AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol.40—No.194
10–6–75
PAGES
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federal register

MONDAY, OCTOBER 6, 1975

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federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—The President

PROCLAMATION 4398

World Law Day, 1975

By the President of the United States of America

A Proclamation

Recognizing the need to destroy the discriminatory barriers of legal inequality which confront women throughout the world, the United Nations General Assembly proclaimed 1975 as International Women's Year.

At home, the President, by Proclamation No. 4262, set aside the year 1975 as International Women's Year in the United States, and, by Executive Order No. 11832, created a National Commission on the Observance of International Women's Year. In 1972, the Congress adopted a proposed constitutional amendment which would ensure the equality of men and women before the law. If a few more States ratify that proposed amendment, it will become a fitting constitutional heritage of our Bicentennial era.

Our efforts at home have been linked with those of other nations. This year, citizens of the United States participated in the world Conference on International Women's Year held in Mexico City on June 19 through July 2, 1975, to develop guidelines for a sustained, long-term effort to achieve the objectives of International Women's Year.

Also this year, members of our Nation's legal profession will be joined by lawyers, professors, and jurists from more than one hundred nations during the week of October 12, 1975, at a World Law Conference, under the auspices of the World Peace Through Law Center, held in our Nation's capital. The agenda of the World Law Conference will deal with a host of international legal issues, ranging from the role of multinational companies to laws governing oil pollution at sea.

The theme of the World Law Conference is the achievement of legal equality between men and women. A portion of the agenda will be devoted to discussing the elimination of discrimination against women.

The President of the United States, along with the leaders of other nations, for more than a decade has encouraged the significant international efforts represented by these World Law Conferences. With its theme of legal equality between men and women, it is fitting, during this International Women's Year, to do so again.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Sunday, October 12, 1975, as World Law Day in the United States.

I call upon all Americans, men and women, especially members of the legal, educational and religious communities, to give recognition to the importance of law in our Nation's international quest for peace, human dignity and equality before the law for women and men.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-26920 Filed 10-2-75;4:17 pm]

PROCLAMATION 4399

National Forest Products Week, 1975

By the President of the United States of America

A Proclamation

Among our Nation's most valuable and unique natural resources are its forests—valuable because of the numerous uses for wood products from forests, unique because this resource is renewable. As with any resource, forest products must be used efficiently and with foresight.

Progress is being made to utilize this resource more thoroughly. Forestry research is discovering how to use wood more efficiently in construction; it is finding ways to use all of every log harvested; it is investigating the chemical properties which might be tapped to replace products now made from nonrenewable resources; it is looking into the possibilities of using wood so gasoline and oil supplies can be extended.

Our forests are vast, but we are making strenuous demands on them. With our needs rapidly expanding, there is danger our present forest production will soon be incapable of satisfying the demands made on it. Fortunately, we know our forests can, under proper management, be regrown perpetually at a rate equal to, or even greater than, the rate at which trees are used.

We have much of the knowledge and technology to expand our forests productively. We must dedicate ourselves to expanding our public and private forests as well as to managing better the forest lands we now have. This requires the close cooperation of business, industry, government and the individual citizen. A giant step was taken with the passage in 1974 of the Forest and Rangeland Renewable Resources Planning Act. It requires an assessment of our present and potential supply and demand for all forest products and preparation of a proposed program to meet future demands. It requires us to plan and act today to meet the needs of tomorrow.

To recognize the importance of forest resources and forest products to the Nation, the Congress has, by joint resolution of September 13, 1960 (74 Stat. 898), designated the seven-day period beginning the third Sunday of October each year as National Forest Products Week, and has requested the President to issue an annual proclamation calling for the observance of that week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby call upon the people of the United

States to observe the week beginning October 19, 1975, as National Forest Products Week, with activities and ceremonies designed to direct public attention to our forest resources which have benefited us materially and spiritually and which we must act to preserve.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-26973 Filed 10-3-75;12:06 pm]

Executive Order 11880 • October 2, 1975

Designation of Officers of the Department of Commerce To Act as Secretary of Commerce

By virtue of the authority vested in me by section 3347 of Title 5 of the United States Code and section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. During any period when, by reason of absence, disability or vacancy in office, both the Secretary of Commerce and the Under Secretary of Commerce are not available to exercise the powers or perform the duties of the Office of Secretary, an Assistant Secretary of Commerce, the General Counsel of the Department of Commerce, or an officer of the Department of Commerce appointed by the President with the advice and consent of the Senate, in such order as the Secretary of Commerce may from time to time prescribe, shall act as Secretary. If no such order of succession is in effect at that time, an Assistant Secretary or the General Counsel shall act as Secretary in the order in which they shall have taken office as Assistant Secretaries or General Counsel.

SEC. 2. This Order supersedes Executive Order No. 11388 of January 15, 1968.

Gerald R. Ford

THE WHITE HOUSE,
October 2, 1975.

[FR Doc.75-26921 Filed 10-2-75;4:18 pm]

rules and regulations

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

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

Title 7—Agriculture

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

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes $95,125 of Control Committee expenses, under Marketing Order No. 927, for the 1975–76 fiscal period and the assessment rate of $0.015 per standard western pear box of winter pears, handled during the period, to be paid to the committee by each first handler as his pro rata share of such expenses. It also authorizes the carryover, as a committee reserve, of unexpended assessment income from fiscal 1974–75 and prior years.

On September 10, 1975, notice of rulemaking was published in the FEDERAL REGISTER (40 FR 42023) regarding proposed expenses and the related rate of assessment for the fiscal period July 1, 1975, through June 30, 1976, and the carryover of unexpended 1974–75 assessment income, pursuant to the amended marketing agreement and Order No. 927 (7 CFR Part 927), which regulate the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded 16 days during which interested persons could submit written data, views, or arguments in connection with said proposal. No such material was submitted.

After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

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

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Control Committee during the period July 1, 1975, through June 30, 1976, will amount to $95,125.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each first handler in accordance with § 927.41, is fixed at $0.015 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended June 30, 1975, and prior years shall be carried over as a reserve in accordance with the applicable provisions of § 927.42.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of fresh pears are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed be applicable to all assessable pears handled during the aforesaid period; and (3) such period began on July 1, 1975, and the rate of assessment will automatically apply to all such pears beginning with such date.

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

Dated: September 30, 1975.

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

[FR Doc.75-26592 Filed 10-3-75;8:45 am]

PART 1201—TYPE 62, SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the marketing agreement and order No. 196, as amended, regulating the handling of shade-grown cigar-leaf tobacco in the designated production area of Florida and Georgia (7 CFR Part 1201).

Notice of the proposed rulemaking was published in the FEDERAL REGISTER (40 FR 28092) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views and arguments thereon. No comments were filed in opposition to the proposed suspension.

After consideration of the relevant material, including the proposals set forth in the aforesaid notice, and other available information, it is hereby found and determined that from the effective date hereof through January 31, 1976, the following provisions do not tend to effectuate the declared policy of the Act:

§ 1201.53 *Initial regulation fixing number of leaves that may be handled.*

Commencing with the fiscal period ending on January 31, 1963, and continuing until such time as suspended, modified or terminated pursuant to this part: (a) The maximum number of leaves primed from any tobacco plant during a fiscal period that are eligible for handling is fixed at 18 plus the additional number of leaves provided in § 1201.55(b)(2); and (b) the maximum number of leaves primed from all tobacco plants during such fiscal period that may be handled is fixed at the number of tobacco leaves equal to 18 multiplied by the total number of tobacco plants grown during such fiscal period.

[27 FR 4763, May 19, 1962]

§ 1201.300 *Expenses and rate of assessment for the fiscal period ending January 31, 1973.*

(a) Expenses in the amount of $7,200 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1973.

(b) The following rate of assessment which each handler who first handles tobacco shall pay, in accordance with the applicable provisions of the said amended marketing agreement and amended order, is hereby fixed as such handler's pro rata share of the aforesaid expenses: $1.60 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1973.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

[38 FR 15440, June 12, 1973]

STATEMENT OF CONSIDERATION

The temporary suspension of § 1201.53 would eliminate the need to count tobacco leaves for the remainder of the 1975 marketing season. The Control Committee has requested this suspension because substantially reduced planting of this type of tobacco during the 1975 growing season will not meet the expected demand. The proposed suspension will provide growers with needed flexibility in the marketing of their tobacco during the 1975 season.

The temporary suspension of § 1201.300 would eliminate the handler assessment for the remainder of the 1975 marketing season. The reason for this suspension is that the Control Committee has determined that no expenses will be incurred by it during the fiscal period ending January 31, 1976, and, therefore, it will not be necessary to make any as-

sessments against eligible handlers during that period.

It is essential to make this suspension effective immediately to carry out the intent of the Secretary to provide for the orderly marketing of Type 62 tobacco during the 1975 season. The marketing season has already begun and this suspension involves the elimination of restriction on the number of leaves to be handled for the remainder of the current season and further involves the elimination of assessments on eligible handlers for the remainder of the fiscal year.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the aforesaid marketing area in that it is necessary to implement at the earliest opportunity the objectives of the Control Committee in providing producers with needed flexibility in the marketing of their tobacco in 1975 and by notifying eligible handlers that no further assessments will be made until after January 31, 1975;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date;

(c) The Control Committee has recommended this suspension; and

(d) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective October 6, 1975.

It is therefore ordered that the aforementioned provision of the order is hereby suspended from the effective date hereof through January 31, 1976.

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

Effective date: October 6, 1975.

Signed at Washington, D.C., on: October 1, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-26729 Filed 10-3-75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Implementation of Privacy Act of 1974

Correction

In FR Doc. 75–25779 appearing on page 44481 in the issue of Friday, September 26, 1975, make the following change:

In § 103.21(c) on page 44482 the 10th line should read: ". . . lish his own parentage or guardianship . . .".

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Reservation of Import Facilities

● **Purpose. The purpose of this amendment is to require prepayment of a reservation fee for the use of import quarantine facilities for poultry and birds.** ●

Statement of considerations. On July 15, 1975, there was published in the FEDERAL REGISTER (40 FR 29728), a notice of proposed rulemaking which would require prepayment of a reservation fee for the use of import quarantine facilities for poultry and birds. The proposed prepaid reservation fee would be deducted from expenses incurred for services received in connection with the quarantine of the shipment when reserved space is utilized but would be forfeited by the importer when facilities so reserved are not used.

A period of 30 days was allowed for submission of comments by interested persons. No comments pro or con were received.

After due consideration of all relevant information available to the Department, the proposal is hereby adopted without change.

Accordingly, in § 92.4, the heading of paragraph (a) is amended and a new paragraph (a)(4) is added to read:

§ 92.4 Import permits for ruminants, swine, and poultry and for animal semen.*

(a) *Application for permit; reservation required.* * * * (4) For each lot of poultry (including birds) which is to be quarantined in facilities maintained by Veterinary Services, a reservation fee of $40 shall be paid by the importer or his agent at the time the permit is applied for. Such fee shall be in the form of certified check or U.S. Money Order and will be returned to the payee if the permit requested is not issued. When the requested permit is issued and the scheduled quarantine period is completed, the reservation fee paid will be deducted from the expenses incurred by the importer or his agent for services received in connection with the quarantine of the specific lot for which the reservation was made. When an importer or his agent fails to present for entry any lot of poultry or birds for which a reservation fee has been paid and a permit has been issued, the reservation fee paid will be forfeited.

* * * * *

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4 and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 111, 134a, 134b, 134c, and 134f); 37 FR 28464, 28477; 37 FR 19141.)

Effective date. The foregoing amendment shall become effective November 5, 1975.

Done at Washington, D.C., this 1st day of October 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-26727 Filed 10-3-75;8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

Correction

In FR Doc. 75–23591, appearing at page 41088 in the issue for Friday, September 5, 1975, in the third full paragraph, the fourth line, the figure reading "$10^{6.1}$" should read "$10^{8.1}$".

DEFINITIONS, PACKAGING, LABELING AND STANDARD REQUIREMENTS AND PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

Miscellaneous Amendments

● **Purpose. To relax certain restrictions on the production of biological products.** ●

On July 8, 1975, there was published in the FEDERAL REGISTER (FR Docket 75–17675) a notice of proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Parts 101, 112, 113, and 114 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

These amendments relax the restrictions on dividing serials of product between two producers, licensee and subsidiary, or two subsidiaries. By definition (§ 101.2(k)), a subsidiary is a corporation and as such its name and address appears on the labels for product it produces. A division is not necessarily a corporation and cannot appear on labels without the name and address of the producer. These amendments include a definition of "Division" to clarify this distinction.

Inactivated liquid product may be exported in multiple-dose containers. These amendments authorize the shipment of such products in concentrated form. These amendments also add a new section to Part 113 to clarify the test requirements for materials in such bulk shipments.

These amendments relax the requirements for reporting test results by limiting such requirements to tests prescribed in the filed Outline of Production or Standard Requirements for the product. They also relax the requirements for testing combination products by permitting the testing of live virus fractions and bacterin fractions separately.

These amendments authorize the Deputy Administrator to permit preparation

of biological products in one licensed establishment for another licensed establishment under emergency conditions. They also authorize limited joint manufacture of product when two licensed establishments are owned by one person.

Comments were received from nine people. Most of the comments were favorable to the proposals as written. One editorial suggestion was accepted as an improvement. Two suggestions were rejected because they were unnecessarily restrictive. One suggestion would impose as a compulsory requirement, a condition which is now optional. This suggestion was rejected.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendments of Parts 101, 112, 113, and 114 of Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein, subject to the following noted modification:

An editorial change was made in § 101.2(z) to make it a true definition instead of a requirement.

A revision of § 114.3(c) has been made for clarification of the limitations intended to be placed on the partial preparation of a biological product by one licensee for another during an emergency.

PART 101—DEFINITIONS

1. Section 101.2 is amended by adding a new paragraph (z) to read:

§ 101.2 **Administrative terminology.**

* * * * *

(z) *Division.* A marketing unit established by the licensee which may be named on labels, advertisements and promotional material in addition to the name and address of the producer.

PART 112—PACKAGING AND LABELING

2. Section 112.8 is amended by adding a new paragraph (e) to read:

§ 112.8 **For export only.**

* * * * *

(e) Concentrated inactivated liquid product, completed except for dilution to the proper strength for use, may be exported in large multiple-dose containers identified with an approved label that contains the words "For Export Only" prominently displayed.

PART 113—STANDARD REQUIREMENTS

3. Part 113 is amended by revising §§ 113.5(c), and 113.7(d) and by adding a new § 113.10 to read:

§ 113.5 **General testing.**

* * * * *

(c) Records of all tests shall be kept in accordance with Part 116 of this chapter. Results of all required tests prescribed in the filed Outline of Production or the Standard Requirements for the product shall be submitted to Veterinary Services. Blank forms shall be furnished upon request to Veterinary Services.

* * * * *

§ 113.7 **Multiple fractions.**

* * * * *

(d) When an inactivated fraction(s) is used as a diluent for a live virus fraction(s), the inactivated fraction(s) may be tested separately and the live virus fraction(s) may be tested separately: *Provided*, That, the viricidal test requirements prescribed in § 113.85 are complied with.

* * * * *

§ 113.10 **Testing of bulk material for export only.**

When liquid product is prepared for export in large multiple-dose containers as provided in § 112.8 (d) or (e) of this subchapter, samples of the bulk material shall be subjected to all required tests prescribed in the filed Outline of Production or Standard Requirements for the product. Samples of concentrated liquid product shall be diluted to a volume equal to the contents of the sample times the concentration factor prior to initiating potency tests.

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

4. Section 114.3 is amended by revising paragraph (b) and adding paragraphs (c) and (d) to read:

§ 114.3 **Separation of establishments.**

* * * * *

(b) No biological products authorized to be prepared in a licensed establishment shall be prepared in whole or in part by another licensed establishment except as provided in paragraphs (c) and (d) of this section.

(c) When a partially prepared biological product cannot be completed at a licensed establishment due to failure of essential equipment, the Deputy Administrator may authorize the use of similar equipment at another licensed establishment; *Provided*, That, such authorization shall be limited to the duration of the emergency and to the phase of production affected by the equipment failure.

(d) When two licensed establishments are owned or controlled by one person responsible for all actions in both establishments, an exchange of ingredients, partially prepared products or serials of completed fractions of combination products may be made from one establishment to the other in a manner acceptable to Veterinary Services except that bulk shipments shall be limited to inactivated material plainly labeled "For Manufacturing Purposes Only."

5. Section 114.16 is amended by revoking paragraphs (a), (b), (b)(1), (b)(2), (c) and (d) and substituting a new paragraph to read:

§ 114.16 **Producing subsidiaries.**

A serial or subserial of a biological product may be produced jointly by a licensee and one or more subsidiaries, or by two or more subsidiaries. The exact amount of each serial or subserial credited to each participating producer shall be determined at the time of labeling and packaging and shall be noted in the records for such serial or subserial.

(37 Stat. 832–833; 21 U.S.C. 151–158)

Effective date: These amendments take effect November 5, 1975.

Done at Washington, D.C., this 29th day of September 1975.

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

[FR Doc.75-26594 Filed 10-3-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Delegation of Authority to the Secretary of the Board

Public Law 93–625, section 7(a)(1), January 3, 1975 (26 U.S.C. 6621), provides for the determination by the Board of Governors of the Federal Reserve System of the average predominant prime rate quoted by commercial banks to large businesses in September of each year for use by the Secretary of the Treasury or his delegate in establishing an adjusted rate of interest applicable to various provisions of the Internal Revenue Code.

In order to expedite and facilitate the determination and reporting of the prime rate, the Board of Governors of the Federal Reserve System has amended its Rules Regarding Delegation of Authority (12 CFR Part 265) pursuant to the provisions of section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k)) to delegate to the Secretary of the Board authority to determine this rate from information currently reported to the Board.

Effective September 30, 1975, § 265.2 (a)(14) is added to read as follows:

§ 265.2 **Specific functions delegated to board employees and Federal Reserve Banks.**

(a) * * *

(14) Under the provisions of section 6621 of the Internal Revenue Code (26 U.S.C. 6621), to determine and report to the Secretary of Treasury or his delegate, the average predominant prime rate quoted by commercial banks to large businesses.

* * * * *

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date are not followed in connection with the adoption of § 265.2(a)(14) because the rule involved therein is procedural in nature and accordingly does not constitute a substantive rule subject to the requirements of such section.

By order of the Board of Governors, September 30, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-26710 Filed 10-3-75;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 75-864]

INSURANCE OF ACCOUNTS

Checking Accounts

SEPTEMBER 30, 1975.

The Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 75-833, dated September 8, 1975, proposed to amend Parts 561, 563, 564, 569, and 571 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 561, 563, 564, 569, and 571) for the purpose of permitting insured institutions to offer checking accounts when authorized to do so by statute, regulation, or otherwise, and to provide that such accounts are eligible for insurance by the Federal Savings and Loan Insurance Corporation.

Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on September 12, 1975 (40 FR 42371-42374), with an invitation for interested persons to submit written comments by September 29, 1975. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the amendments as proposed.

The Board finds that publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments is unnecessary since the amendments relieve restriction, and because delay could cause state-chartered insured institutions in Maine, which will permit thrift institutions to offer checking accounts beginning October 1, 1975, to be placed at a competitive disadvantage in relation to other thrift institutions in their area.

Accordingly, the Board hereby amends the Insurance Regulations by adding a new § 561.11a, and amending §§ 561.3, 561.11, 561.15(f), 561.17(a), 561.24, 563.1, 563.6, 563.13 (a)(1) and (c) (4) and (5), 564.1 (a), (b), and (c), 569a.1(c), 569a.4, 569a.6(d), 569a.7, 569a.9, and 571.1(c) (3) thereof, to read as set forth below, effective October 1, 1975.

PART 561—DEFINITIONS

1. Section 561.3 is revised.

§ 561.3 Insured account.

An "insured account" is a savings account or checking account held by an insured member in an institution insured by the Corporation. Accounts which by the terms of the contract of the holder with the institution or by provisions of state law cannot be withdrawn or the value thereof paid to the holder until all of the liabilities, including other classes of share liabilities of the institution have been fully liquidated and paid upon the winding up of the institution are not insurable, and are hereinafter referred to as "nonwithdrawable accounts". Subordinated debt securities and mortgage-backed bonds issued by an insured institution are deemed not to be "accounts", and such securities are not insurable.

2. Section 561.11 is revised.

§ 561.11 Savings accounts.

The term "savings accounts" means withdrawable or repurchasable shares, investment certificates, deposits or other savings accounts held by insured members in an institution insured by the Corporation.

3. Section 561.11a is added.

§ 561.11a Checking accounts.

The term "checking accounts" means non-interest-bearing demand deposits which are subject to check or to withdrawal or transfer on negotiable or transferable order to the association and which are permitted to be issued by statute, regulation, or otherwise.

4. Section 561.15(f) is revised.

§ 561.15 Scheduled items.

The term "scheduled items" means:

* * * * *

(f) Deposits in a bank, loans of Federal funds to a bank, or savings accounts or checking accounts in a savings and loan association, under the control or in the possession of an appropriate supervisory authority, and

* * * * *

5. Section 561.17(a) is revised.

§ 561.17 Specified assets.

(a) The term "specified assets" means the total assets of an insured institution less the institution's assets which qualify as liquid assets, as defined in paragraph (g) of § 523.10 of this chapter, or would so qualify except for the maturity limitations contained in such paragraph or the pledged status of such assets, other obligations fully guaranteed as to principal and interest by the United States (including such obligations held subject to a repurchase agreement) and accrued interest thereon, obligations of, or participations or other instruments fully guaranteed as to principal and interest by, the Federal Home Loan Mortgage Corporation, Federal Home Loan Bank stock, prepaid Federal Savings and Loan Insurance Corporation premiums, loans secured by obligations referred to in paragraphs (g) (2) and (3) of § 523.10 of this chapter without regard to the maturities of such obligations, loans in process, loans on the security of the institution's checking and savings accounts, investments (other than in capital stock) in other institutions insured by the Federal Savings and Loan Insurance Corporation and in institutions insured by the Federal Deposit Insurance Corporation, and less 80 percent of the institution's actual investments in insured loans, guaranteed loans, loans which are secured by a first lien on low-rent housing, and guaranteed obligations.

* * * * *

6. Section 561.24 is revised.

§ 561.24 Subordinated debt security.

The term "subordinated debt security" means any unsecured note, debenture, or other debt security issued by an insured institution and subordinated on liquidation to all claims having the same priority as account holders or any higher priority.

PART 563—OPERATIONS

7. Section 563.1 is revised.

§ 563.1 Forms of certificates and passbooks; submission of forms of investment contracts and bylaws; furnishing members with copy of charter and bylaws.

At the time of the application for insurance, every applicant (except a Federal savings and loan association) shall submit to the Corporation for approval copies of all savings account, checking account, share, membership, stock and demand or time deposit certificates, passbooks, and other forms of investment contracts proposed to be issued by the applicant as an insured institution; it shall also submit for such approval its charter, constitution, and bylaws, and all amendments thereto, affecting its securities and investment contracts. No insured institution (except a Federal savings and loan association) shall issue any form of checking or savings accounts, share, stock, membership or deposit certificates, passbooks, or other investment contract which has not been submitted to the Corporation for approval. No insured institution shall issue any such form which has been disapproved in writing by the Corporation. Any insured institution which amends its charter, constitution, or bylaws affecting its securities or investment contracts shall promptly transmit such amendments to the Corporation for approval. Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, whether as to time or amount in the event of liquidation, over any other class of insured account; Provided, That where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change. Each insured institution shall cause a true copy of its charter and bylaws and all amendments thereto to be available to members at all times in each office of the institution, and shall upon request deliver to any member a copy of such charter, constitution, bylaws, and amendments.

8. Section 563.6 is revised.

§ 563.6 Demand securities.

No insured institution may issue any demand securities or advertise or represent that it will pay holders of its securities on demand, except that this section does not apply to checking accounts as defined in § 561.11a of this subchapter.

9. Section 563.13 is amended by revising paragraphs (a), (c)(4), and (c)(5).

§ 563.13 Required amounts and maintenance of Federal insurance reserve and net worth.

(a) *Federal insurance reserve requirements.* (1) *Minimum required amounts.* After the fiscal year in which a certificate of insurance is issued, each insured institution shall build up its Federal insurance reserve account so that, as of the close of business on the annual closing date following each anniversary of the date of insurance of accounts, such account shall be at least equal to the amount obtained by multiplying the percentage corresponding to such anniversary date, as set forth in the table below, by either (i) the amount of the institution's checking and savings account balances on such closing date, or (ii) the average of such account balances on such closing date and on one or more of the 4 immediately preceeding annual closing dates, provided all such dates are consecutive. In any event, unless otherwise permitted in writing by the Corporation, each insured institution shall build up its Federal insurance reserve account so that, at any one annual closing date prior to the twenty-sixth anniversary of its insurance of accounts, such account shall be at least equal to 5 percent of the institution's checking and savings account balances on such closing date.

Anniversary:	Percentage
2	0.50
3	0.75
4	1.00
5	1.25
6	1.50
7	1.75
8	2.00
9	2.25
10	2.50
11	2.75
12	3.00
13	3.25
14	3.50
15	3.75
16	4.00
17	4.25
18	4.50
19	4.75
20 and thereafter	5.00

* * * * *

(c) *Failure to meet or maintain Federal insurance reserve or net worth requirements.* If any insured institution fails to meet or thereafter maintain the Federal insurance reserve requirements set forth in paragraph (a) of this section or the net worth requirements set forth in paragraph (b) of this section, the Corporation may, whether through enforcement proceedings (as provided in Parts 565 and 566 of this subchapter) or otherwise, require such institution to take any one or more of the following corrective actions:

* * * * *

(4) Limit the receipt of deposits to those made to existing accounts;

(5) Cease or limit the issuance of new accounts of any or all classes or categories, except in exchange for existing accounts;

* * * * *

PART 564—SETTLEMENT OF INSURANCE

10. Section 564.1 is revised.

§ 564.1 Settlement of insurance upon default.

(a) *General.* In the event of a default by an insured institution, the Corporation will promptly determine, from the account contracts and the books and records of the institution, or otherwise, the insured members thereof and the amount of the insured account or accounts of each such member. The Corporation will give to each insured member shown to be such on the books of the insured institution written notice of the time and place of payment of insurance by mail at the last known address as shown by the books of the insured institution. If an insured institution has outstanding at the time of default any account or accounts issued pursuant to § 545.1–5 of this chapter or issued pursuant to the approval granted by § 563.3–3 of this subchapter, the Corporation shall, promptly after default, publish (in a newspaper printed in the English language and of general circulation in the city, county, or locality in which the principal office of such insured institution is located) a notice to all account holders of such insured institution of the time and place of payment of insurance.

(b) *Amount of insured account.* The amount of an insured account is the amount which the insured member would have been entitled to withdraw as of the date of default, plus interest on any savings account accrued to such date or dividends prorated to such date at the announced or anticipated rate, without regard to whether such account is subject to any pledge. In the case of a savings account with a fixed or minimum term or a qualifying or notice period that has not expired as of such date, dividends or interest thereon shall be computed as if the account could have been withdrawn on such date without any penalty or reduction in rate of earnings.

(c) *Multiple accounts.* In the event an insured member holds more than one insured account in the same capacity, and the aggregate amount of such accounts (including checking accounts held in such capacity) exceeds the amount of insurance afforded thereon, the insurance coverage will be prorated among the member's interest in all accounts held in the same capacity on the basis of their withdrawable value as of the date of default. In the case of individual accounts the insurance proceeds shall be paid to the holder of the account, whether or not the beneficial owner. In the case of accounts which are owned jointly the insurance proceeds shall be paid to the owners jointly. In the case of trust estates the insurance proceeds shall be paid to the indicated trustee unless otherwise provided for in the trust instrument or under State law. In the case of corporations, partnerships and unincorporated associations, whether or not engaged in an independent activity, the insurance proceeds shall be paid to the indicated holder of the account. Where insurance payment is in the form of a transferred account, the same rules shall be applied.

PART 569a—PROXIES

11. Section 569a.1 is amended by revising paragraph (c).

§ 569a.1 Grounds for appointment of Receiver.

* * * * *

(c) That one or more of the holders of checking or savings accounts in such institution is unable to obtain a withdrawal of his account, in whole or in part;

* * * * *

12. Section 569a.4 is revised.

§ 569a.4 Possession by Receiver.

The Corporation shall take possession promptly of the insured institution for which it has been appointed Receiver by service of a certified copy of the Board's order of appointment upon the insured institution or upon the conservator, receiver, or custodian of such institution. "Service" as used in the preceding sentence is accomplished by leaving a certified copy of said order at the principal office of the insured instituiton or by handing a certified copy of said order to the conservator, receiver, or custodian of such insured institution or to the officer or employee of the insured institution or of the conservator, receiver, or custodian who shall be in the principal office of the institution and appears to be in charge of such office. The Receiver shall thereafter promptly notify in writing by certified mail the court or other public authority having jurisdiction over such conservator, receiver, or custodian and any supervisory or regulatory authority to which the insured institution was theretofore subject of its possession of the insured institution. Immediately upon taking possession of any insured institution, the Corporation as Receiver shall forthwith take possession of and title to books, records, and assets of every description of such institution. The Corporation as Receiver, by operation of law and without any conveyance or other instrument, act or deed, shall succeed to (a) all the rights, titles, powers, and privileges of the insured institution, its members, holders of checking or savings accounts and nonwithdrawable accounts, its officers and directors or any of them, and (b) the titles to the books, records, and assets of every description of any conservator, receiver, or other legal custodian of such institution appointed under State law. Such members, holders of checking or savings accounts and nonwithdrawable accounts, officers or directors, or any of them, or any such conservator, receiver, or other legal custodian shall not thereafter have or exercise any such rights, power, or privileges or act in connection with any asset or property of any nature of the institution in receivership.

13. Section 569a.6(d) is revised.

§ 569a.6 Powers and duties as Receiver.

* * * * *

(d) *Investment of funds.* The Receiver shall have the power to deposit the monies and funds of the receivership in any bank or banks insured by the Federal Deposit Insurance Corporation, in any insured institution within the State in which the institution in default is located which offers checkings accounts, or in any Federal Home Loan Bank, and may invest such moneys or funds in certificates of deposit in any bank or banks insured by the Federal Deposit Insurance Corporation or in savings accounts other than nonwithdrawable accounts, in an insured institution or institutions. The Receiver shall have power to invest any funds not currently needed for transacting the business of the receivership or for payment of liquidating dividends in Government obligations with a maturity of not more than 2 years. The Receiver shall have no power to make loans except loans to facilitate the sale of any real estate owned and except loans which it deems necessary to protect investments or the security for investments.

* * * * *

14. Section 569a.7 is amended by revising the introductory text of paragraph (a), and paragraphs (a)(4), (a)(5), (b), and (d).

§ 569a.7 Priority of claims.

(a) Claims against the receivership, except for claims specified in paragraphs (b), (c), and (d) of this section, shall have the following order of priority:

* * * * *

(4) All claims of holders of checking and savings accounts, and/or the Federal Savings and Loan Insurance Corporation to the extent it has paid insurance to holders of such accounts, which under the laws of the State in which the principal office of the institution in receivership is located are given a priority for liquidation purposes over other classes of such accounts; except that whenever under the laws of the State in which the principal office of the institution in receivership is located such claims are treated on a parity with general creditor obligations upon the liquidation of the institution, such claims will be treated as general creditor obligations under subparagraph (3) of this paragraph;

(5) All claims of holders of other accounts, and/or the Federal Savings and Loan Insurance Corporation to the extent it has paid insurance to the holders of such other accounts; and

* * * * *

(b) Creditor claims which have been subordinated in whole or in part to general creditor claims and/or claims of checking or savings accountholders shall be given the priority specified in the instruments establishing such claims. Where the instruments specify that such claims are subordinated to general creditor obligations and the claims of such accountholders upon liquidation of the institution, but are silent with respect to subordination to the post-default interest rights of the general creditors and such accountholders, the payment of interest as set forth in paragraph (a)(6) of this section shall have priority over the principal amount of such subordinated creditor claims and any contractual interest thereon.

* * * * *

(d) In the case of a mutual institution, if a surplus remains after making distribution in full as set forth in paragraphs (a) and (b) of this section, such surplus shall be distributed to the checking and savings accountholders as of the date of default, in accordance with the terms, conditions and priorities specified in the instruments establishing their interests in the institution. If such instruments do not specify the terms, conditions and priorities for liquidation, the distribution of the surplus shall be pro rata.

* * * * *

15. Section 569a.9 is revised.

§ 569a.9 Claims of accountholders.

The Receiver shall prepare a list of accounts of checking and savings accountholders for use by the Corporation in settlement of claims for insurance under Part 564 of this subchapter. Upon such settlement, the Receiver shall furnish to each such accountholder a certificate as to the amount of such account which is not covered by insurance under said Part 564 and stating that the accountholder holds a claim against the receivership which is to be discharged to the extent permitted under this part. No such certificate shall be furnished by the Receiver unless the accountholder has first surrendered to the Receiver such evidence of the ownership of the account as he may have or, in case of loss of such evidence, the accountholder has agreed that the Receiver shall be entitled to the surrender of such evidence if it is thereafter recovered, but this requirement shall not be applicable in cases in which such evidence has been surrended theretofore to the Corporation in connection with payment of insurance of the account. In a case where a Receiver has reason to believe that the records of the institution in receivership may not disclose a complete record of all accounts of such accountholders, or in a case where all such accountholders have not presented claims within 1 year from the date of appointment of the Receiver, the Receiver shall publish, in a newspaper printed in the English language and of general circulation in the city or county in which the principal office of such institution was located, a notice to all such accountholders to present their claims of ownership thereof on forms prescribed by the Receiver to such Receiver on or before a date specified in such notice, which date shall be 3 years after the date of default. Such notice shall be simflarly published on dates approximately 1 month and 2 months after the date of such first publication. Such notice shall be similarly published on a date approximately 1 month prior to the date specified in such notice for presentation of claims of ownership. Claims of ownership not filed within the period stated in the notices shall be disallowed. Any part or all of a claim by such an accountholder which is filed within the period stated in the notices and which is disallowed by the Receiver may be allowed by the Board in its discretion upon good cause shown.

PART—571—STATEMENTS OF POLICY

16. Section 571.1 is amended by revising paragraphs (c) (introductory text), (c)(3), and (e)(1), and by changing the period at the end of paragraph (e) (introductory text) to a colon.

§ 571.1 Appraisal of real estate securing assets of insured institutions.

* * * * *

(c) *Authority of Chief Examiner to obtain appraisals.* The Board's District Director, Examinations, for the Federal Home Loan Bank district in which the home office of an insured institution is located is authorized to obtain, as a part of and in connection with an examination, appraisals of real estate securing such institution's loans and contracts when an examination discloses the following conditions or such conditions are otherwise known or found to exist:

* * * * *

(3) When a borrower agrees or otherwise obligates himself to pay, or does pay, fees or other consideration to a third party to induce an inflow of funds to savings accounts or checking accounts in the institution.

* * * * *

(e) * * *:

(1) *Increase in funds for mortgage lending.* The extent to which the institution's expense ratio and dividend rate necessitate or have produced volume lending or lending at interest rates, or at interest rates plus fees, which materially exceed rates charged by responsible lenders in the area on prime real estate security—in order to provide sufficient revenue to pay expenses and dividends—are matters of much importance. In evaluating this aspect or area of an institution's operations consideration will be given not only to the dividend rate and expense ratio as compared to other comparable institutions in the same business area, but also to such matters as bonus (on top of a competitive dividend rate); inflow of funds to checking accounts and savings accounts from or through brokers; advertising of rate, rate increases, or other terms in a manner or by means which indicate pressure solicitation of accounts; extensive rate advertising in media outside the institution's normal business area; use of give-aways, directly or through brokers, and any solicitation practices generally recognized as being inconsistent with accepted standards in the conduct of responsible financial institutions. In order to evaluate the extent

of any mortgage lending pressures to which the institution is subjecting itself, consideration may also need to be given to the use of borrowed money and to sales of loans for relending purposes.

* * * * *

(Sec. 402, 403, 407, 48 Stat. 1256, 1257, 1261, as amended; 12 U.S.C. 1725, 1726, 1731. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-26647 Filed 10-3-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15033; Amdt. 39-2380]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt-Bolkow-Blohm Model BO 209 "Monsun" Airplanes

There have been reported cracks in the fuselage frame No. 2 on Messerschmitt-Bolkow-Blohm (MBB) BO 209 airplanes that could result in possible failure of the fuselage carry-through member of the wing and loss of the wing. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection, repair as necessary, and reinforcement of fuselage frame No. 2, on MBB BO 209 airplanes.

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

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, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

MESSERSCHMITT-BOLKOW-BLOHM. Applies to Models BO 209 airplanes, S/N's 101 thru 201, and 301, certificated in all categories.

Compliance is required as indicated.

To prevent possible failure of the fuselage carry-through member of the wing, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, visually inspect the rear side of the beam web of fuselage frame No. 2 for cracks, in accordance with paragraph C.1. of Messerschmitt-Bolkow-Blohm (MBB) Service Bulletin No. 209-20-1 7/74 dated 7/74, or an FAA-approved equivalent.

(b) If the inspection required by paragraph (a) of this AD reveals cracks, before further flight, repair and reinforce fuselage frame No. 2 in accordance with MBB Instruction No. MBB 209-1/74, undated, or an FAA-approved equivalent.

(c) If the inspection required by paragraph (a) of this AD reveals no cracks, within the next 50 hours' time in service after the effective date of this AD, unless already accomplished, reinforce fuselage frame No. 2 in accordance with MBB Instruction No. MBB 209-1/74, undated, or an FAA-approved equivalent.

This amendment becomes effective October 16, 1975.

Issued in Washington, D.C. on September 29, 1975.

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

[FR Doc.75-26583 Filed 10-3-75;8:45 am]

[Docket No. 15034; Amdt. 39-2381]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale (Formerly Sud Aviation) Alouette III Helicopters Models SE. 3160, SA. 316B, SA. 316C, and SA. 319B

It has been determined that rivets securing the tail boom upper skin to the top section of Frame 8 on certain Alouette III helicopters have become loose in service and thereby jeopardize safe operation. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued which requires reinforcement of the affected area, and repetitive inspection of the affected area during the interim period prior to reinforcement.

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

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (formerly Sud Aviation). Applies to Alouette III Model SE. 3160, SA. 316B, SA. 316C, and SA. 319B helicopters incorporating tail boom P/N 3160S.23.11.000.9 to 3160S.-23.11.000.13, inclusive, certificated in all categories.

Compliance is required as indicated, unless already accomplished in accordance with Alouette Service Bulletin No. 53.31.

To prevent failure of the tail boom, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours' time in service since the last check, until reinforced in accordance with paragraph (d) of this AD, check the upper section of the tailboom at Frame 8 for loose rivets.

(b) If more than one rivet is found loose, comply with paragraph (d) of this AD before further flight, except that the helicopter may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed.

(c) If no more than one rivet is found loose, within the next 400 hours' time in service after the effective date of this AD, comply with paragraph (d) of this AD.

(d) Where required by paragraph (b) or (c) of this AD, reinforce the tail boom attachment at Frame 8 in accordance with subparagraph 1C of Alouette Service Bulletin No. 53.31, as revised April 29, 1974, or equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, A.P.O. New York, N.Y. 09667.

The checks required by paragraph (a) of this AD may be performed by the pilot.

This amendment becomes effective October 20, 1975.

Issued in Washington, D.C. on September 29, 1975.

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

[FR Doc.75-26582 Filed 10-3-75;8:45 am]

[Airspace Docket No. 75-NE-30]

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

Alteration of Airway Segment

On August 5, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 32839) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign the segment of V-229 between Hartford, Conn., and Gardner, Mass.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was from the Air Transport Association of America who concurs.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307,17837) is amended as follows: In V-229, "INT Hartford 044° and Gardner, Mass., 150° radials;" is deleted and "INT Hartford 044° and Gardner, Mass., 195° radials;" is substituted therefor.

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

Issued in Washington, D.C., on September 29, 1975.

WARD J. TAYLOR,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-26584 Filed 10-3-75;8:45 am]

[Airspace Docket No. 75-WE-3]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On July 21, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 30494) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would increase the ceiling for Restricted Area R-2504

Camp Roberts, Calif., from 5,000 feet MSL to 15,000 feet MSL and add R-2504 to the Continental Control Area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Objections were received from the Aircraft Owners and Pilots Association (AOPA), California Department of Transportation and two other commenters.

One commenter opposes the increase in altitude on the basis that he uses Victor Airway 25 in the vicinity of Camp Roberts many times annually and does not have an oxygen system in his aircraft. Another commenter categorically opposes any military expansion to airspace restrictions, particularly in a highly travelled area along the Pacific Coast. He did not specify any particular problem he would encounter, and stated that usage should be considered on its merits on each individual case instead of a blanket restriction.

The California Department of Transportation, Division of Aeronautics, objected to the increase on the basis that the higher altitude would effectively deny use of the airspace to most of the present day general aviation aircraft. Further, they stated it would compromise safety and result in an increased number of violations where the pilot overlooked the existence of the limits of the restricted area. As an acceptable alternative they suggested the use of R-2513, the Hunter-Liggett Military Reservation.

AOPA objected to the increase in ceiling due to R-2504s proximity to Airway V-25 and recommends that R-2504 be realigned beyond the limts of V-25 or the ceiling be limited to that portion of R-2504 not within V-25 airspace.

Current procedures provide for the release of unneeded restricted airspace by altitude. This provision of releasing the airspace at or above a specified altitude will be retained for the modified restricted area R-2504. The stated limited use by the Army of the higher altitudes, coupled with the joint use release agreement, should reduce any effect on the VFR general aviation pilot to an acceptable level. VFR aircraft have historically transited the area following Highway 101, which lies adjacent to and outside of R-2504.

Victor Airway 25 East was originally established to provide an IFR route that would bypass R-2504 and this route is only 2 miles longer than the direct Victor 25. When needed, use of this alternate for either VFR or IFR should cause very little inconvenience to the pilot and should not materially affect flight time. The question of using R-2513 at Hunter-Liggett was discussed by the Army in their proposal and due to scheduling and the type of activities involved, it is not possible to use the Hunter-Liggett facilities for the high angle firings proposed in R-2504. The impact areas within R-2504 which have been used for many years cannot be relocated because of limited suitable ground area and the unacceptable contamination of more surface area. Because of this the eastern boundaries of R-2504 cannot be adjusted so that they will not infringe on V-25.

We do not believe that increase in the altitude to 15,000 feet MSL with its limited use will have a significant effect on the movement of air traffic in the area.

A statement was made that violations would increase where the pilot overlooked the existence of the limits of the restricted area. Federal Aviation Regulations require pilots to familiarize themselves with all available information concerning individual flights. This would certainly include restrictions to flight such as restricted areas. This information is depicted on sectional aeronautical charts, en route low altitude charts and available through preflight briefings from a Flight Service Station.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

In § 71.151 (40 FR 343) the following restricted area is added: R-2504 Camp Roberts, Calif.

In § 73.25 (40 FR 660) the designated altitude for R-2504 Camp Roberts, Calif., is amended to read as follows: Designated altitudes. Surface to 15,000 feet MSL.

These amendments are made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 29, 1975.

WARD J. TAYLOR,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-26585 Filed 10-3-75;8:45 am]

[Amendment No. 45; Reg. ER-932]

CHAPTER II—CIVIL AERONAUTICS BOARD

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Amendment of Part

In accordance with established procedure and methodology, the Board, having completed its quarterly review of fuel prices for foreign and overseas MAC air transportation services as of September 1, 1975, is herein amending the surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established for those services.[1]

Appendices A and B [2] set forth the results of our computations of reported fuel price changes for commercial and military fuels as at September 1, 1975, based upon the application of the "active stations" methodology to the fuel consumption reported for the quarter ended June 30, 1975; [3] and the rate impact for the changes in current average fuel prices from that reflected in the base rates. Accordingly, we will revise the fuel surcharge rates effective October 1, 1975, as follows: (a) decrease the long-range Category B and Category A rate from 3.14 to 2.30 percent; (b) decrease the Pacific interisland short-range Category B rate from 5.91 to 5.81 percent; and, (c) decrease the "all other" short-range Category B rate from 5.31 to 4.86 percent.

In view of the continuing need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective October 1, 1975, as follows:

1. Amend § 288.7(a) by amending the third proviso following the table and amend paragraph (d) by amending the proviso to subparagraphs (1) and (2) as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(2) * * *: *Provided, however,* That effective October 1, 1975, the total minimum compensation pursuant to the rates set forth in subparagraph (1) above for (i) services performed with regular jet, wide-bodied jet, and DC-8F-61/63 aircraft, (ii) Pacific interisland services performed with B-727 aircraft, and (iii) all other services performed with B-727 aircraft shall be increased by surcharges of 2.30 percent, 5.81 percent, and 4.86 percent, respectively.[4]

(d) For Category A transportation * * *

(1) * * *

(2) * * *

Provided, That effective October 1, 1975, the total minimum compensation pursuant to the rates specified in subparagraphs (1) and (2) of this paragraph shall be increased by a surcharge of 2.30 percent.

* * * * *

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stats. 743, 758 and 771, as amended; 49 USC 1324, 1373 and 1386.)

By the Civil Aeronautics Board.

Effective: October 1, 1975.

Adopted: September 30, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-26723 Filed 10-3-75;8:45 am]

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[1] ER-896, effective January 17, 1975. By ER-920, July 1, 1975, the Board discontinued the practice of automatically adjusting the fuel surcharge rates to reflect monthly changes in reported fuel prices, and initiated instead a quarterly rate adjustment.

[2] Appendices A and B filed as part of the original document.

[3] The most recent available quarterly report. The Board feels that this is the most representative distribution of fuel as between commercial and military for prospective rate purposes. In keeping with the "active stations" methodology, data for Trans World Airlines, Inc. has been excluded, due to suspension of its MAC international operations under fixed-buy contract as of July 1, 1975.

[4] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0231]

PART 121—FOOD ADDITIVES

Components of Paper and Paperboard in Contact With Aqueous and Fatty Foods

The Commissioner of Food and Drugs is amending § 121.2526 (21 CFR 121.2526) to permit use of acrylonitrile polymer, reaction product with ethylenediamine, sulfate as a size promoter and retention aid in the manufacture of paper and paperboard for food-contact use, effective October 6, 1975.

Notice was given by publication in the FEDERAL REGISTER of October 24, 1974 (39 FR 37795) that a petition (FAP 4B3011) had been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 121.2526 be amended to provide for safe use of poly(2-vinylimidazoline) as a component of paper and paperboard intended to contact food.

A proposal was published in the FEDERAL REGISTER of November 4, 1974 (39 FR 38907), to promulgate an interim regulation, § 121.4010 (21 CFR 121.4010), to provide safe conditions of use for all acrylonitrile copolymers, pending further studies on the safety of acrylonitrile monomer and evaluation of the various acrylonitrile copolymer systems currently being marketed. When the final interim regulation is promulgated, § 121.2526 will be cross-referenced to it: § 121.2526 will be subject to the provisions in § 121.4010. In the meantime, the Commissioner concludes that the "virtually nil" level of acrylonitrile monomer extractives that may get into food from the uses listed in § 121.2526(a)(5) will result in no harm to the public health.

The Commissioner, having evaluated data in the petition and other relevant material, concludes that § 121.2526 should be amended to provide for safe use of the petitioned additives under the preferred chemical nomenclature, acrylonitrile polymer, reaction product with ethylenediamine, sulfate, and subject to the limitations as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by adding alphabetically a new item to the list of substances as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * * *	* * *
Acrylonitrile polymer, reaction product with ethylenediamine, sulfate having a nitrogen content of 22.5–25.0 percent (Kjeldahl dry bases) and containing no more than 0.075 percent monomer as ethylenediamine. The finished resin in a 24 percent by weight aqueous solution has a viscosity of 1,000–2,000 centipoises at 25° C as determined by LVT-series Brookfield viscometer using a No. 4 spindle at 50 r.p.m. (or by other equivalent method).	For use only as a size promoter and retention aid at a level not to exceed 0.5 percent by weight of the dry paper and paperboard.
* * * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before November 5, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective October 6, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: September 30, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-26600 Filed 10-3-75;8:45 am]

SUBCHAPTER C—DRUGS: GENERAL

[Docket No. 75N-0263]

PART 201—LABELING

Use of Impact-Resistant Lenses on Eyeglasses and Sunglasses

The Commissioner of Food and Drugs is issuing a final regulation that ends the transition period allowed for the changeover from nonimpact-resistant lenses to impact-resistant lenses in eyeglasses and sunglasses, effective October 6, 1975.

A proposal was published in the FEDERAL REGISTER of March 21, 1975, (40 FR 12809) to amend paragraph (h) of § 3.84 *Use of impact-resistant lenses in eyeglasses and sunglasses* (21 CFR 3.84) to end the transition period allowed for the changeover from nonimpact-resistant lenses to impact-resistant lenses. Section 3.84 was subsequently recodified without substantive change under § 201.410 (21 CFR 201.410).

Interested persons were given until May 20, 1975 to file written comments regarding the proposal. Comments were received from five consumers, one consumer organization, and one industry representative. The comments received and the Commissioner's conclusions concerning them are set forth below.

1. One comment suggested that if an adult is aware of the danger involved in nonimpact-resistant lenses he should have the option of choosing whichever lens he desires.

Because eye injuries resulting from the shattering of ordinary crown glass lenses do occur, the Commissioner concludes that to protect the public from unsafe lenses it is necessary to require that eyeglasses and sunglasses be fitted with impact resistant lenses, except in those cases where the physician or optometrist finds that such lenses will not fulfill the visual requirements of the particular patient. Therefore, the Commissioner rejects this suggestion.

2. Five comments supported the amendment, urging that the transitional period end as soon as possible since more than enough time had elapsed for the industry to adjust to the requirements of the regulation. The Commissioner concurs with this position.

3. One comment from a representative of the retail sunglass industry, although supporting the amendment in principle, argued that sunglass retailers would experience substantial disruption if they were required to identify and remove nonimpact-resistant lenses from their shelves. However, this comment also indicated that the quantities of lenses manufactured before January 31, 1972 presently on retail shelves is very small.

A survey of the sunglass industry was conducted between October 1972 and March 1973 by the Bureau of Medical Devices and Diagnostic Products, Food and Drug Administration. One of the objectives of this survey was to determine

the extent of nonimpact-resistant sunglasses manufactured before February 2, 1972 that were still in commerce and how long industry projected sales of these stocks. Of 70 firms inspected, 42 indicated that they had stocks of nonimpact-resistant sunglasses manufactured before February 2, 1972. The majority of these firms estimated that they would distribute, export, or destroy all their stocks of nonimpact-resistant sunglasses by the end of 1973. A total of eight firms estimated it would take them until 1974 or early 1975 to distribute all outstanding stocks of nonimpact-resistant sunglasses. On the basis of the results of this survey, the Commissioner concludes that the extent of nonimpact-resistant sunglasses in domestic commerce is very small and concurs with the comment that present stocks on retail shelves are also very small.

For the reasons stated above, the Commissioner finds that there is no demonstrated potential for substantial disruption to the retail sunglass industry.

Under the environmental criteria established by section 102(2)(c) of the National Environmental Policy Act and 21 CFR Part 6, the Commissioner considered the need for preparing an environmental impact statement with respect to the promulgation of this regulation. He determined that since the amendment will not, when implemented, significantly affect the quality of the human environment, no environmental impact statement will be required.

Therefore, under the Federal Food, Drug, and Cosmetic Act, secs. 502, 701, 52 Stat. 1051, 1055 (21 U.S.C. 352, 371) and under the authority delegated to him (21 CFR 2.120), the Commissioner amends Subpart H of Part 201 by revising § 201.410(h) to read as follows:

§ 201.410 Use of impact-resistant lenses in eyeglasses and sunglasses.

* * * * *

(h) All lenses must be impact-resistant except when the physician or optometrist finds that impact-resistant lenses will not fulfill the visual requirements for a particular patient.

* * * * *

Effective date. This regulation becomes effective on October 6, 1975.

Dated: September 30, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-26601 Filed 10-3-75;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0241]

PART 369—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Insulin Syringes; Warning and Caution Statement

The Commissioner of Food and Drugs is amending § 369.30 (21 CFR 369.30) by adding a new warning and caution statement for insulin syringes, effective January 5, 1975.

The Food and Drug Administration has become aware of potential insulin dosage errors when regular insulin is mixed with a modified insulin in insulin syringe systems of varying design. The problem is attributed to the holdup or "dead space" volume in certain designs of syringes. Holdup or dead space volume is that volume of insulin in the hub of the syringe, hub of a needle, and shaft of a needle. This volume becomes a potential source of error when two different types of insulin are drawn, measured, and mixed in the same syringe. The introduction of U-100 insulin syringes (see the FEDERAL REGISTER of November 15, 1974 (39 FR 40285)) appears to have contributed to the problem. To protect the user from this potential error, the Commissioner issued, in the FEDERAL REGISTER of November 15, 1974 (39 FR 40301), a proposal to amend § 369.30 by adding a new warning and caution statement for insulin syringes. Interested persons were invited to file written comments on the proposal on or before January 14, 1975.

Comments were received from one manufacturer, two professional societies, and one industry association:

1. A question has arisen whether the presence of this statement is merely recommended or whether it is required and the wording of that statement is recommended. The latter interpretation is correct, and the Commissioner will initiate regulatory action against insulin syringes that are not labeled with a warning statement substantially the same as that described in the amendment below.

2. One comment expressed concern that the proposed warning statement does not adequately explain to the patient the reason why a problem may exist. It was suggested that reference be made in the labeling to a "space in the syringe tip and needle hub which may change the dosage of insulin you administer."

The Commissioner has concluded that the warning statement provides, in simple terms, the information a patient needs concerning the dangers inherent in the dead space problem. Additional language in the warning statement could be confusing. An explanation or elaboration of the warning can be provided directly to the patient by a physician or pharmacist. To facilitate this, the Commissioner published a notice regarding dead space and insulin dosage errors in the July-August 1975 "FDA Drug Bulletin," a bimonthly publication published by the Food and Drug Administration and sent to physicians, pharmacists, and other health professionals. Pharmacy organizations will be requested to publicize this information to pharmacists.

3. Another comment suggested that because label changes make costs higher for consumers, a warning statement for insulin syringes that do not have a dead space problem should be optional.

The Commissioner concludes that reduced cost derived from an exemption would be minimal. Moreover, a patient may change from a nondead space syringe to a dead space syringe and must be alerted to the possible dangers.

4. A comment recommended that a statement about the approximate size of the dead space in the syringe should appear in the labeling.

Having carefully considered this question, the Commissioner has determined that for a warning and caution statement, specific data on dead space volume is unnecessary. The important factor for the patient to realize is that once stabilized on a particular dose, technique, and syringe system, there is no problem if that regimen is unchanged. Changes in the dosage or syringe system may make it difficult to maintain expected glycemic response. As the total dose of the insulins and the ratio of insulins vary, so will the potential error caused by dead space volume. The error will also depend on the order of mixing the insulins. If the order of mixing is reversed, the ratio of insulins in the dosage may change.

5. No comment disputed that part of the original proposal that advises the patient to consult with his physician prior to making changes in insulin use. One comment did, however, suggest giving the pharmacist an important role in the delivery system. It was suggested that the pharmacist is the health care professional most accessible to the patient. The pharmacist, as well as the physician, could resolve many patients' questions by discussion and patient education. One respondent indicated that pharmacists are specifically trained and educated in the proper use and preparation of insulin products, and that it is more economical, wherever possible, to use their expertise to aid patients. Moreover, the pharmacist's service to the patient is enhanced by direct communication with the physician.

The Commissioner does not intend to exclude pharmacists from informing patients. The physician will always be the primary person to prescribe the drug and provide direction for use. The dispensing pharmacist, however, may be asked to provide the patient with information as to why the model or brand of insulin syringe should not be changed indiscriminately and why the prescribed order of mixing should not be altered. Accordingly, the warning in § 369.30 has been changed by adding the words "or pharmacist" after "physician" in the phrase designated in paragraph (b).

