size, but subject to other provisions for compressors, dust collectors, generators, welding machine (three or less of any type or combination) concrete mixer (16S or under), concrete saw self propelled, foreman, form tamper, mulching machine, oiler, power heater-man, revimius widener, steam cleaner, tractor, pumps regardless of motive power, no more than 3 in number not to exceed 12" in total capacity

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$9.65	.80	.50	a	.10
GROUP II	9.45	.80	.50	a	.10
GROUP III	9.15	.80	.50	a	.10
GROUP IV	8.40	.80	.50	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, provided employee works the working day before the working day after the holiday.

DECISION NO. NY-75-3063

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.30	.50	.50+a	b	.10
GROUP II	9.00	.50	.50+a	b	.10
GROUP III	8.35	.50	.50+a	b	.10
GROUP IV	7.60	.50	.50+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for-stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

NY75-3063

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

DECISION NO. NY-75-3063

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.39	.55	.50	a	
CLASS 2	7.44	.55	.50	a	
CLASS 3	7.49	.55	.50	a	
CLASS 4	7.64	.55	.50	a	
CLASS 5	7.79	.55	.50	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

STATE: Tennessee COUNTY: Davidson
DECISION NUMBER: TN75-1057 DATE: Date of Publication
Supersedes Decision No. AR-4021 dated August 30, 1974, in 39 FR-31868
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	8.65	.35	.25		
Boilermakers	7.50	.40	.90		.02
Bricklayers	8.00				
Carpenters	8.00	.15	.10		.01
Cement masons	6.04	.25			
Electricians	7.62	.35	1%		.25%
Elevator constructors	6.92	.445	.29	3%+a&b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a&b	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	7.70	.45	.35		.02
Ironworkers:					
Structural, ornamental & reinforcing	7.40	.45	.30		.10
Laborers:					
Unskilled	4.40	.15	.10		
Air tool operator	4.55	.15	.10		
Mason tenders	4.55	.15	.10		
Pipelayers	4.70	.15	.10		
Powderman	4.95	.15	.10		
Lathers	6.60		.20		
Millwrights	7.80	.15	.10		.01
Painters, brush	6.50		.40		.05
Plasterers	7.25	.30	.20		.01
Plumbers	7.34	.40	.40		.05
Roofers, composition	6.00	.25	.20	c	
Sheet metal workers	7.20	.25	.30		.02
Steamfitters	7.34	.40	.40		.05
Sprinkler fitters	8.75	.50	.70		.08
Terrazzo workers	5.50				
Tile setters	5.50				
Truck Drivers	4.90				
Welders - Rate for Craft.					
POWER EQUIPMENT OPERATORS:					
Air compressor	5.88	.25	.25		
Bulldozers	6.80	.25	.25		
Cranes	6.80	.25	.25		
Fork lift	6.80	.25	.25		
Front end loaders	6.80	.25	.25		
Gradall	6.80	.25	.25		
Hoist	6.34	.25	.25		
Oilers	5.51	.25	.25		
Traxcavator	6.80	.25	.25		

TN75-1057 (Cont'd)

PAID HOLIDAYS:
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. Three paid holidays: C, D, & F.

SUPERSEDEAS DECISION

STATE: Texas COUNTY: El Paso
DECISION NO.: TX75-4114 DATE: Date of Publication
Supersedes Decision No. TX75-4107, dated May 23, 1975, in 40 FR 22801.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.03	.50	.87(a)		.03
FOOTNOTE: a-Includes $0.07 contribution to Occupational Health Fund.					
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS: BLOCKLAYERS: ROCK MASONS: STONEMASONS	6.13	.38	.20		.06
CARPENTERS:					
Carpenters	6.48	.45			.02
Millwrights	6.85	.45			.02
Stationary radial arm power saw operator	6.62	.45			.02
Floor layers	6.48	.45			.02
CEMENT MASONS	5.36	.48			.03
ELECTRICIANS:					
Electricians	8.00	.25	1%		1/2%
Cable splicers	8.25	.25	1%		1/2%
ELEVATOR CONSTRUCTORS	6.88	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate; b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
GLAZIERS	5.69	.30			.02
IRONWORKERS	7.00	.55	.60		.10
LABORERS:					
Powderman or blasterer	4.95	.34	.25		
Outside wagon drill; wagon drill tenders; miner	4.70	.34	.25		
Cement gun or gunite; mason tender; mortar mixer; machine man; track man; chuck tender	4.45	.34	.25		
Pipelayer, main sewer and drainage	4.325	.34	.25		
Jackhammer operator, asphalt raker; kettleman; asphalt or pot man	4.20	.34	.25		
Common	4.05	.34	.25		
LATHERS	7.03				.01
LINE CONSTRUCTION:					
Lineman-Technician; Equipment operators	8.00	.25	1%		1/2%
Cable splicers	8.25	.25	1%		1/2%
Groundman	75%JR	.25	1%		1/2%
Groundman (less than 6 months)	50%JR	.25	1%		1/2%