Under environmental criteria established under section 102(2)(c) of the National Environmental Policy Act and 21 CFR Part 6, the Commissioner considered the need for preparing an environmental impact statement about promulgating the subject regulation. He has determined that the warning and caution statement will not, when implemented, significantly affect the quality of the human environment; no environmental impact statement will be required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(m),

502, 701(a), 52 Stat. 1041, 1050–1051 as amended, 1055 (21 U.S.C. 321(m), 352, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 369 is amended in § 369.30 by alphabetically adding a new warning statement to read as follows:

§ 369.30 Devices; recommended warning and caution statements.

* * * * *

INSULIN SYRINGES

Warning—For patients who mix two types of insulin: Do not change: (a) The order of mixing that the physician has prescribed or (b) the model and brand of the syringe or needle without first consulting your physician or pharmacist. Failure to heed this warning can result in dosage error.

* * * * *

Effective date. All insulin syringes introduced into interstate commerce after January 5, 1975, shall comply with this regulation.

(Secs. 201(m), 502, 701(a), 52 Stat. 1041, 1050–1051 as amended, 1055 (21 U.S.C. 321(m), 352, 371(a)).

Dated: September 29, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-26603 Filed 10-3-75;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

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

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Stanozolol Sterile Suspension and Tablets

The Commissioner of Food and Drugs has evaluated the supplemental new animal drug applications (15-506V, 30-844V) filed by Winthrop Laboratories, Division of Sterling Drug, Inc., New York, NY 10016, proposing safe and effective anabolic use of stanozolol sterile suspension for dogs, cats, and horses and stanozolol tablets for dogs and cats. The supplemental applications are approved, effective October 6, 1975.

The Commissioner is amending Parts 520 and 522 (formerly Parts 135c and 135b prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 520 by adding a new section to read as follows:

§ 520.2150 Stanozolol tablets.

(a) *Specifications.* Each tablet contains 2 milligrams of stanozolol.

(b) *Sponsor.* No. 000024 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) Used as an anabolic steroid treatment in dogs and cats.

(2) Administered orally to cats and small breeds of dogs, ½ to 1 tablet twice daily for several weeks; to large breeds of dogs, 1 to 2 tablets twice daily for several weeks. The tablets may be crushed and administered in feed.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. In Part 522 by adding a new section to read as follows:

§ 522.2150 Stanozolol sterile suspension.

(a) *Specifications.* Each milliliter of sterile suspension contains 50 milligrams of stanozolol.

(b) *Sponsor.* No. 000024 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) Used as an anabolic steroid treatment in dogs, cats, and horses.

(2) Administered to dogs and cats by deep intramuscular injection in the thigh at weekly intervals, for several weeks. For cats and small breeds of dogs, 25 milligrams. For larger dogs, 50 milligrams.

(3) Administered to horses by deep intramuscular injection in the gluteal region at weekly intervals, for not more than 4 weeks; 25 milligrams per 100 pounds of body weight.

(4) Not for use in horses intended for food.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective October 6, 1975.

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

Dated: September 27, 1975.

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

[FR Doc.75-26602 Filed 10-3-75;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 128—TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Reporting Requirements

On October 16, 1974, the Department of the Treasury prescribed new reporting requirements relating to foreign currency transactions by banks and banking institutions in the United States and their foreign branches and majority-owned subsidiaries to provide additional data on the nature and source of flows of mobile capital. (39 FR 36962). These reporting requirements were implemented by the adoption by the Department, on October 21, 1974, of Department of the Treasury Foreign Currency Forms FC-1, FC-1a, FC-2, and FC-2a. (39 FR 37362).

After these reporting requirements were implemented, it became apparent that revisions in the report forms would be necessary in order to provide for the collection of more reliable information and to facilitate the use of reported information by the bank regulatory agencies. Accordingly, revisions in the report forms were developed based upon the experience with the forms, as well as comments received from reporting banks and the bank regulatory agencies.

This amendment revises Sections 128.31, 128.32, 128.33, and 128.34 of 31 CFR, Part 128 to conform those sections to the revised text and titles of the forms. The amendment is issued pursuant to the authority of Title II of P.L. 93-110, 87 Stat. 352, 31 U.S.C. 1141-1143, and Section 2 of the Emergency Banking Act of 1933 as amended, 12 U.S.C. 95a.

The important revisions which are made in the report forms include the following. Three exclusions are eliminated. These include the exclusions of hedges of loans and deposits, of local currency assets and liabilities with residents of the host country, and of assets and liabilities with non-bank customers from the "net spot position". These exclusions were found to cause distortion of the positions reported by banks.

The distinction between "liquid" and "other" assets and liabilities made on Forms FC-1a and FC-2a is eliminated. The distinction was found to cause undue reporting difficulties because reporting banks do not generally make such a distinction in the accounting practices currently used in managing foreign exchange trading and exposure.

Two new elements are added to the revised forms. First, a column for memoranda entries on hedged off-balance-sheet items is added to each form, in response to suggestions by a number of reporting banks that the forms provide a means of explaining apparently unbalanced positions. Second, a schedule of the maturity distribution of the various categories of items reported is added to Forms FC-1a and FC-2a, in response to the need of the bank regulatory agencies for an analysis of risk exposure. It is contemplated that this maturity distribution on the Treasury Foreign Currency forms will make it unnecessary for those agencies to develop separate reporting requirements.

The distinction between commercial and financial Belgian francs is eliminated as unnecessary. In addition, reporting exemptions are simplified. Reports will no longer be required on all specified currencies if one specified currency exceeds

the exemption level. The definitions and instructions are clarified where necessary.

The Department finds that notice and public procedure under the provisions of 5 U.S.C. 553 are not necessary in this case since each reporting bank affected by the amendment has been given the opportunity to comment upon the revisions of the forms. In addition, the Department concludes that it is in the public interest to make these changes effective as soon as possible in order to improve the reliability of the information reported on these forms. Interested persons are invited to submit written comments, suggestions, or arguments to the Assistant Secretary for International Affairs, Department of the Treasury, Washington, D.C. 20220, attention: Office of Statistical Reports, on or before November 5, 1975. Material thus submitted will be evaluated and acted upon as the Department deems appropriate. Until such time as further changes are made, however, the amendment prescribed herein shall remain in effect. Copies of the revised report forms may be obtained from any of the Federal Reserve Banks or from the Office of the Assistant Secretary for International Affairs at the above address.

In accordance with the provisions of 5 U.S.C. 553(d), the Department has determined that this amendment should be made effective less than 30 days from the date of publication because it has determined that it is in the public interest to make these changes effective as soon as possible in order to improve the reliability of the information reported on the Treasury Foreign Currency forms.

The following changes in 31 CFR, Part 128 are made:

1. The table of contents for Subpart C of Part 128 of Title 31 of the Code of Federal Regulations is amended by revising the titles of Sections 128.31, 128.32, 128.33, and 128.34 to read as follows:

Sec.

128.31 Foreign Currency Form FC–1: Weekly foreign currency report of banks in the United States.

128.32 Foreign Currency Form FC–1a: Monthly foreign currency report of banks in the United States.

128.33 Foreign Currency Form FC–2: Weekly consolidated foreign currency report on foreign branches and subsidiaries of United States banks.

128.34 Foreign Currency Form FC–2a: Monthly consolidated foreign currency report on foreign branches and subsidiaries of United States banks.

2. Subpart C of Part 128 of Title 31 of the Code of Federal Regulations is amended by revising §§ 128.31, 128.32, 128.33, and 128.34 to read as follows:

§ 128.31 Foreign Currency Form FC–1: Weekly foreign currency report of banks in the United States.

On this form, banks and banking institutions in the United States are required to report weekly to a Federal Reserve Bank their assets, liabilities, and positions in the foreign currencies specified on the form, as of the close of business on Wednesday.

§ 128.32 Foreign Currency Form FC–1a: Monthly foreign currency report of banks in the United States.

On this form, banks and banking institutions in the United States are required to report to a Federal Reserve Bank their assets, liabilities, and positions, by maturity, in the foreign currencies specified on the form, as of close of business on the last business day of the month.

§ 128.33 Foreign Currency Form FC–2: Weekly consolidated foreign currency report on foreign branches and subsidiaries of United States banks.

On this form, United States banks and banking institutions are required to report weekly to a Federal Reserve Bank the consolidated assets, liabilities, and positions of their foreign branches and majority-owned foreign subsidiaries in the currencies specified on the form as of the close of business on Wednesday.

§ 128.34 Foreign Currency Form FC–2a: Monthly consolidated foreign currency report on foreign branches and subsidiaries of United States banks.

On this form, United States banks and banking institutions are required to report monthly to a Federal Reserve Bank the consolidated assets, liabilities, and positions, by maturity, of their foreign branches and majority-owned foreign subsidiaries in the currencies specified on the form as of close of business on the last business day of the month.

Effective dates. This amendment becomes effective with respect to the weekly Forms FC–1 and 2 on October 26, 1975, and with respect to the monthly Forms FC–1a and 2a on the last business day of November 1975.

Dated: September 30, 1975.

[SEAL] CHARLES A. COOPER, *Assistant Secretary.*

[FR Doc.75-26581 Filed 10-3-75;8:45 am]

Title 32—National Defense

CHAPTER XIV—THE RENEGOTIATION BOARD

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Common Control

The Renegotiation Board hereby adopts the proposed amendment to Part 1460 which was published on May 13, 1975 (40 FR 20827-20828). Certain changes have been made in the language to cover all types of control as defined in the Renegotiation Act of 1951 and the Board's regulations.

The new regulation, as adopted, reads as set forth below.

Dated: October 1, 1975.

R. C. HOLMQUIST, *Chairman.*

Section 1460.5(c) is revised to read as follows:

§ 1460.5 Minimum refund.

* * * * *

(c) *Common control.* In cases in which the Board has determined that there is control, within the meaning of § 1458.6 of this subchapter, between the members of a group of contractors, whether or not consolidated, determinations of excessive profits with respect to the individual members may be made in amounts less than the applicable minimum provided in paragraph (a) of this section: *Provided*, That the aggregate of the determinations for all members of such a group of contractors equals or exceeds the applicable minimum.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App., Sec. 1219)

[FR Doc.75-26664 Filed 10-3-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-700]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Notice of Administrative Withdrawal of Special Flood Hazard Maps

● **Purpose. The purpose of this notice is to indicate periods in which the insurance purchase requirement under the National Flood Insurance Program, authorized by the National Flood Insurance Act of 1968, as amended and the Flood Disaster Protection Act of 1973 (Pub. L. 92-234, December 31, 1973) (42 U.S.C. 4001-4128) was suspended.** ●

The Flood Disaster Protection Act requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally-related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community currently participating in the program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazard areas have been identified. However, after July 1, 1975, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

Prior to July 1, 1975, no insurance purchase requirement exists under the Act unless two requirements are met: (1) the property is located in a formally identified special flood hazard area (see 24 CFR Part 1915) and (2) flood insurance is available (see 24 CFR Part 1914). Thus, if a community's eligibility has been suspended, and insurance is not currently available, then flood insurance is not required by the Act on any closing during

the period of suspension. Where a map has not yet been published for a community otherwise eligible to participate in the program, insurance is not required.

Similarly, the insurance purchase requirement with respect to a particular community may be altered by the issurance or withdrawal of the Federal Insurance Administration's (FIA's) official flood maps, the Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is designated by the letter "H" preceding the map number and a FIRM by the letter "I" preceding the map number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is completely suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in identified special flood hazard areas, but the maximum amount of insurance available is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 23 CFR Part 1909 et seq.)

Accordingly, to provide notice with respect to those persons concerned as to the period of withdrawal, the entries read as follows:

§ 1915.6 Notice of administrative withdrawal of Special Flood Hazard Maps.

* * * * *

State	County	Location	Map number and FEDERAL REGISTER citation	Effective date of withdrawal	Effective date of republication
Alabama	Houston	Ashford, town of	H 010009 01-06; vol. 39, No. 152, p. 28247	May 16, 1975	
Do	do	Columbia, town of	H 010101 01-02; vol. 39, No. 152, p. 28247	do	
Do	Madison	New Hope, town of	H 010154 01; vol. 39, No. 120, p. 22120	do	
Alaska	North Slope Borough.	Barrow, city of	H 020026 01-06; vol. 39, No. 135, p. 25649	June 27, 1975	
Do	Juneau City Borough.	Juneau, city of	H 020011 01-14; vol. 39, No. 152, p. 28248	do	
Do	Kenai Peninsula Borough.	Kenai, city of	H 020114 01-11; vol. 39, No. 152, p. 28235	do	
Do	Gateway Borough.	Ketchikan, city of	H 02 130 1250 01-03; vol. 39, No. 107, p. 19454	do	
Do	Kodiak Island Borough.	Kodiak, city of	H 020017 01-02; vol. 39, No. 115, p. 20686	do	
Do	Fairbanks-North Star.	North Pole	H 02 030 1895 01; vol. 38, No. 4, p. 1002	do	
Do	Matanuska-Susitna Borough.	Palmer, city of	H 020023 01-03; vol. 39, No. 115, p. 20686	do	
Do	Kenai Peninsula Borough.	Soldotna, city of	H 020014 01-03; vol. 39, No. 125, p. 23263	do	
Do	Greater Anchorage.	Chester and Campbell Creeks.	H 02 020 0130 01-06; vol. 38, No. 4, p. 1002	do	
Arizona	Navajo	Holbrook, city of	H 04 017 0240 01-04; vol. 39, No. 50, p. 11183	May 16, 1975	
Do	Pima	Marana, city of	H 04 019 0295 01; vol. 38, No. 241, p. 34657	Apr. 17, 1975	
Arkansas	Searcy	Leslie, city of	H 05 129 2280 01; vol. 39, No. 59, p. 11184	May 16, 1975	
Do	Dallas	Sparkman, city of	H 05 039 3060 01-02; vol. 39, No. 85, p. 15102	do	
California	San Mateo	Atherton, town of	H 06 081 0180 01-02; vol. 39, No. 52, p. 9921, H 060312A 01-02; vol. 39, No. 178, p. 32892.	May 15, 1975	
Do	Los Angeles	Baldwin Park, city of	H 060100 01-03; vol. 39, No. 152, p. 28249	May 16, 1975	
Do	do	Bell, city of	H 060101 01-02; vol. 39, No. 152, p. 28249	June 20, 1975	
Do	Riverside	Blythe, city of	H 06 065 0410 01; vol. 39, No. 85, p. 15102	May 21, 1975	
Do	Plumas	Chester, town of	H 06 063 0650 01; vol. 39, No. 16, p. 2600	Apr. 16, 1975	
Do	San Bernardino	Chino, city of	H 060272 01-04; vol. 39, No. 153, p. 28424	May 21, 1975	
Do	Fresno	Clovis, city of	H 06 019 0740 01-04; vol. 39, No. 42, p. 7033	May 16, 1975	
Do	Imperial	El Centro, city of	H 06 025 0190 10-04; vol. 39, No. 23, p. 4002	June 24, 1975	
Do	Tulare	Farmersville, city of	H 06 107 01254 01; vol. 39, No. 38, p. 7171	May 16, 1975	
Do	Sacramento	Folson, city of	H 06 067 01300 01-16; vol. 39, No. 107, p. 19455	do	
Do	Humboldt	Fortuna, town of	H 06 023 01340 01; vol. 39, No. 23, p. 4002	May 15, 1975	
Do	Los Angeles	Hawaiian Gardens, city of	H 060023A 01-12; vol. 40, No. 64, p. 14755	Apr. 18, 1975	
Do	San Mateo	Hillsborough, town of	H 06 0320 01-04; vol. 39, No. 115, p. 20686	May 15, 1975	
Do	Fresno	Kingsbury, city of	H 060050 01; vol. 39, No. 107, p. 19455	May 21, 1975	
Do	Santa Clara	Los Gatos, town of	H 06 085 2000 01-14; vol. 39, No. 23, p. 4002	May 15, 1975	
Do	Stanislaus	Riverbank, city of	H 06 099 3060 01; vol. 39, No. 107, p. 19455, H 060391A 01; vol. 40, No. 64, p. 14755.	June 20, 1975	
Do	Kern	Shafter, city of	H 06 029 3600 01; vol. 39, No. 85, p. 15102	Jan. 16, 1975	
Do	Nevada	Unincorporated areas	H 060210 01-05; vol. 39, No. 133, p. 28424	June 24, 1975	
Do	Los Angeles	San Marino, city of	H 065057 01; vol. 39, No. 153, p. 28424	June 30, 1975	
Do	do	West Covina, city of	H 060168 01-07; vol. 39, No. 152, p. 28249	June 24, 1975	
Do	Imperial	Westmoreland, city of	H 06 125 4150 01; vol. 39, No. 107, p. 19455	June 30, 1975	
Colorado	Jefferson	Golden, city of	H 08059 1000 01-03; vol. 39, No. 31, p. 5496	May 16, 1975	
Do	Rio Grande	Monte Vista, city of	H 08 105 1680 01-04; vol. 39, No. 23, p. 4002	do	
Do	Morgan	Unincorporated areas	H 080129 01-05; vol. 40, No. 7, p. 2182	May 12, 1975	
Do	Logan	Sterling, city of	H 08 075 2370 01-04; vol. 39, No. 16, p. 2600	June 19, 1975	
Connecticut	Litchfield	Winsted, city of	H 09 005 0850 01-07; vol. 39, No. 97, p. 17517	June 23, 1975	
Georgia	Heard	Centralhatchee, town of	H 13 149 1040 01; vol. 39, No. 71, p. 13146	May 16, 1975	
Do	Liberty	Hinesville, city of	H 13 179 2730 01-02; vol. 39, No. 74, p. 13640	do	
Do	Camden	Kingsland, city of	H 130238 01-02; vol. 39, No. 120, p. 22120	do	
Do	Polk	Rockmart, city of	H 130154 01-03; vol. 39, No. 119, p. 21139	do	
Do	Gwinnett	Snellville, city of	H 130162 01-02; vol. 39, No. 120, p. 22120	do	
Do	Henry	Stockbridge, city of	H 130108 01-02; vol. 39, No. 119, p. 21139	do	
Idaho	Canyon	Caldwell, city of	H 16 027 0210 01-05; vol. 39, No. 31, p. 5496	do	
Do	Bonneville	Iona, city of	H 16 019 0810 01; vol. 38, No. 216, p. 31009	June 30, 1975	
Do	Lewis	Nesperce, city of	H 16 061 1240 01; vol. 38, No. 223, p. 31971	June 20, 1975	
Do	Minidoka	Paul, city of	H 160100 01; vol. 39, No. 152, p. 28253	do	
Do	Shoshone	Smelterville, city of	H 160117 01; vol. 39, No. 125, p. 23264	May 16, 1975	
Illinois	Kane	Batavia, city of	H 17 089 0560 01-02; vol. 39, No. 59, p. 11185	do	
Do	McLean	Bloomington, city of	H 170490 01-06; vol. 39, No. 152, p. 28253	do	
Do	Moultrie	Dalton City, village of	H 17- 139 2180 01; vol. 39, No. 81, p. 14602	do	
Do	McLean	Gridley, village of	H 170496 01; vol. 39, No. 248, p. 44394	June 19, 1975	
Do	Pope	Hamletsburg, village of	H 17 151 3685 01; vol. 39, No. 38, p. 7172	May 16, 1975	

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Do.	McDonough	Good Hope, village of	H 170472 01; vol. 39, No. 152, p. 28242	June 27, 1975	
Do.	McLean	Hudson, village of	H 170498 01; vol. 39, No. 129, p. 22123	do.	
Do.	Lee	Nelson, village of	H 17 103 6014 01; vol. 39, No. 107, p. 19457	May 16, 1975	
Do.	Lawrence	Russellville, village of	H 17 101 7605 01; vol. 39, No. 60, p. 11261	do.	
Do.	Vermillion	Tilton, village of	H 170670 01; vol; 39, No. 130, p. 24646	do.	
Do.	Knox	Williamsfield, village of	H 170355 01; vol; 39, No. 129, p. 22121	do.	
Indiana	Posey	Griffin, town of	H 18 129 1960 01; vol. 38, No. 248, p. 35457	June 19, 1975	
Do.	Grant	Marion, city of	H 18 053 2850 01; vol. 39, No. 6, p. 1433 H 18 053 2850 01-05; vol. 39, No. 34, p. 6061.	June 24, 1975	
Do.	Shelby	Marion, town of	H 180077 01; vol. 39, No. 152, p. 28235	May 16, 1975	
Do.	Ohio	Milton, town of	H 18 115 3060 01; vol. 39, No. 31, p. 5496	do.	
Do.	Elkhart	Nappanee, city of	H 180059 01-02; vol. 39, No. 107, p. 19457	do.	
Do.	Montgomery	New Ross, town of	H 180173 01; vol. 39, No. 206, p. 37641	June 27, 1975	
Do.	Jay	Salamonia, town of	H 18 075 4330 01; vol. 39, No. 31, p. 5496	May 16, 1975	
Iowa	Sioux	Rock Valley, city of	H 19 167 7230 01-04; vol. 39, No. 31, p. 5497	do.	
Do.	O'Brien	Sheldon, city of	H 19 141 7750 01-04; vol. 39, No. 31, p. 5496	do.	
Do.	Clay	Spencer, city of	H 19 041 7946 01-04; vol. 39, No. 23, p. 4093	do.	
Do.	Linn	Mount Vernon, city of	H 19 113 5000 01-02; vol. 39, No. 52, p. 9923	June 24, 1975	
Do.	Washington	Wellman, town of	H 19 183 8000 01; vol. 39, No. 107, p. 19459	May 16, 1975	
Kansas	Lyon	Americus, city of	H 20 111 0160 01-02; vol. 39, No. 23, p. 4093	do.	
Do.	Osage	Burlingame, city of	H 20 139 0680 01; vol. 39, No. 42, p. 7035	do.	
Do.	Leavenworth	Easton, city of	H 20 103 1470 01; vol. 39, No. 23, p. 4093	do.	
Do.	Atchinson	Effingham, city of	H 20 005 1520 01; vol. 39, No. 23, p. 4093	do.	
Do.	Lyon	Emporia, city of	H 20 111 1660 01-04; vol. 39, No. 23, p. 4093	do.	
Do.	Doniphan	Highland, city of	H 20 043 2400 01; vol. 39, No. 34, p. 6051	do.	
Do.	Graham	Hill City, city of	H 200115 01; vol. 39, No. 152, p. 28254	do.	
Do.	Stevens	Hugoton, city of	H 200347 01; vol. 39, No. 152, p. 28255	June 9, 1975	
Do.	Coffey	Lebo, city of	H 20 031 3050 01; vol. 39, No. 23, p. 4093	May 16, 1975	
Do.	Wabaunsee	McFarland, city of	H 200353 01; vol. 39, No. 238, p. 43081	June 19, 1975	
Do.	Scott	Scott City, city of	H 20171 4070 01; vol. 39, No. 31, p. 5497	May 16, 1975	
Do.	Johnson	Spring Hill, city of	H 200178 01; vol. 39, No. 152, p. 28235	June 24, 1975	
Kentucky	Webster	Blackford, town of	H 21 233 0300 01; vol. 39, No. 31, p. 5497	May 16, 1975	
Do.	Crittenden	Dycusburg, town of	H 21 055 0950 01; vol. 39, No. 31, p. 5497	do.	
Do.	Lawrence	Louisa, town of	H 21 127 3080 01; vol. 39, No. 31, p. 5497	do.	
Do.	Hart	Munfordville, town of	H 21 099 2340 01-02; vol. 39, No. 31, p. 5497	do.	
Louisiana	Lafourche Parish	Unincorporated areas	R & I 22 057 0000 03-04; vol. 36, No. 90, pp. 8566 and 8567	Apr. 18, 1975	
Do.	Livingston Parish	Walker, town of	H 220121 01; vol. 39, No. 107, p. 19459	May 21, 1975	
Maine	Washington	Baileyville, town of	H 230304 01; vol. 40, No. 18, p. 3387	June 30, 1975	
Do.	Sagadoboc	Bowdoinham, town of	H 23 023 0830 01-03; vol. 39, No. 59, p. 11186	May 16, 1975	
Do.	Aroostook	Washburn, town of	H 230037 01; vol. 39, No. 156, p. 28888	do.	
Maryland	Kent	Millington, town of	H 240047 01; vol. 39, No. 163, p. 30119	June 24, 1975	
Massachusetts	Berkshire	Becket, town of	H 250018 01; vol. 39, No. 156, p. 28889	May 16, 1975	
Do.	Hampden	Longmeadow, town of	H 25 013 0624 01-10; vol. 39, No. 60, p. 11263	do.	
Do.	Essex	Newbury, town of	H 250096 01-05; vol. 39, No. 178, p. 32887	May 8, 1975	
Do.	Franklin	Orange, town of	H 250129 01-06; vol. 39, No. 115, p. 20690	June 2, 1975	
Do.	Hampden	Wales, town of	H 250152 01-02; vol. 39, No. 169, p. 31522	June 16, 1975	
Michigan	Barry	Hastings, city of	H 26 015 2220 01; vol. 39, No. 74, p. 13643	June 24, 1975	
Do.	Oakland	Lathrup Village, city of	H 260297 01; vol. 39, No. 33, p. 6057	June 6, 1975	
Do.	Monroe	London, township of	H 260149 01-11; vol. 39, No. 119, p. 21141	May 16, 1975	
Minnesota	Stearns	Albany, city of	H 27 145 0070 01; vol. 39, No. 81, p. 14604	Apr. 29, 1975	
Do.	Wright	Annandale, city of	H 270065 01; vol. 40, No. 8, p. 2458	June 19, 1975	
Do.	Anoka	East Bethel, city of	H 270612 01-02; vol. 39, No. 186, p. 34271	Apr. 16, 1975	July 25, 1975
Do.	Winona	Goodview, city of	H 27 169 2800 01; vol. 39, No. 97, p. 17423	June 27, 1975	
Do.	Renville	Hector, city of	H 27 129 3180 01-02; vol. 39, No. 63, p. 11898	May 16, 1975	
Do.	Kittson	Kennedy, city of	H 270229 01; vol. 39, No. 163, p. 30130	Apr. 30, 1975	
Do.	Dodge	Mantorville, city of	H 270385 01; vol. 39, No. 231, p. 41504	Apr. 18, 1975	
Do.	Renville	Olivia, city of	H 27 129 5400 01; vol. 39, No. 71, p. 13149	May 16, 1975	
Do.	Cass	Pine River, city of	H 27 021 5680 01; vol. 39, No. 71, p. 13148	May 1, 1975	
Do.	McLeod	Winstead, city of	H 270614 01; vol. 39, No. 224, p. 40571	June 19, 1975	
Do.	Sibley	Winthrop, city of	H 27 143 7980 01; vol. 39, No. 97, p. 17530	do.	
Mississippi	Hancock	Unincorporated areas	H 285374 01-03; vol. 40, No. 18, p. 3088	May 19, 1975	
Do.	Copiah	Hazelhurst, city of	H 280046 01-04; vol. 39, No. 119, p. 21143	May 16, 1975	
Do.	Coahoma	Jonestown, town of	H 280041 01-02; vol. 39, No. 119, p. 21143	do.	
Missouri	Boone	Sturgeon, town of	H 29 019 7610 01; vol. 39, No. 63, p. 11898	do.	
Do.	Jackson	Sugar Creek, town of	H 29 095 7020 01-00; vol. 39, No. 23, p. 4094	do.	
Do.	Shannon	Winona, city of	H 29 203 8450 01-04; vol. 39, No. 52, p. 9924	do.	
Do.	St. Louis	Woodson and Terrace, city of.	H 29 189 8480 01; vol. 39, No. 71, p. 13149	June 20, 1975	
Montana	Teton	Choteau, city of	H 30 099 0230 01-02; vol. 39, No. 60, p. 11263	May 30, 1975	
Do.	Deer Lodge	Unincorporated areas	H 300016 01-03; vol. 39, No. 178, p. 32886	May 9, 1975	
Do.	Roosevelt	Wolf Point, city of	H 30 085 1300 01; vol. 39, No. 74, p. 13643	May 21, 1975	
Nebraska	Pierce	Plainview, city of	H 31 0175 01; vol. 39, No. 125, p. 23205	May 16, 1975	
Nevada	Churchill	Fallon, city of	H 320002 01; vol. 39, No. 130, p. 24636	Apr. 14, 1975	
New Hampshire	Coos	Colebrook, town of	H 330031 01-02; vol. 39, No. 153, p. 28427	May 16, 1975	
Do.	Cheshire	Walpole, town of	H 33 005 0602 01-10; vol. 39, No. 107, p. 19461	do.	
Do.	do.	Winchester, town of	H 33 005 0550 01-10; vol. 39, No. 59, p. 11187	do.	
New Jersey	Monmouth	Atlantic Highlands, borough of.	H 34 025 0100 01-04; Vol. 39, No. 31, p. 5498	do.	
Do.	Burlington	Hainesport, township of	H 340099 01-03; vol. 39, No. 152, p. 28237	do.	
Do.	Atlantic	Hammonton, town of	H 34 001 1270 01-10; vol. 39, No. 115, p. 20691	do.	
Do.	Cumberland	Millville, city of	H 340173 01-12; vol. 39, No. 152, p. 28261	do.	
New Mexico	Chaves	Hagerman, town of	H 350005 01; vol. 39, No. 115, p. 20692	June 27, 1975	
Do.	Otero	Tularosa, village of	H 350046 01; vol. 39, No. 152, p. 28262	May 21, 1975	
New York	Genesee	Alexander, town of	H 36 037 0084 01-10; vol. 39, No. 115, p. 20693	May 16, 1975	
Do.	Franklin	Altamont, town of	H 361162 01-33; vol. 40, No. 8, p. 2429	May 1, 1975	
Do.	Greene	Athens, town of	H 361117 01-09; vol. 40, No. 2, p. 780	Apr. 21, 1975	
Do.	do.	Athens, village of	H 36 039 0290 01-02; vol. 39, No. 38, p. 7173	do.	
Do.	Steuben	Bath, town of	H 36 0766 01-11; vol. 39, No. 178, p. 32889	Apr. 18, 1975	
Do.	Allegany	Bolivar, village of	H 36 003 0600 01; vol. 39, No. 107, p. 19463	June 24, 1975	
Do.	Warren	Bolton, town of	H 360899 01-12; vol. 39, No. 206, p. 37645	May 20, 1975	
Do.	Chautauqua	Brocton, village of	H 36 013 0690 01; vol. 39, No. 115, p. 20693	May 16, 1975	
Do.	Steuben	Canisteo, town of	H 360769 01-07; vol. 40, No. 2, p. 780	June 24, 1975	
Do.	Schuyler	Catherine, town of	H 360745 01-12; vol. 39, No. 115, p. 20695	May 16, 1975	
Do.	Warren	Chester, town of	H 360870 01-13; vol. 39, No. 178, p. 32806	May 20, 1975	
Do.	Schuyler	Dix, town of	H 360746 01-05; vol. 39, No. 153, p. 28429	Apr. 21, 1975	
Do.	Chautauqua	Forestville, village of	H 361501 01; vol. 40, No. 8, p. 2430	June 27, 1975	
Do.	Franklin	Fort Covington, village of	H 360370 01-04; vol. 39, No. 163, p. 30121	June 24, 1975	
Do.	Cattaraugus	East Randolph, village of	H 360068 01; vol. 39, No. 115, p. 20692	do.	
Do.	Chemango	Greene, village of	H 36 017 3400 01; vol. 39, No. 74, p. 13644	June 25, 1975	
Do.	Washington	Greenwich, town of	H 361233 01-14; vol. 39, No. 206, p. 37645	Apr. 17, 1975	
Do.	Montgomery	Hagaman, village of	H 36 057 2470 01; vol. 39, No. 52, p. 9926	May 16, 1975	
Do.	Warren	Hague, town of	H 360873 01-11; vol. 39, No. 190, p. 35462	May 20, 1975	
Do.	Jefferson	Henderson, town of	H 360238 01-04; vol. 39, No. 163, p. 30121	May 16, 1975	

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Do	Cattaraugus	Hinsdale, town of	H 360077 01-04; vol. 39, No. 115, p. 20603	do	
Do	Warren	Horicon, town of	H 360874 01-09; vol. 39, No. 178, p. 32896	May 20, 1975	
Do	do	Johnsburg, town of	H 360875 01-24; vol. 39, No. 212, p. 38628	do	
Do	do	Lake George, town of	H 360876 01-05; vol. 39, No. 156, p. 28893	do	
Do	do	Lake Luzerne, town of	H 360878 01-06; vol. 39, No. 178, p. 32826	do	
Do	Chautauqua	Lakewood, village of	H 36 013 3130 01-02; vol. 39, No. 31, p. 5498	May 16, 1975	
Do	Jefferson	Lyme, town of	H 360343 01-06; vol. 39, No. 152, p. 28263	do	
Do	Nassau	Lynbrook, village of	H 360478 01-02; vol. 39, No. 152, p. 28237	June 27, 1975	
Do	Otsego	Otego, town of	H 361284 01-14; vol. 39, No. 206, p. 37645	Apr. 17, 1975	
Do	Nassau	Plandome Heights, village of.	H 360485 01; vol. 39, No. 125, p. 23266	May 16, 1975	
Do	do	Port Washington, village of	H 360487 01; vol. 39, No. 178, p. 32888	May 8, 1975	
Do	Jefferson	Sackets Harbor, village of	H 36 045 5360 01-02; vol. 39, No. 115, p. 20603	May 16, 1975	
Do	Delaware	Stamford, town of	H 360212 01-05; vol. 39, No. 153, p. 28429	Apr. 18, 1975	
Do	Warren	Stony Creek, town of	H 360880 01-10; vol. 39, No. 178, p. 32889	May 20, 1975	
Do	Madison	Sullivan, town of	H 36 053 6066 01-19; vol. 39, No. 115, p. 20604	May 16, 1975	
Do	Warren	Thurman, town of	H 360881 01-11; vol. 39, No. 178, p. 32896	Apr. 18, 1975	
Do	Erie	Tonawanda, city of	H 36 029 6090 01-02; vol. 39, No. 115, p. 20603	June 10, 1975	
Do	Nassau	Valley Stream, village of	H 360495 01-03; vol. 39, No. 152, p. 28237	May 16, 1975	
Do	Livingston	West Sparta, town of	H 36 051 6646 01-08; vol. 39, No. 115, p. 20603	do	
North Carolina	Pamlico	Alliance, town of	H 37 137 0073 01-02; vol. 39, No. 38, p. 7174	June 24, 1975	
Do	Randolph	Archdale, town of	H 37 151 0130 01; vol. 39, No. 42, p. 7937	May 16, 1975	
Do	Columbus	Bolton, town of	H 37 047 6550 01; vol. 39, No. 52, p. 9926	do	
Do	Sampson	Garland, city of	H 370221 01; vol. 39, No. 130, p. 24643	June 25, 1975	
Ohio	Jefferson	Adena, village of	H 39 081 0060 01; vol. 39, No. 85, p. 15107	May 16, 1975	
Do	Stark	Beach City, village of	H 39 151 0530 01; vol. 39, No. 31, p. 5499	do	
Do	Hamilton	Cleves, village of	H 39 061 1700 01-07; vol. 39, No. 31, p. 5499	do	
Do	Warren	Corwin, village of	H 39 165 1910 01; vol. 39, No. 31, p. 5499	do	
Do	Lake	Airport Harbor, village of	H 39 085 2540 01; vol. 39, No. 31, p. 5499	do	
Do	Knox	Gambier, village of	H 39 083 2820 01-02; vol. 39, No. 97, p. 17523	do	
Do	Paulding	Grover Hill, village of	H 39 125 3220 01; vol. 39, No. 107, p. 19463	do	
Do	Hocking	Laurelville, village of	H 39 073 4090 01; vol. 39, No. 31, p. 5499	do	
Do	Stark	Minerva, village of	H 39 151 5180 01; vol. 39, No. 107, p. 19463	do	
Do	Wood	North Baltimore, village of	H 39 173 5910 01; vol. 39, No. 31, p. 5499	do	
Do	Lucas	Reno Beach, village of	H 360363 01-02; vol. 39, No. 152, p. 28266	do	
Do	Licking	St. Louisville, village of	H 39 089 7220 01; vol. 39, No. 31, p. 5499	do	
Do	do	Utica, village of	H 39 089 8320 01; vol. 39, No. 31, p. 5499	do	
Do	Montgomery	West Carrollton, city of	H 39 113 8710 01-02; vol. 39, No. 31, p. 5499	do	
Do	Clermont	Withamsville, village of	H 390073 01; vol. 39, No. 152, p. 28266	do	
Oklahoma	Muskogee	Boynton, town of	H 40 101 0510 01; vol. 39, No. 59, p. 11189	do	
Do	Pittsburg	Kiowa, town of	H 400168 01; vol. 39, No. 152, p. 28267	do	
Do	Sequoyah	Roland, town of	H 400198 01; vol. 39, No. 169, p. 31525	do	
Oregon	Yamhill	Amity, city of	H 41 071 0040 01-02; vol. 39, No. 23, p. 4095	do	
Pennsylvania	Northampton	Bath, borough of	H 420717 01; vol. 39, No. 152, p. 28269	do	
Do	Allegheny	Emsworth, borough of	H 42 003 2620 01-02; vol. 39, No. 31, p. 5499	do	
Do	Snyder	McClure, borough of	H 42 109 4675 01-02; vol. 39, No. 71, p. 13152	do	
Do	Washington	West Middletown, borough of.	H 422139 01; vol. 40, No. 7, p. 2188	June 20, 1975	
Do	Allegheny	Whitaker, borough of	H 12 003 9280 01; vol. 39, No. 31, p. 5499	May 16, 1975	
Do	Berks	Bally, borough of	H 420125 01; vol. 39, No. 119, p. 21147	June 30, 1975	
South Carolina	Allendale	Allendale, town of	H 450009 01-02; vol. 39, No. 107, p. 19464	May 16, 1975	
Do	Aiken	New Ellenton, town of	H 450006 01-02; vol. 39, No. 152, p. 28269	do	
Do	Jasper	Ridgeland, town of	H 450114 01; vol. 39, No. 135, p. 25651	do	
Do	Dorchester	St. George, town of	H 450072 01; vol. 39, No. 107, p. 19465	do	
Do	Aiken	Warrenville, town of	H 450008 01-02; vol. 39, No. 120, p. 22123	June 24, 1975	
Tennessee	Brady	Cleveland, city of	H 47 011 0421 01-09; vol. 39, No. 42, p. 7939	May 16, 1975	
Do	Chester	Henderson, town of	H 470029 01-02; vol. 39, No. 107, p. 19465	do	
Do	Blount	Townsend, city of	H 47 009 2410 01-04; vol. 39, No. 85, p. 15108	do	
Texas	Smith	Bullard, city of	H 480568 01; vol. 39, No. 152, p. 28271	do	
Do	Bowie	Dekalb, town of	H 480055 01-02; vol. 39, No. 107, p. 19465	June 24, 1975	
Do	Wichita	Electra, city of	H 48 485 2150 01-02; vol. 39, No. 74, p. 13648	May 16, 1975	
Do	Hamilton	Hamilton, city of	H 48 193 3000 01-02; vol. 39, No. 23, p. 4096	do	
Do	Tarrant	Keller, city of	H 48 439 3594 01-07; vol. 39, No. 23, p. 4096	do	
Do	Kaufman	Kemp, city of	H 48 257 3610 01; vol. 39, No. 59, p. 11190	do	
Do	Caldwell	Lockhart, city of	H 480095 01-04; vol. 39, No. 152, p. 28270	do	
Do	Hall	Memphis, city of	H 480279 01-02; vol. 39, No. 152, p. 28270	do	
Do	Knox	Munday, city of	H 48 275 4800 01-02; vol. 39, No. 97, p. 17525	June 30, 1975	
Do	Morris	Omaha, city of	H 480495 01; vol. 39, No. 152, p. 28271	May 16, 1975	
Utah	Davis	Fruit Heights, city of	H 490045 01; vol. 39, No. 152, p. 28273	do	
Vermont	Rutland	Castleton, town of	H 500091 01-11; vol. 39, No. 178, p. 32891	Apr. 1, 1975	
Do	do	Pittsford, town of	H 500098 01-06; vol. 39, No. 120, p. 22124	May 16, 1975	
Washington	Spokane	Cheney, city of	H 530175 01-02; vol. 39, No. 119, p. 21149	do	
Do	Asotin	Clarkston, city of	H 530009 A 01; vol. 40, No. 33, p. 6964	Apr. 1, 1975	
Do	Yakima	Mabton, town of	H 530221 01; vol. 39, No. 107, p. 19467	May 16, 1975	
Do	King	Mercer Island, city of	H 530083 01-3; vol. 39, No. 152, p. 28273	June 6, 1975	
Do	Whatcom	St. John, town of	H 53 075 1950 01; vol. 39, No. 107, p. 19467	June 30, 1975	
West Virginia	Marion	Barrackville, town of	H 540098 01; vol. 39, No. 152, p. 28274	May 16, 1975	
Do	Kanawha	Clendenin, town of	H 540075 01; vol. 39, No. 152, p. 28274	do	
Do	Brooke	Follansbee, city of	H 54 009 0630 01; vol. 39, No. 107, p. 19467	do	
Do	Fayette and Kanawha.	Montgomery, city of	H 54 019 1810 01; vol. 39, No. 107, p. 19467	June 4, 1975	
Do	Morgan	Unincorporated areas	H 540144 01-18; vol. 39, No. 241, p. 43308	June 24, 1975	
Do	Tyler and Wetzel	Paden City, city of	H 54 103 2010 01-02; vol. 39, No. 107, p. 19467	May 16, 1975	
Wisconsin	Bayfield	Bayfield, city of	H 550017 01; vol. 39, No. 119, p. 21149	do	
Do	Shawano	Bonduel, village of	H 550414 01; vol. 39, No. 107, p. 19468	do	
Do	St. Croix	Glenwood City, city of	H 550381 01-02; vol. 39, No. 119, p. 21150	do	
Do	Rock	Orfordville, village of	H 550369 01; vol. 39, No. 107, p. 19468	June 6, 1975	
Do	Portage	Park Ridge, village of	H 55 097 3600 01; vol. 38, No. 248, p. 35462	June 10, 1975	
Do	Waupaca	Scandinavia, village of	H 550501 01; vol. 39, No. 178, p. 32891	May 28, 1975	
Wyoming	Uinta	Evanston, town of	H 56 011 0270 01; vol. 39, No. 31, p. 5501	May 16, 1975	

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: September 16, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-26367 Filed 10-3-75;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU

SUBCHAPTER C—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM 110; Amdt. 177-34]

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS, BY PUBLIC HIGHWAY

Use of Catalytic Heaters

The purpose of this amendment to Part 177 of the Hazardous Materials Regulations is to permit the use of catalytic heaters in motor vehicle cargo compartments during the transportation of flammable liquid or flammable gas.

On May 16, 1975, the Hazardous Materials Regulations Board published a notice of proposed rulemaking, Docket No. HM-110; Notice No. 75-5 (40 FR 21485), which proposed this amendment. It proposed:

(1) To establish a maximum allowable temperature of 130° F. (54° C.) for all surfaces of the heater which might contact the cargo of flammable liquid or gas;

(2) To require installation of a guard on a heater to prevent the hazardous material cargo from being closer than 12 inches (30.05 cm) to the heater, as a means of preventing exposure of the cargo to more than 130° F. (54° C.);

(3) To prohibit heater ignition before the vehicle is loaded;

(4) To prohibit flame, either in the catalyst or in any part of the heater, and to require that notice to this effect be marked on the heater;

(5) To require the use of a heater that has been certified by the manufacturer that the heater meets all the Department's requirements by properly marking the heater with the certification; and

(6) To clarify the restrictions on the use of automatic cargo-space-heating temperature control equipment with explosives or flammable liquid and gas.

Interested persons were invited to give their views on these proposals. Of the comments received, no objection was made to the proposals as outlined in items (3), (4), and (6) above. Rewording these proposals in this amendment clarifies, rather than changes, substance.

There was one comment, a significant one, regarding the manufacturer's certification-marking requirement. As proposed, the wording was so similar to marking requirements under the Federal Motor Carrier Safety Regulations that confusion, threatening a compromise of safety, was fostered. Consequently, the certification-marking language for catalytic heaters is changed.

All other comments addressed the proposed maximum allowable temperature and guard requirements.

Several commenters objected that the requirement to install a heater guard was unnecessary in view of the proposed maximum temperature standard and the high cost resulting from installation, retrofitting, and loss of revenue producing cargo space.

There was no significant objection to approaching the problem of assuring safety in the use of catalytic heaters by establishing a maximum temperature for heater surfaces. Nor was there any significant objection to establishing 130° F. (54° C.) as the standard. One objection, based upon the premise that a higher maximum was proper, was withdrawn after close examination.

The Materials Transportation Bureau, which is now vested with the authority to issue hazardous materials regulations, concluded that assuring safety in the use of catalytic cargo heaters for transporting flammable liquid or gas is properly approached by establishing a maximum allowable temperature for heater surfaces of 130° F. (54° C.). It was further concluded that the use of a 12 inch heater guard, as the means of keeping heater surface temperatures within the temperature standard, is not required.

In support of these conclusions, the evidence indicated the following:

(1) 130° F. (54° C.) is the maximum temperature at which human skin may be subjected for short duration without causing non-reversable tissue damage. See, for example, the Calspan Corporation's study for the Consumer Products Safety Commission, entitled, "Investigation of Safety Standards for Flame-fired Furnaces, Hot-Water Heaters, Clothes Dryers and Ranges."

(2) 130° F. (54° C.) permits a wide and comfortable safety factor before auto-ignition occurs with properly packaged flammable liquid and gas that is listed under 49 CFR 172.5 as hazardous material.

(3) Two of the major manufacturers of commercial catalytic heaters came forth to assure the Bureau that heaters may be readily designed to operate within the 130° F. (54° C.) maximum, in an outside or ambient temperature range beyond which there is no reasonable expectation to find a heater in operation.

(4) It is reasonable to expect that a heater would not be operated when the outside or ambient temperature is above 60° F. (15.6° C.).

(5) Heaters with 12 inch-guards, if the guards were installed on some of the heaters currently available, could reach a surface temperature as high and as dangerous as 284° F. (140° C.).

In consideration of the foregoing, 49 CFR 177.834(l) is amended to read as follows:

§ 177.834 General requirements.

* * * * *

(l) *Use of cargo heaters when transporting certain hazardous material.* Transportation includes loading, carrying, and unloading.

(1) *When transporting explosives.* A motor vehicle equipped with a cargo heater of any type may transport explosives only if the cargo heater is rendered inoperable by: (i) Draining or removing the cargo heater fuel tank; and (ii) disconnecting the heater's power source.

(2) *When transporting certain flammable material*—(i) *Use of combustion cargo heaters.* A motor vehicle equipped with a combustion cargo heater may be used to transport flammable liquid or flammable gas only if each of the following requirements are met—

(A) It is a catalytic heater.

(B) The heater's surface temperature cannot exceed 130° F. (54° C.)—either on a thermostatically controlled heater or on a heater without thermostatic control when the outside or ambient temperature is 60° F. (15.6° C.) or less.

(C) The heater is not ignited in a loaded vehicle.

(D) There is no flame, either on the catalyst or anywhere in the heater.

(E) The manufacturer has certified that the heater meets the requirements under paragraph (l)(2)(i) of this section by permanently marking the heater *"MEETS DOT REQUIREMENTS FOR CATALYTIC HEATERS USED WITH FLAMMABLE LIQUID AND GAS."*

(F) The heater is also marked *"DO NOT LOAD INTO OR USE IN CARGO COMPARTMENTS CONTAINING FLAMMABLE LIQUID OR GAS IF FLAME IS VISIBLE ON CATALYST OR IN HEATER."*

(G) Heater requirements under § 393.77 of this title are complied with.

(ii) *Effective date for combustion heater requirements.* The requirements under paragraph (l)(2)(i) of this section govern as follows—

(A) Use of a heater manufactured after November 14, 1975, is governed by every requirement under (l)(2)(i) of this section;

(B) Use of a heater manufactured before November 15, 1975, is governed only by the requirements under (l)(2)(i) (A), (C), (D), (F) and (G) of this section until October 1, 1976; and

(C) Use of any heater after September 30, 1976, is governed by every requirement under (l)(2)(i) of this section.

(iii) *Restrictions on automatic cargo-space-heating temperature control devices.* Restrictions on these devices have two dimensions: restrictions upon use and restrictions which apply when the device must not be used.

(A) *Use restrictions.* An automatic cargo-space-heating temperature control device may be used when transporting flammable liquid or flammable gas only if each of the following requirements is met—

(*1*) Electrical apparatus in the cargo compartment is nonsparking or explosion proof.

(*2*) There is no combustion apparatus in the cargo compartment.

(*3*) There is no connection for return of air from the cargo compartment to the combustion apparatus.

(*4*) The heating system will not heat any part of the cargo to more than 130° F. (54° C.).

(*5*) Heater requirements under § 393.77 of this title are complied with.

(B) *Protection against use.* Flammable liquid or flammable gas may be transported by a vehicle, which is equipped with an automatic cargo-space-heating temperature control device that does not meet each requirement of paragraph (l)(2)(iii)(A) of this section, only if the device is first rendered inoperable, as follows—

(*1*) Each cargo heater fuel tank, if other than LPG, must be emptied or removed.

(*2*) Each LPG fuel tank for automatic temperature control equipment must have its discharge valve closed and its fuel feed line disconnected.

Effective date. This amendment is effective October 1, 1975.

(Transportation of Explosives Act (18 U.S.C. 831-835); Sec. 6 Department of Transportation Act (49 U.S.C. 1655); 49 CFR 1.64(g)).

Issued in Washington, D.C., on October 1, 1975.

JAMES T. CURTIS, Jr.,
Director, Materials Transportation Bureau.

[FR Doc.75-26735 Filed 10-3-75;8:45 am]

Title 50—Wildlife

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

PART 32—HUNTING

Sherburne National Wildlife Refuge, Minn.

Correction

In FR Doc. 75-24121, appearing on page 42198-9 of the issue for Thursday, Sep-

tember 11, 1975, the last paragraph of the regulations should read as follows:

The provisions of this special regulation supplements the regulation which governs hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 19, 1975.

JOHN E. WILBRECHT,
Refuge Manager, Sherburne National Wildlife Refuge, Zimmerman, Minnesota 55398.

SEPTEMBER 25, 1975.

[FR Doc.75-26678 Filed 10-3-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5621, 34-11691, IA-479, IC-8960]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority

The Commission today announced the amendment, effective immediately, of its regulations governing delegation of authority to the Secretary of the Commission [17 CFR 200.30-7] with respect to proceedings conducted pursuant to the Securities Act of 1933 (15 U.S.C. 77a et seq.), the Secrities Exchange Act of 1934 (15 U.S.C. 78a et seq.), the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) and Section 9(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(b)).

The existing delegation rules delegate to the Office of Opinions and Review with respect to proceedings conducted pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisers Act of 1940, except where the Commission otherwise directs, to issue findings and orders pursuant to offers of settlement which the Commission has determined should be accepted [17 CFR 200.30-8(a)(1)(iv)]; and with respect to proceedings conducted pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Advisers Act of 1940, to issue findings and orders taking the remedial action described in the order for proceedings where the respondents expressly consent to such action, fail to appear, or default in the filing of answers required to be filed; to grant a request, based upon a showing of good cause, to vacate an order of default, so as to permit presentation of a defense [17 CFR 200.30-8(a)(2)].

To further expedite the operations of the Commission in this area, the Commission has determined that similar authority should be delegated to the Secretary of the Commission.

Commission Action:

Pursuant to Section 4 of the Securities Exchange Act of 1934 and Public Law 87-592, the Securities and Exchange Commission hereby amends § 200.30-7 of Chapter II of Title 17 of the Code of Federal Regulations by redesignating present paragraph (b) as paragraph (c) and adding a new paragraph (b) as follows:

§ 200.30-7 Delegation of authority to Secretary of the Commission.

* * * * *

(b) With respect to proceedings conducted pursuant to the Securities Act of 1933, 15 U.S.C. 77a et seq., the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq., the Investment Advisers Act of 1940, 15 U.S.C. 80b-1 et seq., and Section 9(b) of the Investment Company Act of 1940, 15 U.S.C. 80a-9(b):

(1) Except where the Commission otherwise directs, to issue findings and orders pursuant to offers of settlement which the Commission has determined should be accepted;

(2) To issue findings and orders taking the remedial action described in the order for proceedings where a respondent expressly consents to such action, fails to appear, or defaults in the filing of an answer required to be filed and to grant a request, based upon a showing of good cause, to vacate an order or default, so as to permit presentation of a defense.

The Commission finds that the foregoing action relates solely to agency organization, procedure or practice and that notice and prior publication under 5 U.S.C. 553 are not necessary. Accordingly, the foregoing, which was taken pursuant to Public Law 87-592, 76 Stat. 394 [15 U.S.C. 78d-1, 78d-2], becomes effective immediately.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 29, 1975.

[FR Doc.75-26579 Filed 10-3-75;8:45 am]

[Release Nos. 33-5611, 34-11641, 35-19162, AS-177]

INTERIM FINANCIAL REPORTING

Increased Disclosures

General Statement. In Securities Act Releases No. 5549 (40 FR 1079) and No. 5579 (40 FR 20308), the Commission proposed alternative methods of increasing disclosure of interim results by registrants. More than 700 letters of comments have been received in response to these proposals. In addition, the Commission held public hearings on the proposals and heard testimony from 14 witnesses. The Commission has given careful consideration to all comments and to the evidence received in the public hearings. It has now determined to adopt certain of the proposals, to modify others and propose revised rules for further comment and to withdraw other proposals, all as discussed below. The proposals for revised rules are contained in Securities Act Release No. 5612 dated September 10, 1975.[1]

Adoption of amendments to Regulation S-X. The Commission has determined to adopt, substantially as proposed, a new rule [Rule 3-16(t)] which will require disclosure of selected quarterly financial data in notes to annual financial statements of certain registrants. In making this determination, the Commission has concluded that footnote disclosure of net sales, gross profit, income before extraordinary items and cumulative effect of a change in accounting, per share data based upon such income, and net income for each quarter within the two most recent fiscal years and any subsequent fiscal period for which income statements are presented, is appropriate for the protection of investors in the case of large companies whose shares are actively traded. The Commission believes that the greatest investor need for these data exists in the case of such companies whose activities are most closely followed by analysts and investors. Accordingly, registrants whose shares are not actively traded or whose size is below certain limits have been exempted from this rule at the present time. In making this judgment the Commission also recognized that the costs of such disclosure would be relatively a greater burden to smaller companies. Nevertheless, the Commission urges registrants who are exempt from the rule to consider the desirability of including such data in their annual reports. The exemption applies to all registrants who do not meet the following criteria:

A.1. The registrant has securities registered pursuant to section 12(b) of the Exchange Act; or

2. The registrant has securities registered pursuant to section 12(g) of the Exchange Act that are quoted on the National Association of Securities Dealers Automated Quotation System and these securities meet the Regulation T requirements for continued inclusion on the list of OTC margin stock; and

B. The registrant and consolidated subsidiaries had income after taxes but before extraordinary items and cumulative effect of a change in accounting of $250,000 for each of the last three fiscal years or had total assets at the last fiscal year end of $200,000,000 or more.

The Commission believes that such disclosures will materially assist investors in understanding the pattern of corporate activities throughout a fiscal period and it feels that such an undertakings are to serve their objective of allstanding is important if financial statelowing investors to develop reasonable expectations about the future prospects of enterprises in which they are investing or considering investment.[2] Presentation of such quarterly data will

[1] See FR Doc. 75-26666, 17 CFR Parts 210 and 249 appearing elsewhere in this issue.

[2] See the report of the Trueblood Committee appointed by the American Institute of Certified Public Accountants to study the objectives of financial statements.

supply information about the trend of business operations over segments of time which are sufficiently short to reflect business turning points. Annual periods may obscure such turning points and may reflect a pattern of stability and growth which is not consistent with business reality. In addition, quarterly data will reflect seasonal patterns which are of significance to an investor's understanding of the business operations of a reporting entity.

Numerous commentators took issue with the Commission's view that the footnote information proposed to be required by the proposals and adopted herein was necessary for investors. They suggested that interim results are materially affected by random events, that short period estimates are by their nature imprecise and that putting such data into annual financial statements will mislead by lending them an appearance of reliability which cannot in fact exist. In addition, numerous respondents suggested that if the Commission did believe that quarterly data should be presented to investors at the end of the year, this could best be achieved by including the quarterly data in management's analysis of the summary of operations or elsewhere in the annual report, but not in the notes to financial statements.