DECISION NO. TX75-4114

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE MASONS	$6.17		.20		.06
PAINTERS:					
Brush; paperhangers; chipping & hand tools used for cleaning	5.78	.30			.02
Tapers, bedders, rollers 9" wide	5.78	.30			.02
Steel after erection, steam cleaning, buffing with power driven tools and torches	6.195	.30			.02
Spray, sandblasting, waterblasting, swing stage	6.485	.30			.02
Ames tools & taping machines	6.00	.30			.02
PLASTERERS	6.55	.48			.01
PLUMBERS & STEAMFITTERS	6.75	.31	.30		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	4.96	.30	.30		.03
GROUP 2	5.54	.30	.30		.03
GROUP 3	5.63	.30	.30		.03
GROUP 4	5.68	.30	.30		.03
GROUP 5	5.76	.30	.30		.03
GROUP 6	6.00	.30	.30		.03
GROUP 7	6.16	.30	.30		.03
GROUP 8	5.63	.30	.30		.03
GROUP 9	5.86	.30	.30		.03
GROUP 10	6.16	.30	.30		.03

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Fireman, Oiler; Mechanic, Grease Truck and Welder's Helpers; Screedman, Pneumatic roller towed by farmtype tractor or truck; Scale Operator and such as bin-a-batch; Rubber-tired farm type tractors and tractors under 35 HP without attachments

GROUP 2 - Air Compressors, Power Plants, pumps and welding machines (an operating engineer will not be required for an air compressor under 315 c.f.m., a pump under three inches or a light plant generating fifteen kilowatts or less, or one welding machine, if and when there is another operating engineer employed on the job who services the units); Concrete mixers, under 1 yard, and concrete batch plants, under 1 yard, gunnite and pumpcrete machines, mechanical bull floats, spreading and finishing machines. Screening Plants. Drilling machines, Diamond, rotary, core and cable drilling; Well under 6 inches. Hoists, scoopmobiles, A frame Air tugger; building hoist, 1 drum, Hydrolift, Hydrocranes, winch truck. Loaders; Elevating, belt type loader, front end loader 'under 2 yds) and over head loaders; forklift and lumber stacker on construction job site. Grease truck operator, (Head Oiler). Motor man and Industrial Locomotive. Tractors under 35 HP with attachments; and farm type tractor with back, or shovel type attachments

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP 3 - Concrete mixers 1 yard and over and batch plants 1 yard and over, single drum paving machines, Crushing plants. Drilling Machines, 6 inches and over; Front end loaders, 2 yards and over; Paving: Asphalt plants, boiler or retort heater, distirbutor, lay down machine, pug mill, breakdown and tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish

GROUP 4 - Tractor Equipment: Athey and Barber Green Loader, Bulldozer, DW10, DW20, DW21, Dumor, Elevating Grader; Euclid, Highlander, Scraper, Traxcavator, Turnapull, Turnarocker and Tractors 35 HP and up

GROUP 5 - Concrete paving machines, double drum. Catcranes, Hysters, Cherry Picker, Attachment cranes, side and swing boom tractors, Building Hoist, 2 drums and up. Mechanic, Welder, Patrol, finish

GROUP 6 - Shovel, Backhoe, clam and dragline 3/4 yards and under; Cranes 25 tons and under

GROUP 7 - Guy and stiff leg derrick, Piledrivers; Crawler or skid rig, Shovel, Backhoe, clam and dragline over 3/4 yards; Cranes over 25 tons