The Commission has concluded that it should not amend its proposal in response to these comments. While it recognizes that random events can materially affect quarterly results, it believes that section (3) of Rule 3–16(t) [17 CFR 210.3–16(t)], which requires disclosure in the note of any unusual items occurring in any quarter disclosed, will enable investors to ascertain the effect of such items and hence not be misled. It also recognizes that short period estimates are imprecise, and it emphasized in Securities Act Release No. 5549 that it was not proposing any change in the traditional accounting practice of making the best estimate practicable at the time the estimate must be made, and then reflecting subsequent adjustments in the estimate in subsequent periods as the need became apparent. Estimates are a necessary part of all financial reporting, and since registrants have had many years experience in making the estimates required in quarterly reporting and investors have had equivalent experience in using the reports encompassing these estimates, the Commission is not prepared to conclude that including quarterly data in a footnote to the financial statements will create an impression of reliability which will mislead investors. In addition, section (3) of Rule 3–16(t) requires the disclosure of the aggregate effect and the nature of year end or other adjustments effect and the nature of year end or other adjustments which are material to the results of each quarter presented. This disclosure will permit investors to determine the nature and effect of substantial changes in estimates.

The Commission also does not agree that the required disclosure should only be made outside the financial statements. In general, it believes that significant financial disclosures about business operations during a period should be included in the financial statements for that period. The burden is therefore on those who believe that significant financial data should be outside the financial statements to demonstrate the reason for its exclusion. Commentators did not offer any compelling reasons to support their position in this regard. Accordingly, the Commission believes that it is appropriate to require disclosure in the notes to financial statements of those companies in which there is the most substantial public investor interest.

Involvement of Independent Public Accountants. The inclusion of interim data in the footnotes to annual financial statements necessarily will associate the independent public accountant with these data in some fashion. In its initial proposal in Securities Act Release No. 5549, the Commission indicated that it was not prepared to have these data labeled "unaudited." After receiving many comments and estimates of cost which suggested that an audit of interim data would be very costly to registrants, the Commission published an additional set of proposals (in Securities Act Release No. 5579) which would permit this note to be labeled "unaudited" and at the same time would set forth as an amendment to Rule 2–02 of Regulation S–X [17 CFR 210.2–02] a set of limited review procedures which auditors would be expected to follow when they were associated with a set of financial statements which included such an unaudited footnote.

After careful consideration of costs and benefits of auditor involvement, the Commission has determined to permit the required note to be identified as "unaudited." Even though this note will not be audited, independent accountants will be associated with such a note when they report on financial statements which include such a note. The Commission does not believe it is appropriate for independent accountants to be subjected to unknown responsibilities in connection with their association with this note. Accordingly, the Commission is proposing, in Securities Act Release No. 5612, dated this date, a slightly amended set of review and reporting procedures which the Commission believes will satisfactorily set forth its expectation as to the responsibilities of independent accountants who report on financial statements filed with it which include such a note. The Commission plans to adopt final standards for auditors' reports which spell out these expectations prior to the effective date of the amendment to Rule 3–16 adopted hereby.

The Commission notes, however, that the subject of auditor involvement with interim financial data has been under active consideration by the Auditing Standards Executive Committee of the American Institute of CPAs (AudSEC). It also notes that historically the Commission has not been required to set forth the standards and procedures which underlie an independent public accountant's report because the public accounting profession has developed appropriate standards and procedures to provide protection to the investing public who rely upon such reports.

The Commission believes that it is preferable to continue its past policy of permitting the accounting profession to determine the auditing standards and procedures underlying accountant's reports as long as this policy is consistent with the interests of investors. Accordingly, it urges AudSEC to continue its study of auditor involvement with interim financial data in the light of the Commission's determination that certain interim data shall be included in annual financial statements of certain registrants in a note labeled "unaudited" and the Commission's further determination that auditor association with these data will necessarily occur and the responsibilities for such association must be satisfactorily defined. If AudSEC adopts a Statement on Auditing Standards prior to December 10, 1975 which sets forth the standards and procedures to be followed by independent accountants in connection with the data in the unaudited note required by Rule 3–16(t), and the Commission is satisfied that these standards and procedures adequately protect the interests of investors, it is the intention of the Commission to withdraw the proposed sections of Rule 2–02(e) which set forth specific procedures of review and reporting and to indicate that the AudSEC statement identifies the "appropriate professional standards and procedures" presumed to have been followed by the reporting independent public accountant under Rule 2–02(e).

The Commission received many comments on the subject of auditor involvement, nearly all of which raised questions as to whether the benefits of such involvement would warrant the cost. The Commission has considered these comments with great care since it believes that it should not lightly impose additional costs on registrants and that the benefits of new requirements to present and prospective investors should outweigh any additional costs involved. Since the benefits of the increased involvement of independent accountants in interim reporting are not subject to quantification, and the measurement of costs includes many variables which are highly uncertain, the weighing of costs and benefits will inevitably require the exercise of subjective judgments rather than arithmetical computations.

In its releases proposing increased auditor involvement, the Commission specifically invited comments on the cost of its proposals to registrants. Many responses were received, but relatively few indicated that the respondent had undertaken any systematic research into the costs involved. Those that did report a systematic study of costs reported that the costs would vary depending on the nature of the registrant, but the most common estimates indicated that a quarterly review following the procedures set forth in the proposal would cost between

5% and 25% of the current annual audit fee. In the Commission's hearings, several of those making such estimates were asked whether the studies took into account any savings in year-end audit time which might result from quarterly reviews and they responded that no such savings had been included. In addition, several witnesses stated that current auditing procedures frequently included analytical reviews of results of time periods within the year in searching for unusual items which would require additional auditing steps, even though these reviews did not focus specifically on quarterly periods.

The Commission believes that as reviews of quarterly information become a regular part of the audit examination of public companies, auditors will revise the timing of their audit examinations so that they will perform procedures related to the testing of internal controls and the analytical review of internal financial reports on a regular basis throughout the year. In addition, programs encompassing regular analytical review should increase the efficiency of auditors in finding and focusing promptly on potentially troublesome areas in the audit. The Commission believes, therefore, that many of the costs included in the studies reported to the Commission will not prove to be incremental costs but will reduce the cost of the year-end audit examination. In addition, it is the Commission's view that many of the costs will be of a one time rather than a continuing nature since audit programs and corporate control systems will be improved promptly to keep costs at a minimum. The Commission does not suggest that the cost of auditor involvement in quarterly data will be trivial, but it does believe that some of the higher estimates supplied to it will not prove to be correct.

The benefits resulting from such increased costs cannot be quantified, but the Commission is satisfied that they will be substantial. While the new rules will not mandate the timely involvement of the independent accountant with quarterly reports, the Commission believes that it is likely that such involvement will occur so that management will be less likely to face the necessity of revising quarterly data at the time year-end statements are published. Either timely or retrospective involvement should increase the care and attention devoted to quarterly reports which will increase the likelihood that management will discover needed adjustments on a timely basis. In addition, management may be able to identify problem areas more promptly so that unusual charges and credits are not made so frequently in the last month of a fiscal year. Finally, the involvement of independent accountants will add the expertise of professional accountants with wide experience in reporting problems to the quarterly reporting process. This should improve individual company reporting and direct greater professional attention to the general problems of interim reporting.

The Commission has brought a number of enforcement actions involving quarterly reports and it has observed other cases where quarterly reports have required correction. In addition, it has noted the preponderance of Form 8-K filings covering unusual charges and credits to income being made late in the year. While these are not suggested to be evidence of systematic abuse in quarterly reporting, they do indicate that deficiencies exist. Although auditor involvement will not prevent all deficiencies, the Commission does believe that it will enhance the reliability of interim reports and reduce the likelihood of abuse. In the final analysis, however, the benefits of auditor involvement in quarterly data are expected primarily to result from improvement in the quality of interim reporting and the annual auditing process and only secondarily from the prevention of specific abuses currently perceived.

After appraising the costs and benefits, the Commission has determined that the benefits of mandatory involvement of independent accountants in quarterly data on the basis set forth in the rules adopted hereby substantially outweigh the costs thereof and that such involvement is required in the interests of investors.

In exempting certain registrants from these rules, the Commission has noted that the cost of auditor involvement will fall with the greatest relative severity on smaller registrants in which public investor interest is not of great magnitude. In these cases, the Commission believes that it is less clear that the benefits of auditor involvement with interim data outweigh the costs. Accordingly, it has not required such involvement for such registrants at the present time, although it will continue to study the question as it evaluates the experience gained from the rules adopted hereby.

Effective date of amendments to Regulation S-X. [17 CFR Part 210]. Because quarterly data have not previously been included in financial statements for a year and because the Commission recognizes that specific implementation of auditor involvement and improved systems of internal control relative to quarterly data may take time to achieve, the Commission is not requiring the inclusion of such data in financial statements for fiscal periods beginning prior to December 26, 1975. In addition, quarterly data will not be required for quarterly periods beginning prior to that date. Earlier implementation of the requirements by registrants is encouraged.

Inclusion of quarterly data in financial statements included in annual reports to stockholders. The rules adopted hereby require that large companies whose shares are actively traded include the disclosure of certain quarterly data in financial statements filed with the Commission. The Commission believes that these companies also should include this disclosure in financial statements furnished to stockholders.

Adoption of amendments to Form 10-Q [17 CFR 249.308a]. The Commission has determined to adopt substantially increased requirements for the content of quarterly reports on Form 10-Q which will be applicable to all registrants. These requirements include condensed financial statements, a narrative analysis of results of operations, the approval of any accounting change by the registrant's independent public accountant, and a signature by the registrant's chief financial officer or chief accounting officer. In addition, the revised form permits additional financial disclosures deemed appropriate by management and permits management to state that financial data in the form has been reviewed by independent public accountants and to include as an exhibit to the form a letter from the independent public accountant in regard to this review.

The Commission originally proposed to require financial statements prepared in accordance with Regulation S-X except for the exclusion of certain footnote disclosure. A number of commentators suggested that such statements would be more detailed than required by investors and would be costly to prepare. Accordingly, the rule adopted provides that the financial statements furnished need only include the major captions set forth in Regulation S-X and permits the combination of such captions when certain materiality tests are met. The only subcaptions required by the rule are those which set forth the components of inventory (raw materials, work in process and finished goods), if applicable, since users of financial statements have indicated that these subcaptions are of considerable importance in evaluating the significance of changes in inventory. In addition, the rule permits a summarized statement of source and application of funds. The rule retains the original proposed provision that rules included in Regulation S-X which call for detailed footnote disclosures and schedules do not apply to financial statements filed in Form 10-Qs. A number of commentators indicated that the proposed language was not sufficiently specific since all footnote disclosures required in annual financial statements could be said to meet the test of being necessary to prevent the statements from being misleading. The Commission did not intend this interpretation, since it believes that detailed footnote disclosures required annually need not be updated quarterly in the absence of highly unusual circumstances. It has attempted to clarify the language to make its intent clear although it has retained in the rule the general obligation to make disclosures adequate to make the information presented not misleading. This is a requirement for all filings with the Commission and has been included in Form 10-Q since the time of its adoption.

The new rules require income statements for the most recent quarter, the equivalent calendar quarter in the preceding year and year-to-date data for both years. Condensed funds statements are required on a year-to-date basis for

the current and prior year. In addition, registrants are permitted to show income statement data and funds statement data for the twelve month period ending at the interim reporting date for both years if they elect to do so. Balance sheets are required as of the end of the most recent quarter and at the same date in the preceding year.

In addition, the new rules require increased pro forma information in the case of business combinations accounted for as purchases, conformity with the principles of accounting measurement set forth in the Accounting Principles Board opinion on interim financial reports, and increased disclosure of accounting changes.

In connection with accounting changes, a letter from the registrant's independent public accountant is required to be filed in which the accountant states whether or not the change is to an alternative principle which in this judgment is preferable under the circumstances. A number of accountants objected to this requirement on the grounds that no standards exist for judging preferability among generally accepted accounting principles and that authoritative accounting principles only require that management justify that a change is to a preferable method. The Commission believes that professional accounting judgment can be applied to determine whether an alternative accounting principle is preferable in a particular set of circumstances. Since a substantial burden of proof falls upon management to justify a change, the Commission believes that the burden has not been met unless the justification is sufficiently persuasive to convince an independent professional accounting expert that in his judgment the new method represents an improved method of measuring business operations in the particular circumstances involved. The proposed rule has therefore been adopted as proposed.

In addition to financial statements, a new instruction to Form 10–Q requires management to provide a narrative analysis of the results of operations. The Commission's original proposal required such an analysis to follow the guidelines set forth in Guide 1 of "Guides for Preparation and Filing of Reports and Registration Statements under the Securities Exchange Act of 1934." Commentators pointed out that this Guide was designed to apply to a summary of earnings covering a period of several years and that some of the tests set forth in that Guide were not precisely applicable to interim reporting on Form 10–Q. While the Commission believes that the general principles set out in Guide 1 would be relevant to a quarterly analysis, it recognizes that certain quantitative tests are inapplicable, and that the shorter period covered by interim reports may have an impact on the types of analysis which will be most meaningful to investors. Accordingly, this instruction has been redrafted to make it specifically applicable to Form 10–Q and to give more general guidance to registrants rather than setting down quantitative tests. The new instruction requires explanation of the reasons for material changes in the amount of revenue and expense items from one quarter to the next (even though the preceding quarter may not be reported as such in the Form 10–Q), between the most recent quarter and the equivalent quarter in the preceding year, and between the year-to-date data and comparable data for the prior year. While such explanations are to be presented in narrative form, it is expected that they will include quantitative data in explaining the reasons for changes. In addition to requiring an analysis of operations, the new form includes an instruction which permits the registrant to furnish any additional information which management believes will be of significance to registrants. This same instruction requires the registrant to indicate whether a Form 8–K was filed during the quarter reporting either unusual charges or credits to income or a change of auditors.

Under the new rules, Form 10–Q must be signed by either the chief financial officer or the chief accounting officer of the corporation. This requirement was included in recognition of the fact that the data in the form were primarily financial, and that it was appropriate to emphasize the responsibility of the chief financial or accounting officer for the representations explicit and implicit in the filing. This signature will not relieve other corporate officers of their responsibilities.

Rescission of Form 7–Q [17 CFR 249.307a]. Since the rules and instructions adopted herein for Form 10–Q require a condensed quarterly statement of source and application of funds for all companies, the separate form (Form 7–Q) which sets forth this requirement for certain real estate companies is no longer required. Accordingly, form 7–Q and the rules specifying its application are rescinded.

Review of Form 10–Q data by independent public accountant. The financial information included in Form 10–Q need not be reviewed prior to filing by an independent public accountant. However, certain registrants will be required to include certain data contained in the Form 10–Q in an unaudited note to financial statements for the year. Such a note must be reviewed by an independent public accountant in accordance with prescribed professional standards in connection with the annual audit. Since review procedures must be applied to quarterly data in connection with the annual audit of such registrants in any event, the additional cost to these registrants of having a review made on a timely basis should be small, particularly if the annual audit is planned with such a review in mind.

The Commission believes that all registrants would find it useful and prudent to have independent public accountants review quarterly financial data on a timely basis during the year prior to the filing of Form 10–Q and it encourages registrants to have such a review made. While such a review does not represent an audit and cannot be relied upon to detect all errors and omissions that might be discovered in a full audit of quarterly data, it will bring the reporting, accounting and analytical expertise of independent professional accountants to bear on financial reports included in Form 10–Q and therefore should increase the quality and the reliability of the data therein in a cost-effective way.

Instruction K of Form 10–Q permits registrants to state that an independent accountant has reviewed the financial information included therein if the accountant has reviewed the data in accordance with established professional standards and procedures for such a review. In Release No. 33–5612 of this date the Commission has proposed for comment such professional standards and procedures and it plans to adopt such standards prior to the effective date of the Form 10–Q revisions. The Commission notes, however, that AudSEC has issued for exposure a set of proposed standards and procedures for such a review; and if professional standards are adopted which the Commission believes are satisfactory to protect the interests of investors, it is the intention of the Commission to withdraw its proposed standards and rely on the standards established by AudSEC.

If the registrant has the independent public accountant perform such a review and elects to state this fact, the statement must also indicate whether all adjustments or additional disclosures proposed by the independent accountant have been reflected in the data presented, and if not, why not.

In addition, if the registrant states that such a review has been made, there may (but need not be) included as an exhibit to the form a letter from the registrant's independent accountant confirming or otherwise commenting upon the registrant's representations and making such other comments as the independent accountant deems appropriate.

A number of commentators have indicated that they do not believe that independent accountants should be permitted to associate their names with data on the basis of limited review procedures. This position is also taken in the AudSEC exposure draft on interim reviews referred to above. This view is based on the concern that users of the accountant's report will not be able to distinguish between a report covering an audit conducted in accordance with generally accepted auditing standards and a report on a limited review following specified procedures, and hence will be misled. The Commission has considered these comments but is not prepared to conclude that investors will be unable to distinguish appropriately between different types of reports. It believes that an accountant's report on a limited review may provide significant and useful information to investors and that such re-

ports should be encouraged. At the present time, however, the Commission does not propose to require such reports in connection with Form 10–Q filings.

In Securities Act Release No. 5579, the Commission proposed to amend the facing sheet of Form 10–Q to require registrants to indicate by check mark whether or not financial statements required by the form had been reviewed by independent public accountants. A number of commentators suggested that such a requirement would imply that a review was mandatory and that a "no" answer would indicate a deficiency in the form. Others comented that a simple yes or no answer on the front of the form would oversimplify a complex matter and would increase the likelihood of investors being misled.

The Commission has concluded that at the present time the proposed check mark on the facing sheet of Form 10–Q is not necessary and it has determined not to adopt the amendment to the facing sheet.

Amendments to Forms S–7 [17 CFR 239.26] and S–16 [17 CFR 239.27]. In Securities Act Release No. 5579 the Commission proposed amendments to Forms S–7 and S–16 which would have had the effect of permitting the use of Form S–7 by registrants not presently qualified to do so if the financial information included in their Form 10–Q filings was reviewed by independent public accountants and this fact was stated on Form 10–Q. Many commentators suggested that the involvement of public accountants on a review basis was not an equivalent test as compared to the current tests of financial strength and stability now required for the use of Form S–7. With few exceptions, they recommended that the amendments not be adopted.

The Commission is concerned about the cost of registering securities for sale and it is desirous of keeping such costs at a minimum consistent with the protection of investors. Accordingly, the Commission has approved publication for comment of amendments to Forms S–7 and S–16. While such proposed amendments do not include timely auditor involvement as one of the criteria for use of the forms, they are designed to broaden the availability of the use of the forms by a larger number of companies.

Effective date of Form 10–Q amendments. The Commission has determined to make changes in Form 10–Q adopted hereby effective for Form 10–Q reports filed covering periods beginning after December 25, 1975, but in no event shall disclosure of comparative balance sheet data and source and application of funds data be required for interim periods beginning prior to that date.

B. *Amendments Adopted.* Commission action: The Commission hereby adopts amendments to §§ 210.2–02; 210.3–16 and 210.11A–01; §§ 240.13a–13, 240.13a–15, 240.15d–13 and 240.15d–15; § 249.308a (Form 10–Q); and rescinds § 249.307a (Form 7–Q); all of 17 CFR Chapter II. The text of the amended sections is given below.

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Part 210 (Regulation S–X) is amended by addition of a new paragraph (e) to § 210.2–02, a new paragraph (t) to § 210.3–16, and by revision of § 210.11A–01, to read as follows:

§ 210.2–02 Accountants' reports.

* * * * *

(e) *Association with unaudited note covering interim financial data.* If the financial statements covered by the accountant's report designate as "unaudited" the note required by § 210.3–16 (t), it shall be presumed that appropriate professional standards and procedures with respect to the data in the note have been followed by the independent accountant who is associated with the unaudited footnote by virtue of reporting on the financial statements in which it is included.

* * * * *

§ 210.3–16 General notes to financial statements. (See Release No. AS–4.)

* * * * *

(t) *Disclosure of selected quarterly financial data in notes to financial statements. Exemption.* (1) This rule shall not apply to any registrant that does not meet the following conditions:

(i) The registrant (A) has securities registered pursuant to Section 12(b) of the Securities Exchange Act of 1934 or (B) has securities registered pursuant to Section 12(g) of that Act which also (*1*) are quoted on the National Association of Securities Dealers Automated Quotation System and (2) meet the requirements for continued inclusion on the list of OTC margin stocks set forth in §220.8 (i) of Regulation T of the Board of Governors of the Federal Reserve System; and

(ii) The registrant and its consolidated subsidiaries (A) have had a net income after taxes but before extraordinary items and the cumulative effect of a change in accounting of at least $250,000 for each of the last three fiscal years; or (B) had total assets of at least $200,000,000 for the last fiscal year end.

(2) Disclosure shall be made in a note to financial statements of net sales, gross profit (net sales less costs and expenses associated directly with or allocated to products sold or services rendered), income before extraordinary items and cumulative effect of a change in accounting, per share data based upon such income, and net income for each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented.

(3) When the data supplied in paragraph (t)(2) of this section vary from the amounts previously reported on the Form 10–Q [17 CFR 249.308a] filed for any quarter, such as would be the case when a pooling of interests occurs or where an error is corrected, reconcile the amounts given with those previously reported describing the reason for the difference.

(4) Describe the effect of any disposals of segments of a business, and extraordinary, unusual or infrequently occurring items recognized in each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented, as well as the aggregate effect and the nature of year-end or other adjustments which are material to the results of that quarter.

(5) Where this note is part of financial statements which are presented as audited, it may be designated "unaudited."

* * * * *

§ 210.11A–01 Application of § 210.11A–01 and 210.11A–02.

These sections shall be applicable to statements of source and application of funds filed pursuant to requirements in registration and reporting forms under the Securities Act of 1933 and the Securities Exchange Act of 1934.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Part 240 is amended as follows:

§ 240.13a–13 [Amended]

In § 240.13a–13 paragraph (b)(2) is deleted and paragraphs (b)(3), (4) and (5) are redesignated as paragraphs (b)(2), (3) and (4) respectively.

§ 240.13a–15 [Deleted]

2. Section 240.13a–15 is deleted.

§ 240.15d–13 [Amended]

3. In § 240.15d–13 paragraph (b)(2) is deleted and paragraphs (b)(3), (4) and (5) are redesignated as paragraphs (b)(2), (3) and (4), respectively.

§ 240.15d–15 [Deleted]

4. Section 240.15d–15 is deleted.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Part 249 is amended as follows:

§ 249.307a [Amended]

1. Form 7–Q, For quarterly reports of certain real estate companies under Section 13 or 15(d) of the Securities Exchange Act of 1934 is rescinded.

2. Section 249.308a is amended by making the following changes in Form 10–Q.

§ 249.308a, Form 10–Q, for quarterly reports under section 13 or 15(d) of the Securities Exchange Act of 1934.

* * * * *

H. *Financial Statements.*

(a) The registrant shall furnish an income statement, balance sheet and statement of source and application of funds for the periods set forth in (b) below. These statements shall follow the general form of presentation set forth in Regulation S–X with the following exceptions:

(1) Balance sheets and income statements shall include only major captions (i.e., numbered captions) set forth in Regulation S–X,

with the exception of Inventories where data as to raw materials, work in process and finished goods shall be included, if applicable. Where any major balance sheet caption is less than 10% of total assets, and the amount in the caption has not increased or decreased by more than 25% since the previous balance sheet presented, the caption may be combined with others. When any major income statement caption is less than 15% of average net income for the most recent three years and the amount in the caption has not increased or decreased by more than 20% as compared to the next preceding comparable income statement, the caption may be combined with others. In calculating average net income, loss years should be excluded. If losses were incurred in each of the most recent three years, the average loss shall be used for purposes of this test. Notwithstanding these tests, Rule 3-02 of Regulation S-X applies and *de minimis* amounts therefore need not be shown separately.

(2) The statement of source and application of funds may be abbreviated, starting with a single figure of funds provided by operations and showing other sources and applications individually only when they exceed 10% of the average of funds provided by operations for the most recent three years. Notwithstanding this test, Rule 3-02 of Regulation S-X applies and *de minimis* amounts therefore need not be shown separately.

(3) Rules 3-08 and 3-16 of Regulation S-X and other requirements which call for detailed footnote disclosure and schedules shall not apply. As with all information filed with the Commission, however, disclosures must be adequate to make the information presented not misleading.

A company in the promotional or development stage to which paragraph (b) of Rule 5A-01 of Article 5A of Regulation S-X is applicable shall furnish the information specified in Rules 5A-02, 5A-03, 5A-04 and 5A-06 of Regulation S-X in lieu of the above financial statement requirements.

(b) The condensed financial statements shall be provided for periods set forth below:

(1) The condensed income statement shall be presented for the most recent fiscal quarter, for the period between the end of the last fiscal year and the end of the most recent fiscal quarter, and for corresponding periods of the preceding fiscal year. It also may be presented for the cumulative twelve month period ended during the most recent fiscal quarter and for the corresponding period of the preceding fiscal year.

(2) The balance sheet shall be presented as of the end of the most recent fiscal quarter and for the end of the corresponding period of the preceding fiscal year. However, balance sheets for dates prior to December 26, 1975, are not required.

(3) The statement of source and application of funds shall be presented for the period between the end of the last fiscal year and the end of the most recent fiscal quarter, and for the corresponding period of the preceding fiscal year. It also may be presented for the cumulative twelve month period ended during the most recent fiscal quarter and for the corresponding period of the preceding fiscal year.

(c) For registrants engaged in the seasonal production and the seasonal sale of a single-crop agricultural commodity, the income statement may be presented for the twelve months ended with the current interim quarter, with comparative data for the corresponding period of the preceding fiscal year in place of the current quarter and year-to-date information specified by (b)(1) above.

(d) If, during the current period specified in (b) above, the registrant or any of its consolidated subsidiaries entered into a business combination treated for accounting purposes as a pooling of interests, the interim financial statements for both the current year and the preceding year shall reflect the combined results of the pooled businesses. Supplemental disclosure of the separate results of the combined entities for periods prior to the combination shall be given, with appropriate explanations.

(e) In case the registrant has disposed of any significant portion of its business during any of the periods covered by the report, the effect thereof on revenues and net income—total and per share—for all periods shall be disclosed. In addition, where a material business combination accounted for as a purchase has occurred during the current fiscal year, pro forma disclosure shall be made of the results of operations for the current year up to the date of the end of the most recent fiscal quarter (and for the comparable period in the preceding year) as though the companies had combined at the beginning of the period being reported on. This pro forma information should as a minimum show revenue, income before extraordinary items and the cumulative effect of accounting changes, such income on a per share basis and net income.

(f) The financial statements to be included in this report shall be prepared in conformity with the standards of accounting measurement set forth in Accounting Principles Board Opinion No. 28 and any amendments thereto adopted by the Financial Accounting Standards Board. In addition to meeting the reporting requirements for accounting changes specified therein, the registrant shall state the date of any change and the reasons for making it. In addition, in the first Form 10-Q filed subsequent to the date of an accounting change, a letter from the registrant's independent accountants shall be filed as an exhibit indicating whether or not the change is to an alternative principle which in his judgment is preferable under the circumstances; except that no letter from the accountant need be filed when the change is made in response to a standard adopted by the Financial Accounting Standards Board which requires such change.

(g) If appropriate, the income statement shall show earnings per share and dividends per share applicable to common stock and the basis of the earnings per share computation shall be stated together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is otherwise clearly set forth in the report.

* * * * *

(j) and (k) [deleted]

I. *Management's Analysis of Quarterly Income Statements.* The registrant shall provide a narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent quarter and the quarter immediately preceding it, between the most recent quarter and the same calendar quarter in the preceding year, and, if applicable, between the current year to date and the same calendar period in the preceding year. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels such as unit sales volume, prices charged and paid, production levels, production cost variances, labor costs and discretionary spending programs. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or in the method of their application that have a material effect on net income as reported.

J. *Other Financial Information.* The registrant may furnish any additional information related to the periods being reported on which, in the opinion of management, is of significance to investors, such as the seasonality of the company's business, major uncertainties currently facing the company, significant accounting changes under consideration and the dollar amount of backlog of firm orders. In addition, the registrant shall indicate whether any Form 8-K was required to be filed reporting any material unusual charges or credits to income during the most recently completed fiscal quarter or whether any Form 8-K was required to be filed during that period reporting a change in independent accountants.

K. *Review by Independent Public Accountant.* The financial information included in this form need not be reviewed prior to filing by an independent public accountant. If, however, a review of the data is made in accordance with established professional standards and procedures for such a review, the registrant may state that the independent accountant has performed such a review. If such a statement is made, the registrant shall indicate whether all adjustments or additional disclosures proposed by the independent accountant have been reflected in the data presented, and if not why not. In addition, a letter from the registrant's independent accountant confirming or otherwise commenting upon the registrant's representations and making such other comments as the independent accountant deems appropriate may be included as an exhibit to the form.

L. *Filing of Other Statements in Certain Cases.* (Formerly Instruction I) (No change.)

M. *Sales of Unregistered Securities (Debt or Equity).* (Formerly Part C.)

The information called for herein shall be given as to each "security" as defined in Section 2(1) of the Securities Act of 1933. If the information called for has been previously reported on another form, it may be incorporated by a specific reference to the previous filing.

Give the following information as to all securities of the registrant sold by the registrant during the fiscal quarter, which were not registered under the Securities Act of 1933, in reliance upon an exemption from registration provided by Section 4(2) of that Act. Include sales of the registrant's reacquired securities as well as new issues, securities issued in exchange for property, services or other securities, and new securities resulting from the modification of outstanding securities:

(1) Give the date of sale, and the title and amount of the registrant's securities sold;

(2) Give the market price on the date of sale, if applicable;

(3) Give the names of the brokers, underwriters or finders, if any. As to any securities sold but which were not the subject of a public offering, name the persons or identify the class of persons to whom the securities were sold;

(4) As to securities sold for cash, state the aggregate offering price and the aggregate underwriting discounts, brokerage commissions, or finder's fees. As to any securities sold otherwise than for cash, state the nature of the transaction and the nature and aggregate amount of consideration received by the registrant;

(5) Indicate the section of the Act or rule of the Commission under which exemption from registration was claimed, and state

briefly the facts relied upon to make the exemption available; and

(6) State whether the securities have been legended and stop-transfer instructions given in connection therewith, and if not, state the reasons why not.

N. *Signature and Filing of Report.* (Formerly Instruction J.)

Eight copies of the report shall be filed with the Commission. At least one copy of the report shall be filed with each exchange on which any class of securities of the registrant is listed and registered. At least one copy of the report filed with the Commission and one copy filed with each such exchange shall be manually signed on the registrant's behalf by a duly authorized officer of the registrant and by the principal financial officer or chief accounting officer of the registrant. Copies not manually signed shall bear typed or printed signatures.

A. *Summarized Financial Information* Part A is deleted.

B. *Capitalization and Stockholders' Equity* Part B is deleted.

C. *Sales of Unregistered Securities (Debt or Equity)* Part C is redesignated as Instruction M.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

(Registrant)

Date------ ---
(Signature)[1]

Date ------ ---
(Signature) [1]

* * * * *

(Secs. 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, 77s), Securities Act of 1933; secs. 12, 13, 15(d) and 23(a) (15 U.S.C. 78l, 78m, 78o(d), 78w), Securities Exchange Act of 1934; secs. 5(b), 14 and 20(a) (U.S.C. 79e, 79n, 79(t), Public Utility Holding Company Act of 1935).

The amendments of Rule 11A–01 of Regulation S–X, [17 CFR 210.11A–01] Exchange Act Rules 13a–13, 13a–15, 15d–13, 15d–15 [17 CFR 240.13a–13, 13a–15, 15d–13, 15d–15] and Forms 7–Q and 10–Q [17 CFR 249.307a and 308a] will be effective for reports filed for periods beginning after December 25, 1975, but in no event shall comparative balance sheet data or source and application of funds data be required for interim periods beginning prior to December 25, 1975. Rules 2–02(e) and 3–16(t) of Regulation S–X [17 CFR 210.2–02(e) and 3–16(t)] shall be applicable to financial statements for all fiscal periods beginning subsequent to December 25, 1975, but in no event shall disclosure of quarterly data be required for quarters beginning prior to that date.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

SEPTEMBER 10, 1975.

[FR Doc.75–26665 Filed 10–3–75;8:45 am]

[1] Print name and title of the signing officer under his signature.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

IRRIGATION OPERATION AND MAINTENANCE CHARGES

Water Charges on the Ahtanum Indian Irrigation Project

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.1 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the rate for annual operation and maintenance assessments on the Ahtanum Indian Irrigation Project for Calendar Year 1976 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

The purpose of this modification is to increase the assessment rate to more accurately reflect the actual operation and maintenance costs based on the previous year's operating experience and the anticipated program of work.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, no later than November 5, 1975.

Section 221.1 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.1 Charges.

Pursuant to the Provisions of the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges on lands of the Ahtanum Indian Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1976 and subsequent years until further notice, are hereby fixed at $4.65 per acre per annum for each irrigable acre of land to which water can be delivered from the project works.

WILLIAM BATTESE,
Acting Area Director.

SEPTEMBER 29, 1975.

[FR Doc.75-26673 Filed 10-3-75;8:45 am]

[25 CFR Part 221]

IRRIGATION OPERATION AND MAINTENANCE CHARGES

Basic and Other Water Charges on the Wapato Indian Irrigation Project

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.86 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the basic rate for annual operation and maintenance assessments on the Wapato Indian Irrigation Project for Calendar Year 1976 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

The purpose of this modification is to increase the assessment rate to more accurately reflect the actual operation and maintenance costs based on the previous year's operating experience and the anticipated program of work.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, no later than November 5, 1975.

Section 221.86 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.86 Charges.

The operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, are hereby fixed as follows:

(a) Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic operation and maintenance assessment rates for the Calendar Year 1976 and subsequent years until further notice are:

(1) Minimum charges for all tracts in noncontiguous single ownership... $13.30.

(2) Flat rate upon all farm units or tracts for each assessable acre except Additional Works lands..... $13.30.

(3) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre... $1.20.

(4) Flat rate upon all farm units or tracts for each assessable acre of Additional Works lands..... $14.10.

(b) Pursuant to the provisions of the Act of September 26, 1961 (75 Stat. 680), there shall be assessed and collected from all lands except Additional Works Lands, beginning with the Calendar Year 1967 and until further notice but not to exceed a period of 10 years, an annual per acre charge of $0.20 to defray the cost of replacing a wooden pipeline.

WILLIAM BATTESE,
Acting Area Director.

SEPTEMBER 29, 1975.

[FR Doc.75-26672 Filed 10-3-75;8:45 am]

[25 CFR Part 221]

IRRIGATION OPERATION AND MAINTENANCE CHARGES

Water Charges on the Toppenish-Simcoe Indian Irrigation Project

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify Section 221.73 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the basic rate for annual operation and maintenance assessments on the Toppenish-Simcoe Indian Irrigation Project for Calendar Year 1976 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

The purpose of this modification is to increase the assessment rate to more accurately reflect the actual operation and maintenance costs based on the previous year's operating experience and the anticipated program of work.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, no later than November 5, 1975.

Section 221.73 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.73 Charges.

Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38

Stat. 583 and 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges for the lands under the Toppenish-Simcoe Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1976 and subsequent years until further notice, are hereby fixed as follows:

All lands for which application for water is made and approved by Project Engineer, per acre.....$4.85

WILLIAM BATTESE,
Acting Area Director.

SEPTEMBER 29, 1975.

[FR Doc.75-26674 Filed 10-3-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

FRESH FRUIT, VEGETABLES, NUTS AND OTHER SPECIAL PRODUCTS [1]

Proposed Grade Standards

Notice is hereby given that the United States Department of Agriculture is considering the issuance of policy on establishing uniform grade nomenclature for United States standards for grades of fresh fruits, vegetables, nuts and other special products (7 CFR § 51.100) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same in duplicate, not later than February 15, 1976, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR § 1.27(b)).

Statement of considerations leading to the proposed issuance of policy on uniform grade nomenclature. For a number of years there has been interest and concern on the part of industry groups, some legislators, consumers and the Department in the variations in grade names used in the grade standards for fresh fruits and vegetables. In January 1975 the General Accounting Office recommended to Congress that the Secretary of Agriculture "revise existing regulations to make grade designations more uniform and easier for consumers and industry to understand." The National Association of State Departments of Agriculture has urged the Department to develop uniform grade names. Members of the 94th Congress have introduced legislation calling for uniform grade nomenclature for all foods and for mandatory grading and grade labeling. There have been several articles published in trade journals critical of grade standards, pointing up the lack of uniform nomenclature and the difficulties consumers encounter when they attempt to understand grade names on fresh fruits and vegetables.

The first fruit and vegetable grade standards established were for potatoes in 1917. Since then standards have been established for many commodities. At present there are 152 grade standards covering 82 different fresh fruits and vegetables. These grade standards are voluntary and were developed in consultation with representatives of producers, receivers and to some extent consumers, following three basic principles: (1) There must be a need for the standards; (2) There must be interest and support for the use of the standards; and (3) The standards must be practical to use. The lack of uniformity in the grade terminology has not always been a problem to those who used the standards.

In developing grade standards for a commodity the full range of quality produced is considered. The number of grades provided depends to a large extent on the number of distinct gradations of quality that the industry makes and which is usually governed by the relative value of the product. When the Department first developed wholesale grade standards, U.S. No. 1 was the highest grade. It covered the majority of a crop produced and meant the product was of good quality. U.S. No. 2 represented the remainder of the crop that was worth packing for sale under marketing conditions. As work on the standards progressed, it was recognized that for some commodities two grades were not enough. So premium grades were added; the same grade nomenclature, however, was not used for all the various commodities.

In the present standards there are at least four different terms to describe the top grade for 82 fresh fruits, vegetables, nuts and other special products. U.S. Extra No. 1 (potatoes), U.S. Extra Fancy (apples), U.S. Fancy (oranges and grapefruit), U.S. No. 1 (onions) are a few examples. These are the commodities that are most likely to be grade labeled in retail stores. The situation becomes more complex when discussing second and third grades because U.S. No. 1 for example is the second grade for potatoes and the third grade for apples. Some standards provide an intermediate grade between U.S. No. 1 and U.S. No. 2 to describe quality not up to U.S. No. 1 requirements, but superior to U.S. No. 2 quality. The terms "U.S. Commercial" and "U.S. Combination" were adopted to describe this quality. "U.S. No. 3" designation is used only in a few standards to accommodate a lower quality for highly specialized products which lend themselves to separations into many quality gradations.

As the grade standards were developed or revised over the years, it was usually members of the particular commodity industry concerned, like the potato growers or shippers and the apple packers, who had most influence on what grade terminology was selected. There are probably good reasons why the grade terminology evolved that way. But as marketing becomes more complex it is much more important to have a system of simplified nomenclature that everyone can easily understand and use.

It is the industry's responsibility as well as the Department's to help consumers get the quality they desire. A simplified uniform grade nomenclature that consumers and everyone in the marketing system could understand would certainly help consumers get the quality they want.

In the past year, members of the Fruit and Vegetable Division of the Department have discussed with various people in the produce industry a proposal to establish uniform grade nomenclature for fresh fruits and vegetables. The proposal would establish the Department's policy to provide that when new U.S. grade standards for fresh fruits and vegetables are issued, or when existing grade standards are revised or amended, only the following grade names shall be used: U.S. Fancy, U.S. No. 1, U.S. No. 2 and U.S. No. 3.

The proposed new subpart shall read as follows:

Subpart—United States Standards for Grades of Fresh Fruits, Vegetables, Nuts and Other Special Products

UNIFORM GRADE NOMENCLATURE

§ 51.100 Uniform grade nomenclature.

When new U.S. standards for grades of fresh fruits, vegetables, nuts and other special products are issued, or when existing grade standards are revised or amended, the following grade nomenclature shall be used.

Grade name	*Definition*
U.S. Fancy	Premium quality; covers only the top quality range produced.
U.S. No. 1	The chief trading grade; represents good average quality that is practical to pack under commercial conditions; covers the bulk of the quality range produced.
U.S. No. 2	Intermediate quality between U.S. No. 1 and U.S. No. 3; noticeably superior to U.S. No. 3.
U.S. No. 3	The lowest merchantable quality practical to pack under normal conditions.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: October 1, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-26726 Filed 10-3-75;8:45 am]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

[7 CFR Part 52]

ORANGE JUICE

Proposed Grade Standards; Extension of Comment Period

This notice extends the period for comments to the notice of proposed rulemaking published in the FEDERAL REGISTER of July 28, 1975 (40 FR 31607). The proposal was published to amend the United States Standards for Grades of Orange Juice.

These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act and upon payment of a fee to cover the cost of such services.

The notice of proposed rulemaking was published to amend the U.S. Standards for Grades of Orange Juice at the request of the Florida Canners Association (FCA). FCA petitioned the Department to:

(1) Sanction the use of photo-electric measurement of color for processed orange juice; and

(2) Adjust the minimum Grade A color requirement for pasteurized orange juice and orange juice from concentrate.

One consumer, one congressman, and four members of the citrus industry submitted comments. Three of these comments opposed the Department's sanction of any colorimeter to measure the color of orange juice photo-electrically without publication in the FEDERAL REGISTER of an acceptable equation for converting colorimeter values to USDA Orange Juice Color Standards. Further, one of the three comments indicated that the Hunter Citrus Colorimeter which is used in Florida may be incorrect if applied to orange juices having more red than yellow color.

After review of the comments, it is determined that an extension of time for the comment closing date would give the Department opportunity to publish its objective toward use of any citrus colorimeter. Too, reference to technical papers may be presented for public comment. The following response is offered to comments regarding the citrus colorimeter.

In proposing an amendment to the orange juice standards, it was not the desire of the Department to approve or exclude any specific colorimeter. Nor would the colorimeter be made mandatory. Photo-electric measurement of color would remain optional.

Technical consultation indicates that it is not technically possible to publish an equation for converting colorimeter values directly to USDA Orange Juice Color Standards. Plastic (color tubes OJ 1 through OJ 6) cannot be equated to orange juice (a translucent liquid) photo-electrically. Therefore, color comparisons made between colorimeter values and plastic color tubes must employ skilled human observers to score a selected orange juice sample in relationship to orange juice color tubes OJ 1 through OJ6. The color of the same sample of orange juice is then measured photo-electrically. With this procedure, colorimeter values may be compared to orange juice color tubes by using a regression equation. Such an equation has been published for the Hunter Citrus Colorimeter which is used in Florida. In C.I.E. (Commission Internationale de l'Eclairage) terms utilizing tristimulus values, Citrus Red (see literature cited number 1) is:

$CR = 200\ [(1.27X - .213Z)/Y - 1]$

Citrus Yellow (see literature cited number 1) is:

$CY = 100(1 - 0.847\ Z/Y)$.

Calculations (see literature cited number 2):

Step 1. (1) Multiply the CR value by 0.165 and add 22.510 to the result.

(2) Multiply the CY value by 0.111.

(3) Add the results of (1) and (2). This will be the color number.

Step 2. Apply the color number to the appropriate table to determine the color score.

Technical papers (see literature cited number 3) presented in 1967 indicated that 98 percent of all variations in the visual color scores of reconstituted orange juices can be explained by variations in the redness and yellowness of the juices. The Hunter Citrus Colorimeter determines both citrus red and citrus yellow values.

The proposed amendment to the U.S. Standards for Grades of Orange Juice does not preclude use of other photo-electric devices for determining color. However, substantiating data for the device must give values comparable to the USDA Orange Juice Color Standards.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed amendment should file the same in duplicate, not later than November 5, 1975, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made under this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (CFR 1.27 (b)).

LITERATURE CITED

1. Hunter, R. S. 1967. Development of the citrus colorimeter. Food Technology, Vol. 21, No. 6: 100–105.

2. Official Rules Affecting the Florida Citrus Industry Pursuant to Chapter 601, Florida Statutes, Chapter 20–65, Rule: 20–65.05.

3. Barron, R. W., M. D. Maraulja and R. L. Huggart. 1967. Instrumental and visual methods for measuring orange juice color. Florida State Horticultural Society 80: 308–313.

The above cited literature is available for review at the following address:

Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: October 1, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-26725 Filed 10-3-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-RM-18]

TRANSITION AREA

Proposed Designation of

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Gwinner, North Dakota.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207. All communications received on or before November 5, 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, 10455 E. 25th Avenue, Aurora, Colorado 80010.

On May 20, 1975, a notice was published in the FEDERAL REGISTER (40 FR 21931) designating a transition area at Gwinner, North Dakota. Transition routes from the Chaffee and Barney Intersections have been authorized; therefore, additional controlled airspace is required to accommodate these transition routes to the Gwinner NDB.

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

In § 71.181 (40 FR 441) the description of the Gwinner, North Dakota 1200 foot transition area, as designated effective August 14, 1975, is amended to add:

. . . and from 5 miles west of the 017° bearing from the Gwinner NDB clockwise to 5 miles south of the 088° bearing from the NDB, extending from the 12 mile radius area to the boundary of the Fargo, North Dakota transition area.

This amendment is proposed under 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 Aurora, Colorado, on October 1, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.75-26586 Filed 10-3-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 440-2]

MARYLAND STATE IMPLEMENTATION PLAN

Proposed Revision

On July 1, 1975, the Governor of Maryland submitted to the Regional Administrator, Region III, of the Environmental Protection Agency, amendments to the Maryland State Implementation Plan (SIP) for the attainment and maintenance of national ambient air quality standards. This submission is comprised of the following revisions:

1. Changes to Regulation 10.03.35.11B. This amendment changes the time period for renewal applications for operating permits from 90 days before expiration to 60 days before expiration.

2. Deletion of Section .03D of Regulations 10.03.36 through 10.03.41, inclusive, from the SIP. This regulation, which controls particulate emissions from grain drying operations, is designed to control a nuisance problem, rather than to attain and maintain particulate standards.

3. Changes to Section .04B of Regulations 10.03.36, 10.03.37, 10.03.40 and 10.03.41.

a. A change to subsection .04B(1), which allows sulfur content limitations of solid fuels, burned on a premise where the total heat input for all fuel burning equipment is 100 million btu/hour or greater, to increase from 1% to approximately 2.1% based on 12,000 btu per pound coal, by specifying an emission limitation of 3.5 pounds of sulfur oxide emissions per million btu's of heat input.

b. A change to subsection .04B(2), which increases the allowable sulfur content of residual fuel oil from 1.0% to 2.0%.

c. Changes to the wording of subsections .04B (4) and (5), but not to the scope or intent.

4. Changes in the wording of subsections .04B (1) (2) (3) and (5) of Regulations 10.03.38-39.

5. A change to Section .04D(3) of Regulations 10.03.36 through 10.03.41, inclusive, which exempts the sale of fuel used for fuel burning installations on ships from the provisions pertaining to the burning of fuel of specified sulfur content, set forth in Section _____.04B of Regulations 10.03.36 through 10.03.41, inclusive.

6. A change to subsections .04J (2) (e) (1) and (2) (e) (2) of Regulations 10.03.-38-39, requiring 90% control of all gasoline vapor emissons during filling of storage tanks. These changes complement an earlier version of Regulations 10.03.38-39.04J (2) (e) (1) and (2) (e) (2), which had been submitted by Maryland as a plan revision on April 24, 1974, and proposed by the Regional Administrator on August 29, 1974 (39 FR 31533) and October 1, 1974 (39 FR 35386). Approval of these changes, as well as changes to this section that had been previously proposed, would allow the Administrator to rescind 40 CFR 52.1087, promulgated on December 6, 1973 (38 FR 33719) and 40 CFR 52.1101, promulgated on December 12, 1973 (38 FR 34240).

On July 10, 1975, the State of Maryland provided certification to the Regional Administrator that hearings took place on May 21, 1975, in Baltimore; May 23, 1975, in Cambridge; and May 26, 1975, in Cumberland, as required by 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

This notice is to advise the public of receipt of these amendments, and to request public comment regarding the approvability of these amendments as revisions to the Maryland SIP. Only those comments received on or before November 5, 1975, will be considered.

The Administrator's decision to approve or disapprove these proposed revisions will be based on whether or not they meet the requirements of Section 110(a)(2)(A)-(H) and (a)(3) of the Clean Air Act and the requirements of 40 CFR Part 51.

Copies of these amendments, and the analysis on which they are based, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Maryland State Bureau of Air Quality Control, 300 West Preston Street, Second Floor, Baltimore, Maryland 21201.

Freedom of Information Center, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

All comments should be submitted to:

Mr. Howard R. Heim, Chief, Air Planning Branch (3AH10), U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, 19106, Att: AH008Md.

(42 U.S.C. 1857c-5)

Dated: September 24, 1975.

DANIEL J. SNYDER III,
Regional Administrator.

[FR Doc.75-26745 Filed 10-3-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

[Release Nos. 33-5620, 34-11672, 35-19186, IA-8951]

BANK HOLDING COMPANIES AND BANKS

Proposed Amendments of Financial Reporting Practices

The Commission hereby proposes to amend Article 9 of Regulation S-X [17 CFR 210.9-01 to 210.9-05] which specifies the requirements for the form and content of the financial statements and schedules to be included in registration statements and periodic reports filed with the Commission by bank holding companies and banks.

The purpose of these proposed amendments is to conform certain reporting practices of bank holding companies and banks to generally accepted accounting principles as practiced in other industries. The changes apply to reserves for loan losses, classification of unearned income, and classification of certain debt instruments, sometimes referred to as capital debt. The Commission has concluded that these amendments should be proposed after discussions on several occasions with representatives of the banking community, Federal bank regulatory authorities, the American Institute of Certified Public Accountants, and the Internal Revenue Service.

To alleviate concerns that the proposed changes in reporting loan loss reserves would adversely affect the tax basis reserve the Chief Accountant requested and received from the Internal Revenue Service a letter which said, in part, "The Service has no requirement that the financial statements conform to the books in the case of additions to the bad debt reserves for banks already on the reserve method. We would deem it appropriate, however, that, if material, the disparity between the amount shown on the books and the amount shown on the financial statements be disclosed to the shareholder by way of a footnote or other method and the two amounts reconciled on the books."

The Commission is currently considering a comprehensive revision of Article 9; however, the following amendments are proposed at this time in order that the changes can be implemented in 1975 financial statements.

Commission action. The Commission proposes to amend § 210.9-05 of 17 CFR Chapter II by the addition of new paragraphs (e), (f) and (g) as given below.

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

§ 210.9-05 Financial statements and schedules of banks.

* * * * *

(e) The valuation portion of the reserve for loan losses shall be reported as a deduction from loans receivable, the deferred tax portion as a deferred tax item, and the contingency portion as a part of undivided profits.

(f) Bonds, notes, debentures and similar debt shall be reported as liabilities. Debt instruments may not be grouped with stockholder's equity under the caption "Capital."

(g) Unearned income shall be reported as a deduction from loans receivable.

* * * * *

The proposed amendments would be adopted pursuant to authority in sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933, sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; sections 5(b), 14 and 20(a) [U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935; and sections 8, 30, 31(c) and 38(a) [15 U.S.C. 80a-8, 80a-29,

80a-30(c), 80a-37(a)] of the Investment Company Act of 1940.

These amendments, if adopted, are expected to be made effective with respect to financial statements filed with the Commission subsequent to December 25, 1975. All interested persons are invited to submit their views or comments on these proposed amendments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before November 15, 1975. Such communications should refer to File No. S7-587 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

SEPTEMBER 24, 1975.

[FR Doc.75-26577 Filed 10-3-75;8:45 am]

[17 CFR Part 275]

[Release No. IA-478, File No. S7-588]

DEFINITION OF THE TERM "INVESTMENT ADVISER"

Proposed Exclusion

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of a new Rule under the Investment Advisers Act of 1940 [15 U.S.C. 80b-1 et seq.] ("Advisers Act") which would exclude from the definition of investment adviser in section 202(a)(11) [15 U.S.C. 80b-2(a)(11)] of the Advisers Act persons who in the course of their regular employment advise their employer-sponsored employee benefit plans with respect to investments in securities. Proposed Rule 202-1 would be adopted pursuant to the authority contained in section 202(a)(11) and section 211(a) [15 U.S.C. 80b-11(a)] of the Advisers Act.

Section 211(a) provides that the Commission shall have authority to make, issue, amend, and rescind such rules and regulations as are necessary or appropriate to the exercise of the functions and powers conferred upon the Commission elsewhere in the Advisers Act. Section 202(a)(11)(F) [15 U.S.C. 80b-2(a)(11)(F)] provides that the term "investment adviser" does not include such persons as the Commission may designate by rule if such persons are not within the intent of the section.

It has come to the Commission's attention that as a result of the adoption of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1001 et seq.] ("ERISA") certain persons who would not otherwise be required to register as investment advisers have submitted applications for registration under the Advisers Act. It appears that the primary purpose of such registration is to obtain the status of "investment manager" under ERISA in order to permit certain cofiduciaries to rely on exculpatory provisions in ERISA for liability arising as a result of breaches of duty by the investment manager.[1]

While the Commission is not charged with administering the provisions of ERISA it believes that it would be contrary to the public interest to permit registration under the Advisers Act by persons not required to register under the Act solely to obtain the status of "investment manager" under ERISA, and thus obtain exculpation for co-fiduciaries under ERISA. Such registration might not be for a proper purpose and would be inconsistent with Congressional intent which appears to be to provide insulation from certain liabilities of co-fiduciaries where professional money managers are designated as trustees. Therefore, the Commission believes it would be in the interests of employee benefit plans and their participants and beneficiaries to discourage registration of investment advisers where the sole purpose of such registration is to obtain for others exculpation from liabilities under ERISA.

The Commission wishes to point out that this position should not be viewed as an unfavorable finding with respect to the ability of such persons to act as advisers to employee benefit plans. The rule would not affect the ability of such persons to advise plans in the capacity of trustees as provided in ERISA. Additionally, the fiduciary obligations imposed by ERISA on trustees will offer substantial protections to employee benefit plans, their participants and beneficiaries even though such persons would be excluded by the rule from the Advisers Act.

The rule includes within the definition of person, natural persons and companies. Thus a wholly-owned, majority-owned or other controlled subsidiary created or used by an employer to manage assets of employee benefit plans sponsored by the employer would come within the scope of the rule.

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[1] Section 3(38) of ERISA [29 U.S.C. 1002(38)] provides:

The term "investment manager" means any fiduciary (other than a trustee or named fiduciary, as defined in section 402(a)(2))—

(A) who has the power to manage, acquire, or dispose of any asset of a plan;

(B) who is (i) registered as an investment adviser under the Investment Advisers Act of 1940; (ii) is a bank, as defined in that Act; or (iii) is an insurance company qualified to perform services described in subparagraph (A) under the laws of more than one State; and

(C) has acknowledged in writing that he is a fiduciary with respect to the plan.

Exculpation is provided for trustees by Section 405(d)(1) of ERISA [29 U.S.C. 1105(d)(1)], which states:

If an investment manager or managers have been appointed under section 402(c)(3), then notwithstanding subsections(a)(2)—and (3) and subsection (b), no trustee shall be liable for the acts or omissions of such investment manager or managers, or be under an obligation to invest or otherwise manage any asset of the plan which is subject to the management of such investment manager.

The text of proposed Rule 202-1 is as follows:

§ 275.202-1 Exclusion of certain persons who offer investment advice to their employer-sponsored employee benefit plans.

The term "investment adviser," in section 202(a)(11) of the Act, shall not include any person who offers investment advice to an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, sponsored by an employer of such person, if such person is exempt from registration pursuant to section 203(b)(3) [15 U.S.C. 80b-3(b)(3)] of the Act. For purposes of this rule "person" shall include a natural person, or a company which is controlled by or under common control with the employer, and "employer" shall include any company controlling, controlled by or under common control with a person.

All interested persons are invited to submit written comments on the proposals on or before November 14, 1975. The communications should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and should be referenced to File No. S7-588. All comments will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

SEPTEMBER 29, 1975.

[FR Doc.75-26578 Filed 10-3-75;8:45 am]

[17 CFR Parts 210, 249]

[Release Nos. 33-5612, 34-11642, 35-19163]

INTERIM FINANCIAL REPORTING

Proposed Amendments to Form 10-Q and Regulation S-X

The Commission hereby proposes amendments to Rule 2-02(e) of Regulation S-X [17 CFR 210.2-02(e)] and to Instruction K of Form 10-Q [17 CFR 249.308a] which relate to certain requirements regarding interim financial reporting. Rule 2-02(e) and Instruction K were adopted this date in Accounting Series Release No. 177.[1] Reference is made to Accounting Series Release No. 177 for a discussion of the nature and purpose of the proposed amendments. Conditions are also set forth in Accounting Series Release No. 177 under which the proposed amendments of Rule 2-02(e) may be withdrawn.