GROUP 8 - Refrigeration, slusher, Jumbo form operators

GROUP 9 - Mucking machines

GROUP 10 - Mine hoists

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers; Waterproofers; Pipe-wrappers	$5.00				
SHEET METAL WORKERS	7.90	.29	.25		.005
SOFT FLOOR LAYERS	5.63	.30			.02
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS	6.17		.20		.06
TERRAZZO WORKERS' HELPERS	3.70		.20		
TILE SETTERS	6.17		.20		.06
TILE SETTERS' HELPERS	3.70		.20		
TRUCK DRIVERS:					
Up to and including 2 tons	3.50	.26			
Flat bed dump trucks, mechanically	3.60	.26			
Tank trucks, up to 2500 gallons	3.50	.26			
Standard dump trucks, up to and including 4 cu. yds.	3.60	.26			
Dump trucks, over 4 cu. yds.	3.75	.26			
Trucks over 4 tons including transit mix, all semitruck, etc.	3.75	.26			
Lowboy	3.75	.26			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Washington, D. C. DATE: Date of Publication
DECISION NO.: DC-75-3061
Supersedeas Decision No. DC-75-3002, dated January 3, 1975, in 40 FR 948.
DESCRIPTION OF WORK: Building (excluding single family houses and garden type apartments, up to and including 4 stories), Heavy (excluding Metro Projects), and Highway Construction, Demolition and Sewer and Water Lines.

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BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.45	.45	.55		.015
BOILERMAKERS - Blacksmiths	9.40	.60	.90		.02
BRICKLAYERS	9.85	.60	.60		.10
CARPENTERS	9.55	.50	.49		.07
CEMENT MASONS:					
Cement Masons	9.15	.335	.35		.07
Grinding Machine	9.40	.335	.35		.07
ELECTRICIANS	9.35	.35	1%+.75		.10
ELEVATOR CONSTRUCTORS	9.775	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	6.84	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	4.89				
GLAZIERS	9.03	.56	.40		.05
IRONWORKERS:					
Structural, Ornamental and Chain Link Fence	9.55	.50	.60		.05
Reinforcing	9.35	.35	.60		.03
LABORERS:					
Common Laborers, Landscapers	7.23	.28	.40		.05
Acetylene Burners Used on Wrecking	7.73	.28	.40		.05
Air Tool Operator; Scaffold Builders; Paving Breakers; Towmasters; Buggy Mobiles; Spaders; Mortarmen and Scootcretes	7.38	.28	.40		.05
Pipelayers	7.38	.28	.40		.05
Plasterers' Tenders	7.03	.32	.35		.05
Plumbers' Laborers	6.93	.30	.40		.05
Powdermen	8.405	.28	.40		.05
Powersaw, Well Points	7.48	.28	.40		.05
LATHERS	8.73	.50	.50		.025
LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen, Cable Splicers, Equipment Operators	10.11	.35	1%		1/4%
Truck with Winch, Truck Pole or Steel handling	7.13	.35	1%		1/4%
Groundmen (0 to 1 year)	5.71	.35	1%		1/4%
Groundmen (1 to 2 years)	6.62	.35	1%		1/4%
Groundmen (over 2 years)	6.87	.35	1%		1/4%

DECISION NO. DC-75-3061

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BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS	$10.10	.45	.30		
MARBLE SETTERS' HELPERS	7.35				
MILLWRIGHTS	9.99	.50	.49		.07
PAINTERS:					
Brush, Spray, Paperhangers, Tapers	9.44	.41	.18		.06
Steel, Sandblasting, Swing Stage, Power Brushing	9.94	.41	.18		.06
CARPET LAYERS	6.07	.30			.05
PILEDRIVERMEN	9.75	.50	.49		.07
PLASTERERS	9.02	.45	.25		.06
PLUMBERS	9.43	.58	.55		18
ROOFERS:					
Composition	7.51	.42	.20		
Slate, Tile, Mopmen, Waterproofers, Sprayers, Sprandrel and Ironite	8.07	.42	.20		
Helpers	5.48	.42	.20		
SHEET METAL WORKERS	9.26	.64	.74		.12
SOFT FLOOR LAYERS	9.55	.50	.49		.07
SPRINKLER FITTERS	9.45	.50	.70		.08
STEAMFITTERS, REFRIGERATION and Air Conditioning Mechanic	9.45	.52	.65		.12
STONE MASONS	10.10	.45	.30		
STONE CUTTERS:					
Fitters and trimmers	9.90	.18	.20		
Ornamental Carvers	9.49	.18	.20	h	
Figure Carvers	10.11	.18	.20	h	
TERRAZZO and MOSAIC WORKERS	8.81	.40	.30		
TERRAZZO WORKERS' HELPERS	7.59	.40	.40		
TILE SETTERS	9.33	.40	.30		
TILE SETTERS' HELPERS	8.05	.40	.40		
TRUCK DRIVERS:					
Boom Trucks	6.40	.25	f	g+j	
Small Dump, Water Sprinkler, Grease and Oil	6.15	.25	f	g+j	
Flat, Pick-up Hauling Materials, Small Euclids, Dump over 8 wheels	6.25	.25	f	g+j	
Trailers, Low Boys, Tractor Pulls	6.45	.25	f	g+j	
Helpers	6.00	.25	f	g+j	

BUILDING & HEAVY CONSTRUCTION

DECISION NO. DC-75-3061

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd)					
Carryalls, Large Euclids, Euclid Water Sprinkler, Tunnel Work under ground	$6.55	.25	f	g+j	
Mechanics	6.30	.25	f	g+j	
RIGGERS and WELDERS - Receive rates prescribed for crafts performing operations to which rigging and welding are incidental.					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A Through F.
b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided an employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday).
f. $8.00 per week when employee has worked 90 days and works 3 days in a work week.
g. Holidays: A-D-E and F (provided the employee works the regularly scheduled work days immediately preceding and following the holiday).
h. Five Paid Holidays: Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day and New Year's Day.
j. One week's paid vacation providing employee has worked 3 years and a minimum of 1450 hours during any calendar year.

DECISION NO. DC-75-3061

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DEMOLITION (excluding Metro Projects)					
Laborers	$5.62	.28	.25		.03
Burners	6.12	.28	.25		.03
Power Equipment Operators:					
Cranes	9.695	.50	.55		.12
Loaders	9.295	.50	.55		.12
Truck Drivers	4.00				

DC-75-3061

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
GROUP 1	$9.695	.50	.55		.12
GROUP 2	9.445	.50	.55		.12
GROUP 3	9.395	.50	.55		.12
GROUP 4	9.295	.50	.55		.12
GROUP 5	9.115	.50	.55		.12
GROUP 6	9.045	.50	.55		.12
GROUP 7	9.035	.50	.55		.12
GROUP 8	8.865	.50	.55		.12
GROUP 9	8.645	.50	.55		.12
GROUP 10	8.845	.50	.55		.12
GROUP 11	7.985	.50	.55		.12
GROUP 12	7.865	.50	.55		.12
GROUP 13	7.815	.50	.55		.12

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - 35 ton cranes and above, tower and climbing cranes

GROUP 2 - Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent), paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops and scrapers (50 cu. yds, struck capacity or above), multiple concrete conveyors, front end loader (over 3-1/2 cu. yds.)

GROUP 3 - Hydrocranes and all other hydraulic cranes 12 tons or under

GROUP 4 - Hydraulic backhoes, under 1/2 yd., mounted on tractors, front end loader (over 2-3/4 cu. yds., to and including 3-1/2 cu. yds.)

GROUP 5 - Air compressors (on steel)

GROUP 6 - Front end loaders (hi-lift), fork lifts .

GROUP 7 - Boilers (skeleton), trenching machines, tug boats, well drilling machines

GROUP 8 - Air compressors (except on steel), concrete mixers, mechanics and maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points

GROUP 9 - Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders

GROUP 10 - Power driven wheel scoops and scrapers (under 50 cu. yds., struck capacity), blade graders, bulldozers, motor graders