These amendments were originally proposed in Securities Act Release No. 5579 dated April 17, 1975 [40 F.R. 20308]. Changes in those proposals are reflected in this release. The text of the proposed amendments follows.

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[1] See FR Doc. 75-26665, Title 17, Chapter II, Parts 210, 240, and 249, appearing in this issue.

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

1. Part 210 (Regulation S-X) is proposed to be amended by addition of the following sentence to the end of paragraph (e), and the addition of paragraphs (e)(1) through (e)(7), adopted this date in Release No. AS-177, of § 210.2-02.

§ 210.2-02 Accountants' reports.

* * * * *

(e) * * * For purposes of this section, "appropriate professional standards and procedures" are defined as the following:

(1) Obtain by inquiry an understanding of the internal accounting control concerning the flow of transactions through the accounting system and the manner of recording, classifying and summarizing transactions for the purpose of preparing interim financial statements. Identify any differences between the methods of accumulating and classifying data as well as supervisory review and approval of data for interim and annual purposes and consider the effects, if any, of such differences upon quarterly information.

(2) Make an analytical review of the interim financial data which underlie the financial data presented pursuant to § 210.3-16(t) by performing the following procedures:

(i) Make a systematic comparison of the actual results for each interim period with anticipated results for that period, with the results for the immediately preceding interim period and with the results for the responding interim period in the previous fiscal year. Obtain explanations of any unusual changes.

(ii) Identify the relationships between different components of the interim financial data for each interim period which, absent unusual transactions, could be expected to conform to a predictable pattern. Obtain explanations of material variations from this pattern.

(iii) Compare significant adjusting entries at the end of each interim period with those at the current and prior year ends for consistency in the types of matters for which adjustments are made.

(3) Make inquiries of officials who have responsibility for financial and accounting matters concerning the following:

(i) The accounting treatment afforded new or unusual transactions or events that are significant and that occurred within each interim period;

(ii) The consistency of accounting principles applied in each interim period compared to prior periods and any changes in accounting principles or practices that occurred during each interim period under review.

(4) Consider whether the interim data presented appear to conform to the requirements of generally accepted accounting principles, paying particular attention to any new pronouncements by authoritative bodies affecting financial reporting practices.

(5) Read the minutes of meetings of shareholders, boards of directors and other appropriate corporate committees for matters that could relate to the interim results or disclosure of financial information.

(6) Consider all of the information that comes to his attention through the performance of any work relating to his examination of the registrant's annual financial statements that could affect the interim data presented or related disclosure.

(7) Inquire into any matters which come to his attention as a result of the foregoing procedures which cause him to have concern that the data presented in the interim financial statements may not be fairly presented in conformity with generally accepted accounting principles and perform such additional procedures as are responsive to such concern.

If, as a result of following these procedures, the independent accountant concludes that the data included in the unaudited footnote are not a summarization of quarterly financial statements prepared in conformity with generally accepted accounting principles, he should so state in a separate paragraph of his report.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

2. § 249.308a (Form 10-Q) is proposed to be amended by addition of the following subparagraphs to Instruction K, adopted this date in Release No. AS-177.

§ 249.308a Form 10-Q, for quarterly reports under section 13 or 15(d) of the Securities Exchange Act of 1934.

K. * * *

For purposes of this rule, "established professional standards and procedures" are set forth below. These procedures will be carried out by the accountant at the principal office of the registrant and at such branch offices and subsidiaries as he considers necessary in the circumstances. These procedures will be applicable only if the independent accountant performing the review had been the auditor attesting to the most recent audited financial statements of the company. Additional procedures would be required if the independent accountant had no such prior association.

(1) Obtain by inquiry an understanding of the internal accounting control concerning the flow of transactions through the accounting system and the manner of recording, classifying and summarizing transactions for the purpose of preparing interim financial statements. Identify any differences between the methods of accumulating and classifying data as well as supervisory review and approval of data for interim and annual purposes and consider the effects, if any, of such differences upon quarterly information.

(2) Make an analytical review of interim financial information presented pursuant to this instruction by performing the following procedures:

(i) Make a systematic comparison of the actual results with anticipated results for the current period, with the results for the immediately preceding interim period and with the results for the corresponding interim period in the previous fiscal year. Obtain explanations of any unusual changes.

(ii) Identify the relationships between different components of the interim financial data which, absent unusual transactions, could be expected to conform to a predictable pattern. Obtain explanations of material variations from this pattern.

(iii) Compare significant adjusting entries at the end of the interim period with those at the prior year end for consistency in the types of matters for which adjustments are made.

(3) Make inquiries of officials who have responsibility for financial and accounting matters concerning the following:

(i) The accounting treatment afforded new or unusual transactions or events that are significant and that occurred within each interim period;

(ii) The consistency of accounting principles applied in the period compared to prior periods and any changes in accounting principles or practices that occurred during the period under review;

(iii) The current status of significant items that were previously accounted for on the basis of tentative, preliminary or inconclusive data; and

(iv) Any events subsequent to the data of the interim financial statements which may have a material effect on the data included in those statements.

(4) Read the interim financial statements to determine whether the accounting reflected therein appears to conform with the requirements of generally accepted accounting principles, paying particular attention to any new pronouncements by authoritative bodies affecting financial reporting practices.

(5) Read the minutes of meetings of shareholders, boards of directors and other appropriate corporate committees for matters that could relate to the interim results or disclosure of financial information.

(6) If the annual examination for the current year has begun, consider all of the information that comes to his attention during the course of his examination that could have an impact on interim financial data presented or on the related disclosures.

(7) Inquire into any matters which come to his attention as a result of the foregoing procedures which cause him to have concern that the data presented in the interim financial statements may not be fairly presented in conformity with generally accepted accounting principles and perform such additional procedures as are responsive to such concern.

* * * * *

These amendments are proposed to be adopted pursuant to authority in Sections 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, 77s) of the Securities Act of 1933; Sections 12, 13, 15(d) and 23(a) (15 U.S.C. 78l, 78m, 78o(d), 78w) of the Securities Exchange Act of 1934; and Section 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935.

All interested persons are invited to submit written comments on the proposals on or before November 15, 1975. The communications should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and should be referenced to File No. S7-542. All comments will be available for public inspection.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

SEPTEMBER 10, 1975.

[FR Doc.75-26666 Filed 10-3-75;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.

FEDERAL POWER COMMISSION

[Docket No. ER76-137]

APPALACHIAN POWER CO.

Notice of Filing of Proposed Rate Increase

SEPTEMBER 26, 1975.

Take notice that Appalachian Power Company (Appalachian) on September 18, 1975, filed with the Commission a letter dated September 17, 1975, addressed to the Mayor of the City of Salem, Virginia (Salem), in which Appalachian notified Salem of its intention to serve Salem on and after October 20, 1975, on a day-to-day basis. Appalachian states that it advised Salem that the rates, terms and conditions of such day-to-day service would be as set forth in Appalachian's F.P.C. Rate Schedule No. 30, as theretofore amended and as further amended by the September 17, 1975, letter and by the two (2) Supplements attached to the September 17, 1975, letter. The first of those Supplements incorporates Appalachian's "Rate Schedule WS", presently the subject of proceedings in Docket No. E-7775; the second would replace the fuel adjustment clause of Rate Schedule WS by a filing identical with that made in Docket No. ER76-24.

Appalachian has requested an effective date of October 20, 1975.

Appalachian states that Salem would have paid increased charges of approximately $123,610, or 4.96%, had the rates and charges proposed herein been in effect during calendar year 1974. Appalachian also states that it has served the materials tendered both on Salem and on the State Corporation Commission of the Commonwealth of Virginia.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26624 Filed 10-3-75;8:45 am]

[Docket No. ER76-124]

ARIZONA PUBLIC SERVICE CO.

Notice of Application for Billing Change

SEPTEMBER 26, 1975.

Take notice that on September 15, 1975, Arizona Public Service Company (APS) tendered for filing a billing change to its FPC Rate Schedule No. 51, with Comision Federal de Electricidad (Sonoyta). The change is to implement provisions of the New Mexico "Electrical Energy Tax" which became effective July 1, 1975, and imposes a tax on all electrical energy generated and consumed in the State. APS states that this filing is made pursuant to paragraph (E) of Commission Order issued September 22, 1972, in Docket No. E-7225.

APS requests wavier of filing requirements of Section 35.13 and requests that the change become effective so that it may bill in the month of September for generation tax applicable to generation commencing in the month of July and for preliminary billing for the month of August.

APS states that copies of the above filing were sent to Comision Federal de Electricidad and the Arizona Corporation Commission.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-26625 Filed 10-3-75;8:45 am]

[Docket No. CP75-325]

CABOT CORP.

Declaration of Exemption

SEPTEMBER 26, 1975.

On April 21, 1975, Cabot Corporation (Applicant) filed in Docket No. CP75-325 an application pursuant to Section 1(c) of the Natural Gas Act for an exemption from the provisions of the Natural Gas Act and the regulations thereunder for certain portions of its natural gas pipeline system, all in Texas, all as more fully set forth in the application in this proceeding.

Applicant is a corporation organized and existing under the laws of the State of Delaware and is authorized to do business in the States of West Virginia, Kansas, Louisiana, New Mexico, Oklahoma and Texas. Applicant requests an exemption from the regulation of the Commission only as to certain pipeline operations in the State of Texas. The jurisdictional status of Applicant's operations elsewhere are not to be affected by the exemption herein granted.

The exemption herein granted applies to the pipeline system that Applicant owns and operates in Carson and Gray Counties, Texas, that is used to transport natural gas obtained from others and gas produced by Applicant from its own wells for delivery and consumption in Applicant's plants and facilities in the area and for delivery, for the account of Pioneer Natural Gas Corporation, and consumption in a Celanese Corporation chemical plant.

The gas received by Applicant into its pipeline system in Carson and Gray Counties includes approximately 1,500 Mcf of gas per day received from Transwestern Pipeline Company (Transwestern) in Gray County, in exchange for jurisdictional gas that is delivered by Applicant to Transwestern in Roberts County, Texas from a well in Lipscomb County, Texas.[1] These deliveries are part of the certificated exchange of gas involving deliveries by Applicant into Transwestern's interstate system. Applicant did not request exemption for the facilities in Lipscomb and Roberts Counties and the exemption granted herein does not apply to them. All of the gas transported by Applicant in its Carson and Gray County pipeline system, including the volumes received from Transwestern, is commingled, transported, sold and ultimately consumed entirely within the State of Texas.

The jurisdictional status of Applicant's interstate operations will not be affected by the exemption granted herein. Applicant's pipeline system and operations in Carson and Grey Counties, Texas, are subject to the jurisdiction of the Railroad Commission of Texas, which has certified

[1] Certificate authorization granted by order issued December 19, 1967, in Docket No. CP 68-73 (Transwestern) and Docket No. CI68-497 (Cabot) for the jurisdictional portion of the exchange.

that it has and is exercising jurisdiction over Applicant's rates, service and facilities.

Wherefore, the Commission declares, by reason of the foregoing, Cabot Corporation is exempt from the provisions of the Natural Gas Act and the orders, rules, and regulations of the Commission issued thereunder with respect to Applicant's transportation and delivery of natural gas through the aforementioned facilities, to wit, Applicant's pipeline facilities in Grey and Carson Counties, Texas, that are interconnected with the interstate facilities of Transwestern and sales from said facilities of Applicant.

By the Commission.

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

[FR Doc.75-26626 Filed 10-3-75;8:45 am]

[Docket No. ER76-129]

CENTRAL LOUISIANA ELECTRIC CO.

Notice of Letter Agreement

SEPTEMBER 26, 1975.

Take notice that on September 15, 1975, Central Louisiana Electric Company (CLE) tendered for filing a Letter Agreement between it and the City of Franklin, Louisiana. CLE states that this Agreement covers emergency service to the City to be supplied through use of existing electric facilities. CLE indicates that firm service to the City under CLE's FPC Rate Schedule No. 26 was terminated as of September 1, 1975.

CLE requests that the Agreement be given an effective date of September 22, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK, *Acting Secretary.*

[FR Doc.75-26627 Filed 10-3-75;8:45 am]

[Docket No. ER76-122]

COMMONWEALTH EDISON

Notice of Revised Fuel Clause and Revised Tariff Sheet

SEPTEMBER 26, 1975.

Take notice that on September 12, 1975, Commonwealth Edison (CE) tendered for filing a proposed revised fuel adjustment rider, Rider 20, 2nd Revised Sheet No. 12 and Original Sheet No. 12.10 to its FPC Electric Tariff, Rate 78. CE states that this Rider conforms to the fuel adjustment clause provisions of Section 35.14 of the Commission's Regulations, as promulgated in Order No. 517, dated November 14, 1974.

CE also tendered for filing 7th Revised Sheet No. 1 of its FPC Electric Tariff, Rate 78. CE indicates that this Revised Sheet provides for an increase in the energy charges of .352 per kwh over those proposed by CE in Docket No. E-9002 now before the Commission. CE further states that Rider 20 and the 7th Revised Sheet would have offset one another as applied to Rate 78 customers based on 1974 consumption levels.

CE proposes an effective date of October 16, 1975, for both the Rider and Revised Sheet.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK, *Acting Secretary.*

[FR Doc.75-26628 Filed 10-3-75;8:45 am]

[Docket Nos. RP73-107, RP74-90]

CONSOLIDATED GAS SUPPLY CORP.

Notice Postponing Hearing

SEPTEMBER 26, 1975.

A hearing was scheduled for September 30, 1975 in the above-designated matter, by notice issued July 29, 1975. Due to a calendar conflict in the schedule of the Administrative Law Judge, it is necessary to reschedule the hearing for a later date.

Notice is hereby given that the hearing scheduled for September 30, 1975, is rescheduled for November 11, 1975 at 10:00 a.m. (EST).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26629 Filed 10-3-75;8:45 am]

[Docket No. ER76-133]

DUKE POWER CO.

Notice of Rate Schedule Change

SEPTEMBER 26, 1975.

Take notice that Duke Power Company (Duke), on September 17, 1975, tendered for filing a supplement to its Rate Schedule FPC No. 218 with the City of Newberry.

The filing incorporates a newly executed agreement and provides for an increase in contract demand from 12,000 KW to 19,000 KW. Duke requests that the rate schedule change be permitted to become effective on October 20, 1975.

A copy of the filing was served upon the City of Newberry.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 14, 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.

MARY KIDD PEAK, *Acting Secretary.*

[FR Doc.75-26630 Filed 10-3-75;8:45 am]

[Docket No. ER76-134]

DUKE POWER CO.

Notice of Rate Schedule Change

SEPTEMBER 26, 1975.

Take notice that Duke Power Company (Duke), on September 17, 1975, tendered for filing a proposed supplement to its Rate Schedule FPC No. 131 with Blue Ridge Electric Membership Corporation.

The filing provides for changes in character of service at various delivery points. Duke requests that the Commission waive its notice requirements to permit an effective date of September 19, 1975.

A copy of the filing has been served upon Blue Ridge Electric Membership Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 14, 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.

MARY KIDD PEAK, *Acting Secretary.*

[FR Doc.75-26631 Filed 10-3-75;8:45 am]

[Docket No. ER76-135]

DUKE POWER CO.

Notice of Rate Schedule Change

SEPTEMBER 26, 1975.

Take notice that Duke Power Company (Duke), on September 17, 1975,

tendered for filing a proposed supplement to its Rate Schedule FPC No. 137 with Pee Dee Electric Membership Corporation.

The filing provides for increases in the designated demands for various delivery points. Duke requests that the rate schedule supplement be permitted to become effective on October 20, 1975.

A copy of the filing has been served upon Pee Dee Electric Membership Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 14, 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-26632 Filed 10-3-75;8:45 am]

[Docket No. RP72-140, PGA76-1]

GREAT LAKES TRANSMISSION CO.

Proposed Changes in FPC Gas Tariff Under Purchased Gas Adjustment Clause Provisions

SEPTEMBER 26, 1975.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on September 16, 1975, tendered for filing Second Substitute Fifteenth Revised Sheet No. 57 to its FPC Gas Tariff, proposed to be effective November 1, 1975.

Great Lakes states that its sole supplier of natural gas, Trans-Canada PipeLines Limited (TransCanada), will increase the rates for gas purchased by Great Lakes effective November 1, 1975. Great Lakes states that the increase is the result of the National Energy Board of Canada's orders issued May 20, 1975, amending TransCanada's licenses for the export of natural gas to Great Lakes by establishing that the price to be received for the gas to be exported shall be not greater than and not less than $1.60 in Canadian currency per Mcf of one thousand British Thermal Units per cubic foot equivalent gas at a temperature of 60 degrees Fahrenheit and a pressure of 14.73 pounds per square inch absolute adjusted on the ratio of the actual BTU content per cubic foot to 1000 BTU per cubic foot.

Great Lakes is also including in the revised tariff sheet a purchased gas cost surcharge adjustment. The surcharge adjustment results from maintaining an unrecovered purchased gas cost account for the period commencing March 1, 1975 and ending August 31, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 14, 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.75-26605 Filed 10-3-75;8:45 am]

[Docket No. ER76-131]

KANSAS CITY POWER & LIGHT CO.

Notice of Filing of Initial Rate Schedule

SEPTEMBER 26, 1975.

Take notice that on September 17, 1975, Kansas City Power & Light Company ("KCPL") tendered for filing a Municipal Participation Agreement dated August 11, 1975, between KCPL and the City of Osawatomie, Kansas. KCPL requests an effective date thirty (30) days after filing. KCPL states that the agreement provides for the interconnection of their systems and initial rates and charges for certain wholesale service by KCPL to the City of Osawatomie.

KCPL states that the proposed rates are KCPL's rates and charges for similar service under schedules previously filed by KCPL with the Federal Power Commission.

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 Sections 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 October 7, 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.75-26606 Filed 10-3-75;8:45 am]

[Docket No. CP74-157]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

SEPTEMBER 26, 1975.

Take notice that on September 15, 1975, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-157 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act in said docket by authorizing continued sales for resale of natural gas in interstate commerce to City Gas Company (City Gas) with changes in the rate schedule, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

City Gas is said to be presently served by Petitioner under Rate Schedule ACQ-1 with a maximum daily quantity (MDQ) of 5,209 Mcf and under Rate Schedule MDQ-1 with an MDQ of 91 Mcf of gas. As a result of the proposed changes the two separate contracts would be combined in a service under Rate Schedule SGS-1 with an MDQ of 5,300 Mcf. The annual volume entitlement would not be affected by the proposed amendment and would remain 1,022,925 Mcf.

According to Petitioner, City Gas desires the proposed changes and has so informed Petitioner, and Petitioner has consented to provide service under the proposed arrangement.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-26607 Filed 10-6-75;8:45 am]

[Docket Nos. E-9499, E-9502, ER76-20]

MINNESOTA POWER AND LIGHT CO. AND SUPERIOR WATER, LIGHT AND POWER CO.

Order Amending Prior Order

SEPTEMBER 26, 1975.

On July 18, 1975, we issued an order in the above-captioned docket accepting for filing and suspending in part a proposed rate filing tendered by Minnesota Power and Light Company (MP&L) on June 16, 1975. MP&L's filing included, *inter alia.*, an increase in the wholesale service rates applicable to Itasca-Mantrap Cooperative Electric Association (Itasca-Mantrap) proposed to be effective September 28, 1975. Ordering Paragraph (E) of our July 18, 1975 Order stated . . . "the

wholesale service agreement with Itasca-Mantrap . . . shall be suspended until September 28, 1975," whereupon it . . . "shall become effective subject to refund . . .".

In order to provide for a suspension period for the wholesale service agreement with Itasca-Mantrap from the effective date proposed by MP&L until the rates become effective subject to refund, we are amending the order. Accordingly, MP&L's filing with respect to the rates for service to Itasca-Mantrap shall be accepted for filing and suspended for one day, to become effective September 29, 1975, subject to refund.

The Commission finds:

Good cause exists to amend the order issued July 18, 1975 in the above-captioned docket to provide for a one-day suspension period for the rates charged Itasca—Mantrap under its wholesale service agreement with MP&L, causing those rates to become effective September 29, 1975, subject to refund.

The Commission orders:

(A) Ordering Paragraph (E) of our order issued July 18, 1975 in the above-captioned docket is hereby amended to provide for a one-day suspension period of the rates charged Itasca—Mantrap under its wholesale service agreement with MP&L. Accordingly, MP&L's June 18, 1975, filing for an increase in the wholesale rates for service to Itasca—Mantrap is accepted for filing and suspended for one-day to become effective September 29, 1975, subject to refund.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-26608 Filed 10-3-75;8:45 am]

[Docket No. E-9536]

MONTANA POWER CO.

Order To Show Cause

SEPTEMBER 26, 1975.

Montana Power Company (Montana Company), Butte, Montana, incorporated under the laws of the State of Montana, conducts utility operations both at wholesale for resale and at retail in the State of Montana. Montana Company owns and operates interconnected electric production and transmission facilities in the State of Montana, which facilities are also interconnected with electric facilities of the Washington Water Power Company, Pacific Power & Light Company, Utah Power & Light Company, United States Bureau of Reclamation and the Bonneville Power Authority. Montana Company regularly transmits or interchanges electric power and energy with each of these utility systems.

Montana Company on May 24, 1974, notified the Commission of its intention to acquire approximately 300 miles of 100 kv transmission line from the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at a cost of $3,250,000. The line extends from a point near Harlowton, in Central Montana to East Portal on the Idaho border.

On June 21, 1974, the Commission advised the Montana Company that such acquisition would require its authorization pursuant to Section 203 of the Federal Power Act and Section 33.1(a)(2) of the Commission's Regulations.

On July 2, 1974, Montana Company advised the Commission that it had utilized the line in the past to serve a portion of its retail load. Montana Company further proffered that the Railroad's line was not used for the transmission of bulk power between load Centers but for all practical purposes was a part of its distribution system and that it intends to continue to utilize the line for such purposes after it is purchased. In addition, the Montana Company stated that in its opinion it would not be necessary under Section 203 of the Federal Power Act and Section 33.1(a)(2) of the Commission's Regulations to secure Commission authorization to acquire the line from the Railroad Company. Montana Company on July 15, 1974, without Commission authorization, purchased the aforementioned line from the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company at a cost of $3,250,000.

Based upon a Staff investigation of the transaction it was determined that the line is connected with the facilities of the Montana Company, which facilities are also interconnected with electric facilities of the Washington Water Power Company, Pacific Power & Light Company, Utah Power & Light Company, United States Bureau of Reclamation and the Bonneville Power Authority. In addition, the Montana Company's FPC Form No. 12 reveals that the line has been used for a number of years to transmit power and energy at wholesale to the Missoula Electric Cooperative situated at Missoula, Montana. Montana Company regularly transmits or interchanges electric power and energy with each of the interconnected utility systems. Based upon the foregoing, Staff believes that the energy sold at wholesale to the Missoula Electric Cooperative over this line was commingled with that of the other interconnected utilities, and thus was transmitted in interstate commerce. Therefore, the Montana Company should have obtained Commission authorization, pursuant to Section 203 of the Federal Power Act and Section 33.1(a)(2) of the Regulations, prior to acquiring the aforementioned line.

By letter dated August 15, 1974, the foregoing circumstances were brought to the Montana Company's attention together with a Staff request that the company undertake appropriate action to comply with the requirements of Section 203 of the Federal Power Act and Part 33 of the Commission's Regulations thereunder. Nothing more was heard from the company until the Commission received a letter dated July 24, 1975, which discussed the company's proposed journal entries for the acquisition of the line, which took exception with the Commission's proposed entries.

The Commission finds:

In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act, particularly Section 203 thereof, that the Montana Power Company show cause, if any there be, why the Commission should not find and determine that the acquisition of the aforementioned transmission line is a transaction which is subject to the jurisdiction of this Commission under the provisions of the Federal Power Act for which Montana Power Company must make an appropriate application in the manner provided in Part 33.2 of the Commission's Regulation under that Act.

The Commission orders:

(A) The Montana Power Company shall show cause, if any there be, on or before October 31, 1975, why the Commission should not:

(a) Find and determine that the approximately 300 miles of 100 kv transmission line purchased from the Chicago, Milwaukee, St. Paul and Pacific Railroad Company on July 15, 1974, at a cost of $3,250,000 has been used for the transmission or sale at wholesale of electric energy in interstate commerce and, therefore, is a transaction which is subject to the provisions of Section 203 of the Act and Part 33 of the Commission's Regulations thereunder;

(b) Find and determine that since July 15, 1974, the Montana Power Company has been violating and threatens to continue violating the provisions of Section 203 of the Act and Part 33 of the Commission's Regulations thereunder;

(c) Order the Montana Power Company to file applications for authorization to acquire the aforementioned electrical facilities in accordance with the provisions and requirements of Section 203 of the Act and Part 33 of the Commission's Regulations thereunder; and

(d) Issue such other orders and take such other actions as may be necessary or appropriate to bring about compliance with the Federal Power Act and Commission Regulations thereunder.

(B) On or before October 31, 1975, the Montana Power Company shall respond to this order through Answer as provided in Section 1.9(c) of the Commission's Rules of Practice and Procedure 18 CFR 1.9(c).

(C) The Commission hereby reserves consideration of any accounting treatment the company might use to record the proposed transaction pending the resolution of the above enunciated issues.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26609 Filed 10-3-75;8:45 am]

NATIONAL GAS SURVEY CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the Nation-

al Gas Survey Curtailment Strategies-Technical Advisory Committee and initial membership for this Committee.

1. Membership. New members to the Curtailment Strategies-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Dale Heying, Panhandle Eastern Pipe Line Company, Houston, Texas.
Walter T. Senek, Philadelphia Gas Works, Philadelphia, Pennsylvania.
Ronald Viseness, Minnesota Energy Agency, St. Paul, Minnesota.

By the Commission.

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

[FR Doc.75-26619 Filed 10-3-75;8:45 am]

[Docket No. CP76-88]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

SEPTEMBER 26, 1975.

Take notice that on September 14, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-88 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 2.5 miles of 10-inch pipeline and measuring facilities in Roberts County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it constructed the facilities in Roberts County, Texas, within the contemplation of Section 157.22 of the Regulations under the Natural Gas Act (18 CFR 157.22) at which time Applicant anticipated that additional volumes of gas would become available from the Quinduno Field in Roberts County. The original cost is stated to be approximately $103,000. Applicant further states that gas production has been less than expected, and gas deliveries have declined from the last time at which the facilities were utilized, November 2, 1972. The facilities are no longer required to perform the service originally contemplated, Applicant states; and Applicant proposes to abandon and reclaim said facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY KIDD PEAK, *Acting Secretary.*

[FR Doc.75-26610 Filed 10-3-75;8:45 am]

[Docket Nos. RM 74-22, E-8589; E-8550, et al. (Coal-by-Wire)]

NEW ENGLAND POWER POOL PARTICIPANTS, ET AL. AND APPALACHIAN POWER CO., ET AL.

Order Granting Reconsideration in Part of Order Permitting Withdrawal of Petition for Emergency Relief and Otherwise Denying Rehearing of Such Order

SEPTEMBER 26, 1975.

Congressman Michael J. Harrington of Massachusetts and Richmond Power & Light of the City of Richmond, Indiana (Richmond), each filed on September 25, 1974 applications for rehearing of the Commission's order issued August 26, 1974 (52 FPC —; 39 FR 32060). Appalachian Power Company, Indiana & Michigan Electric Company, Ohio Power Company, and Wheeling Electric Company, all affiliates of American Electric Power Company (collectively, AEP) on November 12, 1974, filed a petition seeking reconsideration of the August 26 order.[1]

BACKGROUND

In order to preclude a *projected* deterioration of their fuel oil inventories, in light of the increasing national fuel shortage and the Arab oil embargo in 1973, New England Power Pool Participants (NEPOOL)[2] on January 10, 1974 filed a petition for an "emergency" order pursuant to Section 202(c) of the Federal Power Act.[3] NEPOOL requested that certain named electric systems throughout the eastern portion of the nation be directed by Commission order to operate non-oil-fired generation facilities and permit the use of inter-connected transmission facilities so as to make available to NEPOOL unstated amounts of power and energy.

Six weeks prior to NEPOOL's petition, likewise in anticipation of increasing difficulties arising out of the nation's fuel shortage and the Arab oil embargo, the Commission issued Order No. 496 on November 29, 1973, in Docket No. RM74-7 (38 F.R. 33641). In Order No. 496, and in the request soon after by its Chief of the Bureau of Power,[4] the Commission sought to encourage the voluntary cooperation of electric systems throughout the nation toward fuel conservation, particularly of petroleum and natural gas, by maximizing the use of coal and nuclear fuel and "scheduling of inter-system and inter-regional power transfers to the maximum extent consistent with reliability and continuity of service considerations." In Orders No. 497 and 497-A issued December 7, 1973, and April 5, 1974, respectively, in Docket No. RM74-7, the Commission required utilities to report their residual and distillate oil inventories for use in Federal governmental oil allocation procedures.

Citing the general shortage of fossil fuels and the expression of United States Government concern, American Electric Power Corporation (AEP), on behalf of its affiliates, Appalachian Power Company (Appalachian), Ohio Power Company (Ohio), and Wheeling Electric Company (Wheeling), on December 12, 1974, filed an electric power interchange rate schedule with the Allegheny Power System (APS). This new schedule contained a provision for "Fuel Conservation Power and Energy" service schedules. Subsequently the schedules were modified by an AEP filing on April 1, 1974. AEP stated that this provision is: designed to permit either of the parties that may be in a favorable position with respect to certain fuels at a given time, or from time to time, to transfer fuel "by wire" to the other and to interconnected third parties under appropriate rate schedules . . . The provision for service to and from third parties is basically identical to that authorized by the Commission for Short Term Power transactions.

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[1] By order issued October 25, 1974, we provided for further consideration of the applications for rehearing filed by Congressman Harrington and Richmond, and by Order issued November 29, 1974, we indicated we are prepared to treat AEP's November 12 petition as one for reconsideration of our August 26, 1974 order.

[2] NEPOOL consists of 44 electric power systems located throughout the six states of New England. (Appendix I to Order of January 11, 1974 in Docket No. E-8589).

[3] Regulations to implement petitions for "emergency" orders pursuant to Section 202(c) of the Act (49 Stat. 849; 16 U.S.C. 824a(c)) were first issued by Order No. 520 on November 29, 1974 (39 F.R. 42903) in Docket No. RM75-3. Order No. 520-A, denying applications for rehearing, was issued January 27, 1975 (40 F.R. 5142). Court review of such orders (*Richmond Power & Light of the City of Richmond, Indiana* v. *F.P.C.*, D.C. Cir. No. 75-1321) was dismissed pursuant to an agreement of dismissal by the parties.

[4] Letter of Chief of Bureau of Power, dated December 4, 1973, addressed to the Chairman of the National Electric Reliability Council.

By order issued January 11, 1974, in Docket No. E–8589, the Commission directed NEPOOL to clarify its request by specifying the electric operating procedures that the New England utilities propose to follow (by individual generating units and transmission lines), and the specific quantity of electric services that they seek. The Commission also provided for the convening of a public conference on January 18. Following several sessions of these conferences, NEPOOL, on April 8, 1974, filed a motion to withdraw tis petition for an emergency order, and most of 52 electric utilities that participated in the public conferences submitted rate schedules offering this class of scheduled service, designated as Fuel Conservation Service, at rates lower than would otherwise be applicable for such scheduled service. The rates and charges for this service were proposed to be effective as of January 1, 1974, or the commencement of service date, if earlier.

As discussed below, in following the Commission's request for *voluntary* fuel conservation power and energy transfers, approximately 30 electric systems generated (without using oil) and transferred approximately 820,000 MWH's (equivalent to 1.3 million bbl of oil) to eastern seaboard and New England power pools during the period January–May, 1974, under various rate schedules, including the Fuel Conservation service.[5] These transfers were coordinated by the Commission Staff with the petroleum allocations of the Federal Energy Office.

The Deputy General Counsel, by letter dated April 16, 1974 transmitted to the Commission copies of the conference record containing the Staff's recommendations that the Commission accept the rate schedules submitted in settlement of the issues raised in the conferences and terminate the proceedings (Tr. 881–1047). Although most of the conference participants favored the Staff's recommendations, two parties filed objections—Congressmen Harrington and Richmond.[6]

In view of these objections and the nature of the issues raised therein, by notice of rulemaking in Docket No. RM74–22 and by order simultaneously issued on April 30, 1974 (39 FR 16367), the Commission announced that it would determine the rates and charges and that, in an informal hearing procedure, rather than through an evidentiary hearing procedure, it would hear the objections to the settlement rates and charges and other objections of Congressmen Harrington and Richmond and any other party. For these purposes, the Commission directed the parties submitting settlement rate schedules to file cost data or other justification in support of the proposed rates, and it provided an opportunity for all parties to submit their written comments and replies thereto.

Five State regulatory agencies (Illinois, Ohio, Virginia, West Virginia, and Wisconsin), three power pools (NE POOL, New York Power Pool, and Pennsylvania-New Jersey-Maryland Interconnection companies), and 13 individual electric companies filed comments favoring the settlement proposal. Replies with adverse comments were filed by Congressman Harrington, Richmond, the Cities of Crawfordsville, *et al.* of Indiana, and the Commission's Office of Economics. In view of our disposition of AEP's petition as discussed below, no party has raised factual issues that would justify the submission of further expert testimony or warrant cross-examination of testimony. We have full authority to apply informal hearing procedures to ratemaking, a rulemaking matter. (See citations in our order of August 26, 1974, and *FPC* v. *Texaco*, 417 U.S. 380 (1974).)

By order issued August 26, 1974, which is the order before us for rehearing and reconsideration, the Commission directed that the respective rate schedules submitted as settlement rates become effective as proposed, that the withdrawal of NEPOOL's petition in Docket No. E–8589 be permitted, and that the proceedings in Docket Nos. RM74–22, E–8589, and the consolidated proceedings in Docket Nos. E–8550, *et al.* be terminated.

Applications for Rehearing and Reconsideration

Congressman Harrington's application for rehearing contains three central objections to the Commission's findings and determinations in its August 26, 1974, order. Congressman Harrington contends:

(i) That the Commission erred in finding that no "emergency" existed, and in concluding that in the absence of such "emergency", it lacks authority to order "wheeling or displacement of energy";

(ii) That the Commission's findings and conclusions are erroneous in accepting the settlement rates and charges as having been shown to be cost-supported on the basis of allocations of both incremental and fixed costs (not solely incremental costs, as is urged by the Congressman), including allowances for transmission losses, and that the settlement rates result in excessively high transmission charges that will defeat the purpose of the Commission's fuel conservation energy transfer program; and

(iii) That the Commission errs in continuing its reliance upon *voluntary* interconnection and coordination by electric systems because that requires a multiplicity of bilateral (buyer-seller) contracts. He recommends requiring the utilities to file *transmission* ("wheeling") *service rate schedules*, and to serve applicants for such service such as Richmond.

Richmond's application for rehearing contains 24 assignments of error, most of which parallel the three objections of Congressman Harrington described above. In its contentions, Richmond's pleading additionally asserts that the Commission's fuel conservation program was a "failure" during the "Coal-by Wire" program in the first 5 months of 1974 because, it alleges, only approximately one-third of the eastern seaboard power pools' requests were supplied. Richmond requests that the proceedings be re-opened and the transmission rates be reduced, and it also contends that the Commission erred in finding that it does not have authority to order increases in the proposed refunds.[7] (Richmond's application, para. 7, p. 5.)

AEP's petition filed November 12, 1974, referred to its letter dated September 13, 1974, in which AEP indicated that it desired to have paragraph (G) of our August 26, 1974, order modified to rescind the requirement that AEP affiliates revise the format of their Fuel Conservation rate schedules[8] so as to eliminate the provision for inclusion in billing of the "out-of-pocket cost of energy associated with transmission losses, if any." (Service Schedule F, 2.12 B). Additionally, AEP's September 13, 1974, letter pointed out certain erroneous designations of rate schedules and incorrect names of electric systems. We have directed that these be handled by an appropriate Errata Notice to be issued contemporaneously herewith.

The Question of a Section 202(c) Emergency and Commission Authority to Order Wheeling

Congressman Harrington's application for rehearing states that for the Commis-

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[5] New York Power Pool (NYPP), Pennsylvania-New Jersey-Maryland (PJM), and New England Power Pool (NEPOOL) electric systems.

[6] Richmond on February 20, 1974, as supplemented on March 7, 1974, and April 8, 1974, filed a petition to intervene in these proceedings (Docket Nos. E–8550, *et al.*), which was granted by order issued April 30, 1974, and its counsel participated in the public conferences held herein on January 18, 25, February 1, March 5, and April 11, 1974. Congressman Harrington filed a petition to intervene in Docket Nos. E–8550, *et al.* on April 15, 1974 (granted on April 30, 1974) after the public conferences had been concluded.

[7] In view of our findings (Order of August 26, 1974, mimeo. pp. 5, 11), not directly challenged by any party, that the settlement rates are "equal to, or less" than the rates and charges which, but for our actions in these matters otherwise would have been applicable to these generating and transmission services, the settlement rates and charges may not under the Federal Power Act be reduced for refund purposes. Section 205(e) provides ". . . but in case of a proposed *increased* rate or charge, the Commission may . . . by further order require such public utility . . . to refund, with interest, . . . such portion of such *increased* rates . . . (Emphasis added.).

[8] In Docket Nos. E–8550, *et al.*, for example, see: Service Schedule F—Fuel Conservation and Power and Energy, filed initially on December 12, 1973, by Appalachian (Supplement 6 to Rate Schedule 55), Ohio (Supplement 6 to Rate Schedule 73), and Wheeling (Supplement 6 to Rate Schedule 5), suspended by order issued January 11, 1974 in Docket No. E–8550. Service Schedule F was subsequently modified by an AEP filing on March 29, 1974 (Supplement 1 to Supplement 6 of each AEP affiliate filing listed above). As amended on March 29, 1974, each of these fuel conservation schedules was accepted by Commission order of August 26, 1974, to be effective January 1, 1974, subject to the requirements of paragraph (G) of that order.

sion to conclude ". . . that it is without authority to act because it has not found an 'emergency' within the meaning of Section 202(c) of the Act (Order, p. 24) totally disregards the events in this nation commencing in the Fall of 1973 and carrying through to the present." (Application, p. 1.)

Richmond similarly objects, stating that the "Commission claims that there was no emergency within the meaning of Section 202(c) of the Act and accordingly, its power to deal with the events of the Winter of 1973–1974 in which the nation hovered between scarcity and draconian measures to prevent collapse from the Arab oil embargo was limited to its routine power undert he Act."[9] (Application, p. 3.) Richmond also contends that the Commission erred in failing to order the AEP companies to file *transmission rate schedules* and to eliminate alleged anti-competitive practices in offering such services to other utilities, asserting that the Commission has the authority to require AEP to file such schedules, to prescribe the terms and conditions governing transmission services over intervening systems (i.e., AEP's systems), and to make such transactions subject to just, reasonable, and nondiscriminatory rates, charges, and requirements.

Both the statements and the related contentions of these parties are not essentially different from their positions that were before us and that were fully considered in our August 26 order. Both parties allege facts creating the *potential* for what they would regard to be a state of "emergency" but which the Commission did not. Both parties overlook the fact that the fuel shortage then existing did not, in itself, result in any disruptions of electric service, nor did fuel inventories of electric utilities reach the status involving imminent threats to the reliability of electric service in any region.[10] On the basis of such circumstances, we concluded that we should not determine an "emergency" under Section 202(c). There were intersystem and interregional transfers of electric power and energy arranged by the Commission Staff, by the affected utilities and by the involved State Public Service Commissions, all on a voluntary basis to meet electric requirements.

Richmond's application presents a table setting forth data received from the utilities covering Fuel Conservation energy transfers. On the basis of these data, Richmond concludes that only one-third of the power and energy requested by eastern seaboard power pools was delivered, and therefore that the Commission's Fuel Conservation program was a "failure". These data do not tell the story in the proper perspective of voluntary transfers by utilities under other rate schedules (discussed below), and of the Commission's actions dealing with the fuel shortage on a *voluntary* basis to keep all electric utilities operational.

Commencing with the issuance of Order No. 496 on November 29, 1973 (*supra*, p. 2), and continuing through the series of public conferences of electric systems with the Commission Staff in the January through April 1974 period, the problems of NEPOOL, the problems of the transmitting utilities along the eastern seaboard and in other areas, and the problems of the supplying systems were established on the record. This is fully described in the April 16, 1974, letter and its attachments to the Commission and discussed in our August 26, 1974, order.[11]

Based upon the accumulated data presented in the public conferences and the discussions of problems among the receiving and the supplying systems, and as a result of the voluntary actions of 30 electric systems, approximately 820,000 MWH of electric energy were transferred, as stated above, to NYPP, PJM and NEPOOL systems. These voluntary actions were initiated by the utilities by use of letters, telegrams, and verbal communications among system operators and dispatchers of the several involved utilities. Additionally, the Commission Staff coordinated these voluntary transfers with petroleum allocations of the Federal Energy Office (FEO).

Approximately 304,000 MWH of the 820,000 MWH of energy was transmitted under existing rate schedules, such "Economy Interchange" and "Emergency" transfers, which in some cases involve rates and charges below those of "Fuel Conservation Service". Since most "Fuel Conservation Service" rate schedules have specific and limited time periods, it was necessary to classify certain power and energy transfers in other periods as sales under other rate schedules. Thus, we conclude that the 304,000 MWH difference between the 516,000 MWH included in Richmond's data of "Fuel Conservation Service", and the 820,000 MWH included in the August 26, 1974, order was partly in response to the Commission's Order No. 496, and partly a result of the normal, mutual, self-help policies of electric utilities that meet the needs of other electric systems.

We recognize that under other circumstances than those that occurred, the amount of Fuel Conservation energy transferred (516,000 MWH), *alone*, might be insufficient to forestall what we might under certain assumed conditions determine to be an "emergency". But we are not here dealing with that hypothetical case. We are dealing with conditions as they existed during the oil embargo period. The FEO petroleum reallocations, the mutual, self-help energy transfers among utility systems, and the fact that the Arab Oil Embargo was less effective than initially feared, all served to reduce the need for Fuel Conservation transfers. The actual amount of Fuel Conservation energy transferred, therefore, does not warrant Richmond's contentions that our overall program initiated with Order No. 496 was a "failure".

Richmond's application fails to note that NEPOOL's requests were made before implementation of FEO's fuel allocation program. In further support of the point that there was no "emergency" created by a shortage of oil, thereby justifying a 202(c) order, is the NEPOOL motion to withdraw its petition for an emergency order. Therein NEPOOL stated that the amounts of power and energy received were *"adequate, or more than adequate"*. Moreover, after a thorough review by the Bureau of Power staff of monthly fuel stock and fuel consumption reports to the Commission (FPC Forms 4 and 423) for all involved utilities, it was concluded that regional fuel stocks were adequate, and that no outages occurred anywhere in the country during the winter 1973–74 due to unavailability of fuels.[12] Available actual data indicate that residual fuel oil stocks for electric utilities in the New England area as a whole remained at a constant level or increased during the January–May, 1974 period as compared with the August–December, 1973 period.

In NEPOOL's comments filed May 20, 1974, it stated:

"Faced with what then appeared to be a dangerously deteriorating oil supply, NEPOOL determined in late December to institute a program of coal-fired energy purchases on a regular basis. The initial purchase under the program was made on December 24 and purchases con-

[9] In our view, the determination of the existence (or nonexistence) of an "emergency" under 202(c) is by its very nature a non-reviewable action of the Commission under Section 313 of the Act, since such determination turns on the Commission's "judgment", either "with or without notice, hearing or report". The statute makes the Commission the decisional authority as to what circumstances the Commission will conclude constitute an "emergency" within the meaning of 202(c). This results from the fact that the underlying questions are matters of electric utility engineering and operations, all within the expertise of this agency.

[10] Data from reports of bulk power supply interruptions filed pursuant to Section 141.58 of Regulations under Federal Power Act, 18 CFR 141.58 (Order No. 331 (36 FPC 1084), for 1974 indicate no interruption attributable to failure of fuel supply. See FPC Report on Electric Power Disturbances for first quarter, 1974, issued May 15, 1974 (FPC News Release No. 20311).

[11] Tr. 881–1047.

[12] Residual Fuel Oil Inventory Levels—New England Area (42 Gallon Barrels and Days of Supply as of 1st day of Month).

Year	Barrels	Days
1973		
August	5,049,401	21
September	8,010,508	32
October	5,333,350	23
November	4,848,295	19
December	5,180,603	22
1974		
January	4,675,735	24
February	4,907,334	23
March	5,031,697	23
April	4,747,525	24
May	4,904,284	29

Source: Information supplied to Commission on FPC form 4.

tinued at various levels each day into April. During April, in view of improved oil availability and the Pool's adverse cost experience with the coal-by-wire program, NEPOOL imposed a price ceiling on takings under the program which was designed to insure that imports would be effected only when this would not serve to affect adversely costs to New England consumers. The imposition of the ceiling, and action taken independently at about the same time by one or more other systems, has resulted in a virtual cessation of coal-by-wire transactions for NEPOOL."

NEPOOL's imposition of a price ceiling at which it would cease requesting Fuel Conservation energy transfers, obviously implies the improved availability of oil, albeit at high world prices, and NEPOOL's view of the reduced threat to reliability of service. Indeed, on the one hand it recognizes the fact that the Arab oil embargo was not as successful as originally feared, and on the other hand it also recognizes that the rapidly escalating prices that were being paid for coal by the Fuel Conservation suppliers were forcing significant increases in the price of Fuel Conservation Energy.[13] Since these suppliers' rate schedules included provisions for passing through escalating fuel costs on an out-of-pocket cost basis, NEPOOL stated that it was forced to set a price level at which it trimmed its requests.

In contrast to the specter of an "emergency" described by Richmond, are the facts that the Commission Staff coordinated fuel inventory data with the petroleum allocations of the FEO and "emergency" conditions were averted. The Commission was kept informed of the capabilities of all electric systems and we were in a proper position to conclude, as we did in the August 26, 1974, order (p. 2), that it was not necessary to determine that a Section 202(c) "emergency" existed, justifying issuance of any such order as NEPOOL had initially requested.

The objective of our program was met—that of preventing the oil shortfall from impairing the reliability of service. It was not our objective, nor is it the objective of Section 202(c), to set lower rates in order to maximize the use of coal, or to re-order the inter-regional fuel supply structure of the nation, as both Congressman Harrington and Richmond imply we should.

[13] *Nationwide Average Prices (cents per Billion BTU) reported to Commission:*

	August 1973	December 1973	January 1974	February 1974	March 1974	April 1974	May 1974
Coal	39.8	40.5	51.4	56.9	60.8	64.0	65.8
Oil	77.1	80.2	162.7	187.3	189.1	187.2	187.9
Gas	34.0	33.8	37.3	39.8	42.5	43.6	44.0

Source: Information supplied to Commission on FPC form 423.

With respect to Commission authority, having previously found that in the absence of finding an "emergency" under Section 202(c), we do not have authority to order electric systems to "wheel" or to transmit power and energy generated by another system (including displacement of energy), we correctly did not grant Congressman Harrington's or Richmond's requests.[14] Nothing asserted in either of the two applications for rehearing presents a factual or legal basis for us to change our conclusion as to our authority to order transmission.

The decision of the Supreme Court in *Otter Tail Power Co.* v. *United States*, 410 U.S. 366, 375–376 (1973) contains no suggestion that the Commission may order "wheeling". The Court therein stated that:

So far as wheeling is concerned, there is no authority granted the Commission under Part II of the Federal Power Act to order it, for the bills originally introduced contained common carrier provisions which were deleted. The Act as passed contained only the interconnection provision set forth in Section 202 (b). The common carrier provision in the original bill and the power to direct wheeling were left to the "voluntary coordination of electric facilities." (citing Sen. Rep. No. 621, 74th Congress, 1st Sess., p. 19 (1935)).

We specifically reject Richmond's contention that we have authority to prescribe transmission rate schedules and service agreements that would require AEP companies to wheel energy, generated by Richmond, to Richmond's customer in another region. Cf. Commission Opinions No. 525, 38 FPC 269 (1967), and No. 554, 41 FPC 45 (1969); *City of Paris, Kentucky* v. *F.P.C.*, 399 F. 2d 983 (1968). What Richmond argues is that when a "public utility" within the meaning of the Federal Power Act does not have or offer transmission services of this type for a potential user, such as Richmond, the Commission should nonetheless order the utility to establish such class of service. That we cannot do. We do not here have before us the case of a public utility voluntarily offering such service to one municipal customer such as Richmond and denying it to a second potential municipal customer. The Act must be read as a "symmetrical whole", as the Court (by Maris, J.) said in *Panhandle Eastern Pipe Line Co.* v. *F.P.C.* 204 F. 2d 675, 679 (CA3, 1953), (regarding Sections 5(a) and 7(a) of Natural Gas Act):

. . . the provisions of Section 5(a) [equivalent to Section 206(a)], which confer upon the Commission power to direct the elimination of unduly discriminatory and preferential practices, must be read in the light of and construed as subject to the provision in Section 7(a) that the Commission may not compel the enlargement of transportation facilities . . .

In a subsequent phase of the same litigation over Panhandle's refusal to enlarge the "Liberty Lateral", the same Court, in *Central West Utility Co.* v. *F.P.C.* 247 F. 2d 306, 312 (CA3, 1957), affirmed the Commission's refusal to condition its certificate order, saying,

. . . The Commission was, therefore, right in not regarding this discrimination as being undue or unreasonable within the ban of Section 4(b) of the Act . . .

Accordingly, since we may not compel a public utility to wheel energy generated by another utility and transmit it to a third party who is a customer of the generating party, we may not, by indirection, require wheeling by directing the public utility to offer to such third party a rate schedule and service agreement containing provisions for wheeling service.[15] As noted above, we are not here dealing with a situation where a public utility undertakes transmission service for one potential customer such as Richmond, and denies such service to a second potential customer. Moreover, even if we were, we do not conclude that transmission service withheld from one party while being offered to other electric systems is in itself a difference which as a matter of law would constitute *undue* discrimination. Since the Act does not require such voluntary transmission service in the first instance, what may or may not be unduly discriminatory treatment must reflect that reality.

The Question of Rates and Charges

Congressman Harrington asserts that it was an error for the Commission to accept the settlement rates and charges. More specifically, his objection concerns the inclusion of fixed costs in transmission charges and the manner of calculating allowances for line losses in such charges. He recommends essentially an incremental cost approach. Initially the Congressman's position, as contained in comments filed May 20, 1974, was that the transmitting company, in addition to "100% of actual costs", should be allowed a "reasonable profit" by the Commission.[16] His basic contention is that since Fuel Conservation service involves rendering such service at night and on weekends with otherwise supposedly idle capacity, no additional plant investment is required and therefore *no* fixed costs (depreciation, return, and income taxes) should be reflected. This contention is unconvincing, as explained below.

[14] Order of August 26, 1974 (Mimeo. p. 20), citing *Southern California Edison Co.*, order issued June 5, 1974, in Docket No. E-8570.

[15] *Southern California Edison Co.*, order denying petition, etc., issued November 2, 1973 in Docket No. E-8176 (50 FPC 1479, 1481), pending court review in *City of Anaheim, et al.* v. *F.P.C.*, (CADC Nos. 73-2173, 73-2255).

[16] Congressman Harrington's comments, p. 5.

Richmond likewise contends that only incremental costs should be reflected in the transmission rates, and it urges that further proceedings should be held for two purposes: (i) to determine whether the refunds of charges for coal-by-wire deliveries, approved by our August 26, 1974, order, should be increased, and (ii) to prescribe just and reasonable and non-discriminatory rates and charges applicable to future operations.[17]

We concluded in our order of August 26, 1974, and upon consideration of the two applications for rehearing we reaffirm that conclusion, that neither Congressman Harrington nor Richmond has presented a factual or legal basis for either increasing the refunds or for reducing the rates and charges. They continue to advance the same ratemaking principles that we found unacceptable in our original order.

In our August 26, 1974, order (mimeo. pp. 6, 13), we described the nature of the Fuel Conservation Service as an interregional energy transfer (not merely the transfer between adjoining electric systems in normal, mutual self-help service), which involves the pre-scheduling or reserving (albeit during nighttime and weekend hours) of some portion of plant capacity for a maximum period of 72-hours per week, from identifiable units, not from overall supplier system capacity (order, mimeo. p. 6). Such interregional transfers, PJM asserts, would involve the utilization of major transmission lines connecting mine-mouth generation and other large base load generation units to major load areas. Loads on these bulk transmission facilities in many cases do not materially change between day and nighttime or weekend periods (order, p. 13).[18] Such facts support PJM's position that the off-peak or unloaded-facility theory advanced by Richmond and Congressman Harrington is inapplicable to Fuel Conservation Service. From the more specific record information upon which these findings are based, we conclude that the approaches advocated by Congressman Harrington and Richmond, ignore the fact that these operations are not simply off-peak, excess capacity operations.

Even though we may assume, as these applicants for rehearing do, that previous capital investments and the related fixed costs have already been reflected in rates prior to the initiation of these Fuel Conservation transfers, this consideration does not justify giving the recipients of such transferred energy a "free ride" at the expense of other, regular wholesale and retail customers who are paying for such fixed costs.[19] Under the settlement rates and charges, any portion of the revenues which this Commission or a State Public Service Commission may wish to consider in other rate proceedings can be identified and where appropriate cost of service adjustments can be made. Potential unjust "enrichment" of the transmitter, or others, is subject to our continuing surveillance of rates in current and future rate cases under Sections 205 and 206 of the Act. The substance of these applicants' objections ignores that surveillance. It also ignores the ratemaking jurisdiction of State Commissions.

Upon reconsideration of the contentions of these applicants, for all the foregoing reasons as well as those set forth in the August 26 order, and especially because this voluntary program was planned to take up any available slack in non-oil or non-gas fired generation and transmission capacity for the purpose of forestalling any national fuel crisis on an interregional basis during the Oil Embargo, we affirm our prior findings in regard to the unfairness of a strictly incremental cost rate for fuel conservation energy transfers.

We disagree with Congressman Harrington's interpretation of the loss allowances as "cumulative or cascading" in effect (p. 4). The Fuel Conservation rate schedules of the principal systems involved (AEP, APS, PJM, NYPP), provide for a straight pass-through of the cost of third party power and energy without mark-up. Since any line losses which were actually incurred must be replaced in order to deliver the equivalent level of generated energy, it would appear that Richmond and Congressman Harrington would not deny a payment for these losses, since they recommend the reflection of all out-of-pocket experienced costs. That much, and no more, is all that we have in our August 26, 1974, order, since, as discussed below, no separate allowance for line losses is to be charged unless it is actually incurred.

In sum, there is nothing in the applications for rehearing that causes us to depart from the conclusions expressed in our earlier order:

The proffered settlement rates and charges for fuel conservation power and proceedings have been factually supenergy services in the above entitled ported. They are cost related and they will not provide revenues to the respective generating or transmitting public utilities in excess of their respective costs of rendering those services, when tested upon the basis of cost analysis and cost allocations which we here apply to those rates and charges. These power and energy transfers serve the purposes of the Federal Power Act and they are in the public interest. Acceptance of the subject rate schedules, upon the terms and conditions of this order, does not result in unlawful anti-competitive practices. Rate schedules reflecting the proposed settlement rates and charges, as directed herein, are lawful within the terms of the Federal Power Act, Sections 205 and 206. (August 26, 1974, order, mimeo., pp. 32–33.)

Finally, we accept the settlement rates and charges as a reasonable compromise between the opposing interests on rate design principles and policy and we accept them for filing as service schedules for the additional purpose of making Fuel Conservation Service fully effective on a *voluntary* basis. The rates and charges in the case of Section 202(c) *Commission-directed* "emergency" energy transfers shall be governed by principles set forth in our Regulations Section 32.62E. (Order No. 520, issued November 29, 1974; 39 F.R. 42903).