GROUP 11 - Firemen

GROUP 12 - Truck crane oilers

GROUP 13 - Oilers

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SEWER and WATER LINES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$9.85	.45	.45		.10
CARPENTERS	9.55	.50	.49		.07
CEMENT MASONS	9.15	.335	.35		.07
IRONWORKERS; Reinforcing	9.35	.35	.60		.03
PILEDRIVERMEN	9.75	.50	.49		.07
PLUMBERS	9.43	.58	.55		.18
POWER EQUIPMENT OPERATORS:					
Backhoes, Cable ways, Cranes, Draglines power shovels, Tunnel Shovels, Tunnel mucking machines, Derricks, 1 cu. yd. and over	7.64	.35	.35		.05
Backhoes, Cableways, Cranes Derricks, Dragline, Tunnel Shovels, Tunnel mucking machines up to 1 cu. yd., Boom cats, Elevating graders, Hoists, Paving mixers, Piledriving engines, Batch Plants, Concrete pumps	7.39	.35	.35		.05
Trenching Machines (above 8'3")	7.19	.35	.35		.05
Backhoes (hydraulic, under ½ c.y.)	7.27	.35	.35		.05
Trenching machines (up to 8'3"), Boilers skeleton, Well drilling machines	7.09	.35	.35		.05
Air Compressors, tunnel	7.06	.35	.35		.05
Front end loaders (high lift), Bulldozers	7.04	.35	.35		.05
Concrete mixers, Power sheel scoops and scrapers, Mortor graders, Tunnel motor men, blade Graders, tunnel mechanics	6.94	.35	.35		.05
Mechanics	6.92	.35	.35		.05
Bulldozer, Hydraulic tampers	6.84	.35	.35		.05
Roller	6.74	.35	.35		.05
Air Compressors, Pump, Welding machine well points	6.665	.35	.35		.05
Apprentice Engineers:					
Firemen	6.20	.35	.35		.05
Truck crane oilers	6.05	.35	.35		.05
Oilers	6.00	.35	.35		.05
TRUCK DRIVERS:					
Dump trucks	2.75	.12	c		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd)					
Dump trucks over 8 wheels	$2.85	.12	c		
Flat trucks	2.85	.12	c		
Trailers	2.95	.12	c		
Fuel and Oil trucks	2.75	.12	c		
Euclids	3.10	.12	c		
LABORERS:					
Open Cut:					
Laborers, Jackhammer, Rammers and Spaders	5.78	.28	.25		.03
Timbermen, Sheeting-men, Shoring-men, Caulkers, Pipelayers' Helpers	5.93	.28	.25		.03
Bottom Man	5.83	.28	.25		.03
Wagon Drillers, Air Track Drillers	6.13	.28	.25		.03
Pipelayers	6.13	.28	.25		.03
Rock Drillers	5.88	.28	.25		.03
Tunnel:					
Brakeman, Bull Gang, Dumper, Trackmen, Concrete Man	6.415	.28	.25		.03
Chuck Tender, Powder in Prime House, Form Setters and Movers, Nippers, Cablemen, Hosemen, Grout Men, Bell or Signal Men, TTop or Bottom, Vibrator Operator, Caulkers' Helpers	6.715	.28	.25		.03
Miners, Rodmen, Re-bar underground, Concrete or Gunite Nozzlemen, Powermen, Timberman and Retimberman wood or steel including liner plate or any other support material, motorman, Caulkers, Diamond Drill, Riggers, Cement Finishers (underground), Welders and Burners, Shield Driver	7.365	.28	.25		.03
Mucking machine Operator (air)	7.615	.28	.25		.03
COMPRESSED AIR: (All rates per day)					
Gauge Pressure Pounds / Work Period					
From 1 to 14 / 7 hours	72.74	a	b		.03
From 14 to 18 / 6 hours	76.08	a	b		.03½
From 18 to 22 / 5½ hours	79.41	a	b		.03
From 22 to 26 / 5 hours	82.76	a	b		.03

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
COMPRESSED AIR: (All rates per day)					
Gauge Pressure Pounds / Work Period					
From 26 to 32 / 4 hours	$86.09	a	b		.03
From 32 to 38 / 3 hours	89.44	a	b		.03
From 38 to 44 / 2½ hours	92.77	a	b		.03

FOOTNOTES:

a. Employer contributes $2.24 per day to Health and Welfare.

b. Employer contributes $2.00 per day to Pension.

c. $4.00 per week when employee has worked 90 days and work three days in any work week.

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HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt shoveler	$6.30	.22	.25			
Asphalt raker	6.50	.22	.25			
Asphalt tamper	6.40	.22	.25			
Bricklayers	9.85	.60	.60		.10	
Carpenters	9.35	.50	.49		.07	
Cement masons	6.75	.22	.25			
Concrete saw operator	6.50	.22	.25			
Concrete shoveler	6.40	.22	.25			
Form setter	6.75	.22	.25			
Laborers:						
Laborers	6.25	.22	.25			
Jackhammer	6.45	.22	.25			
Hand burner operator	6.40	.22	.25			
Power Equipment Operators:						
Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1-½ cu. yds., or less), asphalt plant mixer	6.50	.22	.25			
Loader operator tracks (2-½ cu. yds. or less), burner planer, bulldozer, mechanic or welder, rubber tired loader (over 1-½ cu. yds.)	6.70	.22	.25			
Asphalt spreader, hydraulic backhoe (½ cu.yd., or less), asphalt plant engineer, asphalt roller op., concrete breaker (machine)	6.75	.22	.25			
Crane operator, concrete paving op.	6.90	.22	.25			
Shovel operator	7.00	.22	.25			
Gradall operator (1-½ cu. yds., or less), motor grader, loader op. tracks (over 2-½ cu. yds.)	7.65	.22	.25			
G-1000 Gradall operator (over 1-½ cu.yds.)	7.90	.22	.25			
Power broom, oiler	6.40	.22	.25			
Sand setter	6.75	.22	.25			
Truck Drivers:						
Truck drivers (standard)	6.25	.22	.25			
Tandem	6.37	.22	.25			
Tractor trailer (capable of moving heavy equipment)	6.75	.22	.25			

SUPERSEDEAS DECISION

STATE: Wyoming

COUNTIES: Converse, Goshen, Laramie, Natrona, Niobrara and Platte

DECISION NUMBER: WY75-5073

DATE: Date of Publication

Supersedes Decision No. WY75-5028 dated February 21, 1975 in 40 FR 7887

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), and heavy Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.90	.70	1.00		.02
BRICKLAYERS; Stonemasons:					
Goshen, Laramie and Platte Cos.	8.60				
Converse, Natrona & Niobrara Cos.	8.50				
CARPENTERS:					
Carpenters	7.50	.35	.30	.20	.10
Piledrivermen	7.75	.35	.30	.20	.10
CEMENT MASONS:					
Cement Masons	7.35				
Working with composition material; Scaffold, swing stage or temporary plafrom over 8' high; Operator or power machines	7.60				
Working on scaffold, swing stage or temporary platform over 20' high	7.85				
ELECTRICIANS:					
Goshen, Laramie, Niobrara and Platte Counties					
Electricians	9.40	.42	1%		4/10%
Cable Splicers	9.65	.42	1%		4/10%
Converse and Natrona Counties					
Electricians	8.39	.42	1%		4/10%
ELEVATOR CONSTRUCTORS	9.01	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	8.40	.50	.75		.15
MARBLE, TILE & TERRAZZO WORKERS:					
Converse, Natrona and Niobrara Counties	8.50				
MILLWRIGHTS	7.58	.48	.60	.40	.05
PAINTERS:					
Converse, Natrona and Niobrara Cos.					
Painters, Brush; Drywall Tapers	6.31		.15		
Steel	6.81		.15		
Spray	7.06		.15		
Sandblasters	7.66		.15		
Goshen, Laramie and Platte Cos.					
Painters, Brush	5.00				

DECISION NO. WY75-5073

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters:					
Goshen, Laramie and Platte Cos.					
Zone 1 (10 miles radius from Cheyenne P. O.)	$6.92	.50	.35	1.00	.15
Zone 2 (10 miles radius beyond Zone 1)	7.67	.50	.35	1.00	.15
Zone 3 (15 miles radius beyond Zone 2)	8.44	.50	.35	1.00	.15
Zone 4 (Jurisdiction beyond Zone 3)	9.51	.50	.35	1.00	.15
Zone 5 (Footnote "b")					
General Contracts $700,000.00 or less	6.92	.50	.35	1.00	.15
General Contracts over $700,000.00	7.42	.50	.35	1.00	.15
PLUMBERS; Steamfitters:					
Converse, Natrona & Niobrara Cos.					
Zone 1 (10 miles radius from P. O. in Casper)	8.06	.40	.50	.80	.09
Zone 2 (10 miles radius beyond Zone 1)	8.46	.40	.50	.80	.09
Zone 3 (20 miles radius beyond Zone 2)	8.86	.40	.50	.80	.09
Zone 4 (40 miles beyond Zone 3)	9.66	.40	.50	.80	.09
Zone 5 (Jurisdiction beyond Zone 4)	10.16	.40	.50	.80	.09
ROOFERS	7.71				
SHEET METAL WORKERS:					
Converse, Natrona & Niobrara Cos.	7.41	.27	.50		.02
Goshen, Laramie and Platte Cos.	9.41	.37	.10		.02
SPRINKLER FITTERS	9.55	.50	.80		.08

WELDER; RIGGER: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Use only in the Cities of Laramie, Torrington, Wheatland, Evanston, Green River and Rock Springs within a 5-mile radius from the Post Office of each of the above Cities.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. WY75-5073