The Question of Voluntary Interconnections

In effect, the gravamen of Congressman Harrington's objections is that since the existing structure of the wholesale electric industry (bulk generation and bulk transmission) requires an interregional chain of bilateral contracts on a buyer-seller basis, in contrast to transmission-service contracts, the efficacy of the fuel conservation program is undermined. This, it is contended is because

"each individual system [is left with] the ad hoc decision whether or not its role in carrying forward of needed power transfers to provide savings to consumer(s) and [the] conservation of scarce resources will satisfy its own economic self interest".

The relief requested by Congressman Harrington is the promulgation of guidelines regarding transmission charges "to obviate the 'daisy chain' effect of sequential, privately negotiated arrangements and charges," and the requirement that utilities transmit power along their lines if capacity is fully available (p. 4). The "root of the matter", the Congressman states, is that past reliance upon the voluntary interconnection and coordination of facilities by areas (Section 202 (a)) has failed to accommodate the interregional transfers needed for fuel conservation, leaving New England to take the brunt of the "inadequacy".

The relief requested by Richmond is expressed in its complaint:

. . . The Commission has failed . . . to order relief for Richmond which would *assure* that *I&M* will in fact *purchase* Richmond energy on a *non-discriminatory basis*, that I&M will provide *transmission service for Richmond's*

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[17] Richmond, while reserving its position as to issues other than rates and charges, has meanwhile executed and filed with the Public Service Commission of Indiana a contract, dated June 21, 1974, with Indiana and Michigan Electric Company (I&M, an AEP affiliate) for sale of fuel conservation power and energy at 20 cents per KW plus 110% of out-of-pocket replacement cost of supplying energy so reserved. (Richmond's letter of September 16, 1974, to the Commission Secretary in response to requirements of paragraph (H) of the August 26 order; see also our order of August 26, mimeo. p. 26).

[18] PJM's Comments (p. 3), filed May 20, 1974.

[19] E.g., see Reply of Ohio Edison Company, and Pennsylvania Power Company, filed June 17, 1974 (p. 4); Reply of Monongahela Power Co., *et al.*, filed June 22, 1974 (pp. 7-8); Comments of State Corporation Commission, Commonwealth of Virginia, filed June 18, 1974; Comments of the Public Service Commission of West Virginia, filed May 17, 1974; and Comments of the Public Service Commission of Wisconsin, filed June 10, 1974. All of these comments oppose the purely incremental cost approach.

available energy not purchased by I&M, and that I&M will sell to and *transmit* to Richmond conservation energy in the event of a coal shortage, at least on the same basis it provides such services to other utilities, and on the same basis such services are supplied among and between the AEP affiliates. (p. 10, emphasis added.)

We have taken actions discussed above to avoid the adverse impacts of electrical generator interruptions. We here again emphasize that the bulk power industry is designed within economic constraints to meet a utility's own requirements and the coordinated interconnection needs of the immediately adjacent power systems. It is not as yet designed for, and this proceeding is not intended to accomplish, a restructuring of the industry so as to meet the need for long range interregional transfers solely to redistribute the cost of fuel throughout the nation and to obtain a uniformly low-cost power supply.[20]

Moreover, we must conclude on the basis of decreasing fuel inventories and escalating prices for coal during the winter of 1973–74, that Congressman Harrington's and NEPOOL's initial hope for low-cost transfers of low-cost coal-generated power and energy, although in our view also not unduly optimistic in 1973 (Order 496), did not materialize in 1974 as a source of low-cost "non-emergency" power and energy for New England.

Upon our review and consideration given to the applications for rehearing and reconsideration, filed by Richmond and Congressman Harrington, we find that essentially they contain re-statements of arguments previously made in their comments and replies, and these matters we considered in our August 26, 1974, order.

Richmond's complaint specifies 25 numbered errors, some with subdivisions, and Congressman Harrington's specifies about 6. We have not dealt in detail with each, but we have discussed above all of those that seem to us significant. To the extent that either party charges us with responding in our August 26 order to contentions they did not make, we stand by our responses, for we believe them to be correct and appropriate. To the extent that either party charges us with failing to respond to their contentions, we believe that our findings in this order make clear that such contentions lacked either factual or legal support or were otherwise unpersuasive.

AEP's Petition for Reconsideration

AEP's petition for reconsideration, as mentioned above, requests that we modify paragraph (G) of the August 26 order. That clause requires AEP to eliminate the provision for transmission losses from all rate schedules for Fuel Conservation Service. (Section 2.12(B) of AEP affiliates' service Schedule F). In support, AEP states that its initially filed version of its AEP–APS Fuel Conservation rate schedule (Schedule F) provided for compensation of 115 percent of the out-of-pocket cost of supplying fuel conservation energy that AEP purchased from other systems. No separate provision for transmission line losses was included. Pursuant to agreement reached with adjacent systems, AEP on March 29, 1974, filed an amended Schedule F, in which in effect AEP reduced its 115 percent markup of its supplier's charges to 100 percent. In lieu of the 15 percent adder, AEP substituted the provision under which it would be reimbursed for its own "out-of-pocket cost of energy associated with transmission [line] losses, *if any*". (Emphasis added.)

As stated in AEP's September 13 letter, and reasserted in its petition, AEP has reported that with respect to the coal-by-wire service (January 1–May 31, 1974) "no material transmission losses were incurred with respect to fuel conservation energy delivered and no charge was made under such rates based upon losses". In effect, AEP objects to being required to eliminate the provisions for such losses on the ground that, although no losses were incurred in the January–May, 1974, period, nevertheless, in the *future* the transmission of energy supplied by other systems under circumstances other than those existing during the coal-by-wire movements of energy, could involve substantial transmission losses. We note also that APS's Reply filed June 17, 1974, indicates that transmission line losses were not incurred in the transfers of conservation energy that were actually accomplished during the period under discussion. Moreover, as we noted above, the APS and PJM rate schedules contain no seperate provision for collection for line losses.

In stressing the need for provision for such transmission line losses in its rate schedule, AEP states that "replacement fuel costs incurred to make up for transmission line losses have sharply escalated since March of 1974, when the settlement rates were evolved, and clearly, in the case of coal, will continue to escalate in the foreseeable future." Under such circumstances, it asserts, ". . . the failure to provide for recovery of replacement fuel costs at current or unknown future levels could make such transactions economically prohibitive".

We agree with AEP's assertion that unless the supplier's rate schedule includes (or is flexible and broad enough to cover), its out-of-pocket line losses as the cost of fuel for such replacement of energy escalates, such fuel conservation transfers could become economically prohibitive. In such event, Fuel Conservation service, as a voluntary program, would be made ineffective. Accordingly, we shall amend paragraph (G) of our August 26 order to remove the requirement that such clause be eliminated. AEP's petition for reconsideration therefore is granted to the extent indicated herein.

In compliance with the requirements of paragraph (G) of our August 26 order, the various utilities have responded with revenue data for the billings rendered. We particularly note that APS's response by letter dated November 18, 1974, states that no charges for line losses were added to its billing. Upon review of all the filings made in response to the requirements of paragraph (G), we will require AEP and other utilities which propose a separate charge for transmission line losses in their rate schedules to specify to the Commission the amount of such charges actually billed to another utility and how they were determined. (See ordering paragraph (B) below.)

Accordingly, upon consideration of the applications for rehearing and reconsideration, for the purposes of our review and consideration of the settlement rates and charges for Fuel Conservation service, we find that the rate schedules for such services submitted by all of the applicants have been shown to be in the public interest as affected by the requirements of this order and our order of August 26, 1974, and authorized pursuant to the Federal Power Act, particularly Sections 202, 205, and 206 thereof. These proceedings should be terminated as provided in our August 26, 1974, order.

The Commission further finds:

(1) The assignments of error and grounds for rehearing and reconsideration set forth in the applications filed on September 25, 1974, by Richmond and by Congressman Harrington, present no new facts or principles of law that were not considered by the Commission when it issued its order on August 26, 1974, or which having now been considered warrant any change in or modification of said order.

(2) The petition for reconsideration filed by AEP on November 12, 1974, to the extent indicated below, should be granted.

(3) The settlement rates being accepted are in the public interest because they are lower than the rates otherwise applicable, and they represent a reasonable compromise between opposing interests.

The Commission orders:

(A) The applications filed on September 25, 1974, by Richmond and by Congressman Harrington, for rehearing of the Commission's order of August 26, 1974, are denied.

(B) The second, third, fourth and fifth sentences of paragraph (G) of the Commission's order of August 26, 1974, are hereby deleted. There shall be inserted in lieu thereof the following: "Any utility whose rates contain a provision for a transmission charge plus the out-of-pocket cost of energy associated with losses shall specify to the Commission the method of determination of such charges and the amount of such charges actually billed to another utility."

By the Commission.

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

[FR Doc.75-26636 Filed 10-3-75;8:45 am]

[20] Order of August 26, 1974 (mimeo. pp. 18–19).

[Docket No. ER76-130]

NIAGARA MOHAWK POWER CORP.

Notice of Tariff Filing

SEPTEMBER 26, 1975.

Take notice that Niagara Mohawk Power Corporation (Niagara), on September 17, 1975, tendered for filing as a rate schedule, a transmission agreement between Niagara Mohawk Power Corporation and Rochester Gas and Electric Corporation, dated February 14, 1975.

Niagara states that the service to be rendered by Niagara provides for the transmission of power and energy between (a) Niagara's transmission connection to the Power Authority of the State of New York (PASNY) Fitzpatrick-Edic No. 1, 345 Kv transmission line and (b) Niagara's transmission connections with the 345 Kv Pannell and Rochester 345 Kv substations.

Transmission capacity to be made available to Rochester Gas and Electric Corporation (Rochester) will be that which is scheduled as unsupported firm power for Rochester by PASNY in accordance with the James A. Fitzpatrick Nuclear Power Plant (Fitzpatrick) contracts and agreements in effect between PASNY and Rochester, according to Niagara.

Niagara proposes an effective date of July 28, 1975, and requests waiver of the Commission's Regulation concerning prior notice.

Copies of the filing were served upon the following:

Rochester Gas and Electric Corporation,
89 East Avenue,
Rochester, New York 14649.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 8, 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-26611 Filed 10-3-75;8:45 am]

[Docket No. CP76-95]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 25, 1975.

Take notice that on September 18, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-95 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of an additional delivery point in Pecos County, Texas, (the Coyanosa delivery station) under Rate Schedule X-40 for delivery of natural gas to Clajon Gas Company (Clajon) and authorizing the replacement of two meters in Carson County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Clajon has requested the delivery of natural gas under Applicant's Rate Schedule X-40 through the Coyanosa delivery point. Applicant states further that it is presently making deliveries to Clajon through the delivery point pursuant to Rate Schedule ES-2, which provides for delivery of up to 3,000 Mcf of gas per day during any emergency period. Applicant and Clajon would cancel Rate Schedule ES-2 upon the receipt of authorization to make deliveries under Rate Schedule X-40, and the proposed service would not change any volumes currently authorized under Rate Schedule X-40, it is stated.

Applicant further proposes to replace two Rockwell 3000 meters on Applicant's Kermit-to-Beaver line in Carson County. Applicant states that both of the meters have a PV gauge installed and are presently measuring at least twice as much gas as their design provides for. Applicant would replace the two meters with one 7M 125 roots meter. The meter replacement is said to be necessary to accommodate and to measure accurately deliveries made to Clajon at this delivery point. The estimated cost of the proposed facilities is said to be $2,830.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26621 Filed 10-3-75;8:45 am]

[Docket No. ER76-128]

OKLAHOMA GAS AND ELECTRIC CO.

Notice of Cancellation

SEPTEMBER 26, 1975.

Take notice that on September 17, 1975, the Oklahoma Gas and Electric Company (Oklahoma) tendered for filing a notice of cancellation of an agreement entered into on August 19, 1971, and filed with the Commission on September 28, 1971, between Oklahoma and the KAMO Electric Cooperative, Inc. (KAMO). The cancellation agreement between Oklohama and KAMO, effective June 30, 1975, cancels the obligation of Oklahoma to furnish and the obligation of KAMO to take and pay for electric power and energy. Oklahoma states that the cancellation of service is due to a lack of any further need of this source of power on the part of the Rural Electric Cooperative (Rural), to whom this power was ultimately being supplied, due to changes Rural has made in its electrical distribution system. Oklahoma requested that the 90-day filing period be waived and that the cancellation become effective June 30, 1975.

Notice of the proposed cancellation was served on KAMO.

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, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before October 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-26612 Filed 10-3-75;8:45 am]

[Project No. 1354]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for Approval of Change in Land Rights

SEPTEMBER 26, 1975.

Public notice is hereby given that application was filed November 8, 1974, under the Federal Power Act (U.S.C.

§§ 791a–825r) by Pacific Gas and Electric Company (Correspondence to: Mr. W. M. Gallavan, Vice President-Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for approval of a change in land rights for Crane Valley Project No. 1354, located on the North Fork San Joaquin River and tributaries, affecting public lands of the United States and United States lands within Sierra National Forest in Madera and Fresno Counties, California.

Applicant seeks Commission approval of the issuance of a permit to the Marina View Heights Association which would allow the construction of a community boat dock at the Bass Lake development of the project.

Bass Lake is a storage reservoir impounded on the North Fork of Willow Creek, a tributary of the San Joaquin River, in Madera County. The reservoir is approximately 4 miles long and ½ mile wide and contains approximately 45,000 acre-feet of storage capacity with 1,165 acres of water surface at normal full pool elevation 3,376 feet m.s.l.

The proposed community boat dock would accommodate eight boats and is contemplated to render unnecessary the construction of a like number of small private boat docks.

Any person desiring to be heard or to make protest with reference to said application should on or before November 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. § 1.8 or §1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-26613 Filed 10-3-75;8:45 am]

[Docket No. ER76-138]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Notice of New Interconnection Agreement and Filing of Certificate of Concurrence

SEPTEMBER 25, 1975.

Take notice that Public Service Electric and Gas Company (PS), on September 19, 1975, tendered for filing a proposed new Interconnection Agreement, dated May 22, 1975, between PS and Consolidated Edison Company of New York, Inc. (Con Edison), for an interconnection between the Hudson Generating Station of PS and the Farragut Substation of Con Edison, and an interconnection between the New Milford Switching Station of PS and the Ramapo Substation of Con Edison.

PS states that the reason for this filing is to provide additional interconnections between it and Con Edison for the reinforcement of interconnection capability and mutual assistance and for the normal transfer of power for Con Edison over PS's transmission facilities between Con Edison's Ramapo and Farragut Substations and the emergency transfer of power for PS over Con Edison's transmission facilities between PS's Linden and Hudson Generating Stations.

PS requests that the instant filing be permitted to become retroactively effective to December 21, 1972, the date on which, PS states, the first interconnection on the Hudson-Farragut line went into service.

PS included with its filing a Certificate of Concurrence executed by Con Edison on May 22, 1975, assenting to and concurring with the above-mentioned Interconnection.

PS states that a copy of this filing has been sent to Con Edison and to the Board of Public Utility Commissioners of the States of New Jersey.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 9, 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.75-26622 Filed 10-3-75;8:45 am]

[Docket No. ER76-139]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Cancellation

SEPTEMBER 26, 1975.

Take notice that on September 19, 1975, Rochester Gas and Electric Corporation (RG&E) tendered for filing a notice cancellation of its Rate Schedule FPC No. 18 whereby it agrees to sell 150 MW of Firm Capability and the energy associated therewith to Consolidated Edison Company of New York, Inc. from October 27, 1974 through October 25, 1975. RG&E states that the Schedule will expire in accordance with its term provision on October 25, 1975.

RG&E further states, that a copy of the filing was served on Consolidated Edison Company of New York, Inc.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-26614 Filed 10-3-75;8:45 am]

[Docket No. CI76-137]

SHELL OIL CO.

Notice of Application

SEPTEMBER 25, 1975.

Take notice that on September 8, 1975, Shell Oil Company (Applicant), P.O. Box 2099, Houston, Texas 77001, filed in Docket No. CI76-137 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from production from wells on Lease G-1870, South Timbalier Block 26, offshore Louisiana, allocated to gas from Lease G-2620 in said block, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has entered into a gas sales contract with United dated August 14, 1975, for the sale of gas from the reserves under South Timbalier Block 26, Bay Marchand Field, offshore LaFourche Parish, Louisiana, attributable to production from Lease G-2620. It is further stated that Applicant cannot commence delivery from facilities on said lease until drilling is complete upon its platform on said lease. Applicant is said to be injecting water to maintain pressure and maximize the recovery from the common "O" oil reservoir from the platform on Lease G-2620, and this is stated to be causing a migration of a portion of the oil and gas underlying Lease G-2620 into Lease G-1870. It is alleged by Applicant that by engineering analysis, it is possible to allocate the proportion of the oil and gas produced on G-1870 to G-2620 which is caused by the migration.

Applicant states that it has determined that the Bay Marchand Field, from which it is selling gas pursuant to FPC Gas Rate Schedule Nos. 357 and 376 and certificate authorizations in Docket Nos. CI68-1146 and CI70-102, respectively, extends under Lease G-2620. The sales under the contract of August 14, 1975, are said to be of gas attributable only to Lease G-2620.

Applicant estimates the sales volumes would be approximately 48,000 Mcf of gas per month and the point of delivery

would be on Applicant's platform on Lease G–1361, also in South Timbalier Block 26. The contract between Applicant and United provides for an initial rate of 90.0 cents per Mcf of gas at 15.025 psia, but Applicant states that it is willing to accept a certificate conditioned to the rate set forth in Section 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a).

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federdal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–26623 Filed 10–3–75;8:45 am]

[Docket No. RP75–19]

TEXAS GAS TRANSMISSION CORP.

Notice of Further Extension of Procedural Dates

SEPTEMBER 26, 1975.

On September 24, 1975, Consolidated Gas Supply Corporation and Columbia Gas Transmission Corporation filed a motion to extend the procedural dates fixed by order issued October 30, 1974, as most recently modified by notice issued July 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, October 6, 1975.
Service of Staff and Intervenor Rebuttal, November 3, 1975.
Service of Company Rebuttal, November 25, 1975.
Hearing (unchanged), December 2, 1975 (10:00 a.m. EST).

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.75–26615 Filed 10–3–75;8:45 am]

[Docket No. ER76–132]

TOLEDO EDISON CO.

Notice of Tariff Change

SEPTEMBER 26, 1975.

Take notice that the Toledo Edison Company, on September 17, 1975 tendered for filing proposed changes in its F.P.C. Electric Service Tariff, Original Volume No. 1 applicable to sales to Municipalities for Resale. The proposed changes would increase revenues from jurisdictional sales and service by $378,961.00 based on the 12 month period ending December 31, 1974.

Toledo Edison states that the Fuel Adjustment Clause in both Municipal Resale Service Rate-Large and Municipal Resale Service Rate-Small has been revised to comply with Commission Regulation 35.14 as amended by Order 517. Additionally, Municipal Resale Service Rate-Large has been revised by changing the ratchet clause from fifty to sixty percent, modifying the Monthly Minimum Charge and providing that the rate schedule shall apply separately to each separate delivery point requested by a municipality which was not in regular service prior to September 1, 1975.

Toledo Edison states Municipal Resale Service Rate-Small has been revised by modifying the Monthly Minimum Charge, removing the availability of service thereunder at less than 4000 volts and changing the language in Special Rules 3 and 4 to conform to like rules in Municipal Resale Service Rate-Large.

Also filed herewith are First Revised Sheet No. 2 which updates the General Information section of Toledo Edison's filed Tariff, and First Revised Sheet No. 4, a revised map of the affected service area showing recent additions to transmission and distribution plant.

Toledo Edison states that the additional revenue which would result from the proposed rates is needed to offset increased operating costs and increases in the cost of facilities necessary to provide electrical service to its jurisdictional customers.

The proposed effective date for the municipalities of Bowling Green, Bryan, Montpelier, Napoleon, Pemberville and Woodville, Ohio is October 18, 1975. The municipalities of Bradner, Custar, Edgerton, Elmore, Genoa, Haskins, Oak Harbor and Pioneer, Ohio presently receive service under long term contracts all of which expire in 1976. It is proposed that the revised tariff becomes effective as to these municipalities upon the expiration dates of their respective contracts.

Toledo Edison states that three municipalities presently receiving service under Municipal Resale Service Rate-Large have executed an agreement accepting the proposed rates and that such agreement is included for filing.

Copies of the filing were served upon the public utility's fourteen (14) jurisdictional customers and the Public Utilities Commission of Ohio.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–26616 Filed 10–3–75;8:45 am]

[Docket Nos. RP73–3, RP74–48, RP75–3; PGA76–1, AP76–3]

TRANSCONTINENTAL GAS PIPE LINE CO.

Notice of Tariff Filing

SEPTEMBER 26, 1975.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on September 16, 1975, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 to become effective November 1, 1975. Pursuant to the Purchased Gas Adjustment Clause (PGA Clause) contained in its Tariff and Sections 5 and 6 of Article III of its Agreement as to Rates in Docket Nos. RP74–48 and RP75–3, Transco proposes to increase its rates effective November 1, 1975 to reflect the effect of (1) an increase in both the current purchased gas cost and the deferred adjustment, (2) to recoup a net increase in advance payment amounts not previously reflected in rates of $4,005,613 and (3) to reduce the rates under Transco's Rate Schedule GSS for changes in rates by Consolidated Gas Supply Corporation under the latter's Rate Schedule GSS. The advance payment increase and the decrease under Rate Schedule GSS are subject to Commission approval of the pending Agreement.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any persons 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, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 9, 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.75-26617 Filed 10-3-75;8:45 am]

[Docket Nos. RP74-48, RP75-3 (AP76-2)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Rejecting, Without Prejudice, Tracking Filing and Granting Intervention

SEPTEMBER 29, 1975.

On August 15, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing seven revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.[1] This filing is made, Transco states, in accordance with Sections 5 and 6 of Article III of the "Agreement as to Rates of Transcontinental Gas Pipe Line Corporation" (Agreement). Said Agreement, representing a settlement of all but three issues in Docket Nos. RP74-48 and RP75-3, was certified to the Commission for approval on May 16, 1975, by Presiding Administrative Law Judge Isaac D. Benkin.

According to Transco, the purpose of the filing is to increase its rates (1) to reflect the inclusion in rate base of advance payments in the amount of $21,760,540, which amount has not previously been included in rate base and (2) to recoup under Transco's Rate Schedule S-2, changes in rates by Texas Eastern Transmission Corporation under the latter's Rate Schedule X-28.

The proposed revised tariff sheets also reflect additional advance payments made by Transco in the amounts of $32,287,081, $14,442,642, and $6,863,293. Those amounts were the subject of previous advance payment tracking filings made by Transco on May 16, 1975 (AP75-1), June 16, 1975 (AP75-2), and July 16, 1975 (AP76-1), respectively.[2]

Transco proposes that the instant filing be made effective October 1, 1975, subject to Commission approval of the Agreement.

Public notice of the subject filing was issued on September 3, 1975, with comments, protests and petitions to intervene due on or before September 19, 1975. A timely petition for leave to intervene was filed by Sun Oil Company. Good cause appearing, said petition shall be granted, as hereinafter ordered and conditioned. In addition, on September 19, the Commission Staff filed its comments and request for hearing to determine the reasonableness and appropriateness of the advances in question.

As noted above, the instant tracking filing is made pursuant to provisions in the settlement agreement in the captioned dockets. These provisions would permit, subject to certain conditions, the tracking of advances from Transco to producers of natural gas and the tracking of rate changes by other pipelines providing storage service to Transco. However, because we have not yet taken any action on said settlement agreement, Transco, as of this date, has no authority to track the increases here in question. Accordingly, the instant filing must be rejected as premature. This rejection is, however, without prejudice to Transco's right to make tracking filings in the event the tracking provisions are approved at a later date.[3]

The Commission finds:

(1) Good cause exists to grant Sun Oil Company's petition for leave to intervene in this proceeding, as hereinafter ordered and conditioned.

(2) Good cause exists to reject the tariff sheets listed in footnote 1 of this order, without prejudice to Transco's right to make tracking filings in the event the aforementioned tracking provisions are approved at a later date.

The Commission orders:

(A) Sun Oil Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) Transco's August 15, 1975, tracking filing is hereby rejected, without prejudice to Transco's right to make tracking filings in the event the tracking provisions in question are approved by this Commission at a later date.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26635 Filed 10-3-75;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Changes in FPC Gas Tariff

SEPTEMBER 24, 1975.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco), on September 16, 1975, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. The proposed tariff sheets to become effective October 1, 1975 are as follows:

FIRST REVISED VOLUME NO. 1

Substitute Fourteenth Revised Sheet No. 5.

Substitute Tenth Revised Sheet No. 6.

ORIGINAL VOLUME NO. 2

Substitute Fifteenth Revised Sheet No. 52.

Substitute Second Revised Sheet No. 121.

Substitute Eleventh Revised Sheet No. 321.

Substitute Fourth Revised Sheet No. 351.

Substitute Seventh Revised Sheet No. 416.

Substitute Sixth Revised Sheet No. 495.

Transco states that such tariff sheets are those necessary to place its rates, suspended by Order issued April 30, 1975 in Docket No. RP75-75, into effect at the end of the prescribed suspension period updated to reflect the elimination of costs for carrying charges under an advance payment agreement as required by Order issued September 9, 1975 in the instant docket. It is further stated that the rates have been updated to reflect the effect of tracking filings which have been made by Transco since the original filing in this Docket under the tracking provisions of Transco's "Agreement as to Rates" in Docket Nos. RP74-48 and

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[1] These seven revised sheets are designated Fifth Substitute Thirteenth Revised Sheet No. 5 and Fifth Substitute Ninth Revised Sheet No. 6 to First Revised Volume No. 1; and Seventh Substitute Fourteenth Revised Sheet No. 52, Sixth Substitute First Revised Sheet No. 121, Seventh Substitute Tenth Revised Sheet No. 321, Seventh Substitute Sixth Revised Sheet No. 416, and Seventh Substitute Fifth Revised Sheet No. 495 to Original Volume No. 2.

[2] By orders issued June 30, 1975, July 25, 1975, and August 29, 1975, respectively, Transco's advance payments tracking filings were rejected because we had not yet acted on the aforementioned Agreement, pursuant to which the tracking filings were made. However, those rejections were without prejudice to Transco's right to make advance payment tracking filings in the event the tracking provision is approved at a later date.

[3] We note that Transco has also filed to track the same proposed increase in rates under Rate Schedule S-2 in its September 16, 1975, filing in Docket No. RP75-75. In that docket, Transco relies on the tracking authority we have granted them in the past on a case by case basis to track such increases. Accordingly, our rejection of that portion of Transco's August 15, filing in the instant docket containing the proposed increase in rates contained in Rate Schedule S-2 is without prejudice to any action we might take with respect to this matter when we act upon Transco's September 16, 1975, filing in Docket No. RP75-75.

RP75–3 certified to the Commission for its approval on May 16, 1975.

Transco also states that copies of the filings have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 9, 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.75-26620 Filed 10-3-75;8:45 am]

[Docket No. ER76-120]

UNITED ILLUMINATING CO.

Notice of Filing of Rate Schedule

SEPTEMBER 26, 1975.

Take notice that the United Illuminating Company (The Company) on September 12, 1975, tendered for filing an initial rate schedule and a contract for service of the City of Holyoke, Massachusetts (The City).

The Company states that Service to the City under the rate schedule commenced on August 29, 1975, the date on which the Company's New Haven Harbor Station Unit No. 1 went into commercial operation.

The Company further states that service to be furnished at the rate specified in said rate schedule is limited to the wholesale sale of electric energy for a brief period of time commencing with the commercial operation date (August 29, 1975) of New Haven Harbor Station Unit No. 1 and ending on such date (which may not be later than January 2, 1976) as the City of Holyoke, Massachusetts Gas and Electric Department can complete its financing program to enable it to purchase a joint ownership interest in said generating unit from the Company.

The Company also requests pursuant to Section 35.11 of the Commission's Regulations that there be a waiver of prior notice requirements and an order providing that said rate schedule be effective as of August 29, 1975.

The Company states that copies of the filing were served upon the City of Holyoke, Massachusetts.

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 Sections 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 October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26633 Filed 10-3-75;8:45 am]

[Docket No. ER76-125]

UNION ELECTRIC CO.

Notice of Agreement Modification

SEPTEMBER 26, 1975.

Take notice that on September 11, 1975, Union Electric Company (Union) tendered for filing Appendix O to the Facility Use Agreement dated February 14, 1972, between it and Illinois Power Company, designated as Union's Rate Schedule FPC No. 82. Union states that Appendix O provides for payment to Union of an annual facilities charge based on its investment in new facilities added to an existing connection between the parties.

Union states that actual costs upon which the charge is determined have been ascertained recently and, therefore, it requests a retroactive effective of May 14, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-26618 Filed 10-3-75;8:45 am]

[Docket No. ER76-136]

WASHINGTON WATER POWER CO.

Notice of Rate Schedule

SEPTEMBER 26, 1975.

Take notice that on September 19, 1975 Washington Water Power Company (WWPC) tendered for filing Service Schedule W–1 which applies to the sale of surplus energy to utilities that are parties to The Intercompany Pool Agreement (Revised), dated September 1, 1973, and designated as FPC No. 87.

WWPC states that the Service Schedule consists of five rate categories dealing with different energy classifications. Surplus energy would be provided to all parties to the Pool Agreement under whichever of the rate categories is applicable at the time of delivery. WWPC further states that the availability of energy under this Rate Schedule is in its sole discretion.

WWPC requests that the requirements of prior notice be waived and that the Rate Schedule be given a retroactive effective date of September 1, 1975. WWPC indicates this does not affect purchasers under other rate schedules.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 October 14, 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-26634 Filed 10-3-75;8:45 am]

[Docket No. IT-5024]

COMISION FEDERAL DE ELECTRICIDAD, DIVISION GOLFO NORTE (CFE)

Notice of Application

OCTOBER 1, 1975.

In the matter of Commission Federal de Electricidad, Division Golfo Norte (Successor to Cia. Luz y Fuerza Motriz de Acuna, S.A.) and Central Power and Light Company.

Take notice that Comision Federal de Electricidad, Division Golfo Norte (CFE), filed an application with the Federal Power Commission on August 4, 1975 for (1) a supplemental order, pursuant to Section 202(e) of the Federal Power Act, reflecting CFE's succession to the interests of Cia. Luz y Fuerza Motriz de Acuna, S.A. (Light and Power Company of Acuna) and authorizing an increase in the amount and rate of transmission of electric energy which Light and Power Company of Acuna and Central Power and Light Company (Central) were authorized to transmit from the United States to Mexico, and (2) an amendment of the Presidential Permit, signed by the President of the United States on April 23, 1942, whereby, pursuant to Executive Order No. 10485, dated September 3, 1953, CFE would be authorized in place of Light and Power Company of Acuna to operate and maintain certain 12 kv facilities at the United States-Mexican border in the vicinity of Del Rio, Texas, for the transmission of electric energy between the United States and

Mexico, all in Docket No. IT-5024. Central filed a joinder in CFE's application on August 4, 1975.

CFE is an agency of the Republic of Mexico. Central is incorporated under the laws of the State of Texas, with its principal place of business at Corpus Christi, Texas.

By Commission order issued April 21, 1969 (41 FPC 520), Light and Power Company of Acuna and Central were authorized to transmit electric energy from the United States to Mexico in an amount not in excess of 20,000,000 kwh per year at a transmission rate not to exceed 4,000 kw over the 12 kv facilities of Light and Power Company of Acuna covered by its Presidential Permit, referred to above, all in Docket No. IT-5024.

CFE and Central (Applicants) request that the authorization granted by Commission order of April 21, 1969, referred to above, be modified so as to authorize Applicants to export electric energy in an amount not in excess of 40,000,000 kwh per year at a transmission rate not to exceed 8,000 kw for use in meeting the growth in the number and requirements of electric service customers formerly served by Light and Power Company of Acuna and presently served by CFE in Ciudad Acuna, State of Coahuila, Mexico, and vicinity. Central, as at present, will be the supplier and CFE will be the transmitter of the exported energy. It will be delivered by Central to CFE at a point in Texas near the International Bridge between Del Rio, Texas, and Ciudad Acuna, from which point tCFE will transmit the energy across the Rio Grande to a point near Ciudad Acuna by means of the aforementioned 12 kv facilities. The interest of Light and Power Company of Acuna in those facilities has been acquired by CFE, as indicated above. The energy to be exported will be delivered and sold by Central to CFE in accordance with the terms and conditions and at the rates and charges incorporated into the Electric Service Contract, dated February 17, 1975, between Applicants, copies of which were submitted as part of the application.

According to the application, Central has adequate generating, transmitting and transforming capacity to furnish the additional amount of electric energy at the increased rate of transmission to CFE for exportation to Mexico as well as to furnish the electric service needs of Central's present and prospective customers in that area of the United States from which the exportation is proposed to be made.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26763 Filed 10-3-75;8:45 am]

FEDERAL RESERVE SYSTEM

ANNAWAN INVESTMENT CO.

Formation of Bank Holding Co.

SEPTEMBER 24, 1975.

Annawan Investment Company, Annawan, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80.04 per cent of the voting shares of The State Bank of Annawan, Annawan, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Annawan Investment Company has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in general insurance agency activities. Notice of the application was published on August 1, 1975 in The Atkinson-Annawan News, a newspaper circulated in Annawan, Illinois.

Applicant states that it proposes to sell general insurance, including whole life, term, and credit life, accident and health insurance. Such activities will be conducted from the premises of The State Bank of Annawan, Annawan, Illinois, in a community with a population not exceeding 5,000 persons. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the propoal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 16, 1975.

Board of Governors of the Federal Reserve System, September 23, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-26705 Filed 10-3-75;8:45 am]

BANCOHIO CORP.

Acquisition of Bank

BancOhio Corporation, Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of The Geauga County National Bank of Chardon, Chardon, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 20, 1975.

Board of Governors of the Federal Reserve System, September 26, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-26706 Filed 10-3-75;8:45 am]

DOWNS BANCSHARES, INC.

Order Denying Formation of Bank Holding Company

Downs Bancshares, Inc., Downs, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act ("Act") (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of The Downs National Bank, Downs, Kansas ("Bank").

Applicant has also applied pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of Cushing Insurance Agency, Downs, Kansas ("Agency"). Thereafter, Applicant would engage in the activities of a general insurance agency on the premises of Bank, which is located in a community of less than 5,000 persons. Such activities have been determined by the Board in § 225.4(a)(9)(iii) of Regulation Y to be permissible for bank holding companies, subject to Board approval of individual proposals.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given

in accordance with sections 3 and 4 of the Act (40 FR 30326). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a recently organized corporation formed for the express purpose of becoming a bank holding company and operating a general insurance agency. Bank holds deposits of approximately $6 million,[1] representing 14.9 per cent of the total deposits in commercial banks in the relevant market,[2] and thereby ranks as the fifth largest of six banks operating in the market. Upon acquisition of Bank, Applicant would control less than one-tenth of one per cent of total deposits in Kansas. Inasmuch as Applicant presently has no subsidiaries, it appears that consummation of the proposal would not eliminate significant existing or potential competition, increase the concentration of banking resources, or have an adverse effect on other banks in the relevant market. Therefore, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has indicated on previous occasions that it believes that a holding company should provide a source of financial and managerial strength to its subsidiary bank(s), and that the Board will closely examine the condition of the applicant in each case with this consideration in mind. In connection with this proposal, Applicant would incur a sizeable acquisition debt, which it proposes to service over a 12-year period through Bank dividends and commissions from the insurance activities. In addition, Applicant's principals have provided individual guarantees to furnish the funds required to supplement Applicant's cash flow in order to amortize the indebtedness over the 12-year period while maintaining Bank's capital at an acceptable level. Notwithstanding the foregoing, in the Board's view, the debt retirement program does not provide Applicant with the necessary financial flexibility to service the acquisition debt while maintaining Bank's capital at an acceptable level. Furthermore, the financial requirements imposed upon Applicant as a result of the debt could prevent it from resolving any unforeseen problems that may arise at Bank and thereby impair Bank's ability to continue to serve the community as a viable banking organization.

On the basis of the above and other facts of record, the Board is of the view that it would not be in the public interest to approve the formation of a bank holding company with an initial debt structure that could result in impairing Bank's overall financial condition. Accordingly, the Board concludes that the considerations relating to the banking factors weigh against approval of the application.

Applicant proposes to make no changes in the services offered by Bank. Therefore, considerations relating to the convenience and needs of the community to be served are consistent with, but lend no weight toward approval of the application.

The Board concludes that the banking considerations involved in this proposal present adverse factors bearing on the financial conditions and prospects of Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits that would result in servicing the convenience and needs of the community. Accordingly, the Board concludes that consummation of the proposal would not be in the public interest and that the application should be denied.

On the basis of all of the facts of record, the application[3] is denied for the reasons summarized above.

By order of the Board of Governors,[4] effective September 26, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-26707 Filed 10-3-75;8:45 am]

[1] All banking data are as of December 31, 1974.

[2] The relevant banking market for purposes of analyzing the competitive effects of the proposal is approximated by Osborne County, Kansas.

[3] The denial of Applicant's proposal to become a bank holding company through acquisition of Bank renders moot its application to acquire the assets of Agency.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Holland, Coldwell and Jackson. Absent and not voting: Governors Bucher and Wallich.

ERVIN MOTORS

Formation of Bank Holding Co.

Ervin Motors, Marshalltown, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 56.7 per cent or more of the voting shares of Commercial State Bank, Marshalltown, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applictaion may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1975.

Board of Governors of the Federal Reserve System, September 26, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-26708 Filed 10-3-75;8:45 am]

MARK TWAIN BANCSHARES, INC.

Acquisition of Bank

Mark Twain Bancshares, Inc., Ladue, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 98.75 percent or more of the voting shares of Mark Twain Bank, National Association, Ladue, Missouri, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 29, 1975.

Board of Governors of the Federal Reserve System, September 25, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-26709 Filed 10-3-75;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

RESEARCH ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11686 and the provisions of Section 10(a)(2), P.L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee Meeting on November 5-6, 1975, at the Pan American Health Organization Building, 23rd Street and Virginia Avenue, N.W., Conference Room "C", to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning projects proposed for A.I.D. central research funding in the fields of health and population and selected development problems. In addition, a portion of the meeting will be devoted to a discussion of the A.I.D. population research program and of the National Academy of Sciences Study on world food and nutrition. The meeting will begin at 9:00 a.m. and adjourn at 5:30 p.m. each day. This meeting will be open to the public. Dr. Erven J. Long, Associate Assistant Administrator, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven J. Long, 21st Street and Virginia Avenue, N.W., Washington, D.C. 20523, or call area code 202-632-9076.

Dated: September 26, 1975.

M. S. RECHCIGL,
Acting Assistant Administrator for Technical Assistance.

[FR Doc.75-26703 Filed 10-3-75;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[ATF O 1100.56]

ASSISTANT TO DIRECTOR (DISCLOSURE)

Freedom of Information Act Requests; Delegation of Authority

1. *Purpose.* This order delegates the authority for making initial determinations pertaining to requests under the Freedom of Information Act (5 U.S.C. 552) by Bureau Headquarters.

2. *Authority.* This delegation is made pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 221, effective July 1, 1972, and 26 CFR 301.9000–1.

3. *Delegation.* Authority is hereby delegated to the Assistant to the Director (Disclosure) to make the initial determination pertaining to Freedom of Information Act requests for records where disclosure authorization has not otherwise been delegated to another officer or employee of the Bureau. See, for example, 27 CFR 71.22(d).

4. *Other Information.* 31 CFR Part 1, Subpart A, Appendix E and 27 CFR 71.22 (c) (6) (ii) will be amended to reflect the provisions of this order.

Dated: September 29, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75-26704 Filed 10-3-75;8:45 am]

Customs Service

[T.D. 75-242]

FOREIGN CURRENCIES

Certification of Rates

SEPTEMBER 16, 1975.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 159.-34a, Customs Regulations (19 CFR 159.-34a), for the period September 1 through September 5, 1975. This table is published for the information and use of Customs officers and others concerned.

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

Country	Currency	Sept. 1 [1]	Sept. 2	Sept. 3	Sept. 4	Sept. 5
Australia	Dollar		[2]	[2]	[2]	[2]
Austria	Schilling		$0.0547	$0.0549	$0.0549	$0.0549
Belgium	Franc		.025035	.025000	.025030	.025025
Canada	Dollar		[2]	[2]	[2]	[2]
Denmark	Krone		.1668	.1674	.1671	.1669
Finland	Markka		.2638	.2636	.2634	.2632
France	Franc		.2272	.2273	.2270	.2266
Germany	Deutsche mark		.3873	.3884	.3874	.3871
India	Rupee		.1120	.1120	.1120	[2]
Ireland	Pound		[2]	[2]	[2]	[2]
Italy	Lira		.001491	.001494	.001491	.001491
Japan	Yen		[2]	[2]	[2]	[2]
Malaysia	Dollar		.3967	.3970	.3975	.3970
Mexico	Peso		[2]	[2]	[2]	[2]
Netherlands	Guilder		.3780	.3793	.3783	.3781
New Zealand	Dollar		1.0900	1.0920	1.0920	1.0910
Norway	Krone		.1805	.1817	.1810	.1808
Portugal	Escudo		.0375	.0376	.0375	.0376
South Africa	Rand		[2]	[2]	[2]	[2]
Spain	Peseta		[2]	[2]	[2]	[2]
Sri Lanka	Rupee		.1350	.1325	.1350	.1350
Sweden	Krona		.2284	.2295	.2286	.2285
Switzerland	Franc		.3726	.3740	.3728	.3726
United Kingdom	Pound		[2]	[2]	[2]	[2]

[1] Holiday.
[2] Rate did not vary—use quarterly rate published in T.D. 75-176.

[FR Doc.75-26534 Filed 10-3-75;8:45 am]

[T.D. 75-243]

FOREIGN CURRENCIES

Certification of Rates

SEPTEMBER 16, 1975.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 159.-34a, Customs Regulations (19 CFR 159.-34a), for the period September 8 through September 12, 1975. This table is published for the information and use of Customs officers and others concerned.

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

Country	Currency	Sept. 8	Sept. 9	Sept. 10	Sept. 11	Sept. 12
Australia	Dollar	(1)	(1)	(1)	(1)	(1)
Austria	Schilling	$0.0548	$0.0549	$0.0547	$0.0546	$0.0545
Belgium	Franc	.025915	.025920	.025900	.025900	.025820
Canada	Dollar	(1)	(1)	(1)	(1)	(1)
Denmark	Krone	.1671	.1676	.1669	.1665	.1661
Finland	Markka	.2631	.2636	.2636	.2627	.2623
France	Franc	.2268	.2270	.2265	.2259	.2258
Germany	Deutsche mark	.3875	.3872	.3864	.3858	.3852
India	Rupee	(1)	(1)	(1)	(1)	(1)
Ireland	Pound	(1)	(1)	(1)	(1)	(1)
Italy	Lira	.001491	.001492	.001490	.001488	.001486
Japan	Yen	(1)	(1)	(1)	(1)	(1)
Malaysia	Dollar	.3967	.3967	.3967	.3964	.3956
Mexico	Peso	(1)	(1)	(1)	(1)	(1)
Netherlands	Guilder	.3785	.3776	.3774	.3769	.3755
New Zealand	Dollar	1.0620	1.0625	1.0620	1.0620	1.0645
Norway	Krone	.1810	.1814	.1805	.1804	.1797
Portugal	Escudo	.0376	.0376	.0375	.0374	.0374
South Africa	Rand	(1)	(1)	(1)	(1)	(1)
Spain	Peseta	(1)	(1)	(1)	(1)	(1)
Sri Lanka	Rupee	.1350	.1350	.1350	.1350	.1345
Sweden	Krona	.2286	.2290	.2285	.2280	.2272
Switzerland	Franc	.3727	.3727	.3721	.3714	.3706
United Kingdom	Pound	(1)	(1)	(1)	(1)	(1)

[1] Use quarterly rate published in T.D. 75-176.

[FR Doc.75-26535 Filed 10-3-75;8:45 am]

[T.D. 75-244]

FOREIGN CURRENCIES

Certification of Rates

SEPTEMBER 16, 1975.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in section 159.34a, Customs Regulations (19 CFR 159.34a), for the period August 25 through August 29, 1975. This table is published for the information and use of Customs officers and others concerned.

[SEAL] JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

Country	Currency	Aug. 25	Aug. 26	Aug. 27	Aug. 28	Aug. 29
Australia	Dollar	(1)	(1)	(1)	(1)	(1)
Austria	Schilling	$0.0550	$0.0547	$0.0550	$0.0549	$0.0548
Belgium	Franc	.026130	.026120	.026100	.026065	.026015
Canada	Dollar	(1)	(1)	(1)	(1)	(1)
Denmark	Krone	.1676	.1672	.1674	.1672	.1673
Finland	Markka	(1)	.2634	(1)	(1)	.2637
France	Franc	.2279	.2283	.2282	.2278	.2274
Germany	Deutsche mark	.3875	.3884	.3879	.3875	.3874
India	Rupee	.1130	.1130	.1130	.1130	.1130
Ireland	Pound	(1)	(1)	(1)	(1)	(1)
Italy	Lira	.001496	.001497	.001497	.001497	.001497
Japan	Yen	(1)	(1)	(1)	(1)	(1)
Malaysia	Dollar	.3978	.3961	.3977	.3977	.3976
Mexico	Peso	(1)	(1)	(1)	(1)	(1)
Netherlands	Guilder	.3784	.3798	.3790	.3787	.3787
New Zealand	Dollar	1.0610	1.0610	1.0625	1.0625	1.0630
Norway	Krone	.1823	.1826	.1822	.1819	.1807
Portugal	Escudo	.0377	.0376	.0375	.0376	.0376
South Africa	Rand	(1)	(1)	(1)	(1)	(1)
Spain	Peseta	(1)	(1)	(1)	(1)	(1)
Sri Lanka	Rupee	.1350	.1350	.1350	.1350	.1350
Sweden	Krona	.2299	.2302	.2299	.2292	.2289
Switzerland	Franc	.3725	.3732	.3736	.3729	.3725
United Kingdom	Pound	(1)	(1)	(1)	(1)	(1)

[1] Rate did not vary—use quarterly rate published in T.D. 75-176.

[FR Doc.75-26736 Filed 10-3-75;8:45 am]

Office of the Secretary

TREASURY NOTES OF SERIES H-1978

Public Debt Series—No. 30-75

I. INVITATION FOR TENDERS

Dated and bearing interest from October 22, 1975; due December 31, 1978.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series H-1978. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, October 7, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated October 22, 1975, and will bear interest from that date, payable on a semiannual basis on June 30 and December 31, 1976, and thereafter on June 30 and December 31 in each year until the principal amount becomes payable. They will mature December 31, 1978, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Tuesday, October 7, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Govern-

ment securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $2,500,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before October 22, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by October 22, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Friday, October 17, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Wednesday, October 15, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

STEPHEN S. GARDNER,
Acting Secretary of the Treasury.

[FR Doc.75-26877 Filed 10-3-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Notice of Meeting

This is to provide notice of meeting of the Private Security Task Force to the National Advisory Committee on Criminal Justice Standards and Goals.

The Task Force will meet on October 29, 30, 31, and November 1, 1975. The meeting will be held at the White Hall Hotel, 105 East Delaware Place, Chicago, Illinois 60611. The meeting will be open to the public.

Details of the meeting:

October 29 Session: 1:00 p.m.–5:00 p.m. Meeting of Task Force Subcommittee "A", Chaired by Keegan Federal. The subcommittee will review Chapters 11, 13 & 14 of Working Outline.

October 30 Session: 9:00 a.m.–Noon: Conclusion of Subcommittee "A" Meeting. 1:00 p.m.–5:00 p.m. The meeting of the full Task Force will convene. The Task Force will review the working outline of the report and special studies and commentaries as prepared by staff, and reports of various research projects.

October 31 Session: 9:00 a.m.–Noon: Full Task Force; 1:00 p.m.–5:00 p.m.: Full Task Force. The Task Force will review the working outline of the report and special studies and commentaries.

November 1 Session: 9:00 a.m.–Noon: Conclusion of Full Task Force Meeting.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, N.W., Washington, D.C.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-26698 Filed 10-3-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 26614, 26615, 26616 and 26625]

NEW MEXICO

Notice of Applications

SEPTEMBER 24, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for six 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 26 E.
Sec. 4, SE¼SW¼.
T. 24 S., R. 26 E.
Sec. 15, SW¼SW¼.
T. 21 S., R. 27 E.
Sec. 17, NW¼SW¼, E½SW¼ and S½SE¼;
Sec. 21, NE¼NW¼.
T. 18 S., R. 32 E.
Sec. 34, SW¼NE¼ and SE¼NW¼;
Sec. 35, S½N½.

These pipelines will convey natural gas across 2.827 miles of national resource lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico, 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-26677 Filed 10-3-75;8:45 am]

[NM 26618]

NEW MEXICO

Notice of Application

SEPTEMBER 24, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 6⅝ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 22 E.
Sec. 7, NW¼SE¼ and S½SE¼;
Sec. 17, N½NW¼, SE¼NW¼, NE¼SW¼, NW¼SE¼ and S½SE¼;
Sec. 18, NE¼NE¼;

Sec. 20, E½NE¼ and NE¼SE¼;
Sec. 21, W½SW¼;
Sec. 28, NW¼NW¼, S½NW¼ and E½ SW¼;
Sec. 33, W½NE¼, NE¼NW¼, E½SW¼ and NW¼SE¼.

This pipeline will convey natural gas across 4.799 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-26675 Filed 10-3-75;8:45 am]

[NM 26538]

NEW MEXICO

Notice of Application

SEPTEMBER 24, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for a 4 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 10 W.
Sec. 30, lot 19.
T. 30 N., R. 11 W.
Sec. 12, lot 7.

This pipeline will convey natural gas across .131 mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-26676 Filed 10-3-75;8:45 am]

Bureau of Reclamation

GENERAL ADJUSTMENTS IN POWER RATES

Notice of Opportunities for Public Comment

On August 15, 1975, the Department of the Interior published in the FEDERAL REGISTER (40 FR 34431) the adopted "Procedures for Public Participation in General Adjustments in Power Rates."

On September 4, 1975, the Department of the Interior published in the FEDERAL REGISTER (40 FR 40867) "Tentative Power Rate Changes for Five Reclamation Projects." Brochures explaining the tentative rate changes have been prepared for each project and have been sent to Reclamation customers and other known interested parties. Copies of the brochure for any project may be obtained from the office of the appropriate Regional Director or from the Chief, Division of Power, Bureau of Reclamation, Room 7612, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343-5337.

The procedures provide for a consultation and comment period which began with the issuance on September 4, 1975, of the departmental press release and during which public information forums and public comment forums will be held. These opportunities for the public to become informed and to comment on the tentative rate adjustments are described in paragraphs 5, 6, and 7 of the adopted procedures which are repeated below.

5. *Consultation and comment period.* For a period ending 90 days after the issuance of the press release, or 15 days after the close of the public comment forum described in paragraph 7 below, whichever is later, all interested persons will have the opportunity to consult with, and obtain information from, departmental representatives, to examine backup data, and to make suggestions for modification of the rates or criteria. At any time during this period, any person may file written comments with the Regional Director of the Bureau of Reclamation responsible for power marketing from the project. Copies of all written comments will be available on request for a fee.

6. *Public information forums.* During the consultation and comment period, one or more public information forums will be held, during which departmental representatives will explain the tentative rates and criteria, answer questions concerning them, and receive comments from interested persons. The forum will be conducted by a chairman who will be responsible for orderly procedure. Questions which cannot be answered by departmental representatives at the forum will either be answered at a subsequent information forum, if one is held, or answered in writing at least 15 days before the public comment forum described in paragraph 7 below. The number of such forums will depend upon the size of the power marketing area of the project, the number of power customers, and the degree of interest shown. A transcript of each forum will be made, and copies of the transcript, of all documents introduced, and of the written answers to questions will be available on request for a fee.

7. *Public comment forum.* Not less than 60 days after the issuance of the press release, a public comment forum will be held for the primary purpose of permitting interested persons to submit written comments or make oral presentations of their views and comments. It will be conducted by a chairman who will be responsible for orderly procedure. Departmental representatives will be present, and they and the chairman may ask questions of the witnesses. Persons interested in speaking should submit a request to the Regional Director at least 3 days before the forum so a witness list can be developed. The chairman may allow others to speak if time allows. A transcript of the forum will be made, and copies of the transcript and of all documents introduced will be available on request for a fee.

The public comment forums and the address of the Regional Director for each of the five projects are scheduled as follows:

PARKER-DAVIS PROJECT (LOWER COLORADO REGION)

Monday & Tuesday, Dec. 1 & 2, 1975, 9:00 a.m., Room 1, Las Vegas Convention Center, Las Vegas, Nevada.
Regional Director, Attn: Code 600, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, (702) 293-2161.

RIO GRANDE PROJECT (SOUTHWEST REGION)

Wednesday, December 3, 1975, 9:30 a.m., Herring Plaza, Amarillo, Texas 79101,
Regional Director, Attn: Code 600, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo, Texas 79101, (806) 376-5151.

COLORADO RIVER STORAGE PROJECT (UPPER COLORADO REGION)

Thursday & Friday, Dec. 4 & 5, 1975, 9:00 a.m., Salt Palace, 100 SW. Temple Street, Salt Lake City, Utah.
Regional Director, Attn: Code 600, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, Utah 84147, (801) 524-5566.

PICK-SLOAN MISSOURI BASIN PROGRAM—WESTERN DIVISION (LOWER MISSOURI REGION)

Monday & Tuesday, Dec. 8 & 9, 1975, 9:30 a.m., Hilton Inn, Airport, Interstate 70 at Peoria, Denver, Colorado.
Regional Director, Attn: Code 600, Bureau of Reclamation, Denver Federal Center, Building 20, Denver, Colorado 80225, (303) 234-3131.

PICK-SLOAN MISSOURI BASIN PROGRAM—EASTERN DIVISION (UPPER MISSOURI REGION)

Thursday & Friday, Dec. 11 & 12, 1975, 9:00 a.m., Northern Hotel, Billings, Montana.
Regional Director, Attn: Code 600, Bureau of Reclamation, P.O. Box 2553, Billings, Montana, (406) 245-6711.

CENTRAL VALLEY PROJECT (MID-PACIFIC REGION)

Tuesday & Wednesday, Dec. 16 & 17, 1975, 9:30 a.m., Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Regional Director, Attn: Code 600, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, (916) 484-4123.

Participation in the public information forums will provide opportunities for the public to become more informed regarding tentative rate adjustments for the five projects involved. Such forums are scheduled as follows:

PARKER-DAVIS PROJECT (LOWER COLORADO REGION)

Wednesday, Oct. 8, 1975, 9:00 a.m., City Council Chambers, City Hall, 900 Arizona Street, Boulder City, Nevada.
Thursday, Oct. 9, 1975, 9:00 a.m., Phoenix Civic Plaza, Room N-10, 215 East Adams Street, Phoenix, Arizona.

COLORADO RIVER STORAGE PROJECT (UPPER COLORADO REGION)

Friday, Oct. 10, 1975, 9:00 a.m., Phoenix Civic Plaza, Room N-10, 215 East Adams Street, Phoenix, Arizona.
Wednesday, Oct. 15, 1975, 9:00 a.m., Room 7102, Federal Building, 125 So. State Street, Salt Lake City, Utah.
Thursday, Oct. 16, 1975, 9:00 a.m., Stouffer's Denver Inn, 3203 Quebec Street, Denver, Colorado.

RIO GRANDE PROJECT (SOUTHWEST REGION)

Tuesday, Oct. 14, 1975, 9:30 a.m., Federal Building, Room 4210, 517 Gold Southwest, Albuquerque, New Mexico.

PICK-SLOAN MISSOURI BASIN PROGRAM—WESTERN DIVISION (LOWER MISSOURI REGION)

Friday, Oct. 17, 1975, 9:30 a.m., Stouffer's Denver Inn, 3203 Quebec Street, Denver, Colorado.
Monday, Oct. 20, 1975, 9:30 a.m., Ramada Inn, Interstate 25 at Center Street, Casper, Wyoming.

PICK-SLOAN MISSOURI BASIN PROGRAM—EASTERN DIVISION (UPPER MISSOURI REGION)

Tuesday, Oct. 21, 1975, 9:00 a.m., Ramada Inn, Bismarck, North Dakota.
Wednesday, Oct. 22, 1975, 9:00 a.m., Ramada Inn, Sioux Falls, South Dakota.

CENTRAL VALLEY PROJECT (MID-PACIFIC REGION)

Thursday & Friday, Oct. 23 & 24, 1975, 9:30 a.m., Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Dated: September 30, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75-26597 Filed 10-3-75;8:45 am]

Geological Survey

COLADO, NEVADA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), the delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Colado known geothermal resources area, effective February 1, 1974.

(28) NEVADA

COLADO KNOWN GEOTHERMAL RESOURCES AREA

Mt. Diablo Meridian, Nevada

T. 28 N., R. 32 E.
Sec. 34: All.

The above area aggregates 640.00 acres (256 hectares), more or less.

Dated: August 13, 1975.

WILLARD C. GERE,
Conservation Manager,
Western Region.

[FR Doc.75-26679 Filed 10-3-75;8:45 am]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 1, 1975.

Dated: August 1, 1975.

CHARLES A. CAMPBELL.

[FR Doc.75-26680 Filed 10-3-75;8:45 am]

JOHN F. ENGLISH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) None.
(2) Financial interest in all stocks listed on my September 21, 1970 Statement has been terminated except for *Putnam Growth Fund.* I have recently acquired interest in *National Bond Fund* and *Reserve Fund.*
(3) None.
(4) None.

This statement is made as of September 18, 1975.

Dated: September 18, 1975.

JOHN F. ENGLISH.

[FR Doc.75-26681 Filed 10-3-75;8:40 am]

JULIAN R. HAYDEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 20, 1975.

Dated: August 20, 1975.

JULIAN R. HAYDEN.

[FR Doc.75-26682 Filed 10-3-75;8:45 am]

ROBERT L. HUFMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 31, 1975.

Dated: July 31, 1975.

ROBERT L. HUFMAN.

[FR Doc.75-26683 Filed 10-3-75;8:45 am]

HERBERT H. HUNT, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change in last 6 months.
(2) No change in last 6 months.
(3) No change in last 6 months.
(4) No change in last 6 months.

This statement is made as of August 28, 1975.

Dated: August 28, 1975.

HERBERT H. HUNT, JR.

[FR Doc.75-26684 Filed 10-3-75;8:45 am]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No Change.
(2) No Change.
(3) No Change.
(4) No Change.

This statement is made as of July 31, 1975.

Dated: July 31, 1975.

DAVID G. JETER.

[FR Doc.75-26685 Filed 10-3-75;8:45 am]

JACK W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 12, 1975.

Dated: 8-12-75.

JACK W. KEPNER.

[FR Doc.75-26686 Filed 10-3-75;8:45 am]

ROBERT E. KERGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No Change.
(2) No Change.
(3) No Change.
(4) No Change.

This statement is made as of August 18, 1975.

Dated: August 18, 1975.

ROBERT E. KERGER.

[FR Doc.75-26687 Filed 10-3-75;8:45 am]

JOHN H. KLINE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 25, 1975.

Dated: August 25, 1975.

JOHN H. KLINE.

[FR Doc.75-26688 Filed 10-3-75;8:45 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) "No Change."
(2) "No Change."
(3) "No Change."
(4) "No Change."

This statement is made as of August 7, 1975.

Dated: August 7, 1975.

OWEN A. LENTZ.

[FR Doc.75-26689 Filed 10-3-75;8:45 am]

ROBERT R. MCLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 1, 1975.

Dated: August 1, 1975.

ROBERT R. MCLAGAN.

[FR Doc.75-26690 Filed 10-3-75;8:45 am]

HARRY H. MOCHON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 5, 1975.

Dated: August 5, 1975.

HARRY H. MOCHON, Jr.

[FR Doc.75-26691 Filed 10-3-75;8:45 am]

WILLIAM K. PENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 1, 1975.

Dated: August 1, 1975.

WILLIAM K. PENCE.

[FR Doc. 75-26692 Filed 10-3-75; 8:45 am]

GREGORY P. PREKEGES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 26, 1975.

Dated: August 26, 1975.

GREGORY P. PREKEGES.

[FR Doc.75-26693 Filed 10-3-75;8:45 am]

CLIFTON F. ROGERS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) Elected Director of Union National Bank on January 13, 1975.
(2) Delete: Member, Great Lakes Investment Club Add: Union National Bank .
(3) No change.
(4) No change.

This statement is made as of August 26, 1975.

Dated: August 26, 1975.

CLIFTON F. ROGERS.

[FR Doc.75-26694 Filed 10-3-75;8:45 am]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 31, 1975.

Dated: July 31, 1975.

LEROY J. SCHULTZ.

[FR Doc.75-26695 Filed 10-3-75;8:45 am]

STANLEY M. SWANSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 25, 1975.

Dated: August 27, 1975.

STANLEY M. SWANSON.

[FR Doc.75-26696 Filed 10-3-75;8:45 am]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 1, 1975.

Dated: August 1, 1975.

CHARLES W. WATSON.

[FR Doc.75-26697 Filed 10-3-75;8:45 am]

Office of the Secretary

[INT FES 75-84]

PROPOSED HAWAIIAN ISLANDS WILDERNESS AREA

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the Proposed Hawaiian Islands Wilderness Area, Honolulu, Hawaii.

The proposal recommends that 1,741 acres above mean high tide within the 256,145-acre Hawaiian Islands National Wildlife Refuge, City and County of Honolulu, Hawaii, be designated as wilderness within the National Wilderness Preservation System.

Copies of the final statement are available for inspection at the following locations:

Regional Director, U.S. Fish and Wildlife Service, 730 N.E. Pacific Street, P.O. Box 3737, Portland, Oregon 97208.

Refuge Manager, Hawaiian Islands National Wildlife Refuge, 337 Uluniu Street, Kailau, Oahu, Hawaii 96734.

U.S. Fish and Wildlife Service, Division of Wildlife Refuges, Room 2280, 18th & C Streets, N.W., Washington, D.C. 20240.

Single copies may be obtained by writing the Environmental Impact Statement Coordinator, Division of Wildlife Refuges, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: September 30, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc. 75-26569 Filed 10-3-75, 8:45 am]

OUTER CONTINENTAL SHELF ADVISORY BOARD

Establishment

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a)(1), and Section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). The Secretary of the Interior is establishing an Outer Continental Shelf Advisory Board to advise the Secretary and other officers of the Department of the Interior in the performance of discretionary functions under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343), including all aspects of exploration and development of Outer Continental Shelf resources. The Outer Continental Shelf Advisory Board is being established after consultation with the Office of Management and Budget, in accordance with the provisions of the Federal Advisory Committee Act (Public Law 92-463). The Certification of establishment is published below. Further information regarding the document may be obtained from Carolita Kallaur, Office of OCS Program Coordination, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202/343-9314.

CERTIFICATION

The Outer Continental Shelf Lands Act, 43 U.S.C. 1331-1343 places responsibilities of the Secretary of the Interior for the management and utilization of Outer Continental Shelf resources. In view of these responsibilities and the need to obtain advice and recommendations for fulfillment of them, I hereby certify that establishment of the Outer Continental Shelf (OCS) Advisory Board is in the public interest.

KENT FRIZZELL,
Acting Secretary of the Interior.

OCTOBER 1, 1975.

[FR Doc.75-26785 Filed 10-3-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE MEETING

Cancellation of Public Meeting

The October 7, 1975, meeting of the Shippers Advisory Committee, announced in the September 22, 1975, issue of the FEDERAL REGISTER (40 FR 43526), is canceled. The Committee is established under Marketing Order No. 905 (7 CFR Part 905), which regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Committee reported that the present regulations are appropriate to the prevailing supply situation and requested that the meeting scheduled for October 7 be canceled.

Dated: October 2, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-26916 Filed 10-3-75;8:45 am]

Animal and Plant Health Inspection Service

VETERINARY BIOLOGICS LABORATORY, AMES, IOWA

Availability of Draft Environmental Statement; Notice of Meeting; Extension of Time for Comments

On April 10, 1975, a Notice of Availability of Draft Environmental Statement relating to the construction of the proposed Veterinary Biologics Laboratory, Ames, Iowa, was published in the FEDERAL REGISTER (40 FR 16225-16226).

Comments to be received by June 6, 1975, were invited from the public, 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 had not been requested specifically.

Among comments received were requests that a public meeting be held in order to provide certain individuals and interested groups an opportunity to express ideas and views concerning the proposal.

Since the Department is interested in receiving all meaningful views and comments, a public meeting will be held October 22, 1975, in the Ames High School Auditorium, 20th and Ridgewood Avenue, Ames, Iowa at 8:00 p.m., to receive further comments concerning the Draft Environmental Statement relating to the proposed Veterinary Biologics Laboratory. The meeting will be open to the public. Persons wishing to present oral views or comments will be given an opportunity to do so. Under these circumstances, it is also deemed proper to extend the original comment period

which ended on June 6, 1975 to October 22, 1975.

Therefore, written comments and other material relating to this matter may be submitted at the meeting in Ames, Iowa, or may be submitted to Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 316 E, 14th & Independence Avenue, SW., Washington, D.C. 20250, on or before October 22, 1975.

Dated: October 1, 1975.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-26730 Filed 10-3-75;8:45 am]

Office of the Secretary

CASCADE HEAD SCENIC-RESEARCH AREA SUISLAW NATIONAL FOREST, ORE.

Notice of Final Guidelines

On May 16, 1975, there was published in the FEDERAL REGISTER (40 FR 21502) a notice of proposed guidelines. Comments on the proposed guidelines were received from the public and, these, along with the recommendation of the Cascade Head Scenic-Research Area Advisory Committee, were given full and careful consideration in developing these final guidelines.

In section 2(a)(4) of the final guidelines, the Secretary is required to consider whether a substantial change furthers the purposes of the Act in deciding whether to initiate condemnation actions. The proposed guidelines left this consideration to the Secretary's discretion. Section 3(b) was changed to require that the notification of change which an owner makes to the Secretary or his designee be in writing. Section 3(c) was amended to indicate that the responses to notification of changes in use and maintenance will be made by the Forest Supervisor rather than the District Ranger.

Section 4 of the final guidelines has been amended to clarify several categories of property. Residential property is defined to include land on which housing construction had begun on or before June 1, 1974, as evidenced by foundations or footings in place, by an approved building permit which was issued on or before June 1, 1974, or for which the county had inspected and approved the individual building site for installation of a subsurface disposal system. This has the effect of considering nearly 40 more properties as qualifying under "residential" purpose of use category. The "residential, unoccupied" category is defined to include all platted subdivisions which were approved and upon which some or all utilities had been installed by June 1, 1974, but which do not qualify for the "residential" category. "Unimproved property" definition has been amended to change the phrase "upon which no actual construction had started" to the phrase "upon which no utilities were installed."

Section 4(c) states that a substantial change in the manner of use will be considered to have occurred with the construction or placement of a residential building except when (1) the residential construction is in accord with the general management objectives for the Lower Slope-Dispersed Residential subarea as stated in the Act; and (2) construction or placement had begun, a building permit had been acquired, or approval had been given by the county for a subsurface sewage disposal system on or prior to June 1, 1974.

The provisions describing what constitutes a change in manner of use in timber harvest activities are to recognize timber harvesting as acceptable only if: (1) harvesting was actually occurring on June 1, 1974, or (2) if the harvesting is for research purposes or to preserve timber resources threatened by fire, old age, infestation or other similar natural occurrences and this harvest occurs under conditions approved by the Forest Supervisor.

The provisions describing the effect of a change in maintenance have been amended to permit a property owner a chance to make reasonable progress toward returning a property to acceptable condition before it might be condemned.

1. INTRODUCTION

a. *Purpose.* Public Law 93-535 (88 Stat. 1732), enacted on December 22, 1974, established the Cascade Head Scenic-Research Area. Section 5(b) of the Act requires the Secretary to publish guidelines which shall be used by him to determine what constitutes a substantial change in land use or maintenance for the nonfederally owned property within the Area. The general management objectives applicable to the entire Area and the primary management objectives of each subarea were used in developing these guidelines.

b. *Scope.* These guidelines will be used by the Secretary in determining what constitutes a substantial change in land use purpose, and manner, and maintenance from conditions existing on June 1, 1974. Any change which is proposed or occurs after June 1, 1974, will be evaluated against these guidelines. The date, June 1, 1974, is designated in Public Law 93-535.

c. *Delegation of Authority.* Section 5(c) of the Act provides that, at least 30 days prior to any substantial change of use or maintenance of any nonfederally-owned land within the Area, the owner(s) of such land shall provide notice of such proposed change to the Secretary or his designee in accordance with these guidelines. The District Ranger, Hebo Ranger District, Suislaw National Forest, Hebo, Oregon 97122, is designated the Secretary's representative to whom such notices should be given.

d. *Definitions.* Terms used in the guidelines have the following specific meanings.

(1) *Act* means the Public Law 93-535 of December 22, 1974, (16 USC 541-541h), establishing Cascade Head Scenic-Research Area in the State of Oregon;

(2) *Area* means the Scenic-Research Area;

(3) *Subareas* mean the six subareas within the Scenic-Research Area as established by Section 3(c) of the Act;

(4) *Secretary* means the Secretary of Agriculture;

(5) *Base Property* means a single contiguous landownership existing on June 1, 1974. Property includes the structures and other improvements on the land;

(6) *Documentation* means the evidence of existing conditions, including written descriptions and photographs;

(7) *Environmental Design Criteria* include the following standards for construction activities:

(a) the design borrows colors, shapes, materials, and other conditions from the surrounding natural environment and is planned to complement the natural setting;

(b) vegetative cover disturbance is limited to the construction site;

(c) erosion control measures are adequate to protect the soil, water, and other environmental values; and

(d) roads are located and constructed to minimize impact on the land and should not be wider than necessary.

(8) *Purpose of Use* means the objective for which anything exists, is done, made, or used (what it is used for);

(9) *Manner of Use* means a way of doing, being done, happening, or mode of action. Manner of use is complementary to purpose of use, and involves degree, kind, or intensity of use within a purpose of use category;

(10) *Purpose of Use Category* is a classification of the purpose for which land was used on June 1, 1974. There are nine categories defined in Section 4(a) of these guidelines;

(11) *Maintenance* means the way the base property is cared for.

2. PROVISIONS OF GUIDELINES

a. *Acquisition of Land*

(1) The Secretary may acquire any land or interest in land, including scenic or conservation easements, through any of the following methods:

(a) purchase with consent of owner(s);

(b) donation;

(c) exchange; and

(d) condemnation (acquisition of land, or interests in land without the consent of the owner(s) and with payment of just compensation to the owner(s)) as limited by the Act.

(2) The Act provides that, in all subareas of the Area except the estuary and associated wetlands subarea, the Secretary may not acquire any land or interest in land without the consent of the owner(s) so long as the owner(s) use such land for substantially the same purpose and in the same manner as it was used and maintained on June 1, 1974. However, even if a substantial change has not occurred, the Secretary may acquire any land or interests in land without the consent of the owner(s) when such land is in imminent danger of being used for a different purpose or in a different manner from the use or uses existing on June 1, 1974.

(3) In the estuary and associated wetlands subarea, the Secretary may acquire any land or interest in land without the consent of the owner(s) at any time, after public hearing.

(4) When land is subject to acquisition without the consent of the owner(s), the Secretary has the discretion to determine which tracts of land will be acquired by condemnation and whether to acquire part or all of the base property. In making this determination, the Secretary shall consider whether the substantial change furthers the purposes of the Act.

(b) *Change in Boundaries of Subareas.* The Secretary may, after public hearing or other appropriate means for public participation, adjust the boundaries of the subareas to reflect changing natural conditions or to provide for more effective management.

(c) *Amendment of Guidelines.* The Secretary may make such amendments to the guidelines as are considered necessary to further the purposes of the Act.

(d) *Reviews.* A decision of a Forest Officer under these guidelines may be administratively reviewed as provided by 36 CFR 211.2.

3. PROCEDURES FOR IMPLEMENTING GUIDELINES

a. *Inventory and Identification.* The District Ranger shall conduct an inventory of the base properties within the Area, and identify the purpose(s) and manner of use and maintenance of the base property that existed on June 1, 1974. Each base property will have at least one, and possibly several, purpose of use categories. During the identification process, the District Ranger shall consult with the owner(s) and provide means for other public involvement, as the District Ranger considers appropriate.

b. *Notification of Substantial Change.* Section 5(c) of the Act requires the owner(s) of nonfederally-owned land in the Area to notify the Secretary or his designee (the District Ranger) of a proposed substantial change in use or maintenance at least 30 days prior to that change. An owner(s) of land or interests in land in the Area should notify the District Ranger in writing of any proposed change or activity in order to obtain a determination as to whether the proposed change or activity is considered a substantial change.

c. *Response to Notification of Proposed Change.*

(1) In the estuary and associated wetlands subarea, the Forest Supervisor shall, within 30 days after receipt of the notice, take the following actions:

(a) Notify the owner(s) whether the proposed action, if initiated, would or would not be considered to be compatible with the protection and perpetuation of the unique natural values of the subareas; and

(b) Inform the owner(s) of any immediate acquisition plans, including a notice of public hearing.

(2) In all other subareas, the Forest Supervisor shall, within 30 days after receipt of the notice, take one of the following actions:

(a) Notify the owner(s) that the proposed action, if initiated, would not be considered a substantial change;

(b) Notify the owner(s) that the proposed action, if initiated, would be considered a substantial change, and advise him of any current acquisition plans for his property.

(c) Request additional, specific information from the owner. When sufficient information is received, the Forest Supervisor shall, within 30 days after receipt of the necessary information, take action (a) or (b) above.

d. *Response to Substantial Change if Prior Notice is not given.* When an owner(s) make a substantial change under these guidelines without prior notice, Section 5(c) of the Act is violated. The Forest Supervisor may notify the owner(s) that the change is a substantial change and that the Secretary may acquire his property by condemnation.

4. GUIDELINES

a. *Purpose of Use Categories.* The following Purpose of Use Categories are defined. Each base property in the Area will have at least one of these categories:

(1) *Agriculture.* Land used for raising and harvesting crops, livestock, and other agricultural products, including

(a) dwellings, barns, buildings, and other improvements customarily used in conjunction with farming, and

(b) small wooded areas and lands which were formerly used for agriculture.

(2) *Forestry.* Land used for production of timber and other forest products, including roads and other improvement necessary for timber production but not including quarry sites, log storage areas, or manufacturing sites, such as sawmills.

(3) *Public.* All nonfederally-owned public land, including highways, roadways, boat ramps, and other areas owned or controlled by State, county, or local governmental agencies.

(4) *Commercial Service.* Land used for producing, marketing, and providing goods and services to the public and/or used in conjunction with a profit or nonprofit-making activity.

(5) *Recreation and/or Educational.* Land developed and managed for specific recreational or educational pursuits; e.g., hiking, picnicking, horseback riding, environmental observation, organizational camping, platted open space, boating, nature study, etc.

(6) *Residential, Occupied.* Land used for residential occupancy, including land, (a) on which housing construction had started on or before June 1, 1974, as evidenced by foundations or footings in place; or (b) for which an approved building permit had been obtained on or before June 1, 1974; or (c) for which a letter signed by an appropriate county official had been obtained, on or before June 1, 1974, detailing the site inspection and approval of an individual building site for the installation of a subsurface sewage disposal system.

(7) *Residential, Unoccupied.* Platted subdivisions which have been approved by appropriate county and State agencies, and lands other than subdivisions, upon which some or all utilities were installed as of June 1, 1974, but upon which (a) no housing construction had started on or before June 1, 1974, as evidenced by foundations or footings in place; or (b) no building permit had been obtained on or before June 1, 1974; or (c) no letter signed by an appropriate county official had been obtained, on or before June 1, 1974, detailing the site inspection and approval of an individual building site for the installation of a subsurface sewage disposal system.

(8) *Unimproved Property.* Land which has not been developed, including land which has been platted or sold for development, but upon which no utilities were installed on or before June 1, 1974.

(9) *Scenic and Scientific.* Unoccupied and undeveloped land (except for scientific instrumentation) which is managed or set aside for scenic or scientific purposes.

b. *Effect of a Change in Purpose of Use Category.* A change in the purpose of use of a base property which would have the effect of changing, adding, or deleting a purpose of use category will be considered a substantial change.

c. *Effect of Change in Manner of Use.* A substantial change may occur in the manner of use without any change in the purpose of use.

(1) Except as provided in 4(c)(2), the Forest Supervisor will consider but is not limited to the following in determining if there has been a substantial change in manner of use:

(a) Change in the kind of use; i.e., the kind of crops, livestock, services, and other items;

(b) Change in the intensity of use;

(c) Change in the impact on visual quality;

(d) Change in the vegetation, as in the removal or addition of shrubs and trees.

(e) Change in the number of buildings on the property, except the construction of residential amenities such as garages, woodsheds, building additions, etc., which meet the environmental design criteria, and except when construction had started prior to June 1, 1974.

(f) Change in existing structures, as in replacement or reconstruction, and including whether the change approximates conditions existing on June 1, 1974, or meets environmental design criteria.

(g) Changes in the transportation system.

(2) The following will not be considered a substantial change in manner of use:

(a) Construction or placement of a residential building when (1) such residential construction or placement is in accord with the general management objectives for the Area and primary management objectives for the Lower Slope-Dispersed Residential subarea as stated

in the Act; and (2) housing construction or placement had started on or before June 1, 1974, as evidenced by foundations or footings in place; or an approved building permit had been obtained on or before June 1, 1974; or a letter signed by an appropriate county official had been obtained on or before June 1, 1974, detailing the site inspection and approval of an individual building site for the installation of a subsurface sewage disposal system.

(b) Timber harvest activity (1) which was actually occurring on base property within the Area on June 1, 1974, and continues in the same manner; or (2) which meets the purposes of the Act for research or the preservation of the timber resources when imminently threatened by fire, old age, infestation, or similar natural occurrences, and this harvest activity occurs under conditions approved by the Forest Supervisor.

d. *Effect of a Change in Maintenance.* The condition of the base property may deteriorate to the point that a substantial change in purpose or manner of use has occurred. The Forest Supervisor may notify the owner(s) that:

(1) The deterioration in maintenance of the base property is approaching the point of becoming a substantial change; and

(2) The property is subject to condemnation if reasonable progress is not made toward returning the property to acceptable condition or to the conditions existing on June 1, 1974.

Dated: October 1, 1975.

ROBERT W. LONG,
Assistant Secretary.

[FR Doc.75-26591 Filed 10-3-75;8:45 am]

MEAT IMPORT LIMITATIONS

Fourth Quarterly Estimate

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following fourth quarterly estimates for 1975 are published:

1. The estimated aggregate quantity of such articles which is expected to be imported during calendar year 1975 is 1,180 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year is 1,074.3 million pounds.

This estimate takes into account voluntary restraint agreements with supplying countries negotiated by the State Department. Without the restraint program, the estimate would have exceeded 110 percent of the estimated quantity prescribed by section 2(a) of the Act.

Done at Washington, D.C. this 30th day of September 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-26595 Filed 10-3-75;8:45 am]

Soil Conservation Service

CONEWANGO CREEK WATERSHED, N.Y.

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the installation of trout stream improvement structures in the Conewango Creek Watershed, Cattaraugus and Chautauqua Counties, New York.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert L. Hilliard, State Conservationist, Soil Conservation Service, USDA, Room 400, Midtown Plaza, 700 East Water Street, Syracuse, New York 13210, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, fish and wildlife development, and agricultural water management. The proposed action will be for the installation of 12 trout stream improvement structures along five miles of Clear Creek.

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

Soil Conservation Service, USDA, Room 400, Midtown Plaza, 700 East Water Street, Syracuse, New York 13210

Individual copies of the negative declaration are available upon request.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 29, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-26670 Filed 10-3-75;8:45 am]

RICHLAND CREEK (TRINITY) WATERSHED PROJECT, TEX.

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(2) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Richland Creek (Trinity) Watershed Project, Navarro, Ellis, Hill, Freestone, and Limestone Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration includes conservation land treatment supplemented by 11 single purpose floodwater retarding structures.

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

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 29, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-26669 Filed 10-3-75;8:45 am]

SOUTH FOURCHE WATERSHED, ARK.

Notice of Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7 (e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a

draft environmental impact statement for the South Fourche Watershed Project, Perry, Yell, Saline, and Garland Counties, Arkansas, USDA-SCS-EIS-WS-(ADM)-76-2-(D)-AR.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and municipal and industrial water supply. Planned works of improvement include conservation land treatment measures, six floodwater retarding structures, and one multiple purpose structure for flood prevention and municipal and industrial water supply.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 700 West Capitol, Little Rock, Arkansas 72201.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to M. J. Spears, State Conservationist, Soil Conservation Service, Post Office Box 2323, Little Rock, Arkansas 72203.

Comments must be received on or before November 18, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program Number 10.904, National Archives Reference Services.)

Dated: September 29, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-26667 Filed 10-3-75;8:45 am]

WASHINGTON FIELDS EVALUATION UNIT—WARNER DRAW WATERSHED PROJECT, UTAH

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) issued on August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Washington Fields Unit-Warner Draw Watershed Project, Washington County, Utah.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. A. W. Hamelstrom, State Conservationist, Soil Conservation Service, USDA, 4012 Federal Building, 125 South State Street, Salt Lake City, Utah 84138, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by 28,300 lineal feet of canal lining and drainage of approximately 350 acres of cropland, type 2 wetland, as defined in U.S. Fish and Wildlife Circular 39.

A single copy of the negative declaration will be sent upon request. The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 4012 Federal Building, 125 So. State Street, Salt Lake City, Utah 84138

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 29, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-26668 Filed 10-3-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

DYNAMIC INSTRUMENT CORP.

Petition for a Determination

A petition by Dynamic Instrument Corporation of Hauppauge, Long Island, New York, was accepted for filing on September 30, 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 682.-05 and 682.60 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with power conversion products produced by the firm.

Any party having a substantial interest in the subject matter of the proceedings (as described in Section 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.)

JACK W. OSBURN, JR.,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-26643 Filed 10-3-75;8:45 am]

UNIVERSITY OF CALIFORNIA—LOS ALAMOS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00001-75-34060. Applicant: University of California-Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87544. Article: Ion Sputtering Unit, HVEC Model #DF-9. Manufacturer: Danfysik, Denmark. Intended use of article: The article is intended to be used to produce thin targets of materials for the purpose of the study of their nuclear properties. The article is especially designed to make nuclear targets from material stocks of limited availability. Its high efficiency will enable target preparation from feed materials as little as 1-5 mg whereas previous conventional techniques required a minimum of 50 mg under the best of conditions.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 29, 1974). Reasons: The foreign article provides the capability of preparing thin films from limited amounts (1-5 milligrams) of materials. The National Bureau of Standards (NBS) advises in its memorandum dated September 16, 1975 that (1) the capability described above is pertinent to the applicant's intended uses and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used which was available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director, Special Import Programs Division.

[FR Doc.75-26641 Filed 10-3-75;8:45 am]

UNIVERSITY OF CALIFORNIA—LOS ALAMOS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq. 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00039-75-27000. Applicant: University of California-Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87545. Article: 2 (Two) Microchannel Plane Cathode Ray Tubes TMC-4. Manufacturer: Laboratoires D'Electronique Et De Physique Applique, France. Intended use of article: The article is intended to be used to measure fast transient phenomena related to the generation of nuclear radiation from large scale thermonuclear reactions. These reactions occur in nuclear weapons tests and in laboratory implosion studies.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the specification of high sensitivity (140 millivolts/centimeter) and high bandpass (5 gigahertz). The National Bureau of Standards (NBS) advises in its memorandum dated September 17, 1975 that (1) the specification of the article described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended uses.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director, Special Import Programs Division.

[FR Doc.75-26642 Filed 10-3-75;8:45 am]

Domestic and International Business Administration

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Notice of Public Meeting

The Exporters' Textile Advisory Committee will meet at 10:00 a.m. on November 6, 1975, in Room 6802, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 27 members involved in textile and apparel exporting, advises Department officials concernings ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of Export Data.
2. Report on Conditions in the Export Market.
3. Recent Foreign Restrictions Affecting Textiles.
4. Export Promotion Programs, Bureau of International Commerce.
5. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Copies of the minutes of the meeting will be made available on written request addressed to the Office of Textiles, Room 2815, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-26751 Filed 10-3-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Certain Chemical Agents

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 [29 U.S.C. 669(a)(3)] provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. NIOSH is proposing to develop a criteria document containing recommended occupational health standards for cyanogen (dicyanogen), cyanogen chloride, cyanogen bromide, and cyanogen iodide.

The criteria document will include among other items an evaluation of available information relative to the areas listed below.

Any person having information or data in any of the areas listed below, or in other areas considered relevant to the establishment of a safe and healthful occupational environment involving these substances is requested to submit such information, with accompanying documentation to Director, Office of Research and Standards Development, NIOSH, 5600 Fishers Lane, Park Building, Room 3-18, Rockville, Maryland 20852 within 90 days.

1. Establishment of safe occupational environmental levels for the agent including levels for acute and chronic exposure to airborne concentrations of the chemical agents as well as safe practices concerning direct contact with such agents.

2. Establishment of biologic standards, i.e., the levels of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects taking into consideration (a) the correlation of airborne concentrations of, and extent of exposure to such substance with effects on specific biologic systems of man such as the circulatory, respiratory, urinary, and nervous systems, and (b) the analytical method for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methods, including instruments, for air sampling and sample analysis of the chemical agent.

6. The need for medical examinations for workers exposed to such an agent, the frequency of such examinations, and the specific diagnostic tests which should be used and the rationale of their selection.

7. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when occupational environmental levels are temporarily exceeded or where peak concentrations of chemical agents in man are reached.

8. The types of records concerning occupational exposure to such an agent that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and elimination of hazards caused by such agents.

All information received concerning these substances will be available for

public inspection after the development of the criteria document.

Dated: September 30, 1975.

JAMES H. EAGEN,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.75-26598 Filed 10-3-75;8:45 am]

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Safety Procedures

Section 22(d)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671(d)(1)) provides that the Director of the National Institute for Occupational Safety and Health is authorized to conduct such research and experimental programs as he determines are necessary for the development of criteria for new and improved occupational safety and health standards. The Institute is currently collecting information and data concerning medical and operating standards for divers.

The information and data collected will be analyzed and evaluated relative to the following areas:

1. Specifications for medical certification of divers.
2. Requirements for commercial diver qualification.
3. Diving procedure standards.
4. Diving equipment standards.
5. Methods to assess adequacy of diving compression and decompression tables.

Any person having information or data not readily available in the open literature on the subject or other information relevant to the establishment of a safe and healthful workplace involving diving is invited to submit two (2) copies of such information, with accompanying documentation, to the Director, Office of Research and Standards Development, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Park Building, Rockville, Maryland 20852, within 90 days.

All information received will be available for public inspection after the development of the respective recommended standard, research analysis report or criteria document.

Dated: September 29, 1975.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.75-26599 Filed 10-3-75;8:45 am]

National Institutes of Health

NATIONAL COMMISSION ON ARTHRITIS AND RELATED MUSCULOSKELETAL DISEASES

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Commission on Arthritis and Related Musculoskeletal Diseases on October 28, 1975, at the Brown Palace Hotel, 321 17th Street, Denver, Colorado. From 9:00 a.m. to 1:00 p.m. the Commission will hear testimony from interested members of the public. All of the meeting will be open to the public.

Members of the public who wish to appear before the Commission during the above time when the Commission is prepared to receive public testimony shall file a written statement or detailed summary of remarks with the Commission before 5:00 p.m. on October 17, 1975. Statements or summaries shall be sent or delivered to Mr. Victor Wartofsky, address below.

The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Mr. Victor Wartofsky, Chief, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: September 30, 1975.

R. W. LAMONT-HAVERS,
Deputy Director, National Institutes of Health.

[FR Doc.75-26734 Filed 10-3-75;8:45 am]

SICKLE CELL DISEASE ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart and Lung Institute, October 28 and 29, 1975, National Institutes of Health, Building 31, Classroom B2C12, C-Wing (October 28)—Conference Room 5, B-Wing (October 29).

The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on October 28, 1975 and 8:30 a.m. to 1:00 p.m. on October 29, 1975, to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLI, NIH Building 31, Room 5A03, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Mr. Howard F. Manly, Executive Secretary, Sickle Cell Disease Advisory Committee, NHLI, Building 31, Room 4A31, phone (301) 496-6931, will furnish substantive program information.

Dated: September 30, 1975.

R. W. LAMONT-HAVERS,
Deputy Director, National Institutes of Health.

[FR Doc.75-26733 Filed 10-3-75;8:45 am]

TEMPORARY COMMITTEE FOR THE REVIEW OF DATA ON CARCINOGENICITY OF CYCLAMATE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Temporary Committee for the Review of Data on Carcinogenicity of Cyclamate, National Cancer Institute, November 4, 1975, National Institutes of Health, Building 31, Conference Room 10.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to receive reports from the working groups on each of the relevant studies under consideration. Attendance by the public will be limited to space available.

Dr. James M. Sontag, Executive Secretary, Landow Building, Room A-306, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5471) will provide summaries of the meeting, substantive program information, and rosters of Committee members.

Dated: September 30, 1975.

R. W. LAMONT-HAVERS,
Deputy Director, National Institutes of Health.

[FR Doc.75-26732 Filed 10-3-75;8:45 am]

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the Advisory Committee on Accreditation and Institutional Eligibility will be held on October 20-21, 1975, at 9:00 a.m., local time, at the Dulles Marriott Hotel, Dulles International Airport, Washington, D.C.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee is established to advise the Commissioner of Education in fulfilling his statutory obligations to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities concerning the quality of training offered by education institutions and programs. It also serves to advise the Commissioner in fulfilling his statutory obligation to publish a list of State agencies which he has determined to be reliable authorities concerning the quality of public postsecondary vocational education in their respective State, pursuant to section 438 (b) of the Higher Education Act of 1965, as amended by Pub. L. 92-318.

The meeting of the Committee shall be open to the public. The proposed agenda includes the review of policy issues relating to accreditation and institutional eligibility. Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the Accreditation and Institutional Eligibility Staff, Room 4068, Re-

gional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

Signed at Washington, D.C. on September 29, 1975.

JOHN R. PROFFITT,
Director, Accreditation and Institutional Eligibility Staff, Office of Education.

[FR Doc.75-26671 Filed 10-3-75;8:45 am]

NATIONAL COUNCIL ON BILINGUAL EDUCATION

Correction of Notice of 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 National Advisory Council on Bilingual Education will be held from 9:00 A.M. to 5:00 P.M. on Wednesday, October 15, 1975. The Council will meet in Room 1600, Region III Office of Education, 3535 Market Street, Philadelphia, Pennsylvania.

The National Advisory Council on Bilingual Education is established pursuant to Section 732(a) of the Bilingual Education Act (20 U.S.C. 880b) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in administration of the Bilingual Education Act.

The meeting shall be opened to the public. The proposed agenda for the Council meeting is:

Orientation of New Members
November 1 report

The Council will also hold hearings on bilingual education on Thursday, October 16, and Friday, October 17. Persons wishing to make a presentation must provide the Council with a copy of the text at the meeting.

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3600, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on October 1, 1975.

LEROY WALSER,
Chief, Program Services Branch.

[FR Doc.75-26663 Filed 10-3-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting

On October 22 and 23, 1975 the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C. The Advisory Council is composed of 25 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Safety Administration.

The following meetings are subject to the approval of the National Highway Traffic Safety Administrator.

On October 22 at 8:30 a.m. in room 10234 the full Council will meet with the following agenda:

Overview of Research Program.
Discussion of Procurement Policies.
Briefing on Dissemination of Technical Information.

On October 22 at 1:30 p.m. in room 10234 the Motorcycle Committee will meet with the following agenda:

Re-briefing on Motorcyclists' Field of View Research.
Discussion of Public Education Programs to Make Other Road Users Aware of Motorcyclists.
Briefings on Motorcycle Research.
Safety Improvements: Banking Angles; Fuel Systems; Control Cables.
Braking Performance.
Anti-Lock Brake.
Status of Experimental Safety Motorcycle Program.

At 3:00 p.m. on October 22 in room 10234 the Crashworthiness Committee will meet with the following agenda:

Briefing on Dynamic Compliance Testing of Seat Belts.
Discussion of Motorcycle Helmet Standard 218: Surrogate vs. Human Response.
Proposed School Bus Safety Standards Regarding Seat Backs and Belt Anchorages.
Fourth International Congress Issues.

On October 23 at 8:30 a.m. in room 10234 the Task Force on Future Congresses will meet.

At 9:30 a.m. on October 23 in room 10234 the full Council will meet with the following agenda:

Approval of September Meeting Minutes.
Report on Crashworthiness Committee.
Report on Motorcycle Committee.
Report of Task Force on Research and Standards.
Report of Task Force on Future Congresses.
Old Business/New Business.

At 1:00 p.m. on October 23 in room 10234 the Executive Committee will meet with the following agenda:

Plans for Future Council and Committee Meetings.
New Business/Old Business.

For further information contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, S.W., Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: October 1, 1975.

WILLIAM H. MARSH,
Executive Secretary.

[FR Doc.75-26639 Filed 10-3-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28363; Order 75-9-115]

DOMESTIC FARE INCREASES

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of September, 1975.

By tariff revisions[1] marked to become effective October 1, 1975, Eastern Air Lines, Inc. (Eastern) and Continental Air Lines, Inc. (Continental) propose a general domestic fare increase of 3.5 percent; and Trans World Airlines, Inc. (TWA) and Western Air Lines, Inc. (Western) propose a general increase of five percent.[2] With the exception of Western, each also proposes to remove the January 14, 1976 expiration date on the four percent increase first permitted in November 1974 and extended this past June.

In supporting their proposals, the carriers have followed the methodology used by the Board in assessing fare-increase proposals before the Board in June 1975, except for modification of the cost-inflation factor and, in the case of TWA, elimination of the utilization adjustment.[3] The carriers allege, *inter alia*, that the Board deviated from its prior technique in calculating the cost-inflation factor and that, based on their recalculation, an increase of 3.5 percent will not raise the ratemaking return on investment (ROI) to the 12 percent standard. TWA alleges that the utilization adjustment was unlawfully adopted and that, in any event, a proper application of such an adjustment would result in no expense disallowance.

Complaints have been filed by the National Passenger Traffic Association (NPTA) and the Council on Wage and Price Stability which, together with

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 249.

[2] Braniff Airways, Inc. and Frontier Airlines, Inc. had also proposed a 3.5 percent increase for earlier effectiveness. Those proposals were suspended to permit an evaluation of industry revenue need on the basis of June 30, 1975 data (Order 75-9-36). A 4.2 percent fuel surcharge proposed by United Air Lines, Inc. based essentially on a pass-through of anticipated fuel price escalation has also been suspended (Order 75-9-85).

[3] At that time, the Board suspended general increases of five or six percent proposed by certain carriers (Order 75-6-72). The instant proposals were filed prior to the issuance of Order 75-8-99, which denied petitions for reconsideration filed by American Airlines, Inc., Eastern Air Lines, Inc. and Trans World Airlines, Inc.

answers thereto, are summarized in Attachment A.[4]

Upon consideration of the proposals, the complaints and answers thereto, and all relevant matters, the Board concludes that the proposals to increase present fares by 3.5 or 5.0 percent may be unjust, or unreasonable, or unjustly discriminatory, or unduly prejudicial, or unduly preferential, or otherwise unlawful, and should be investigated. The Board further concludes that such proposals should be suspended pending investigation. However, the Board concludes that NPTA has not set forth sufficient facts to warrant investigation of the proposals to cancel the January 14, 1976 expiration date now applicable to the four percent fare increase first permitted in November 1974, and the request therefor and consequently the request for suspension will be denied and the complaint dismissed.[5]

In each case, the carriers base their proposals on contentions as to the appropriate technique for calculating return on investment which were raised in petitions for reconsideration of Order 75–6–72. These arguments were fully dealt with and disposed of in Order 75–8–99, which denied reconsideration, and need not be further discussed here. TWA (in its current justification) and Eastern (in its answer to NPTA's complaint) accept the Boards' methodology with respect to the cost-inflation factor, but argue that their proposals are justified by projecting forward to the new tariff effectiveness date of October 1. While this may be true based on year ended March 1975 data, the Board has consistently used the most recently available experience of the industry and has specifically stated its intention to evaluate new proposals in the context of year ended June 1975 data. On this basis, and applying the same analytical approach used in Order 75–6–72, each of the proposals now before the Board would produce an excessive return on investment by *DPFI* standards (See Attachment B).[6]

On the other hand, we see no basis for now precluding permanent retention of the four percent increase. An expiration date was first appropriate since the latest data available at that time reflected an abrupt shift in the carriers' traffic mix from discount to full-fare useage which raised a concern that, if traffic volume continued to hold and the change in mix became a longer-term trend, a rollback of the four percent might become warranted. However, not only have neither of these trends progressed, they have, in fact, reversed and have contributed to continuing inadequate industry earnings.

One further matter warrants comment. Our analysis of industry data reveals a particularly troublesome trend of an increasing spread between actual and ratemaking ROI. Excesses in the direction of either total discount-fare traffic or available seats are unmistakably obstacles to the industry's ability to improve its earnings position. Moreover, increases in the proportion of discount-fare traffic must be accompanied by significant increases in load factor in order to maintain a satisfactory revenue/cost relationship. The Board continues to firmly believe that the DPFI discount-fare and capacity adjustments are necessary to insure that the normal-fare passenger is not unfairly burdened.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Attachment C, and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Attachment C are suspended and their use deferred to and including December 29, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

4. The proceeding ordered in Docket 28302 be consolidated into this proceeding;

5. Except to the extent granted herein, the complaints in Dockets 28187, 28235 and 2829 are hereby dismissed; and

6. Copies of this order will be filed in the aforesaid tariff and served on Braniff Airways, Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Trans World Airlines, Inc., Western Air Lines, Inc., and the complainants in Dockets 28187, 28235 and 28239 which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-26722 Filed 10-3-75;8:45 am]

[4] A joint petition requesting the establishment of emergency procedures in connection with fuel price escalation anticipated due to decontrol of domestic "old" crude has been filed by the Department of Transportation, the Federal Energy Administration, and the Council on Wage and Price Stability. That petition is concerned with possible future developments which cannot be accurately known at this time, and will be dealt with by subsequent order. On the other hand, the Board has recognized the potential consequences of dramatic increases in fuel prices and that special measures may be required to deal with these problems. (Dissenting opinion and Attachments A, B, and C filed as part of the original document.)

[5] Only NPTA complained against extension of the four percent.

[6] The details of the Board's analysis are available for public inspection in the Public Reference Room.

COMMISSION ON CIVIL RIGHTS

ARIZONA STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arizona State Advisory Committee will convene at 7:00 p.m. and end at 10:00 p.m. on November 5, 1975, Hunter Inn 1245 24th Street, Phoenix, Arizona 85034—Sonora Room.

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 to discuss status of the Administration of Justice in Arizona project; dates and places of hearings of SAC participation.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 29, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-26648 Filed 10-3-75;8:45 am]

COLORADO STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado State Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. to 4:00 p.m. on November 8, 1975, at the Quality Inn Motel 1840 Sherman Street, Denver, Colorado 80203.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is to discuss and review the Medical/Legal access project report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 29, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-26649 Filed 10-3-75;8:45 am]

KANSAS STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference meeting of the Kansas State Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. and will end at 12:00 noon on October 29, 1975, at the Ramada Inn, lower Lounge South, I–70 and Sixth Street, Topeka, Kansas.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this conference is to meet with the Kansas Department of Corrections to discuss interim progress since the release of the report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 30, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-26650 Filed 10-3-75;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 10:00 p.m. on October 21, 1975, at the International Motel, Conference Room, 118 W. Portage Street, Sault Ste. Marie, Michigan 49783.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to review final plans and procedures for the Advisory Committee's public factfinding meeting on October 22–23, 1975.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 30, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-26651 Filed 10-3-75;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. and end at 5:30 p.m. on October 22, 1975, at Malcolm Building Conference Room, 408 W. Spruce Street, Sault Ste. Marie, Michigan 49783. There will be an evening session at 7:00 p.m. and end at 10:00 p.m., Parish Hall, St. Isaac Joques Church, 1529 Marquette Avenue. On October 23, 1975 a meeting will convene at 9:30 a.m. and end at 5:30 p.m., Parish Hall, St. Isaac Joques Church, 1529 Marquette Avenue, Sault Ste. Marie, Michigan 49783.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to collect information from residents, city officials, and responsible State and Federal agencies on the civil rights implications of the use of Federal Housing and Community Development Funds in the City of Sault Ste. Marie.

All scheduled witnesses will be issued written invitations to appear. Limited time will be available for previously unscheduled witnesses. Persons wishing to be added as unscheduled witnesses must make prior arrangements with Commission staff, and will be allowed to appear if they have information relevant to the subject under study and providing sufficient time is available during the meeting. All witnesses are encouraged to submit written statements detailing their testimony prior to the day of the meeting. All relevant statements and documents submitted before, during, and after the meeting will be made a part of the meeting record in Commission files and will be considered in the development of the Advisory Committee's report and findings and recommendations. A detailed list of witnesses will be available at the meeting site on October 22, 1975.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 30, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-26652 Filed 10-3-75;8:45 am]

NEVADA STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Nevada State Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. on November 6, 1975 and at 9:00 a.m. on November 7–8, 1975, at the Holiday Inn of Las Vegas, 3740 Las Vegas Boulevard South, Las Vegas, Nevada 89109.

Persons wishing to attend this conference should contact the Committee Chairperson, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this conference is to share information discussed at the National State Advisory Committee Chairperson' Conference in Washington, D.C. and to plan State Advisory Committee activities in this region for the coming two years.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 30, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-26653 Filed 10-3-75;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 4:30 p.m. and end at 6:00 p.m., on November 12, 1975, Phelps Stokes Fund 10 E 87 Street, New York, New York 10028.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is a follow-up of projects and activities for the coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 30, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-26654 Filed 10-3-75;8:45 am]

NORTH CAROLINA STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Carolina State Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 1:00 p.m. on October 30, 1975, Holiday Inn Downtown—320 Hillsborough Street Zodiac Room, 20th Floor, Raleigh, North Carolina 27602.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is a discussion of North Carolina Prison Report. Programmatic plans for this year. Discussion of investigation of North Carolina Women's Prison.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 29, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-26655 Filed 10-3-75;8:45 am]

PENNSYLVANIA STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the United States Commission on Civil Rights, that a planning meeting of the Pennsylvania State Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 12:00 noon on November 12, 1975, Federal Building—600 Arch Street, Room 6310, Philadelphia, Pennsylvania.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20425.

The purpose of this meeting is to discuss progress report on mushroom study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 29, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-26656 Filed 10-3-75;8:45 am]

UTAH STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah State Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 9:00 p.m. on November 6, 1975, at Salt Lake Board of Education, 440 E. South (Library), Salt Lake City, Utah 84104.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is for the SAC to write a proposal outline for their next major project which will focus on the criminal justice system.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 29, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management, Officer.

[FR Doc.75-26657 Filed 10-3-75;8:45 am]

WYOMING STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wyoming State Advisory Committee (SAC) to this Commission will convene at 2:00 p.m. and end at 4:00 p.m. on October 31, 1975, at the Holiday Inn, 300 W. F Street, Casper, Wyoming 82601.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting are to identify civil rights issues for next SAC project. Review of Commission's rules and regulations and review of planning steps for SAC project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 29, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-26658 Filed 10-3-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

Entry or Withdrawal From Warehouse for Consumption

OCTOBER 1, 1975.

On March 24, 1975, there was published in the FEDERAL REGISTER (40 FR 13025) a letter dated March 19, 1975, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Thailand and exported to the United States during the twelve-month period beginning April 1, 1975.

Pursuant to paragraph 14 of the Bilateral Cotton Textile Agreement of March 16, 1972, as amended, between the Governments of the United States and Thailand, it has been agreed that the individual limits of 20,837 dozen and 18,290 dozen, established, respectively, for Categories 46 and 47, shall be combined into a single level of 39,127 dozen for the two categories for the agreement year which began on April 1, 1975.

Accordingly, there is published below a letter of October 1, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs combining the levels of restraint applicable to cotton textile products in Categories 46 and 47, produced or manufactured in Thailand, and exported to the United States during the twelve-month period which began on April 1, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

OCTOBER 1, 1975.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: On March 19, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning April 1, 1975 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Thailand, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 14 of the Bilateral Cotton Textile Agreement of March 16, 1972, as amended, between the Governments of the United States and Thailand, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on Oct. 1, 1975, to combine the levels of restraint established for cotton textile products in Categories 46 and 47 in the directive of March 19, 1975 to 39,127 dozen for the twelve-month period which began on April 1, 1975.[2]

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textiles and cotton textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-26644 Filed 10-3-75;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN INDIA

Entry or Withdrawal From Warehouse for Consumption

OCTOBER 1, 1975.

On August 6, 1974, the Government of the United States, in furtherance of the objectives of, and under the terms of, the

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of March 16, 1972, as amended, between the Governments of the United States and Thailand which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

[2] This level has not been adjusted to reflect any entries made after March 31, 1975.

Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, concluded a comprehensive bilateral cotton textile agreement with the government of India, concerning exports of cotton textiles and cotton textile products from India to the United States over a four-year period beginning on October 1, 1973. Among the provisions of the agreement is one establishing a limit for Categories 28–64, as a group, for the agreement year beginning on October 1, 1975.

There is published below a letter of October 1, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 28–64, as a group, be limited to the designated level.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: October 6, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

OCTOBER 1, 1975.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of August 6, 1974, between the Governments of the United States and India, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on October 6, 1975, and for the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976, to prohibit entry in to the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 28–64, as a group, in excess of 37,781,700 square yards equivalent.

Cotton textile products in the foregoing group of categories, produced or manufactured in India and which have been exported prior to October 1, 1975, shall not be subject to this directive

Cotton textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The level of restraint set forth above is subject to adjustment pursuant to the provisions of the bilateral agreement of August 6, 1974 which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Group I (Categories 1–27) and Group II (Categories 28–64) may be exceeded by a designated percentage; 2) exports may be increased for carryover and carryforward up to a designated percentage; and 3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-26646 Filed 10-3-75;8:45 am]

CERTAIN COTTON, WOOL AND/OR MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA, INDIA, PAKISTAN, AND THE REPUBLICS OF CHINA AND KOREA

Entry or Withdrawal From Warehouse for Consumption

OCTOBER 1, 1975.

Under the terms of bilateral textile agreements negotiated by the Government of the United States with the Governments of Colombia, India, Pakistan, and the Republics of China and Korea, administrative mechanisms have been established to exempt certain cotton, wool and/or man-made fiber textile products, produced or manufactured in Colombia, India, Pakistan, and the Republics of China and Korea and exported to the United States, which have been certified for exemption by those governments. The purpose of this notice is to announce that, effective on October 3, 1975, and until further notice, shipments of exempt textile products will no longer require an export visa in addition to an exempt items certification. Shipments of exempt items having both the certification and an export visa will not be denied entry.

Accordingly, there is published below a letter of October 1, 1975, from the Chairman, Committee for the Implementation of Textile Agreements, terminating the export visa requirement for shipments of exempt cotton, wool, and/or man-made fiber textile products.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

OCTOBER 1, 1975.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directives issued to you on April 19, May 16, and August 22, 1973 and on May 13, 1975 which established administrative mechanisms to exempt certain cotton, wool and/or man-made fiber textile products, produced or manufactured, respectively, in the Republic of China, Pakistan, the Republic of Korea, and India from designated levels of restraint. It cancels the directive of September 24, 1973 which waived the requirement that a category classification be shown on export visas accompanying shipments of exempt Karate and Judo uniforms, produced or manufactured in the Republic of Korea.

In accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on Oct. 3, 1975, and until further notice, to permit entry of exempt cotton, wool or man-made fiber textile products accompanied only by exempt items certifications. An export visa will no longer be required in addition to the certification. Shipments of exempt items having both the certification and an export visa shall not be denied entry under this directive.

The actions taken with respect to the Governments of India, Pakistan, and the Republics of China and Korea with respect to imports of cotton, wool and/or man-made fiber textiles have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-26645 Filed 10-3-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 439-6; OPP-00015]

EXTENSION COMMITTEE ON POLICY/STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE; WORKING GROUP ON TRAINING

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that a one-day meeting of the Working Group on Training of the Extension Committee on Policy (ECOP)/State-Federal FIFRA Implementation

Advisory Committee (SFFIAC) will be held on October 22 at the Howard Johnson Motor Lodge, 2646 Jefferson Davis Highway, Arlington, Virginia.

This is the first meeting of the Working Group on Training under the auspices of ECOP and SFFIAC. The purpose of the meeting is to discuss current aspects of pesticide applicator training, with the intent of reporting to ECOP, and to the full SFFIAC at the latter's next meeting currently scheduled for November 19.

This meeting is open to the public. For further details, please contact P. H. Gray, Jr., Acting Chief, Program Support and Special Projects Branch, Operations Division, Office of Pesticide Programs, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-8053.

Dated: October 1, 1975.

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

[FR Doc.75-26744 Filed 10-3-75;8:45 am]

[FRL 439-8; PP6G1658/T16]

OXYTETRACYCLINE HYDROCHLORIDE

Notice of Establishment of a Temporary Tolerance

The State of Michigan, Department of Agriculture, Lewis Cass Building, Lansing MI 48913, submitted a pesticide petition (PP 6G1658) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the fungicide oxytetracycline hydrochloride in or on the raw agricultural commodity peaches at 0.1 part per million resulting from infusion of peach trees with an aqueous solution of the fungicide after harvest and prior to formation of new blooms.

This temporary tolerance will permit the marketing of peaches when treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

The scientific data reported have been evaluated, and it has been determined that this temporary tolerance is adequate to cover residues resulting from the proposed experimental use, and that such tolerance will protect the public health.

The temporary tolerance is, therefore, established for the fungicide on condition that the fungicide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active fungicide to be used must not exceed the quantity authorized by the experimental use permit.

2. The State of Michigan, Department of Agriculture must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The State must also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires September 30, 1976. Residues not in excess of this temporary tolerance remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the fungicide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerance. The temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this fungicide indicate such revocation is necessary to protect the public health.

Statutory Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346(a)(j)].

Dated: September 30, 1975.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.75-26747 Filed 10-3-75;8:45 am]

[FRL 439-7]

SCIENCE ADVISORY BOARD ECOLOGY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Ecology Advisory Committee of the Science Advisory Board will be held beginning at 1:30 p.m., October 23, 1975 in the Delft Room, Dutch Inn, Great Island Road-Galilee, Narragansett, Rhode Island.

This meeting is the fifth meeting of the Ecology Advisory Committee. The agenda includes a report on the activities of the Executive Committee, Science Advisory Board; discussion of the design of bioassy experiments for non-human organisms; discussion of biological indicators of problems related to development of East Coast offshore oil resources; a status report on the *Ad Hoc* Study Group evaluation of the Technical Bulletin on Acceptable Methods for the Utilization and Disposal of Sludges; consideration of Committee Advisory Statements including acid precipitation, the National Lake Survey Project, the Shagawa Lake Project, and research on the gas bubble disease of fishes; consideration of long-term plans for ecological research; and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information, should contact Dr. J. Frances Allen, Executive Secretary, Ecology Advisory Committee, (703) 557-7720.

THOMAS D. BATH,
Staff Director, Science Advisory Board.

[FR Doc.75-26746 Filed 10-3-75;8:45 am]

[FRL 439-5]

INTERAGENCY COMMITTEE ON FEDERAL GUIDANCE FOR OCCUPATIONAL EXPOSURES TO IONIZING RADIATION

Notice of Meeting

The Environmental Protection Agency announces the following meeting of its Interagency Committee on Federal Guidance for Occupational Exposures to Ionizing Radiation:

Date: Wednesday, October 15, 1975
Time: 1:00 p.m.-4 p.m.
Place: Crystal Mall Building #2, 1921 Jefferson Davis Highway, Arlington, Virginia 20460, Room 1112A.

The purpose of the meeting will be to continue discussion initiated at the preceding meeting on two basic issues [(1) an upper value for the occupational radiation protection guide (RPG); and (2) provision to account for exceeding the upper value RPG] and to discuss a third basic issue (the role and scope of the "as low as practicable" principle)—issues which are to be addressed and resolved by EPA in its current program of reviewing and updating of the existing basic Federal guidance on occupational exposures to ionizing radiation [Federal Radiation Council, Radiation Protection Guidance for Federal Agencies, FEDERAL REGISTER, pages 4402-4403, May 1960].