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (BUILDING CONSTRUCTION)					
Group 1:	$ 4.55	.28	.10		
Group 2:	4.77	.28	.10		
Group 3:	4.83	.28	.10		
Group 4:	5.05	.28	.10		
Group 5:	5.05	.28	.10		
Group 6:	5.30	.28	.10		
Group 7:	5.14	.28	.10		
Group 8:	5.03	.28	.10		
Group 9:	4.87	.28	.10		
LABORERS (HEAVY CONSTRUCTION)					
Group 1:	4.09				
Group 2:	4.19				
Group 3:	4.34				
Group 4:	4.59				
Group 5:	4.57				
Group 5A:	4.41				
Group 5B:	4.84				
Group 5C:	4.68				
HEAVY CONSTRUCTION					
Carpenters	6.08				
Cement Masons	6.04				
Ironworkers, structural	5.25				
Ironworkers, reinforcing	4.18				
Painters, brush and spray	5.18				

LABORERS (Building Construction)

Group 1: Axeman and hand faller; Concrete worker(wet or dry)(curing and drying); Car and truck loader; Dumpman; Erector and installer (includes the installation and erection of all fences, right-of-way, median fence, snow fence, etc., guard rails, section rails, reference posts, guide posts, signs and right-of-way markers); Form stripper; Form setter helper (paving); General Laborer; Gunite helper; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman (air and water); Pipe setter helpers, non-metallic; Pipe setters helpers, corrugated; All work pertaining to pre-watering, pre-irrigation, and pre-wetting; Rodman; Riprap man; Sandblaster pot tender; Signalman, grade, concrete, etc.; Sisserman or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews; Unloading and packing of steel rods and mesh (reinforcing); Heater tender and pilot car operator

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Carpenter tender; Cement mason tender; Chuck tender; Form setter (paving); Hand operator vibrator roller; Landscaper; Mechanical form cleaner; Mortar man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Powderman helper; Pipe setter, corrugated; culvert pipe, multi-plate, sectional plate and similar type; Pipe wrapper; Power-type concrete buggy (push); Power saw operator (clearing); Vibrator (concrete); Creosote material handler (corrosive enamel or its equal); Burner (cutting torch)

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle, shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer, non-metallic; Caulker; Collarman; Jointer; Mortarman; Rigger; Jacker; Power-type concrete buggy (ride); Shoring and lagging of open ditch

Group 4: Powderman and blaster; Wagon drill, air track, diamond and other drills for blasting powder or grouting

Group 5: Hod carriers; Mason tender; Plasterers tenders; Terrazzo tenders; Tile setter tenders, and Scaffold builders

Group 6: Tunnel and underground work: Miners (drills) Machine man; Timberman; Steelman; Drill doctor; Form setter and movers; Spaders; Tuggers; Spilling and/or caisson workers; Jackhammer men; Finishers; Re-bar man; Powderman

Group 7: Nipper; Chuck tender; Top man or toplander

Group 8: Brakeman and vibrator man

Group 9: Mucker and bull gang laborer

LABORERS (Heavy Construction)

Group 1: Axeman and hand faller; Bin wall installer helpers; Concrete worker (wet or dry); Concrete workers (curing and drying); Dumpman; Erector and installer(including the installation and erection of fences, snow fence, guard rails, median rails, median posts, signs and right-of-way marker); Form stripper; Form setter helper (paving); General labor; Gunite helper; Heater tender; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe setters helpers (non-metallic); Pipe setters helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip rap man; Sandblaster pot tender; Signal men, grade concrete, etc.; Scissor man or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Cement mason or finisher, helper and tender; Chuck tender; Form setter (paving); Hand operated vibratory roller; Landscaper; Mortar man on stone rip rap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe setter (corrugated, culvert pipe sectional, multiplate and similar type); Pipe setter, pipelayer (non-metallic); Pipewrapper; Powderman helper; Power type concrete buggy (push or ride); Power saw operator (clearing); Vibrator, concrete

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer (non-metallic), clay, concrete, etc. (Caulker, collarman, jointer, mortarman, rigger, jacker

Group 4: Powderman and blaster; Wagon drill, air-trac, diamond, and other drills for blasting powder or grouting

Group 5: Tunnel and Underground Work: Brakeman; Swamper; Vibrator man

Group 5A: Bull gang; Dumpman; Mucker; Trackman

Group 5B: Miners (drillers) machine men; Timbermen; Steelmen; Drill doctor; Form setter and mover; Spader; Tuggers spilling and/or caisson workers; Powdermen; Jackhammermen; Finishers