The meeting will be open to observers from the public, seating for which will be available on a first-come, first served basis.

Public requests for information about the meeting should be directed to Mr. Luis F. Garcia, Criteria and Standards Division (AW-460), Office of Radiation Programs, U.S. Environmental Protection Agency, 401 M Street, S.W., Room E-629, Washington, D.C. 20460 (telephone 202-755-2952).

Dated: October 1, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management (AW-443).

[FR Doc.75-26743 Filed 10-3-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75R-363; Docket Nos. 20343, 20344; File Nos. BPH-8665, BPH-8858]

COUNTRY-POLITAN BROADCASTING, INC. AND TIPPAH BROADCASTING CO.

Memorandum Opinion and Order

1. This proceeding involves the mutually exclusive applications of Country-Politan Broadcasting, Inc. (Country-Politan) and Jesse R. Williams, tr/as Tippah Broadcasting Company (Tippah) for construction permits for an FM broadcast facility at Ripley, Mississippi. Presently before the Review Board is a petition to enlarge issues, filed July 10, 1975, by the Broadcast Bureau, seeking the addition of issues against Country-Politan to inquire into the conduct of its president in connection with a dismissal

request filed by Tippah and the effect thereof on the character qualifications of Country-Politan.[1]

2. The Broadcast Bureau asserts that the testimony of Jesse R. Williams during a pre-hearing conference held on June 18, 1975[2] raises serious questions as to whether Kerry W. Hill, president and sole stockholder of Country-Politan, is qualified to be a Commission licensee. As background, the Bureau points out that, on March 5, 1975, Country-Politan filed a petition to enlarge against Tippah alleging, *inter alia*, fraudulent billing and discriminatory practices involving Station WCSA, Ripley, Mississippi, which is licensed to Williams; that this petition was supported by affidavits of former employees of Williams;[3] that, subsequent to the filing of this petition, Williams filed a pleading entitled "Dismissal of Application and Withdrawal of Appearance"; and, that this pleading has not yet been ruled on by the Presiding Judge since a question exists as to whether Williams has received or been promised any consideration for the withdrawal of his application. The Bureau next asserts that, during the prehearing conference, Williams testified[4] that Hill offered to intercede with the affiants supporting Country-Politan's March 5, 1975 enlargement petition to "clear" Williams with the Commission. This offer, asserts the Bureau, demonstrates a "willingness and inclination of Mr. Hill to tamper with . . . evidence" or, in the alternative, a "recognition by Hill of the fact that the affidavits he submitted are not, in fact, reliable."[5] In either case, asserts the Bureau, questions about Hill's character are raised. Moreover, alleges the Bureau, Hill's offer was part and parcel of the negotiations incident to the withdrawal of Williams' application.[6] And, continues the Bureau, Hill's failure to mention this promise in affidavits filed with the Presiding Judge in which Hill states, *inter alia*, that he has neither paid nor promised anything of value to Williams, raises, at the very least, a serious doubt as to his candor with the Commission. Therefore, argues the Bureau, the requested issue should be added.

3. In opposition, Country-Politan asserts that the Bureau has accepted Williams' testimony and allegations as true without considering Hill's proposed testimony; that the matter can and will be resolved without the necessity of additional issues; and that the requested issue is duplicative, or at best premature. Country-Politan submits in support an affidavit of Kerry W. Hill in which he denies making the statements attributed to him by Williams. Further, Country-Politan points out that the Presiding Judge, by Order, FCC 75M-1382, released August 8, 1975, has ordered a further hearing for the purpose of receiving testimony on the question of consideration for Tippah's withdrawal.[7] At this hearing, alleges Country-Politan, the evidence to be offered will be identical to that which the Bureau would have the applicants present if the instant petition is granted. Therefore, Country-Politan argues, granting the Bureau's request would result in a duplicative proceeding and would delay the efforts of Country-Politan to bring a first local nighttime radio service to Ripley, Mississippi. In reply, the Bureau asserts that its requested issue transcends the question of consideration and that grant of its request is necessary for a full exploration of the incident described in Williams' testimony. Moreover, continues the Bureau, the clear conflict between Williams' sworn testimony and the affidavit of Hill submitted in the opposition requires addition of the issue.

4. The Review Board will add an appropriate issue.[8] Upon review of the Williams testimony and the Hill affidavit, we agree with the Broadcast Bureau that a clear conflict exists as to whether consideration other than money was offered by Hill to Williams in the course of the parties' settlement negotiations. The conflict in sworn statements is in itself sufficient grounds for addition of the issue. *Jimmie H. Howell*, 46 FCC 2d 1150, 30 RR 2d 365 (1974). Furthermore, there is the additional question whether Hill offered to help Williams clear himself of the charges brought by Hill which had led to the enlargement of the hearing issues. The Board notes that although evidence admissible under the requested issue may already be part of the record, nevertheless, such an issue is warranted in order to dispel any doubt as to the parameters of the issues in this proceeding. Therefore, the Administrative Law Judge should require the parties to develop a complete record with respect to all of the facts and circumstances surrounding (a) the negotiations between Hill and Williams looking toward a possible settlement of this case by the dismissal of one of these applications; (b) the furnishing of affidavits to the Commission by Hill, and other affidavits secured by Hill; and (c) the interrelationship, if any, of the settlement negotiations and the furnishing of affidavits. Our perusal of the August 28, 1975 transcript of the hearing session of that date, in addition to the motion before us, convinces us of the necessity of this course in order for this record to establish (a) whether Hill is qualified to be a principal of a broadcast licensee in light of the evidence adduced with respect to these matters, and (b) whether, on the basis of the evidence adduced herein, further proceedings should be instituted with respect to the stations in which Williams is a principal (a matter the Bureau would then pursue in the appropriate manner).

5. ACCORDINGLY, IT IS ORDERED, That the petition to enlarge issues, filed July 10, 1975, by the Broadcast Bureau IS GRANTED, and that the issues in this proceeding ARE ENLARGED to include the following issue: To determine the facts and circumstances surrounding the conduct of Kerry W. Hill and Jesse R. Williams in connection with the "Dismissal of Application and Withdrawal of Appearance" filed by Jesse R. Williams; and in light of the evidence adduced, to determine the effect thereof on the qualifications of Country-Politan Broadcasting, Inc. to receive a grant.

6. IT IS FURTHER ORDERED, That the burden of proof on the issue added herein SHALL BE on Country-Politan Broadcasting, Inc.[9]

Adopted: September 26, 1975.

Released: September 30, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-26712 Filed 10-3-75;8:45 am]

[FCC 75R-362; Docket No. 20543, File No. BR-2308]

NORJUD BROADCASTING, INC.

Renewal of License for Radio Station KMCM

1. This proceeding involves the application of Norjud Broadcasting, Incorporated (Norjud) for renewal of license for Station KMCM. It was designated for hearing by Order, FCC 75-818, 40 FR 32782, published on August 4, 1975, under issues to determine whether the applicant violated Sections 73.123(a), 73.123(c), 73.120(b), 73.120(c)(2) and 73.1206 of the Commission's Rules (issues (a)-(e)), and whether the applicant made misrepresentations to, or has been lacking in candor with, the Commission (Issue (f)). Now before the Review

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[1] Also before the Board are the following related pleadings: (a) opposition, filed August 12, 1975, by Country-Politan; and (b) reply, filed August 22, 1975, by the Broadcast Bureau.

[2] The Bureau asserts that its petition is timely inasmuch as it was filed within 8 days of receipt of the transcript of this conference, and, moreover, raises serious public interest questions. Thus, continues the Bureau, it meets the tests set forth in *The Edgefield-Saluda Radio Co.*; 5 FCC 2d 148, 8 RR 2d 611 (1966), and should be considered on the merits.

[3] The Review Board by Memorandum Opinion and Order, FCC 75R-229, released June 13, 1975, added the requested issues.

[4] Williams testified regarding his negotiations with Hill looking to dismissal of his (Williams') application.

[5] As a possible motive for Hill's offer, the Bureau submits that the testimony reveals that Hill and Williams discussed the prospect of becoming business associates at two other broadcast stations in Mississippi.

[6] Specifically, the Bureau directs the Board's attention to the following question and answer during interrogation by the Bureau of Williams:

Q. Do you have any present expectation again, to use that phrase, that Mr. Hill will do anything favorable to you because you have requested dismissal of your application?

A. Well, if he keeps his word he will, because he promised to—he said I'll help clear you up with the Commission on those affidavits from these two former employees. (Tr. 55)

[7] Country-Politan's request for this hearing was filed subsequent to the filing of the Bureau's petition to enlarge.

[8] The Board has reached the merits of the Bureau's pleading since the petition was filed within a reasonable period after the Bureau received the information upon which it relied.

[9] We see no need in this instance to allocate a burden of going forward with the introduction of evidence under the issue added herein.

Board is a petition to enlarge issues, filed by Norjud on August 14, 1975, seeking the addition of a meritorious programming issue.[1]

2. The Board has frequently held that a renewal applicant should be afforded an opportunity to show meritorious programming in mitigation of adverse findings under issues relating to the past operation of its facilities. See e.g., *Friendly Broadcasting Co.*, 35 FCC 2d 611, 24 RR 2d 712 (1972). We perceive no reason to depart from this practice here. However, as noted by the Bureau, issue (f) specified in the designation order relates to misrepresentation and/or lack of candor, and therefore it would not be appropriate to consider evidence of past programming under this issue. See *KFPW Broadcasting Co.*, 40 FCC 2d 126, 26 RR 2d 1633 (1973). Finally, while Norjud asserts in its petition that it did not learn that its license was in jeopardy until the designation order was released, we agree with the Bureau that the question of when the licensee first received such notice should be resolved by the presiding Administrative Law Judge in the first instance.[2] See *Chesapeake-Portsmouth Broadcasting Corp.* 42 FCC 2d 1030, 28 RR 2d 703 (1973).

3. ACCORDINGLY, IT IS ORDERED, That the petition to enlarge issues, filed on August 14, 1975, by Norjud Broadcasting, Incorporated IS GRANTED, and that the issues in this proceeding ARE ENLARGED by the addition of the following issue:

To determine whether the programming of Station KMCM has been meritorious, particularly with regard to public service programs.

4. IT IS FURTHER ORDERED, That the burdens of proceeding and proof under the issue added herein SHALL BE on Norjud Broadcasting, Incorporated.

Adopted: September 26, 1975.

Released: September 30, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

ORGANIZATION OF SIX BROADCASTING SERVICE GROUPS TO ASSIST IN THE PREPARATION OF THE UNITED STATES POSITION AT THE 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

OCTOBER 1, 1975.

In 1979 a World Administrative Radio Conference will be convened by the International Telecommunication Union (ITU) to review the existing world-wide agreements concerning all communications utilizing the radio spectrum from 10 KHz to 275 GHz. This conference, known as WARC-79, is empowered to change, where necessary, the outstanding ITU Radio Regulations including those of all broadcasting services. The United States as a signatory party to the ITU Convention and its attachments, including the Radio Regulations, will participate in the WARC-79.

The purpose of this Public Notice is to outline the process whereby a body of experts can be assembled to assist the Federal Communications Commission in developing proposed United States positions with respect to those portions of the spectrum utilized by the non-government broadcasting services regulated by the FCC, and in particular by the Broadcast Bureau of the FCC. To accomplish this task six Broadcast Service Groups and a Steering Committee will be established. The Broadcast Steering Committee will consist only of FCC personnel; however, the Service Groups will be chaired by Industry representatives with FCC personnel designated as liaison between the Service Groups and the Broadcast Steering Committee. The Broadcast Steering Committee will be responsive only to the main 1979 WARC Steering Committee which relates to all FCC regulated services.

Service Groups for the Broadcast Service will include the following: AM Broadcasting, FM Broadcasting, Television Broadcasting, International Broadcasting, Satellite Broadcasting, and Auxiliary Broadcasting.

Permanent Chairmen and Vice Chairmen of each service group will be elected at the organizational meetings set forth below and installed in office at that meeting to establish fact finding task groups and to define assignments.

Following is a schedule of the initial Service Group meetings, each of which is open to any interested party. (All meetings will be held in Washington, D.C.).

Television Broadcasting: October 20, 1975, 9:00 AM, Room 752, 1919 "M" St., N.W. FCC Liaison Officer—Mr. Charles Breig.

Satellite Broadcasting: October 21, 1975, 9:00 AM, Room 8210, 2025 "M" St., N.W. FCC Liaison Officer—Mr. Charles Breig.

Auxiliary Broadcasting: October 20, 1975, 1:00 PM, Room 752, 1919 "M" St., N.W. FCC Liaison Officer—Mr. Al Jarratt.

International Broadcasting: October 21, 1975, 1:00 PM, Room 8210, 2025 "M" St., N.W., FCC Liaison Officer—Mr. Lloyd Smith.

AM Broadcasting: October 22, 1975, 9:00 AM, Room 752, 1919 "M" St., N.W. FCC Liaison Officer—Mr. Dennis Williams.

FM Broadcasting: October 22, 1975, 1:00 PM, Room 752, 1919 "M" St., N.W. FCC Liaison Officer—Mr. Hideyuki Noguchi.

The Agenda for the initial meeting of all Service Working Groups will be as follows:

1. Call to order by FCC Liaison Officer.
2. Nomination and election of Chairmen and Vice Chairmen.
3. Assumption of Chair by elected officers.
4. Discussion of tasks to be assigned to fact finding groups.
5. Fact finding group membership assignments and due dates for first report.
6. Other business, next meeting, and adjournment.

Following is a suggested initial list of topics for task group assignments:

Satellite Broadcast: Review final acts of 1971 WARC for space; especially those matters which will not be considered in preparation for the 1977 WARC, such as sharing of 41–43 GHz and the 84–46 CHz broadcasting bands. Maintain close liaison with the Joint Industry Government Committee concerned with the 1977 WARC. Review relevant CCIR documents.

Television: Review and categorize appropriate segments of ITU Radio Regulations and the pertinent CCIR documents, develop papers on digital and high resolution television and their respective positions in the spectrum.

Broadcast Auxiliary: Review needs for additional spectrum space (particularly for ENG), frequency conflicts with treaties, power limitation, minimum antenna standards, frequency sharing with other services, interference criteria, categories ITU Radio Regulations and CCIR documents pertinent to the auxiliary services.

International Broadcast: Review all ITU broadcasting allocations from 3200 KHz through 26,100 KHz. Categorize all segments of the ITU Radio Regulations for review keeping in mind future needs. Examine all pertinent CCIR documents. Study need for regulation on upper limit of radiated power.

AM Broadcasting: Channel separation, additional channels, stereo operation, percentage modulation, directional antennas, interference and coverage criteria, power limitations, ITU regulations. Additional topics will be solicited from the floor during the meeting.

FM Broadcasting: Consider possibility of enlarging present FM band and possibility of establishing a new terrestrial FM broadcasting band at higher frequencies. Review and categorize all pertinent ITU regulations and CCIR documents.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-26714 Filed 10-3-75;8:45 am]

[Docket No. 20403]

USE OF AUTOMATIC TRANSMISSION SYSTEMS AT AM, FM AND TELEVISION BROADCASTING STATIONS

Order Extending Time for Filing Reply Comments

In the matter of Amendment of the Commission's Rules to permit the use of automatic transmission systems at AM, FM and television broadcasting stations.

1. On April 1, 1975, the Commission adopted a *Notice of Inquiry* in the above-

[1] The Broadcast Bureau filed comments on the petition on August 27, 1975.

[2] Evidence of programming after the expiration of the license period in question will also not be admissible.

entitled proceeding. Publication was made in the FEDERAL REGISTER on April 18, 1975, 40 FR 17317. The dates for filing comments and reply comments in this proceeding were August 15 and September 19, 1975, respectively.

2. By letter dated September 8, 1975, the Society of Broadcast Engineers, Inc., requested that the date for filing reply comments be extended to October 16, 1975. In support of its request, the Society stated that because of the magnitude and far-reaching effect of the proposals contained in comments filed by the National Association of Broadcasters and by others, such an extension was needed in order to provide it with adequate time to formulate its reply comments.

3. The Commission has been informed by the Society that it mailed the aforementioned request on September 8, 1975. However, it was not received by the Commission. A reproduced copy of it was submitted to the Commission on September 18, 1975, one day before the date for filing reply comments.

4. Under the provisions of § 1.46(b) of the Commission Rules, requests for extension of time in which to file reply comments must be filed at least 7 days before the filing date. Had the Society's letter arrived in the normal course of events, it would have been in compliance with the 7-day rule. Since what happened was beyond the control of the Society, and since the Commission wishes as much information as possible to aid it in arriving at decisions in this proceeding, we are granting the requested extension. Inasmuch as this order is being issued at a late date, we are extending the time for filing reply comments to October 24 instead of to October 16, the date requested by the Society. If parties who filed their reply comments by September 19, 1975, wish to supplement them with additional filings by the new filing date, such submissions will be accepted.

5. Accordingly, it is ordered, That the date for filing reply comments in this proceeding is extended from September 19, 1975, to and including October 24, 1975.

6. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules and Regulations.

Adopted: September 26, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-26711 Filed 10-3-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ELECTRIC FACE EQUIPMENT STANDARD

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4201-000, LANE HOLLOW COAL COMPANY, Mine No. 21, Mine ID No. 44 02258 0, Maxie, Virginia,

ICP Permit No. 4201-001-R-2 (Mescher Rubber Tired Tractor, Ser. No. 229).

ICP Permit No. 4201-005-R-2 (Mescher Rubber Tired Tractor, Ser. No. 390).

In accordance with the provisions of Section 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before October 21, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 Fed. Reg. 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

SEPTEMBER 30, 1975.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

[FR Doc.75-26570 Filed 10-3-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-10]

MUSHROOMS

Notice of Investigation and Hearing

Investigation instituted. Following receipt of a petition on September 17, 1975, filed by the Mushroom Canners Committee of the Pennsylvania Food Processors Association, York, Pennsylvania, and the Mushroom Processors Tariff Committee, Washington, D.C., the United States International Trade Commission on September 30, 1975, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether mushrooms, prepared or preserved, except fresh or dried, provided for in item 144.20 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10:00 a.m., EST, on Tuesday, January 6, 1976, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street NW. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his offices in Washington not later than noon, Wednesday, December 31, 1975.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

By order of the Commission.

Issued: October 1, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-26742 Filed 10-3-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-75]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON GENERAL AVIATION TECHNOLOGY

Meeting

The NASA Research and Technology Advisory Council Panel on General Aviation Technology will meet on October 22-24, 1975 at the NASA Lewis Research Center, Cleveland, Ohio 44135. The meeting will be held in Conference Room 215 of the Administration building. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 50 persons. All visitors must register with the receptionist in the lobby of the Administration building.

The NASA Research and Technology Advisory Council Panel on General Aviation Technology serves in an advisory capacity only. The current Chairman is Mr. John W. Olcott. There are 14 members. The following list sets forth the approved agenda and schedule for the October 22-24, 1975 meeting of the Panel on General Aviation Technology. For further information, please contact Mr. Roger L. Winblade, Area Code 202 755-2399.

OCTOBER 22, 1975

Time	*Topic*
9:00 a.m.	Welcoming Remarks (Purpose: To officially welcome members of the General Aviation Technology Panel to their first meeting at the Lewis Research Center.)
9:20 a.m.	Chairman's Report (Purpose: To summarize actions taken at the May 8-9, 1975, meeting of the Research and Technology Advisory Council and to review for disposition all open recommendations previously made by the Panel.)
11:30 a.m.	Executive Secretary's Report (Purpose: To brief Panel on developments since last meeting including any program and organizational changes, and current status of FY 1976 program.)

Time	Topic
1:00 p.m.	Workshop Reports (Purpose: To brief Panel on the results of the NASA sponsored workshops on aerodynamic drag reduction, cooling drag reduction, and computerized design synthesis (GASP) held since the last Panel meeting.)
1:30 p.m.	Ames Research Center Status Report (Purpose: To brief the Panel on current status and plans for Ames Research Center's programs in avionics, stall modification, cooling drag reduction, and airfoil optimization.)
2:30 p.m.	Langley Research Center Status Report (Purpose: To provide a status report on ongoing programs at Langley Research Center and to describe plans for future efforts in drag reduction.)
3:15 p.m.	Flight Research Center and Wallops Flight Center Status Reports (Purpose: To provide a brief status report on the ongoing programs at Flight Research Center and a description of the plans for the automated pilot warning and advisory system efforts at Wallops Flight Center.)
3:30 p.m.	Review of Selected Elements of the Aviation Safety Program (Purpose: To review for the Panel relevant projects in the aviation safety program such as fireproof materials, aircraft icing and the Aviation Safety Research Data Institute.)
	October 23, 1975
8:30 a.m.	Overview of Lewis Research Center (Purpose: To brief the Panel on the center organization, complement facilities and charter for work in aeronautical propulsion systems.)
9:00 a.m.	Review of Lewis Research Center Aeronautical Programs (Purpose: To provide the Panel with an in-depth briefing on current programs and plans at Lewis Research Center with detailed discussion of specific general aviation projects.)
1:30 p.m.	Tour of Facilities (Purpose: To provide the Panel with greater understanding of the capabilities and limitations of the physical plant at the Lewis Research Center.)
2:45 p.m.	Discussion of Noise and Emission Reduction (Purpose: To provide an opportunity for a review of NASA and industry efforts versus requirements and needs.)
3:45 p.m.	Discussion of Cooling Drag Reduction (Purpose: To provide opportunity for review of the various elements of the NASA program with respect to needs of the industry.)
4:15 p.m.	Panel Summary (Purpose: To provide the opportunity for comments and clarification of any information presented during the meeting.)
	October 24, 1975
8:30 a.m.	Member Reports and Recommendations (Purpose: To review meeting presentations and develop final Panel recommendations.)
12:00 noon	Adjournment.

Dated: September 30, 1975.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

[FR Doc.75-26640 Filed 10-3-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR PSYCHOBIOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Psychobiology.

Date: October 23 and 24, 1975.

Time: 9:00 a.m. each day.

Place: Rm. 338, National Science Foundation, 1800 G St., NW., Washington, D.C.

Type of meeting: Part Open—Open 10/23 (9 a.m.–10 a.m.) Closed 10/23 (10 a.m.–5 p.m.); 10/24 (9 a.m.–5 p.m.).

Contact person: Dr. Robert D. Sorkin, Program Director for Psychobiology, Rm. 333, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4264.

Summary minutes: (open portion) May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in Psychobiology.

Agenda: Will include the following topics:

October 23 (9 a.m.–10 a.m.), (Open Session): Reorganization of the National Science Foundation; Budget status and prospects; Review policies and procedures.

October 23 (10 a.m.–5 p.m.); October 24 (9 a.m.–5 p.m.) (Closed Session): Review and evaluation of research proposals that have been assigned to the Psychobiology Program.

Reason for closing: The proposals being reviewed 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.

Authority to close meeting: These matters are within the exemptions of 5 U.S.C. (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 Public Law 92-463.

M. REBECCA WINKLER,
Acting Committee Management Officer.

SEPTEMBER 30, 1975.

[FR Doc.75-26568 Filed 10-3-75;8:45 am]

ADVISORY PANEL FOR GENETIC BIOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

1. Name: Advisory Panel for Genetic Biology.
2. Date: October 31 and November 1, 1975.
3. Time: 9:00 a.m. each day.
4. Place: Rm. 517, National Science Foundation, 1800 G Street, NW., Washington, D.C.
5. Type of meeting: Closed.
6. Contact person: Dr. Laurence Berlowitz, Program Director for Genetic Biology, Rm. 326, National Science Foundation, Washington, D.C. 20550, telephone 202/632-5985.
7. Purpose of advisory panel: To provide advice and recommendations concerning support for research in genetic biology.
8. Agenda: To review and evaluate individual research proposals.
9. Reason for closing: The proposals being reviewed 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.
10. Authority to close meeting: These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this 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 Public Law 92-463.

M. R. WINKLER,
Acting Committee Management Officer.

OCTOBER 1, 1975.

[FR Doc.75-26715 Filed 10-3-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

SEPTEMBER 30, 1975.

The common stock of BBI, Inc., being traded on the American, and the Philadelphia-Baltimore Washington Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being

traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from October 1, 1975 through October 10, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-26572 Filed 10-3-75;8:45 am]

[Rel. No. 8963; 811-2467]

EXTRACTABLE RESOURCES, INC.

Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

SEPTEMBER 30, 1975.

In the matter of EXTRACTABLE RESOURCES, INC., c/o James S. Morgan, Executive Vice President, 1411 Walnut Street, Philadelphia, Pennsylvania 19102.

Notice is hereby given that Extractable Resources, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a diversified closed-end company, filed an application on April 30, 1975, and an amendment thereto on August 18, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. 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.

The Applicant represents that the Order applied for would be appropriate because the Applicant has been dissolved; that Articles of Dissolution of the Applicant have been filed with the State of Maryland and were approved on June 5, 1975; and that Applicant has at no time been capitalized and hence has no assets and no liabilities. Due to unfavorable market conditions, the Applicant has never issued any of its shares and commenced operations as an investment company. The Commission has issued an Order, dated April 30, 1975, consenting to the withdrawal of the Applicant's Registration Statement (File No. 2-50489) on Form S-4 filed under the 1933 Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 27, 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 shall 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 Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 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 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 Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-26573 Filed 10-3-75;8:45 am]

[Rel. No. 8964; 812-3854]

MONEY MARKET MANAGEMENT, INC., ET AL.

Notice of Filing an Application for an Order To Permit Offer of Exchange and Provide an Exemption

SEPTEMBER 30, 1975.

In the matter of Money Market Management, Inc., American Leaders Fund, Inc., and Fund for U.S. Government Securities, Inc. 421 Seventh Avenue Pittsburgh, Pennsylvania 15219 and Federated Securities Corp. 421 Seventh Avenue Pittsburgh, Pennsylvania 15219.

NOTICE IS HEREBY GIVEN that Money Market Management, Inc. ("Money Market"), American Leaders Fund, Inc. ("American Leaders"), Fund for U.S. Government Securities, Inc. ("Government Fund") (collectively referred to as the "Funds"), each of which is registered with the Commission as a diversified, open-end management investment company under the Investment Company Act of 1940 (the "Act"), and Federated Securities Corp. (collectively referred to with the above-mentioned Funds as "Applicants") have filed an application on August 29, 1975, and an amendment thereto on September 15, 1975, for an order by the Commission pursuant to (i) Section 11(a) of the Act to permit offering shareholders of Money Market the right to exchange shares of that Fund for those of American Leader and Government Fund, on a basis other than the relative net asset values of the Fund shares involved at the time of the exchange; and (ii) Section 6(c) of the Act to exempt Applicants from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder to the extent necessary to permit such an offer of exchange. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Federated Securities Corp. is the principal underwriter for each of the Funds, which maintains a continuous public offering of their shares at their respective net asset values, with the addition of a sales charge in the case of American Leaders and Government Fund. The sales charge for these two funds varies with the quantity purchased as follows:

Amount of investment:	*Sales charge (percent)*
Less than $10,000	1.5
$10,000 but less than $25,000	1.0
$25,000 but less than $50,000	.75
$50,000 but less than $100,000	.5
$100,000 but less than $250,000	.3
$250,000 but less than $500,000	.2
$500,000 or more	.1

In the case of Government Fund, the maximum sales charge per transaction is $1,000.

At the present time, shareholders of Government Fund and American Leaders may exchange their shares for shares of any of the other Funds on the basis of relative net asset value per share at the time of the exchange, without any sales charge. Applicants propose to offer to shareholders of Money Market the right to exchange their shares for shares of American Leaders or Government Fund on the basis of relative net asset values at the time of exchange plus any applicable sales charge described in the prospectus of the exchanging Fund.

Section 11(a) of the Act provides, in part, that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current offering price described in the prospectus and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell

any such security to any person except a dealer, a principal underwriter, or the issuer except at a current public offering price described in the prospectus.

Applicants state that the Funds have differing investment objectives, and that the purpose of the proposed exchange offer is to permit a shareholder of Money Market who changes his investment objective to change to a different Fund. Shareholders would be informed of their right to exchange shares of Money Market for shares of either of the other two Funds.

Applicants assert that the proposed exchange offer cannot be made at relative net asset value because a Money Market shareholder would have paid no sales load on his investment, while a similarly situated shareholder in the Fund to be acquired would have incurred a sales charge. Applicants further submit that if shares of one of the other Funds could be acquired by a shareholder of Money Market at net asset value by exchanging Money Market shares purchased with no sales load, it is possible that the exchange would be in violation of Section 22(d) since an investor would be able to purchase shares of one of the Funds at a sales charge other than that described in its prospectus merely by purchasing shares of Money Market and subsequently exchanging those shares at net asset value for shares of one of the Funds.

Section 6(c) provides, in 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 that 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 October 23, 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 shall order a hearing thereon. Any such communication shall 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 any orders issued 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.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-26574 Filed 10-3-75;8:45 am]

[Rel. No. 19192; 70-5739]

MONONGAHELA POWER CO.

Proposed Agreements With County Commissions and Request for Exception From Competitive Bidding

NOTICE IS HEREBY GIVEN that Monongahela Power Company ("Monongahela", (1310 Fairmont Avenue, Fairmont, West Virginia 26554, an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed an application-declaration with this Commission designating Sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Monongahela states that West Virginia's air quality standards as to particulate emissions require it to construct and install certain air pollution control equipment ("pollution control equipment") at its Rivesville, Albright and Willow Island generating stations, which are located in Marion, Preston and Pleasants counties, respectively. Monongahela proposes to finance such construction and installation by entering into separate Purchase Agreements with each of the Commissions of Marion, Preston and Pleasants counties (the "County Commissions") whereby each County Commission will acquire all of Monongahela's rights, title and interest in the pollution control equipment, as completed or to be constructed, and associated real estate, while Monongahela will retain the right to use and operate the pollution control equipment. The consideration to be received by Monongahela will be cash in an amount equal to Monongahela's book cost of the pollution control equipment and related land as of the closing date. It is further proposed that subsequent to the closing date Monongahela will undertake the completion of construction and installation of the pollution control equipment on behalf of the County Commissions which will, in turn, reimburse Monongahela for the costs of such completion.

It is contemplated that the County Commissions will finance the proposed transactions by issuing, in one or more series, tax-exempt Pollution Control Revenue Bonds (the "bonds") pursuant to an indenture (the "Indenture") between each County Commission and an indenture trustee ("Trustee"). It is stated that the estimated cost (exclusive of transaction and underwriting costs) of acquiring, constructing and installing the pollution control equipment will aggregate approximately $21,000,000 and that the bonds will be issued in an amount sufficient to cover the total of these estimated costs. It is stated that Monongahela will complete the pollution control equipment at its own expense if the proceeds derived from the sale of the bonds are insufficient to pay such total costs.

It is contemplated that the initial series of bonds, which would mature in not less than ten but not more than twenty-five years, will bear interest semi-annually at a rate yet to be determined. The proposed Indenture provides for a sinking fund to retire a certain portion of the principal amount of the bonds prior to maturity.

The proceeds from the sale of the bonds will be deposited with the Trustee and will be applied to the payment of the cost of acquiring, constructing and installing the pollution control equipment. The bonds will be secured by the pollution control equipment owned by each County Commission and by a pledge of the income and revenues derived from the lease, sale or other disposition of the subject equipment. It is contemplated that the initial series of bonds will be sold by the County Commissions pursuant to arrangements with a group of underwriters represented by Blyth Eastman Dillon & Co., Incorporated. While Monongahela will not be a party to the underwriting arrangements for the sale of the bonds, the terms of the bonds shall be satisfactory to Monongahela.

It is further proposed that Monongahela reacquire the pollution control equipment and associated real estate from such County Commissions, pursuant to conditional sale provisions in each Purchase Agreement, by paying: (1) semi-annual installments of a purchase price, equal to such amounts as are due from the respective County Commissions under the provisions of the Indentures, over a term of years sufficient to pay the principal of and interest on the bonds as they become due and payable; and (2) an additional amount equal to the fees and expenses of the Trustee and the reasonable expenses incurred by each County Commission in connection with the proposed transactions. Title to the pollution control equipment and related land will vest in Monongahela after retirement of the bonds and payment of all such additional amounts due or to become due. The proposed Purchase Agreements further provided that Moongahela may accelerate payment of the purchase price of the pollution control equipment (a) at any time on or after ten years from the date of issuance of the bonds, in full or in part, and (b) in full at Monongahela's option at any time after issuance of the bonds upon the occurrence of certain extraordinary events.

Monongahela states that it has been advised that the annual interest rate on tax free bonds of the type to be sold by the Counties has been 2% to 2¼% lower than the interest rates on taxable obligations of comparable quality.

Monongahela requests exception from the competitive bidding requirements of Rule 50 pursuant to clause (a) (5) thereof for the execution of the Purchase Agreements.

It is stated that the West Virginia Public Service Commission, the Air Pollution Control Board of West Virginia and the Ohio Public Utilities Commission have jurisdiction over the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

NOTICE IS FURTHER GIVEN that any interested person may, not later than October 23, 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-declaration, as amended, 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-declarant 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-declaration, as amended, or as it may be further 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.75-26575 Filed 10-3-75;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

SEPTEMBER 29, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 30, 1975 through October 9, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-26576 Filed 10-3-75;8:45 am]

[Release No. 8968; 812-3851]

RENE R. WOOLCOTT

Notice of Filing of Application

OCTOBER 2, 1975.

NOTICE IS HEREBY GIVEN that Rene R. Woolcott ("Applicant") has filed an application pursuant to Section 9(c) of the Investment Company Act of 1940 ("Act") for an order exempting him from the provisions of Section 9(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant states that he is president, chief executive officer and a director of Diebold Venture Capital Corporation ("DVCC"), a closed-end investment company registered under the Investment Company Act of 1940 ("the Act"). Applicant also states that he is president and a director of Diebold Advisors, Inc., the investment advisor to DVCC.

On August 19, 1975 the Securities and Exchange Commission commenced an action pursuant to Section 21(e) of the Exchange Act against Applicant to enjoin violation of Section 10(b) of the Exchange Act and Rule 10b-5 thereunder in connection with the purchase of common stock of Zapata Corporation. On September 10, 1975 a Consent Judgment of Permanent Injunction and Order of Disgorgement (the "Judgment") was entered in the action permanently enjoining Applicant from violation of Section 10(b) and Rule 10b-5 and ordering the payment of the sum of $6,500 representing disgorgement of profits realized in connection with one purchase and sale of securities of Zapata Corporation.

Section 9(a)(2) of the Act, as here pertinent, makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security to serve or act in the capacity of employee, officer, director, member of advisory board, investment advisor or depositor of any registered investment company or principal underwriter for any registered open-end company, registered unit investment trust, or registered face amount certificate company.

Section 9(c) provides that upon application the Commission by order shall grant an exemption from the provisions of Section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of Section 9(a), as applied to Applicant, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicant submits pursuant to Section 9(c) that the prohibitions of Section 9 (a) of the Act, to the extent applicable by virtue of the entry of the Judgment would be unduly and disproportionately severe as applied to him and that his conduct has been such as not to make it against the public interest or the protection of investors for the Commission to grant a permanent exemption from the provisions of Section 9(a) of the Act. In support thereof Applicant states:

(1) The prohibitions of Section 9(a) would deprive Diebold Venture Capital Corp. and its approximately 4,500 shareholders of the services of its key employee and of the services of the key employee of its advisor.

(2) The prohibitions of Section 9(a) would deprive Applicant of his employment.

(3) There was no intent on the part of Applicant to violate any law or to make profits as the result of any misuse of material non-public information.

(4) In compliance with the terms of the judgment, Applicant will pay into the registry of the Court, for further use subject to the approval of the Court, a sum which represents the difference between the purchase price and the tender price.

(5) Applicant has never before been required to apply for an exemption from the provisions of Section 9(a) of the Act.

NOTICE IS FURTHER GIVEN that any interested person may, not later than October 20, 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 of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall 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 Applicant care of Peter H. Morrison, Esq., Morrison, Paul, Stillman & Beiley, 110 East 59th Street, New York, New York 10022. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in Rule 0-5 of the Rules and Reg-

ulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued 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.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-26953 Filed 10-3-75;9:47 am]

SMALL BUSINESS ADMINISTRATION

HOUSTON DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Houston District Advisory Council will hold a public meeting at 10:00 a.m., Thursday, October 30, 1975, at the University of Houston Continuing Education Center, 4800 Calhoun Street, Houston, Texas, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call John L. Carey, Niels Esperson Building, 808 Travis Street, Houston, Texas 77002, (713) 226-4896.

Dated: September 30, 1975.

ANTHONY S. STASIO, *Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-26571 Filed 10-3-75;8:45 am]

HONOLULU DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Honolulu District Advisory Council will hold a public meeting beginning at 9:30 a.m., Friday, October 24, 1975, at Kauai County Building, Lihue, Kauai, Hawaii, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call David K. Nakagawa, 1149 Bethel Street, Room 402, Honolulu, Hawaii 96813, (808) 546-8950.

Dated: September 26, 1975.

ANTHONY S. STASIO, *Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-26699 Filed 10-3-75;8:45 am]

LITTLE ROCK DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Little Rock District Advisory Council will hold a public meeting at 1:30 p.m., Thursday, October 23, 1975, at the First National Bank, Capitol Avenue and Broadway, Little Rock, Arkansas, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Maurice L. Britt, 611 Gaines Street, Suite 900, P.O. Box 1401, Little Rock, Arkansas 72203, (501) 378-5871.

Dated: September 26, 1975.

ANTHONY S. STASIO, *Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-26700 Filed 10-3-75;8:45 am]

MINNEAPOLIS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Minneapolis District Advisory Council will hold a public meeting at 1:30 p.m., Thursday, October 23, 1975, at the Northwestern Bank Southwest, 7900 Xerxes Avenue South, Bloomington, Minnesota, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Paul W. Jansen, Room 530, Plymouth Building, 12 South Sixth Street, Minneapolis, Minnesota 55402, (612) 725-2928.

Dated: September 26, 1975.

ANTHONY S. STASIO, *Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-26701 Filed 10-3-75;8:45 am]

NEW ORLEANS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration New Orleans District Advisory Council will hold a public meeting at 10:00 a.m., Tuesday, October 21, 1975, at the Bentley Hotel, 200 DeSoto Street, Alexandria, Louisiana, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call William F. Muffin, Plaza Tower-17th Floor, 1001 Howard Avenue, New Orleans, Louisiana 70113, (504)-589-2611.

Dated: September 26, 1975.

ANTHONY S. STASIO, *Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-26702 Filed 10-3-75;8:45 am]

VETERANS ADMINISTRATION

COOPERATIVE STUDIES EVALUATION COMMITTEE

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 USC 4101, will be held in Room 119 of the main Veterans Administration building, 810 Vermont Avenue, NW., Washington, D.C., on October 21 and 22, 1975. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, the scientific validity and the propriety of technical details, including involvement of human subjects. The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 9 a.m., October 21, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator of the Committee, Veterans Administration Central Office, Washington, D.C. (202-389-3702) prior to October 10.

The meeting will be closed from 9 a.m. to 5 p.m., October 21 and all day on October 22 for consideration of specific proposals in accordance with provisions set forth in Section 10(d) of Public Law 92-463 and Sections 552(b)(2) and 552(b)(6) of Title 5, U.S. Code. During this portion of the meeting, discussion and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute an invasion of personal privacy.

Dated: October 1, 1975.

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

[FR Doc.75-26660 Filed 10-3-75;8:45 am]

HEALTH MANPOWER TRAINING ASSISTANCE REVIEW COMMITTEE

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 of a meeting of the Health Manpower Training Assistance Review Committee, authorized by the Administrator of Veterans Affairs on August 26, 1974 in the FEDERAL REGISTER (39 FR 30873). This meeting will be in the Veterans Administration Central Office building and the committee will meet as follows: One-half of the members will meet on October 28-29, 1975 at 8:30 a.m. and one-half of the members will meet on October 30-31, 1975 at 8:30 a.m. The meeting will be for the purpose of review of applications for grant assistance to institutions engaged in health manpower training, which assistance is authorized by Public Law 92-541. The committee provides recommendations to the Chief Medical Director concerning approval, deferral, return for revision and disapproval of the applications being considered.

The meeting will be open to the public on the first day up to seating capacity of the room from 8:30 a.m. until 9:15 a.m. to discuss general policies and current status of the program. Because of the limited seating capacity of the room those who plan to attend should contact Dr. Chester W. DeLong, executive secretary of the committee, Department of Medicine and Surgery, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420, prior to October 25, 1975. (Telephone: (202) 389-3072). The meeting will be closed from 9:15 a.m. until 5 p.m. the first day and on the second day for consideration of individual applications. The closed portion of the meeting involves: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of individual grant applications and similar documents which are exempt from disclosure under the intra-agency memoranda exemption (exemption (5)) to section 552 (b) of title 5, United States Code. The portion of the meeting which necessitates examination of these documents will be closed to prevent inadvertent disclosure of these exempt records.

Minutes of the meeting and rosters of the committee members may be obtained from Dr. DeLong at the address given above.

Dated: October 1, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-26661 Filed 10-3-75;8:45 am]

MEDICAL SCHOOL ASSISTANCE REVIEW COMMITTEE

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 of a meeting of the Medical School Assistance Review Committee, authorized by the Administrator of Veterans Affairs on August 26, 1974 in the FEDERAL REGISTER (39 FR 30873). This meeting will be in the Veterans Administration Central Office building, Room 119, on October 24, 1975 starting at 8:30 a.m. The meeting will be for the purpose of review of applications from medical schools for assistance in developing their programs, which assistance is authorized by Public Law 92-541. The committee advises the Chief Medical Director on the approval, deferral, return for revision, or disapproval of these applications.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9:15 a.m. to discuss the general policies and current status of the program. Because of the limited seating capacity of the room those who plan to attend should contact Dr. Chester W. DeLong, executive secretary of the committee, Department of Medicine and Surgery, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420, prior to October 17, 1975. (Telephone: (202) 389-3072).

The meeting will be closed from 9:15 a.m. until 5 p.m. on October 24, 1975 for consideration of individual applications. The closed portion of the meeting involves: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of individual grant applications, and similar documents which are exempt from disclosure under the intra-agency memoranda exemption (exemption (5)) to section 552 (b) of title 5, United States Code. The portion of the meeting which necessitates examination of these documents will be closed to prevent inadvertent disclosure of these exempt records.

Minutes of the meeting and rosters of the committee members may be obtained from Dr. DeLong at the address given above.

Dated: October 1, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-26662 Filed 10-3-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-75-35]

PRAIRIE TANK AND CONSTRUCTION CO., ET AL.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of Application.* Notice is hereby given that Prairie Tank and Construction Company, P.O. Box 278, Plainfield, Illinois 60544; Tank Service, Inc., 3210 N. Lewis, P.O. Box 50099, Tulsa, Oklahoma 74150; Gorbett Brothers, Inc., 4001 Irving Boulevard, Dallas, Texas 75207; and General American Transportation Corporation, 120 S. Riverside Plaza, Chicago, Illinois 60606 have made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1926.451(a) (4), (5), and (10) dealing with scaffolding. The General American Transportation Corporation also requested a variance from paragraph (6) which requires a screen between the toeboard and guardrail where persons are required to pass under the scaffold. Since personnel are not allowed under the scaffold, a variance from this paragraph is unnecessary.

The places of employment affected by these applications are the construction sites where the applicants are engaged in construction operations.

The applicants certify that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the applications, the applicants contend that they are providing employment and places of employment as safe as those which would prevail if they complied with § 1926.451 (a) (4), and (10). Section 1926.451(a) (4) and (5) reads as follows:

(4) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beams scaffolding and floats (see paragraphs (p) and (w) of this section.) Scaffolds 4 to 10 feet in height having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails installed on all open sides and ends of the platform.

(5) Guardrails shall be 2 x 4 inches, or the equivalent, approximately 42 inches high, with a midrail, when required. Supports shall be at intervals not to exceed 8 feet. Toeboards shall be a minimum of 4 inches in height.

The applicants state that their business is of a specialized nature involving steel plate erection by members of the boilermaker's trade.

The applicants contend that the scaffolds they use in building tanks are mobile and are frequently raised as are the tank sections, in order to position the next set of steel plates. The scaffolds used do not have toeboards because tools are placed in well designed "loose tool" containers provided for that purpose. In addition, the applicants propose to rope off the area directly below and in close proximity to the scaffold and to permit only those employees, and tools currently being used by them, on the scaffolds. As a further precaution, a taut wire is installed midway between the innermost plank face of the scaffold platform and the tank face. The applicants state that because the scaffolds must be moved frequently, it would be more hozardous to constantly remove and replace toeboards.

The applicants also propose to place guardrail supports at 10' 6" intervals in lieu of the 8' requirement of § 1926.-451(a)(5). This would allow consistent bracket spacing since the applicants further desire to use 10' 6" spans for their scaffold planking although § 1926.451(a) (16) allows a maximum span of 10'. The planks proposed to be used are rough full-dimensioned 2" x 12" x 12' planks of Douglas Fir or Southern Yellow Pine of Select Structural Grade. The Douglas Fir has a fiber stress of 1900 and a modulus of elasticity of 1,900,000, while the Southern Yellow Pine has a 2,500 fiber stress and a modulus of elasticity of 2,000,000. The applicants contend that the scaffolds they are using are safe, even though the span is one-half foot longer than the maximum length allowed, because of the increased strength of the wood.

A copy of the applications will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, Room N3603, 200 Constitution Avenue, NW., Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, 32nd Floor, Room 3259, Chicago, Illinois 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square, Room 602, Dallas, Texas 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, 10th Floor, Chicago, Illinois 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, Adolphus Tower, Suite 1820, 1412 Main Street, Dallas, Texas 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, Petroleum Building, Room 512, 420 South Boulder, Tulsa, Oklahoma 74103.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the applications for variance are invited to submit written data, views, and arguments relating to the pertinent application no later than November 5, 1975. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the applications no later than November 5, 1975, in conformance with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim Order.* It appears from the applications for variance and interim orders filed by the companies named in this notice, that the proposed scaffolding described in their applications, with certain variations, will provide employment and places of employment as safe as those which would prevail if the applicants were to comply fully with 29 CFR 1926.451(a) (4), (5), and (10). It further appears that interim orders are necessary, pending a decision on the applications, in order to prevent undue hardship to the applicants and their employees. Therefore, it is ordered, pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1910.11(c), that the companies be, and they are hereby authorized to use scaffolds in accordance with the following conditions, in lieu of complying with the toeboard and span requirements in § 1926.451(a) (4), (5), and (10):

(a) The applicants' loose tools and equipment shall be kept in well-designed tool containers. This does not include fit-up bar, key plates, key channels, or long handled maul which may be placed on the scaffold plank during the time they are required for work. The loose tool containers shall be secured to prevent their upset or dislodgement from the scaffold area.

(b) Areas beneath and far enough away from the base of the scaffold to contain anything that falls from above shall be roped off and posted with clearly visible signs stating: "Danger Overhead Work."

(c) The space between the innermost edge of the scaffold platform and the curved plate structure of the tank shell shall not exceed 8" without protective measures. A taut wire rope supported on scaffold brackets at plank level may be used to divide any space exceeding 8" in lieu of using a guardrail or a tie-off system.

(d) Not more than 3 employees shall be working on a 10'6" span of scaffold planking at any time.

(e) The maximum distance between brackets to which scaffolding and guardrail supports are attached shall be 10'6". These brackets shall be welded to the steel plates.

(f) Scaffold planks of rough full-dimensioned 2" x 12" x 12' Douglas Fir or Southern Yellow Pine of Select Structural Grade or equivalent planking shall be used. The Douglas Fir shall have at least a 1,900 fiber stress and 1,900,000 modulus of elasticity, while the Yellow Pine shall have at least 2,500 fiber stress and 2,000,000 modulus of elasticity.

(g) All planking shall be secured from movement or overlapped in accordance with § 1926.451(a)(12).

(h) Guardrails shall be constructed of taut wire rope, and shall be supported by angle irons attached to brackets welded to the steel plates. These guardrails shall be at least of equivalent strength, stability and height as those required for the 8 foot span of 2" x 4" wood rails by 29 CFR 1926.451(a)(5). Guardrail supports shall be located at no greater than 10'6" intervals.

(i) As soon as possible, the applicants shall give notice to affected employees of the terms of this order by the same means used to inform them of the application for variance.

Effective date. This interim order shall be effective as of October 6, 1975, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 30th day of September 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-26716 Filed 10-3-75;8:45 am]

Office of the Secretary

[TA-W-97]

AMOS ABBOTT CO., DEXTER, ME.

Negative Determination Regarding 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-97: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 30, 1975 in response to a worker petition received on July 29, 1975 which was filed by the United Textile Workers of America (AFL-CIO) on behalf of workers formerly producing woolen fabrics at the Dexter, Maine plant of the Amos Abbott Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 33084) on August 6, 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 Amos Abbott Company, its customers, the Northern Textile Association, the Department of Commerce, the U.S. International Trade Commission, the Department of Agriculture 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 worker's 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

The average number of production workers declined 55.7 percent in the first half of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Amos Abbott Company declined 75.8 percent in the first half of 1975 compared to the first half of 1974. Production declined 76.8 percent in the first half of 1975 compared to the first half of 1974. The plant closed in July, 1975.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of woolen fabrics like or directly competitive with those produced at the Abbott Company decreased from 15.8 million square yards in 1973 to 9.9 million square yards in 1974. The ratios of imports to domestic consumption and production decreased from 8.9 percent and 9.7 percent, respectively in 1973, to 7.3 percent and 7.8 percent, respectively in 1974.

Similarly, except for imports of man-made broadwoven fabrics, imports of nonwoolen fabrics did not increase in the 1973-1974 period. Imports of broadwoven man-made fabrics amounted to less than 3 percent of domestic production of such fabrics and a substantially smaller proportion of total fabric production.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of woolen fabrics was caused by the decline in the domestic production of men's and women's woolen clothes, imports of finished woolen clothing and changes in men's and women's fashions.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with woolen fabrics produced at the Amos Abbott Company did not contribute importantly to the total or partial separation of the workers at such plant.

Signed at Washington, D.C. this 29th day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-26717 Filed 10-3-75;8:45 am]

[TA-W-148]

BILLIG SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

Correction

In FR Doc. 75-25665 appearing on page

In FR Doc. 75-25665 appearing on page 44211 in the FEDERAL REGISTER of Thursday, September 25, 1975, the following changes should be made:

First paragraph, fourth and fifth lines "United Shoe Workers" to read "United Steelworkers".

Signed at Washington, D.C. this 26th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Foreign Economic Policy.

[FR Doc.75-26720 Filed 10-3-75;8:45 am]

[TA-W-103]

KEYSTONE CARBON CO., ST. MARYS, PA.

Certification Regarding 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-103: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 31, 1975 in response to a worker petition received on July 31, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing thermistors at the Keystone Carbon Company, St. Marys, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 33715) on August 11, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Keystone Carbon Company, its customers, the U.S. International Trade Commission, the 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

The average number of production workers declined 54 percent in the first half of 1975 compared to the like period in 1974. Average weekly hours decreased one percent in the first half of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales, in value, of thermistors declined 28 percent in the first half of 1975 compared to the first half of 1974.

Production, in units, of thermistors at the Keystone Carbon Company's, St. Marys, Pennsylvania plant declined 59 percent in the first half of 1975 compared to the first half of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Specific data on imports of thermistors is not available. Imports of resistors in categories which include thermistors increased from $4.8 million in 1973 to $8.3 million in 1974. The ratios of imports to domestic consumption and production of such resistors increased from 16.3 percent and 14.9 percent, respectively in 1973 to 24.2 percent and 23.2 percent, respectively in 1974. Major customers of the Keystone Carbon Company indicated that they had switched their purchases of thermistors from the Keystone Carbon Company to off-shore foreign firms.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of thermistors at the Keystone Carbon Company was caused by the increase of competitive imports. The company reduced its operations because it could not compete at a profitable level with imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with thermistors produced at the Thermistor Division of the St. Marys, Pennsylvania plant of the Keystone Carbon Company contributed importantly to the total or partial separation of the workers of that Division. In accordance with the provisions of the Act, I make the following certification:

"All hourly and salaried workers employed at the Thermistor Division of the St. Marys, Pennsylvania plant of the Keystone Carbon 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 29th day of September 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-26718 Filed 10-3-75;8:45 am]

[TA-W-153]

PAN AMERICAN WORLD AIRWAYS, INC.

Certification of Eligibility To Apply for Adjustment Assistance; Notice of Hearing

The Department of Labor has ordered a public hearing in connection with the investigation instituted on September 18, 1975, under section 221(a) of the Trade Act of 1974 on the basis of a petition filed on behalf of the workers and former workers of Pan American World Airways, Incorporated, New York, New York (TA-W-153). Notice of receipt of the petition and the institution of this investigation was published in the FEDERAL REGISTER on September 26, 1975 (40 FR 44368).

This public hearing is being held on request of the petitioners and will be held beginning at 10:00 a.m., E.S.T. on October 14, 1975 in Room North 5437 A & B, U.S. Department of Labor Building, 3rd Street & Constitution Avenue, N.W., Washington, D.C. Interested parties desiring to appear and to be heard should send written notification, at least three days in advance of the hearing, to the Acting Director, Office of Trade Adjustment Assistance, Room South 5315, U.S. Department of Labor, 3rd Street & Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-26721 Filed 10-3-75;8:45 am]

[TA-W-26]

ROHR INDUSTRIES, INC., CHULA VISTA, CALIFORNIA

Notice of Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, on July 18, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to certain workers and former workers of the Chula Vista, California facility of Rohr Industries, Inc. (TA-W-26). The notice of certification was published in the FEDERAL REGISTER (40 FR 31844) on July 29, 1975.

At the request of the petitioners and officials of Rohr Industries, a further investigation was instituted by the Acting Director of the Office of Trade Adjustment Assistance. The evidence developed in the further investigation indicated certain workers employed in job classifications and departments not listed in the certification of July 18, 1975 were totally or partially separated from employment at Rohr Industries as a result of increased imports of parts, assemblies, and weldments. Since the intent of the certification is to cover all such adversely affected workers, the certification issued by the Department on July 18, 1975 is hereby revised to include such additional job classifications and departments not previously listed. Those job classifications and departments included in the revised certification but not included in the original certification of July 18, 1975 are indicated by an asterisk (*).

The revised certification is hereby made as follows:

"All hourly workers of the Chula Vista, California facility of Rohr Industries, Inc., who were employed in the job classifications and departments listed below who became totally or partially separated from employment on or after October 3, 1974, and those salaried workers of the Chula Vista facility who were engaged in employment related to production in these job classifications and departments who became totally or partially separated from employment on or after December 1, 1974, are certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

JOB CLASSIFICATIONS

Code:	Title
2-4033...	Assembler—structures A.
2-4034...	Assembler—structures B.
2-5733...	Assembler—thrust reverser A.
2-5734...	Assembler—thrust reverser B.
2-5723...	Automatic riveting machine operator.
2-5743...	Contour forming roll operator—precision.
2-5744...	Contour forming roll operator.
2-5963...	Coremaker/adjuster A.
2-5964...	Coremaker/adjuster B.
2-4103...	Degreaser.
2-6523...	Die fabricator—PBT and steel rule A.
* 2-6524...	Die Fabricator—PBT and steel rule B.
2-4133...	Drill press operator A.
2-4134...	Drill press operator B.
2-4143...	Drop hammer operator A.
2-4144...	Drop hammer operator B.
2-5273...	Engine lathe machinist.
2-5274...	Engine lathe operator A.
2-5275...	Engine lathe operator B.
2-6833...	Fabricator—sheet metal parts.
2-4193...	Filer and burrer—machine parts.
*2-4203.	*Form block maker A.
*2-4204.	*Form block maker B.
2-5263...	Grinder—precision A.
2-5264...	Grinder—precision B.
2-5183...	Hand finisher A.
2-5284...	Hand finisher B.
2-5253...	Hand finisher—precision A.
2-5254...	Hand finisher—precision B.
2-6403...	Heat treater—production A.
2-6404...	Heat treater—production B.
2-4263...	Heat treater—steel A.
2-4264...	Heat treater—steel B.
2-4283...	Horizontal boring mill operator A.
2-4284...	Horizontal boring mill operator B.
2-6493...	Hot sizing press operator A.
2-6494...	Hot sizing press operator B.
2-4293...	Hydraulic press operator A.
2-4294...	Hydraulic press operator B.
2-5773...	Inspector—general—final.
2-5774...	Inspector—general A.
2-5775...	Inspector—general B.
2-4353...	Inspector—machined parts.
2-4354...	Inspector—machined parts A.
2-4355...	Inspector—machined parts B.
2-4483...	Lift truck operator.
*2-4463.	*Jig and fixture builder A.
*2-4464.	*Jig and fixture builder B.
2-4563...	Mechanic—maintenance A.
2-4564...	Mechanic—maintenance B.
2-5283...	Milling machine machinist.
2-5284...	Milling machine operator A.
2-5285...	Milling machine operator B.
2-4613...	Molder A.
2-4614...	Molder B.