Group 5C: Chucktender; Topman; Toplander

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$5.51	.19	.30		.01
Group 2	5.56	.19	.30		.01
Group 3	5.61	.19	.30		.01
Group 4	5.65	.19	.30		.01
Group 5	5.68	.19	.30		.01
Group 6	5.73	.19	.30		.01
Group 7	5.77	.19	.30		.01
Group 8	5.79	.19	.30		.01
Group 9	5.90	.19	.30		.01
Group 10	5.96	.19	.30		.01
Group 11	5.98	.19	.30		.01
Group 12	6.16	.19	.30		.01
Group 13	6.20	.19	.30		.01
Group 14	6.27	.19	.30		.01
Group 15	6.33	.19	.30		.01
Group 16	6.50	.19	.30		.01
Group 17	6.84	.19	.30		.01

POWER EQUIPMENT OPERATORS (HEAVY CONSTRUCTION)

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hopperman; Beginner Operator; Brakeman and Helpers; Crusher Oiler; Oiler, Utility; Screed Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (drawbar) or less with or without use of power attachments, except for use of back hoe or bucket)

Group 2: Broom Operators, self propelled; Cableway Signalman (Bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (Welder or Heavy Duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Staker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (Farm, Crawler or wheel type, over 60 HSP (drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1-1/2 cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, Well Points

Group 10: Hoist Operator (one drum)

Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises or plant operator; Asphalt Plant Operator; Bituminous Laydown Machine Operator; CMI Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Spam Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Crusher Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1-1/2 cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumptrete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes, (manufacturers' rating) up to 3-1/2 yards, all attachments;

POWER EQUIPMENT OPERATORS (HEAVY CONSTRUCTION)

Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat, Dozer, Tournadozer, etc. (The use of power attachment shall not include disking, pulling or rollers, and similar unskilled actions), Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman, Mechanics, Machine Doctors, Welders and Helpers; Heavy duty mechanic machine doctor

Group 15: Cableway Operators; Mixer Dual Drum; Cranes, (Whirley, Gantry, Stiffleg, overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, All Truck Mounted Cranes, (manufacturer's rating) 3-1/2 yards to 7 cu. yds., all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all Truck Mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

HEAVY CONSTRUCTION)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS					
GROUP 1 DUMP (Water level capacity box) over 40 cu. yds. to and incl. 45 cu. yds.	$ 5.39				
GROUP 2 FIELD MECHANICS	5.34				
GROUP 3 DUMP (Water level capacity box) 35 cu. yds. to and incl. 40 cu. yds.	5.34				
GROUP 4 DUMP (Water level capacity box) 30 cu. yds. to and incl. 35 cu. yds.	5.29				
GROUP 5 DUMP (Water level capacity box) 25 cu. yds. to and incl. 30 cu. yds.	5.24				
GROUP 6 DUMP (Water level capacity box), 20 cu. yds. to and incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	5.14				
GROUP 7 LOWBOY and Tandem axle float drivers; Multiple axle type; Semi; Dump (Water level capacity box) 13 cu. yds. to and incl. 20 cu. yds.	5.14				
GROUP 8 HELPERS - FIELD (Welders, Mechanics etc.)	4.90				
GROUP 9 OVER 3600 gal. (semi-truck); Transit mix or wet mix over 10 cu. yds.	4.84				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY CONSTRUCTION **TRUCK DRIVERS (Cont'd)**					
GROUP 10 OVER 3600 gals. (straight truck); Transit mix or wet mix, over 5 cu. yds. to 10 cu. yds.; Tandem axle	$ 4.74				
GROUP 11 OVER 2500 gals. to and incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to and incl. 13 cu. yds.; Flat rack, ovyr 5 tons; Winch trailer (cable and hoist); Utility winch; "A" Frame; Transit mix or wet mix, less than 5 cu. yds.; Single axle	4.64				
GROUP 12 DUMP (Water level capacity box) over 7 cu. yds. to and incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat rack, 2 tons to 5 tons; Power broom; Material checkers	4.54				
GROUP 13 DUMP (Water level capacity box) 7 cu. yds. or less; Gravel spreader; Flat rack, less than 2 tons; Gang; Single axle type truck; Warehousemen; Partsmen and helpers; 2500 gals. or less (straight truck); Fuel service; Greasemen, Tiremen, Servicemen and helpers	4.39				
GROUP 14 PILOT CAR DRIVERS; Pick-up	4.34				

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Check Folio No. 147

[FR Doc.75-15827 Filed 6-19-75;8:45 am]