Code:	Title
2-4623	Oiler—maintenance.
2-5653	Parts identifier.
*2-4683	*Pattern maker A.
*2-4684	*Pattern maker B.
2-4693	Planishing hammer operator A.
2-4694	Planishing hammer operator B.
2-4713	Power brake operator A.
2-4714	Power brake operator B.
2-4733	Processor—general A.
2-4734	Processor—general B.
2-6753	Production mechanic I-ISG.
2-6754	Production mechanic II-ISG.
2-4753	Punch press operator A.
2-4754	Punch press operator B.
2-4763	Radial drill press operator A.
2-4764	Radial drill press operator B.
2-5303	Router operator—precision.
2-5304	Router operator.
2-6413	Saw operator—production.
2-6373	Stretch bender operator A.
2-6374	Stretch bender operator B.
2-5353	Stretch wrap forming machine operator—heavy A.
2-5354	Stretch wrap forming machine operator—heavy B.
2-4923	Surface grinder A.
2-4924	Surface grinder B.
2-4973	Tool and cutter grinder—general.
2-4974	Tool and cutter grinder.
*2-4983	*Tool and die maker A.
*2-4984	*Tool and die maker B.
2-5023	Truck driver—semi.
2-5024	Truck driver.
2-5053	Turret lathe operator A.
2-5054	Turret lathe operator B.
*3-9103	*Stock dispatcher—assembly and weldments A.
*3-9104	*Stock dispatcher—assembly nad weldments B.
3-9093	Stock dispatcher—fabrication and processing A.
3-9094	Stock dispatcher—fabrication and processing B.

DEPARTMENTS

Dept. No.	Fabrication and Assembly
*024	*Business jet thrust reverser.
029	Fabrication—hand finishing.
031	Assembly—processing.
033	Fabrication—punch press.
034	Fabrication—forming and planish.
041	Assembly—assembly processing.
043	Assembly—subassembly.
044	Fabrication—trim and drill.
053	Fabrication—production die.
*059	*High temperatures structures.
*074	*Conventional machine shop.
090	Assembly—processing.
*091	*DC9/737 thrust reverser.
092	Bart assembly.
*Department No.:	*Tool manufacturing*
036	Foundry.
071	Pattern shop.
075	Tool machine shop.
076	Jig and fixture.
080	Tool and die.
081	Form blocks.
083	Cutter control—direct.
086	Layout and development.
088	Tool fabrication.
*Department No.:	*Material handling*
401	Forming dispatch.
426	Product control dispatch.
427	Processing dispatch.
*468	*Transportation and material handling.
479	Part accountability group.

Code:	Title
*Department No.:	*Plant and equipment engineering*
*415	*Material handling yard.
*416	*Maintenance—manufacturing facilities.
*Department No.:	*Quality assurance*
*723	*Quality assurance—fabrication.
*724	*Quality assurance—assembly.
*749	*Quality assurance—high temperature structures.

Signed at Washington, D.C. this 29th day of September 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-26719 Filed 10-3-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 674]

ASSIGNMENT OF HEARINGS

OCTOBER 1, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 1515 Sub 203, Greyhound Lines, Inc., now being assigned November 10, 1975, (2 weeks), at San Francisco, California, in a hearing room to be later designated.

MC 138469 Sub 13, Donco Carriers, Inc., now being assigned November 6, 1975, (2 days), at San Francisco, California, in a hearing room to be later designated.

MC 30837 Sub 467, Kenosha Auto Transport Corporation and MC 109397 Sub 305, Tri-State Motor Transit Co., A Corporation, now being assigned November 5, 1975, (1 day), at San Francisco, California, in a hearing room to be later designated.

MC 139499 Sub 3, U.S. Transport, Inc., now being assigned November 4, 1975, (1 day), at San Francisco, California, in a hearing room to be later designated.

MC-F-12431, Akers Motor Lines, Incorporated—Control—P. & K. Transportation, Inc. and Akers Motor Lines, Incorporated, now being assigned November 19, 1975 (3 days) at New York, N.Y.; in a hearing room to be designated later.

MC 125433 Sub 56, F-B Truck line Company, now being assigned December 2, 1975, (1 day), at San Francisco, California, in a hearing room to be designated later.

MC-F 12560, Continental Van Lines, Inc.—Purchase—Moving Corporation of America, Inc., now being assigned December 3, 1975, (3 days), at San Francisco, California, in a hearing room to be designated later.

MC 97710 Sub 7, Peters Truck Lines, now being assigned December 8, 1975 (2 weeks), at Sacramento, California, in a hearing room to be designated later.

I & S M 28743, General Increase, C.S.M.F.B., and I & S M 28743 Sub 1, Increased Rates-Missouri-Illinois Traffic Service, Inc., now being assigned November 5, 1975 at Washington, D.C., at the Offices of the Interstate Commerce Commission.

I & S M 28713, General Increase, September 1975, R.M.M.T.B., now assigned October 15, 1975 at Washington, D.C., is cancelled. NOR 36095, Investigation into Lawfulness of Off-Line Limitations Placed on Non-assigned Hopper Cars, now assigned October 6, 1975 at Washington, D.C., is postponed until October 8, 1975, at Washington, D.C., at the Offices of the Interstate Commerce Commission.

MC 128932 Sub 9, Robert L. Torrans, d/b/a Commercial Storage & Distribution Co., now assigned October 8, 1975 at Baton Rouge, Louisiana is postponed indefinitely.

MC 56553 Sub 31, Pulaski Highway Express Inc., now being assigned November 5, 1975, (3 days), at Nashville, Tennessee, in the Board Room, Mezzanine Floor, Hamilton Bank Building, 200 4th Ave., North.

MC-F-12456, Skyline Transport, Inc.—Lease (Portion)—O'Boyle Tank Lines, Incorporated, now assigned October 20, 1975 at Washington, D.C.; has been postponed to December 15, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134401 Sub 11, Sherwood W. Hume, d/b/a Hume Equipment Company, now assigned October 20, 1975 has been postponed indefinitely.

MC 114273 Sub 226, CRST, Inc., now being assigned continued hearing on October 28, 1975, at Chicago, Illinois; in Room 1086A Everett McKinley Dirksen Building, 219 S. Dearborn St.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-26740 Filed 10-3-75;8:45 am]

[Notice No. 91]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 6, 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 October 28, 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-76060 By order of October 1, 1975, the Motor Carrier Board approved the transfer to Charles D. Baldwin, doing business as Baldwin Trucking, Amarillo, Texas, of Certificate No. MC

125000 (Sub-No. 3), issued May 7, 1974, to Leon Ledbetter Trucking, Inc., Amarillo, Texas, authorizing the transportation of various specified commodities from, to, and between points in the states of Texas, New Mexico, Kansas, Oklahoma, and Colorado. Elliott Bunce, 618 Perpetual Building, Washington, D.C., 20004 Attorney for applicants.

No. MC-FC-76090 By order of September 30, 1975, the Motor Carrier Board approved the transfer to Saturn World Wide Movers, Inc., Long Island City, New York, of Certificate No. MC 75525, issued July 22, 1953, to Farrell Express and Moving Company, Inc., New York, New York, authorizing the transportation of household goods between New York, N.Y., on the one hand, and, on the other, points in New York, Connecticut, New Jersey, and those in Pennsylvania on and East of U.S. Highway 11. Alvin Altman, 1776 Broadway, New York, New York, 10019, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-26739 Filed 10-3-75;8:45 am]

[No. 36215]

WALDO ROHNERT CO.

Petition for Declaratory Order; Notice of Tariff Interpretation

SEPTEMBER 22, 1975.

● **Purpose. The purpose of this notice is to inform the public that upon petition by the Rohnert Company dba Keystone Seed Co. and pursuant to the Administrative Procedure Act (5 U.S.C. 554(e)) a declaratory order is sought in regard to certain transit privileges.** ●

At issue is the applicability of transit privileges on movements of vegetable seeds when the seeds are brought into the rail transit point (Twin Falls, Idaho) by motor as well as by rail, and thus (after processing, treating, and packaging) seeds in the outgoing rail movement, although equal to the tonnage carried in by rail, may not be the precise seeds transported on the incoming rail movement but instead may be those having been transported to the processing plant by motor carrier.

By order served concurrently with this publication, the proceeding is being set for handling under the modified procedure. Oral hearings do not appear necessary at this time and are not contemplated.

Any interested parties subsequently permitted to intervene should comply with rules 45 to 54 (49 CFR 1100.45 to 1100.54), inclusive, of the Commission's General Rules of Practice, and the filing and service of pleadings is to be as follows: (a) opening statement of facts and arguments by petitioner and any parties supporting petitioner on or before October 15, 1975, (b) 30 days after that date, statement of facts and argument by replicant and any supporting parties; and (c) reply by petitioner and any supporting parties 10 days thereafter.

All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-26741 Filed 10-3-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 1, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 16, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 105045 (Sub-No. E3), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of their size or weight require the use of special equipment (not including machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin, on the one hand, and, on the other, points in the District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of points in Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E4), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of their size or weight require the use of special equipment (not including machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipelines, between points in that part of Tennessee on and west of a line extending along U.S. Highway 25E beginning at the Virginia-Tennessee State line and extending along U.S. Highway 25E to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line, on the one hand, and, on the other, points in West Virginia, District of Columbia, and Pennsylvania. The purpose of this filing is to eliminate the gateway Kentucky.

No. MC 105045 (Sub-No. E5), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers, between points in Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin, on the one hand, and, on the other, points in District of Columbia, Pennsylvania, Maryland, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways in either Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E6), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers, between points in that part of Tennessee on and west of a line extending along U.S. Highway 25E beginning at the Virginia-Tennessee State line and extending along U.S. Highway 25E to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction U.S. Highway

411, thence along U.S. Highway 411 to the Tennessee-Georgia State line, on the one hand, and, on the other, points in West Virginia, District of Columba, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Kentucky.

No. MC 105045 (Sub-No. E7), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Wisconsin on and south of U.S. Highway 18, on the one hand, and, on the other, points in Michigan on and south of Michigan Highway 32. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 105045 (Sub-No. E8), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines); (a) between all points in Wisconsin, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Ohio, Oklahoma, Tennessee, Texas, and West Virginia; (b) between points in Wisconsin on and east of U.S. Highway 51, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 81; and (c) between points in Wisconsin on and east of U.S. Highway 51 beginning near Hurley, Wis., thence along U.S. Highway 51 to Beloit, Wis., on the one hand, and, on the other, points in Missouri on and east of U.S. Highway 169 beginning at the Iowa-Missouri State line near Irene, Mo., thence along U.S. Highway 169 to Kansas City, Mo., to junction U.S. Highway 59, thence along U.S. Highway 50 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of points in Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E9), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between all points in Wisconsin, on the one hand, and, on the other, points in Virginia and Pennsylvania. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 105045 (Sub-No. E10), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Iowa on, east, and north of a line beginning at the Iowa-Missouri State line near Davenport, Iowa, thence along Interstate Highway 80 to junction Iowa Highway 35 at or near Ames, Iowa, thence along Iowa Highway 35 to the Iowa-Missouri State line near Silver Lake, Iowa, on the one hand, and, on the other, points in Missouri on and east of a line beginning at St. Louis, Mo., and extending along U.S. Highway 66 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 105045 (Sub-No. E11), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Iowa on and east of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 63 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line, on the one hand, and, on the other, points in Oklahoma on, east, and south of a line beginning at the Oklahoma-Arkansas State line along Interstate Highway 40 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 105045 (Sub-No. E12), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Iowa on and east of U.S. Highway 65 beginning at the Minnesota-Iowa State line, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, on the one hand, and, on the other, points in Texas on and south and east of a line beginning at the Arkansas-Texas State line, and extending along Interstate Highway 30 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to Laredo, Tex. The purpose of this filing is to eliminate the gateway of Missouri.

No. MC 105045 (Sub-No. E13), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Iowa on and east of U.S. Highway 69 beginning at the Minnesota-Iowa State line, thence along U.S. Highway 69 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Missouri State line, on the one hand, and, on the other, points in Arkansas on and east of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 67 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of points in Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E14), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between all points in Iowa on and east of U.S. Highway 69, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 105045 (Sub-No. E15), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Louisiana, on the one hand, and, on the other, points

in Alabama, Florida, Georgia, Lower Peninsula of Michigan, Mississippi, Ohio, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of points in Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E16), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies,* and *equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Iowa, on the one hand, and, on the other, points in Pennsylvania and Virginia. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 105045 (Sub-No. E17), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Missouri on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Arkansas on, east, and south of a line beginning at the Tennessee-Arkansas State line, thence along Interstate Highway 40 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of points in Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E18), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Missouri on, north, and east of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Louisiana on and east of a line beginning at the Arkansas-Louisiana State line extending along U.S. Highway 165 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Texas State line. The purpose of this filing is to eliminate the gateways of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E19), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Missouri on, north, and east of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Texas on and east of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 80 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 288, thence along Texas Highway 288 to Freeport, Tex. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 105045 (Sub-No. E20), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between all points in Missouri on and east of a line beginning at the Iowa-Missouri State line along U.S. Highway 61 to New Madrid, Mo., on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 105045 (Sub-No. E21), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington, Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment*, except the stringing or picking up of pipe in connection with main or trunk pipe lines: (a) between points in Missouri, on the one hand, and, on the other, points in Florida, Georgia, Lower Peninsula of Michigan, Ohio, and West Virginia; (b) between points in Missouri on and east of a line beginning at New Madrid, Mo., and extending along Interstate Highway 80 to junction Interstate Highway 70, thence along Interstate Highway 70 and extending along Interstate Highway 70 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line, on the one hand, and, on the other, points in Mississippi; (c) between points in Missouri on and north of a line beginning at the Missouri-Illinois State line near Cairo, Ill., extending along U.S. Highway 60 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Kansas-Missouri State line near Joplin, Mo., on the one hand, and, on the other, points in Alabama; and (d) between points on and east of a line beginning at New Madrid, Mo., thence along U.S. Highway 61 to St. Louis, thence along Interstate Highway 70 to the Kansas-Missouri State line near Kansas City, Mo., on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E22), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies,* and *equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Missouri, on the one hand, and, on the other, points in Pennsylvania and Virginia. The purpose of this filing is to eliminate the gateway of points in Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E23), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York

Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines); (a) between points in that part of Tennessee on and west of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 25E, thence along U.S. Highway 25E to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line, on the one hand, and, on the other, points in West Virginia; and (b) between points in Tennessee, on the one hand, and, on the other, points in Michigan and Ohio. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E24), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15 & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Tennessee on and west of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 25E to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line, on the one hand, and, on the other, points in Virginia and Pennsylvania. The purpose of this filing is to eliminate the gateway of Kentucky.

No. MC 105045 (Sub-No. E25), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials*, supplies, and equipment (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Michigan on and west of a line beginning at the Indiana-Michigan State line near White Pigeon, Mich., and extending along U.S. Highway 131 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Upper Peninsula and points in Upper Peninsula, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 105045 (Sub-No. E26), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between all points in Michigan on or west of U.S. Highway 27 from the Indiana-Michigan State line to junction Interstate Highway 75, thence along Interstate Highway 75 to Mackinaw City and all points in Upper Peninsula, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 105045 (Sub-No. E27), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines); (a) between points in the Lower Peninsula of Michigan on and west of a line beginning at the Indiana-Michigan State line near Kinderhook, Mich., extending along U.S. Highway 27 to junction Michigan Highway 50, thence along Michigan Highway 50 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction U.S. Highway 31, thence along U.S. Highway 31 to Mackinaw City, and points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Pennsylvania; and (b) between points in the Lower Peninsula of Michigan on and west of a line beginning at the Indiana-Michigan State line near Kinderhook, Mich., extending along U.S. Highway 27 to junction Michigan Highway 50, thence along Michigan Highway 50 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction U.S. Highway 31, thence along U.S. Highway 31 to Mackinaw City and points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of points in Indiana and points in Ohio.

No. MC 105045 (Sub-No. E28), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between all points in Nebraska, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Lower Peninsula of Michigan, Mississippi, Ohio, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E29), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Nebraska, on the one hand, and, on the other, points in Pennsylvania and Virginia. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E30), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Kansas on and north of Interstate Highway 70, on the one hand, and, on the other, points in Mississippi on and east of a line beginning at the Tennessee-Mississippi State line extending along U.S. Highway 61 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Illinois or Kentucky.

No. MC 105045 (Sub-No. E31), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connec-

tion with main or trunk pipe lines), between points in Kansas, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Michigan, Ohio, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E32), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or truck pipe lines), between points in Kansas, on the one hand, and, on the other, points in Pennsylvania and Virginia. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E33), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Oklahoma, on the one hand, and, on the other, points in Tennessee on, north, and east of U.S. Highway 24 beginning at the Kentucky-Tennessee State line extending along U.S. Highway 24 to junction U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to Chattanooga. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E34), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Oklahoma, on the one hand, and, on the other, points in Michigan, Ohio, and West Virginia. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E35), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Oklahoma, on the one hand, and, on the other, points in Pennsylvania and Kentucky. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E36), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Texas on or north of Interstate Highway 20, on the one hand, and, on the other, points in Tennessee on, north, and east of U.S. Highway 24 beginning at the Kentucky-Tennessee State line extending along U.S. Highway 24 to junction U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E37), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Texas, on the one hand, and, on the other, points in Michigan, Ohio, and West Virginia. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E38), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Texas, on the one hand, and, on the other, points in Pennsylvania and Virginia. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E39), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Louisiana on and north of U.S. Highway 80, on the one hand, and, on the other, points in Tennessee on, north, and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway Alternate 41 to Nashville, Tenn., thence along U.S. Highway 70 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E40), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Louisiana, on the one hand, and, on the other, points in Michigan, Ohio, and West Virginia. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E41), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental

to or used in, the construction, development, operation, maintenance, of facilities for the discovery, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Louisiana, on the one hand, and, on the other, points in Pennsylvania and Virginia. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E42), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Mississippi, on the one hand, and, on the other, points in Michigan, Ohio, and West Virginia. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E43), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Mississippi, on the one hand, and, on the other, points in Pennsylvania and Virginia. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E44), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Alabama, on the one hand, and, on the other, points in Michigan, Ohio, and West Virginia. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E45), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Alabama, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Kentucky.

No. MC 105045 (Sub-No. E46), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between all points in Alabama, on the one hand, and, on the other, points in Virginia east and north of a line beginning at Yorktown, Va., and extending along the Colonial National Historical Parkway to Williamsburg, thence along U.S. Highway 60 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-District of Columbia border line near Washington, D.C. The purpose of this filing is to eliminate the gateway of Kentucky.

No. MC 105045 (Sub-No. E47), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Florida on and south of Florida Highway 50, on the one hand, and, on the other, all points in West Virginia on and west of U.S. Highway 522. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E48), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Alabama on and west of a line beginning at the Alabama-Georgia State line near Muscadine, Ala., and extending along U.S. Highway 78 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction U.S. Highway Alternate 231, thence along U.S. Highway Alternate 231 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Alabama-Florida State line near Flamaton, Ala., on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Kentucky.

No. MC 105045 (Sub-No. E49), filed May 17, 1974. Applicant: R. L. JEFFIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Georgia north and west of a line beginning at the Georgia-South Carolina State line near Mulhaven, Ga., and extending along U.S. Highway 301 to junction Georgia Highway 23, thence along Georgia Highway 23 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Georgia-Florida State line, on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 19. The purpose of this filing is to eliminate the gateway of Kentucky.

No. MC 105045 (Sub-No. E50), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Georgia on and west of a line beginning at the Florida-Georgia State line near Melrose, Ga., extending along U.S. Highway 41 to junction Georgia Highway 22, thence along

Georgia Highway 22 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Georgia-North Carolina State line near Dillard, Ga., on the one hand, and, on the other, points in West Virginia north and west of a line beginning at the Maryland-West Virginia State line near Horse Shoe Run extending along U.S. Highway 219 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction West Virginia Highway 92, thence along West Virginia Highway 92 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E51), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th & New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Georgia, on the one hand, and, on the other, points in Michigan and Ohio. The purpose of this filing is to eliminate the gateway of Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E52), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight require the use of special equipment, and (2) *self-propelled articles* each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers, between points in District of Columbia, on the one hand, and, on the other, Marshall, OH, points in Brooke and Hancock Counties, WV. The purpose of this filing is to eliminate gateways in Ohio.

No. MC 105045 (Sub-No. E53), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers. Between points in PA and MD on and east of U.S. Hwy. 11 on the one hand, and, on the other, points in Lee, Buchanan, Dickinson, Wise and Scott Counties, VA. The purpose of this filing is to eliminate gateways in Kentucky.

No. MC 105045 (Sub-No. E54), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *machinery, materials, supplies and equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum, except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in GA north and west of a line starting at AL–GA state line and extending along U.S. hwy 29 to junction with U.S. hwy 19 thence along U.S. hwy 19 to GA–NC state line on the one hand, and, on the other points in VA north and west of line starting at WV–VA state line extending along U.S. hwy 250 to junction with U.S. hwy 29 thence along U.S. hwy 29 north to VA–MD state line. The purpose of this filing is to eliminate gateways in Kentucky.

No. MC 105045 (Sub-No. E55), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in FL on the one hand, and, on the other, points in MI and OH. The purpose of this filing is to eliminate gateways in Illinois, Indiana or Kentucky.

No. MC 105045 (Sub-No. E56), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *oil field machinery, materials, supplies and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in FL west and south of a line starting at GA–FL state line extending along I–75 to junction with FL state hwy 40 thence along FL state hwy 40 to the Atlantic Ocean Ormond Beach, Fl on the one hand, and, on the other, points in WV on and west of a line extending along I–77 from the Virginia-West Virginia state line to junction with US hwy 19 thence along US hwy 19 to PA–WV state line. The purpose of this filing is to eliminate gateways in Illinois, Indiana or Kentucky.

No. MC 105045 (Sub-No. E57), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *machinery, materials, supplies, and equipment* incidental to or used in the construction, development, operation, maintenance of facilities for the discovery, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum, except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in FL on and south of a line starting at Clearwater, FL extending along FL state hwy 60 to junction with U.S. hwy 27 thence along U.S. hwy 27 to Miami, FL on the one hand, and, on the other points in PA (except points on and south of a line extending along U.S. hwy 1 from the MD-PA state line to junction U.S. hwy 322, thence along U.S. hwy 322 to the PA-NJ state line). The purpose of this filing is to eliminate gateways in Kentucky.

No. MC 105045 (Sub-No. E58), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *machinery, materials, supplies and equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, operation, maintenance of facilities for the discovery, development and production of natural gas and petroleum, except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in FL south and west of a line starting at FL–GA line extending along U.S. hwy 19 to junction with alt. U.S. hwy 27 thence along alt. U.S. hwy 27 to junction with U.S. hwy 27 thence along U.S. hwy 27 to junction with FL state hwy 40 thence along FL state hwy 40 to Ormond Beach, FL on the one hand, and, on the other, points in VA on and west of a line starting at KY-VA state line extending along U.S. hwy 460 to junction with U.S. hwy 19 thence along U.S. hwy 19 to junction with TN-VA state line. The purpose of this filing is to eliminate gateways in Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E59), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suit 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) com-

modities, the transportation of which, because of size or weight require the use of special equipment, and (2) self-propelled articles each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers, between points in District of Columbia on the one hand, and, on the other, points in Lee, Buchanan, Dickinson, Wise, and Scott Counties, VA. The purpose of this filing is to eliminate gateways in Kentucky.

No. MC 105045 (Sub-No. E60), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Arkansas on the one hand, and, on the other, points in MI, OH, and WV. The purpose of this filing is to eliminate gateways in Illinois, Indiana or Kentucky.

No. MC 105045 (Sub-No. E61), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Arkansas on and north of a line extending from the Missouri-Arkansas state line along AR hwy 25 to junction with U.S. hwy 67 thence along U.S. hwy 67 to junction with I–40 thence along I–40 to AR–OK state line on the one hand, and, on the other, points in TN east and north of a line starting at KY–TN state line extending along U.S. hwy 27 to junction with U.S. hwy 70 thence along U.S. hwy 70 to TN–NC state line. The purpose of this filing is to eliminate gateways in Illinois, Indiana or Kentucky.

No. MC 105045 (Sub-No. E62), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *machinery, materials, supplies, and equipment* incidental to or used in, the construction, development, operation, maintenance of facilities for the discovery, development, operation, maintenance of facilities for the discovery, development, and production of natural gas and petroleum, except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Arkansas on the one hand, and, on the other, points in PA and VA. The purpose of this filing is to eliminate gateways in Kentucky.

No. MC 105045 (Sub-No. E63), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in WI on and east of a line starting at Ashland, WI and extending along WI state hwy 13 to junction with U.S. hwy 16 thence along U.S. hwy 16 to junction with WI state hwy 78 thence along WI hwy 78 to WI–IL state line on the one hand, and, on the other points in IA on and east of a line starting at IL–IA state line near Dubuque, IA and extending along U.S. hwy 151 to junction with IA state hwy 149 thence along IA state hwy 149 to junction with U.S. hwy 30 thence along U.S. hwy 30 to junction with U.S. hwy 65 thence along U.S. hwy 65 to IA–MO state line. The purpose of this filing is to eliminate gateways in Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E64), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *oil field machinery, materials, supplies, and equipment* (except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in WI on and east of a line beginning at Ashland, WI and extending along WI hwy 13 to junction with U.S. hwy 8 thence along U.S. hwy 8 to junction with U.S. hwy 53 thence along U.S. hwy 53 to junction with U.S. hwy 61 thence along U.S. hwy 61 to IL–WI state line, on the one hand, and, on the other, points in NB on and south of I–80. The purpose of this filing is to eliminate gateways in Illinois, Indiana, or Kentucky.

No. MC 105045 (Sub-No. E65), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which, because of their size or weight, require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in or in connection with, the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk lines), between points in TX on the one hand, and, on the other, points in NY and ME. The purpose of this filing is to eliminate gateway: facilities of the National Southwire Aluminum Company, at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E66), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which, because of their size and weight, require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in TX on and east of a line starting at Brownsville, TX and extending along U.S. hwy 77 to junction with U.S. hwy 75 thence along U.S. hwy 75 to TX–OK state line on the one hand, and, on the other, points in NC on and east of a line starting at TN–NC state line and extending along U.S. hwy 70 thence along U.S. hwy 70 to junction with U.S. hwy 74 thence along U.S. hwy 74 to junction with U.S. hwy 601 thence along U.S. hwy 601 to NC–SC state line. The purpose of this filing is to eliminate gateway: facilities of the National Southwire Aluminum Company at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E67), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which, because of their size and weight, require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used

in, or in connection with, the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), (a) between points in OK on the one hand, and, on the other, points in NY and ME. (b) between points in OK on and west of U.S. hwy 75 on the one hand, and, on the other, points in NC on and east of a line starting at NC-TN state line extending along U.S. hwy 70 to junction with U.S. hwy 74 thence along U.S. hwy 74 to junction with U.S. hwy 601 thence along U.S. hwy 601 to NC-SC state line. The purpose of this filing is to eliminate gateway: of the facilities of National Southwire Aluminum Company, at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E68), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which, because of their size and weight, require the use of special equipment (except commodities in bulk and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in KA on the one hand, and, on the other, points in NY, ME, and NC. The purpose of this filing is to eliminate gateways of the facilities of National Southwire Aluminum Company, at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E69), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which, because of size or weight, require the use of special equipment (except commodities in bulk and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refinining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in NB on the one hand, and, on the other, points in NC and ME. The purpose of this filing is to eliminate gateway of the facilities of National Southwire Aluminum Company, at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E70), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which, because of their size and weight, require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in IA on the one hand, and, on the other, points in NC. The purpose of this filing is to eliminate gateway of the facilities of National Southwire Aluminum Company, at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E71), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. BOX 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which, because of their size and weight, require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in MO north of a line starting at MO–IL near Birds point in MO extending along U.S. hwy 60 to junction with U.S. hwy 67 thence along U.S. hwy 67 to MO–AR state line on the one hand, and, on the other, points in NC north of a line starting at TN-NC state line extending along U.S. hwy 70 to junction with U.S. hwy 74 thence along U.S. hwy 74 to junction U.S. hwy 601 thence along U.S hwy 601 to NC-SC state line. The purpose of this filing is to eliminate gateway of the facilities of National Southwire Aluminum Company, at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E72), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: aluminum and aluminum products which, because of their size or weight require the use of special equipment, and except machinery, equipment, materials, supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, picking up of pipe, except stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Arkansas on the one hand, and, on the other, points in NY and ME. The purpose of this filing is to eliminate gateway of the facilities of National Southwire Aluminum Company, at or near Hawesville, KY.

No. MC 105045 (Sub-No. E73), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which, because of their size or weight, require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in LA on the one hand, and, on the other, points in NY and all points in ME. The purpose of this filing is to eliminate gateway of the facilities of National Southwire Aluminum Company at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E74), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which, because of their size or weight, require the use of special equipment (except commodities

in bulk, and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in Mississippi on the one hand, and, on the other, points in NY and ME. The purpose of this filing is to eliminate gateway of the facilities of National Southwire Aluminum Company, at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E75), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which, because of their size or weight require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), (a) between points in AL on the one hand, and, on the other points in MN. (b) between points in AL: on and west of a line starting at TN–AL state line near Ardmore, AL extending along I–65 to junction with I–11 thence along I–11 to junction with AL state hwy 5 thence along AL state hwy 5 to junction with U.S. hwy 43 thence along U.S. hwy 43 to Mobile on the one hand, and, on the other points in NY and ME. The purpose of this filing is to eliminate gateway of the facilities of National Southwire Aluminum Company, at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E76), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which because of their size and weight require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in TN on and west of I–65 on the one hand, and, on the other, points in NY. The purpose of this filing is to eliminate gateway of the facilities of National Southwire Aluminum Company, at or near Hawesville, Ky.

No. MC 107045 (Sub-No. E77), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which because of their size or weight require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, equipment, and supplies used in, or in connection with the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in TN on and west of I–65 on the one hand, and, on the other, points in ME. The purpose of this filing is to eliminate gateways of the facilities of National Southwire Aluminum Company, at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E78), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which because of their size or weight require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in TN on and east of I–65 on the one hand, and, on the other, points in MN. The purpose of this filing is to eliminate gateway of the facilities of National Southwire Aluminum Company, at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E079), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind., 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bld., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which because of their size or weight require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products; machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in GA and FL on the one hand, and, on the other points in MN. The purpose of this filing is to eliminate gateway of the facilities of National Southwire Aluminum Company, at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E80), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicants representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which because of their size or weight, require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), between points in West Virginia and south of a line starting at WV–KY state line extending along I–64 to junction with US hwy 60 thence along U.S. hwy 60 to the W. Va.-State line on the one hand, and, on the other, points in MN. The purpose of this filing is to eliminate gateway of the facilities of National Southwire Aluminum Company at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E81), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *aluminum and aluminum products* which, because of their

size or weight, require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe line), between points in VA on and south of a line beginning at WV-VA state line extending along I-64 to junction with U.S. Hwy 60 thence along U.S. hwy 60 to Virginia Beach, VA on the one hand, and, on the other, points in MN. The purpose of this filing is to eliminate gateway of the facilities of National Southwire Aluminum Company at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E82), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum and aluminum products* which because of their size or weight require the use of special equipment (except commodities in bulk, and except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe line), between points in Wisconsin on the one hand, and, on the other, points in NC. The purpose of this filing is to eliminate gateway of the facilities of National Southwire Aluminum Company, at or near Hawesville, Ky.

No. MC 105045 (Sub-No. E83), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: commodities, the transportation of which because of their size or weight requires the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in PA on and west of a line starting at the WV–PA state line extending along U.S. hwy 19 to junction with PA state hwy 8 thence along PA state hwy 8 to junction with U.S. hwy 62 thence along U.S. hwy 62 to PA–NY state line on the one hand, and, on the other, points in VA south and west of a line starting at WV–VA state line extending along U.S. hwy 60 to junction with U.S. hwy 29 thence along U.S. hwy 29 to VA–NC state line. The purpose of this proposal is to eliminate gateway points in Boone, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Putnam, and Roane Counties, WV.

No. MC 105045 (Sub-No. E84), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: commodities, the transportation of which, because of size or weight requires the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in PA on and west of U.S. hwy 11 on the one hand, and, on the other, points in TN. The purpose of this proposal is to eliminate gateway of points in Boone, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Putnam, and Roane Counties, WV.

No. MC 105045 (Sub-No. E85), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: commodities the transportation of which because of size or weight require the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in PA on and east of U.S. hwy 11 on the one hand, and, on the other, points in WV south of the Wood, Wirt, Calhoun, Braxton, Nicholas, and Pochahontes Counties, WV. The purpose of this filing is to eliminate gateway of points in Boone, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Putnam, and Roane Counties, WV.

No. MC 105045 (Sub-No. E86), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: commodities the transportation of which because of size or weight require the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in PA on the one hand, and, on the other, points in VA on and west of a line beginning at WV–VA state line extending along VA state hwy 100 to junction with U.S. hwy 52 thence along U.S. hwy 52 to VA–NC state line. The purpose of this proposal is to eliminate gateway of points in Boone, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Putnam, and Roane Counties, WV.

No. MC 105045 (Sub-No. E87), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: commodities the transportation of which because of size or weight requires the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in PA on and east of U.S. hwy 11 on the one hand, and, on the other, points in TN on and west of U.S. hwy 127. The purpose of this proposal is to eliminate gateway in Boone, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Putnam, and Roane Counties, WV.

No. MC 105045 (Sub-No. E88), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and equipment, and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported on trailers, between points in Pennsylvania on and west of a line starting at West Virginia-Pennsylvania state line extending along U.S. highway 19 to junction with Pennsylvania state highway 8 thence along Pennsylvania state highway 62 thence along U.S. highway 62 to Pennsylvania-New York state line on the one hand, and, on the other, points in Virginia south and west of a line starting at West Virginia-Virginia state line extending along U.S. highway 60 to junction with U.S. highway 29 thence along U.S. highway 29 to Virginia-North Carolina state line. The purpose of this filing is to eliminate gateway in Boone, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Putnam, and Roane Counties, West Virginia.

No. MC 105045 (Sub-No. E89), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self propelled articles* each weighing 15,000 pounds or more which may be included in heavy machinery and equipment, and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported on trailers, between points in PA on and west of U.S. hwy 11 on the one hand, and, on the other, points in TN. The purpose of this filing is to eliminate gateway of points in Boone, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Putnam, and Roane Counties, WV.

No. MC 105045 (Sub-No. E90), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) commodities the transportation of which because of size or weight require the use of special equipment, and (2) self-propelled articles each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers, between points in PA and MD on or east of U.S. hwy 11 on the one hand, and, on the other, Marshall, OH, points in Brooke, and Hancock Counties, WV. The purpose of this filing is to eliminate gateway points in Ohio.

No. MC 105045 (Sub-No. E91), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more, which may be included in heavy machinery and equipment, and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported on trailers, between points in PA on the one hand, and, on the other, points in VA on and west of a line starting at WV–VA state line extending along VA state hwy 100 to junction with US hwy 52 thence along US hwy 52 to VA–NC state line. The purpose of this filing is to eliminate gateway of points in Boone, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Putnam, and Roane Counties, WV.

No. MC 105045 (Sub-No. E92), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more, which may be included in heavy machinery and equipment, and related machinery, tools, parts and supplies moving in connection therewith, restricted to commodities which are transported by trailer, between points in PA on and east of U.S. hwy 11 on the one hand, and, on the other, points in TN on and west of U.S. hwy 127. The purpose of this filing is to eliminate gateway of points in Boone, Clay Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Putnam, and Roane Counties, WV.

No. MC 105045 (Sub-No. E93), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more, requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), restricted to commodities which are transported on trailers. (a) Between points in WI on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, OH, OK, TN, and TX. (b) Between points in WI on and east of US hwy 51 on the one hand, and, on the other, points in KA on and east of U.S. hwy 81. (c) Between points in WI on and east of U.S. hwy 51 on the one hand, and, on the other, points in MO on and east of U.S. hwy 169. (d) Between points in WI on and south of U.S. hwy 18 on the one hand, and, on the other, points in the lower peninsula of MI on and south of MI state hwy 32. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E94), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more, requiring special vehicular equipment, and related machinery, tools, parts and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with the construction operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), restricted to commodities which are transported on trailers between points in WI on and east of a line starting at Ashaldn, WI and extending along WI state hwy 13 to junction with U.S. hwy 16 thence along U.S. hwy 16 to junction with WI state hwy 78 thence along WI hwy 78 to WI–Illinois state line on the one hand, and, on the other, points in IA on and south of a line starting at IL–IA state line near Dubuque, IA and extending along U.S. hwy 151 to junction with IA state hwy 149 thence along IA state hwy 149 to junction with U.S. hwy 30 thence along U.S. hwy 30 to junction with U.S. hwy 65 thence along U.S. hwy 65 to IA–MO state line. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E95), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more, requiring special vehicular equipment, and related machinery, tools parts, and supplies moving in connection therewith, (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines), restricted to commodities which are transported on trailers, between points in WI on and east of a line starting at Ashland, WI and extending along WI hwy 13 to junction with U.S. hwy 8 thence along U.S. hwy 8 to junction with U.S. hwy 53 thence along U.S. hwy 53 to junction with U.S. hwy 61 thence along U.S. hwy 61 to IL–WI state line, on the one hand, and, on the other, points in NB on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Indiana, Illinois, or Kentucky.

No. MC 105045 (Sub-No. E96), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in IA on the one hand, and, on the other, points in AL, FL, GA, Lower Peninsula of MI, MS, OH, and TN. The purpose of this filing is to eliminate gateway of points in IN, IL, or KY.

No. MC 105045 (Sub-No. E97), filed May 17, 1974. Applicant: R. L. JEFFERIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, materials, equipment, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in IA and east and north of a line beginning at IL-Iowa state line near Davenport, IA, thence along I-80 to junction with Interstate hwy. 35 at or near Ames, IA, thence along Interstate Hwy. 35 to IA-Minnesota state line near Silver Lake, IA, on the one hand, and, on the other, points in MO, and east and south of a line starting at St. Louis, MO and extending along U.S. hwy. 66 to junction with U.S. hwy. 63, thence along U.S. hwy. 63 to MO-AR state line. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E98), field May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in IA, on, north and east of a line beginning at MN-IA state line extending along U.S. hwy. 63 to junction with Interstate hwy. 80 thence along U.S. hwy. 80 to IA-IL state line, on the one hand, and, on the other, points in OK on and south of a line beginning at Okla-AR state line along Interstate hwy. 40 to Oklahoma City, thence along Interstate hwy. 35 to OK-TX state line. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E99), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in IA, on and east of U.S. hwy. 65 starting at MN-IA state line thence along U.S. hwy. 65 to junction with U.S. hwy. 20 thence along U.S. hwy. 20 to junction with U.S. hwy. 63 thence along U.S. hwy. 63 to IA-MO state line on the one hand, and, on the other, points in TX, and east and south of a line beginning at AR-TX state line near Texarkana and extending along I-30 to junction with I-20 thence along I-20 to junction with U.S. hwy. 81 thence along U.S. hwy. 81 to Laredo. The purpose of this filing is to eliminate gateway of points either IN, IL, or KY.

No. MC 105045 (Sub-No. E100), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in IA, on and east of U.S. hwy. 69 starting at MN-IA state line, thence along U.S. hwy. 69 to junction with IA state hwy. 5, thence along IA state hwy. 5 to IA-MO state line, on the one hand, and, on the other, points in AR, on and east of a line beginning at MO-AR state line, extending along U.S. hwy. 67 to junction with U.S. hwy. 167, thence along U.S. hwy. 167 to AR-LA state line near Junction City, AR. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E101), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, storage, transmission, and distribution of natural gas and petroleum and their products and

by-products; machinery, materials, equipment, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between all points in IA on and east of U.S. hwy. 69 on the one hand, and, on the other, points in LA. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E102), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles*, each weighing 15,000 pounds or more, requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, (a) between points in MO, on the one hand, and, on the other, points in FL, GA, Lower Peninsula of MI, and OH, (b) between points in MO, on and east of a line beginning at New Madrid, MO and extending along I–55 to St. Louis, MO, thence north along I–70 to a junction with U.S. hwy. 63, thence along U.S. hwy. 63 to MO-IA state line on the one hand, and, on the other, points in MS. (c) between points in MO, on and north of a line beginning at MO-IL state line extending along U.S. hwy. 60 to junction with U.S. hwy. 65, thence along U.S. hwy. 65 to junction with U.S. hwy. 66, thence along U.S. hwy. 66 to KA-Missouri state line, on the one hand, and, on the other, points in AL. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E103), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles*, each weighing 15,000 pounds or more, requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in MO, on, north and east of a line beginning at IA-MO state line, extending along U.S. hwy. 63 to junction with U.S. hwy. 36, thence along U.S. hwy. 36 to junction with MO hwy. 15, thence along MO hwy. 15 to junction with U.S. hwy. 54, thence along U.S. hwy. 54 to junction with I–70, thence along I–70 to MO-IL state line, on the one hand, and, on the other, points in Arkansas, on, south and east of a line starting at TN-AR state line, thence along I–40 to junction with U.S. hwy. 167, thence along U.S. hwy. 167 to AR-LA state line. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E104), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles*, each weighing 15,000 pounds or more, requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with, the construction operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in MO, on, north and east of a line starting at IA-MO state line and extending along U.S. hwy. 63 to junction with U.S. hwy. 36, thence along U.S. hwy. 36 to junction with MO hwy. 15, thence along MO hwy. 15 to junction with U.S. hwy. 54, thence along U.S. hwy. 54 to junction with I–70, then thence along I–70 to MO-IL state line, on the one hand, and, on the other, points in LA, on and east of a line starting at AR-LA state line extending along U.S. hwy. 165 to junction with U.S. hwy. 90, thence along U.S. hwy. 90 to LA-TX state line. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E105), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles*, each weighing 15,000 pounds or more, requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in MO, on and east of a line starting at IA-MO state line and extending along U.S. hwy. 63 to junction with U.S. hwy. 36, thence along U.S. hwy. 36 to junction with MO hwy. 15, thence along MO state hwy. 15 to junction with U.S. hwy. 54, thence along U.S. hwy. 54 to junction with I–70, thence along I–70 to MO-IL state line, on the one hand, and, on the other, points in TX, on and east of a line starting at TX-AR state line, thence along U.S. hwy. 80 to junction with U.S. hwy. 271, thence along U.S. hwy. 271 to junction with U.S. hwy. 69, thence along U.S. hwy. 69 to junction with U.S. hwy. 59, thence along U.S. hwy. 59 to junction with TX hwy. 288, thence along TX hwy. 288 to Freeport, TX. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E106), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles*, each weighing 15,000 pounds or more, requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with, the

construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in MO on and east of U.S. hwy. 61 on the one hand, and, on the other, points in OK. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E107), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in BN on the one hand, and, on the other, points in AL, FL, GA, Lower Peninsula of MI, MS, OH, and TN. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E108), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles*, each weighing 15,000 pounds or more, requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in KA, on the one hand, and, on the other points in AL, FL, GA, Michigan, OH, and TN. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E109), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles*, each weighing 15,000 pounds or more, requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in KA on and north of I–70, on the one hand, and, on the other, points in Mississippi on and east of a line starting at TN-MS state line extending along U.S. hwy. 61 to junction with U.S. hwy. 49, thence along U.S. hwy. 49 to junction with I–55, thence along I–55 to MO-LA state line. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E110), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles*, each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in OK on the one hand, and, on the other, points in TN on and east of Interstate hwy 24 starting at KY-TN state line extending along Interstate 24 to junction with U.S. alt. 41 thence along U.S. alt. 41 to U.S. hwy 41 thence along U.S. hwy 41 to Chattanooga, TN., thence to TN-GA state line. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E111), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles*, each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in OK on the one hand, and, on the other, points in OH and Michigan. The purpose of this filing is to eliminate the gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E112), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts, and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroeum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are

transported on trailers, between points in TX on and north of I–20 on the one hand, and, on the other, points in TN on and east of Ihwy 24 starting at KY–TN state line extending along Interstate hwy 24 to junction with U.S. alt. 41 thence along U.S. hwy alt. 41 to junction with U.S. hwy 41 thence along U.S. hwy 41 to TN–GA state line. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E113), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles*, each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or truck pipe lines, restricted to commodities which are transported on trailers, between points in TX on the one hand, and, on the other points in OH and MI. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E14), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul E. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles*, each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in AR on and north of a line extending along AR state hwy 25 to junction with U.S. hwy 67 thence along U.S. hwy 67 to junction with I–40 thence along I–40 to AR–OK state line on the one hand, and, on the other points in TN east and north of a line starting at KY–TN state line extending along U.S. hwy 27 to junction with U.S. hwy 70 thence along U.S. hwy 70 to TN–NC state line. The purpose of this filing is to eliminate gateway of points in either IN, IL, or KY.

No. MC 105045 (Sub-No. E115), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: self-propelled articles each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in Arkansas on the one hand, and, on the other, points in Ohio and Michigan. The purpose of this filing is to eliminate the gateway of points in Indiana, Illinois, or Kentucky.

No. MC 105045 (Sub-No. E116), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in Louisiana on and north of Interstate Highway 20, on the one hand, and, on the other, points in Tennessee east of U.S. Highway 24 to Nashville, thence along U.S. Highway 70 to Knoxville, thence along U.S. Highway 129 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in Indiana, Illinois, or Kentucky.

No. MC 105045 (Sub-No. E117), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in Louisiana, on the one hand, and, on the other, points in Ohio and Michigan. The purpose of this filing is to eliminate the gateway of points in Indiana, Illinois, or Kentucky.

No. MC 105045 (Sub-No. E118), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington, Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: self-propelled articles each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on

trailers, between points in Mississippi, on the one hand, and, on the other, points in Ohio and Michigan. The purpose of this filing is to eliminate the gateway of points in Indiana, Illinois, or Kentucky.

No. MC 105045 (Sub-No. E119), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: self-propelled articles each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in Alabama, on the one hand, and, on the other, points in Ohio and Michigan. The purpose of this filing is to eliminate the gateway of points in Indiana, Illinois, or Kentucky.

No. MC 105045 (Sub-No. E120), filed May 17, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled articles* each weighing 15,000 pounds or more requiring special vehicular equipment, and related machinery, tools, parts and supplies moving in connection therewith (except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, materials, equipment, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main or trunk pipe lines, restricted to commodities which are transported on trailers, between points in Georgia, on the one hand, and, on the other, points in Michigan and Ohio. The purpose of this filing is to eliminate the gateway of points in Indiana, Illinois, or Kentucky.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-26737, Filed 10-3-75;8:45 am]

federal register

MONDAY, OCTOBER 6, 1975



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

HOSPITALS AND MEDICAL FACILITIES

Services for Persons Unable to Pay

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—GRANTS

PART 53—GRANTS, LOANS AND LOAN GUARANTEES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND MEDICAL FACILITIES

Reasonable Volume of Care for Persons Unable To Pay Therefor

On March 7, 1975, there was published in the FEDERAL REGISTER (40 FR 10686) a notice of proposed rulemaking setting forth proposed amendments to § 53.111 of Title 42, CFR, the regulations governing compliance with assurances given by recipients of, or to be given by applicants for, grants, loans, and loan guarantees for the construction and modernization of hospitals and other medical facilities under the Hill-Burton Act (Title VI of the Public Health Service Act; 42 U.S.C. 291 et seq), that they will provide a reasonable volume of care to persons unable to pay therefor.

It was proposed that § 53.111 be amended in two respects:

1. Subparagraph (f)(1), the so-called "billing provision", would be revised so as to permit Hill-Burton-aided facilities to include as uncompensated services only those services for which a determination of inability to pay had been made prior to the provision of the service except in certain specified circumstances.

2. In order that persons who are or may be unable to pay for services may be made aware of the obligation of recipients of Hill-Burton assistance to provide a reasonable volume of services to persons unable to pay therefor in accordance with § 53.111, a new paragraph (i) would be added, requiring that Hill-Burton-assisted facilities post notices informing the public of that obligation.

Approximately 250 responses to the notice of proposed rulemaking were received, including 22 from hospital associations, 195 from individual hospitals, and 13 from legal aid groups or individual consumers.

A number of the comments submitted by hospitals and their representatives consisted essentially of a rejection of the principle that indigent patients should be advised of the availability of uncompensated services prior to the provision of services to them. These objections are inconsistent with the holding of the court in Corum, et al., v. Beth Israel Medical Center, et al., 373 F. Supp. 557, S.D. N.Y. (1974), which declared invalid the present language of § 53.111(f)(1), as well as with the fundamental policy underlying § 53.111 and the statute on which it is based, and were therefore rejected.

A general analysis of the provider comments, however, indicates that the scope of the exceptions to the requirement that indigency be determined prior to the provision of services may not have been fully understood. A discussion of those exceptions follows.

It is recognized by the Department that in dealing with patients who may be able to pay part, but not all, of the cost of their services from their own resources, incomplete information may be available to the hospital at the time of even an elective admission to enable it to make a final determination of ability to pay. Many patients have insurance with relatively specialized or obscure carriers the extent of whose coverage may be unknown to the hospital, and which must be ascertained. Even if the amount of coverage is known to the hospital or quickly ascertainable, the amount of the hospital's charge which will be paid by the third-party carrier cannot be known with certainty until all needed services have been provided, since the patient may require different or more extensive services than are perceived prior to admission. It is for these reasons that the following exceptions were provided for in the proposed revision of § 53.111 (f)(1):

1. Paragraph (f)(1)(ii) provides that a determination of inability to pay may be made after the provision of services, but before any collection effort other than the rendition of a bill, "in case of insurance coverage or other resources being less than anticipated or the costs of services being greater than anticipated."

2. The *"Provided"* clause following paragraph (f)(1)(ii) states that a determination of inability to pay may be made at any time if the determination "was hindered or delayed by reason of erroneous or incomplete information furnished by or in behalf of the patient."

These are in addition, of course, to the exception relating to emergency admissions contained in paragraph (f)(1)(i). That paragraph is discussed at greater length below.

It is the view of the Department that these provisions are ample to accommodate the administrative problems of hospitals in determining, in the case of part-pay patients, the amount of a charge which a patient may be expected to pay from his own resources.

On the other hand, there appears to be no comparable justification for delay in making a determination with respect to patients who are clearly unable to pay any part of the hospital charge from their own resources (i.e., those who fall below the standard adopted by the State agency in its State plan pursuant to § 53.111(g)(1)(ii)). Except for emergency admissions, the necessary information can normally be obtained from the patient prior to or at the time of admission. Any such determination of indigency may of course be made subject to verification by the hospital.

By way of summary, and as an aid in interpreting the regulation, the following general principles may be applied in determining whether the cost of elective services may be counted toward the satisfaction of a hospital's "reasonable volume" obligation:

1. In the case of patients who pay no part of the hospital charge from their own resources, the hospital may count only those uncompensated costs with respect to which a written determination has been made prior to the provision of services that the patient qualifies as "no-pay" under the applicable State plan criteria.

2. With respect to patients who do not fall within the "no-pay" category under the applicable criteria, the hospital may, in accordance with paragraph (f)(1), revise its determination of ability to pay at such time following admission as the necessary information on the amount of the charge, the scope of third-party coverage, and the patient's financial resources is available to it. The hospital must, of course, exercise reasonable diligence in obtaining that information.

One clarifying and one technical change have been made in paragraph (f)(1)(i) as a result of the comments received. As proposed, that provision limited the exception to cases of "services provided in emergency departments" of applicant hospitals. The exception was intended to apply to all services provided on an emergency basis, and the provision has been changed to reflect that intention. In addition, the reference to "paragraph (f)(2)" was erroneous, and has been corrected to read "paragraph (i)".

With regard to the notice required by proposed paragraph (i) to be posted within each applicant facility, the language of the notice itself has been simplified in response to suggestions that it was unclear. In addition, a number of the comments pointed out that, where an applicant has elected to provide uncompensated services in a specific dollar volume (as opposed to the "open-door" option), the posting of the notice may be misleading after the obligation has been met for a given period. Accordingly, language has been added to paragraph (i) to permit, at the option of the applicant, either the posting of an additional notice in such a case stating that the obligation has been satisfied with respect to a current period, or the addition of a statement in the required notice to the effect that facility's obligation is limited, and that if that obligation has been met for the current period (year, month, quarter, etc.), a person applying for uncompensated services will be given a written statement of that fact. In either case, the notice or written statement must indicate when uncompensated services will again be made available.

Finally, the Federal Hospital Council also made a recommendation. Before discussing the Council's proposal, however, it is necessary that the statutory background affecting the authority of the Council be explained.

Section 603 of the Public Health Service Act, 42 U.S.C. 291c, provides that the Secretary shall prescribe general regulations for Title VI, PHS Act, "with the approval of the Federal Hospital Council". In accordance with that requirement, the Notice of Proposed Rulemaking was presented to the Federal Hospital Council at its meeting of November 12, 1974, and received the Council's tentative approval.

On January 4, 1975, the President signed into law the National Health Planning and Resources Development

Act of 1974 (Pub. L. 93-641), which made extensive amendments in the Public Health Service Act. Among those amendments was the addition of a new Title XVI thereto, authorizing a new program of Federal assistance for the construction and modernization of medical facilities. (Title VI was not repealed, but no additional funds are authorized to be appropriated under it.) Section 1602(6) of the new Title XVI requires the Secretary to

prescribe the general manner in which each entity which receives financial assistance under this Title or *has received financial assistance under . . . Title VI* shall be required to comply with the assurances required to be made at the time such assistance was received and the means by which such entity shall be required to demonstrate compliance with such assurances. (Emphasis added.)

Title XVI, which was effective upon enactment of P.L. 93-641, contains no requirement of Council's approval of regulations issued thereunder.

It is self-evident that both the billing (§ 53.111(f)(1)) and the posted notice (§ 53.111(i)) provisions of the subject amendments come squarely within the scope of the above-quoted statutory language and are hence within the Secretary's authority to prescribe under section 1602(6). Nevertheless, as a courtesy to the members of the Federal Hospital Council and in order to obtain their views, the Secretary invited the Council to consider the proposed final regulation, together with comments received on the Notice of Proposed Rulemaking. The Council did so at its meeting of May 22 and approved the billing provision in the form set out below. With regard to the posted notice provision, however, the Council voted to approve a revision which would make the requirement of posted notice applicable only to (1) applicants who have elected to provide a specific dollar volume of uncompensated services (§ 53.111(d)(1)) *and* who have been found to be in noncompliance in the preceding year, either through failure to provide the requisite amount of care or through failure to report to the State agency on the level of care provided, and (2) those who have selected the "open-door" option (§ 53.111(d)(2)).

After careful consideration, the Secretary has concluded that the Council's proposed change must be rejected. The purpose of the posted notice requirement is to provide notice to all persons eligible for uncompensated services so that all may apply on an equal footing for services so long as an applicant's obligation remains unsatisfied. That rationale applies with equal force regardless of the compliance option selected by the applicant.

Accordingly, the amendments to 42 CFR 53.111 as set forth below are issued under the authority of section 1602 of the Public Health Service Act (88 Stat. 2258; 42 U.S.C. 3000-1).

Effective date: The amendments set forth below shall be effective on October 6, 1975.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: July 30, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: September 25, 1975.

DAVID MATHEWS,
Secretary.

In § 53.111, paragraph (f)(1) is revised, paragraphs (i) and (j) are redesignated as paragraphs (j) and (k) respectively, and a new paragraph (i) is added as follows:

§ 53.111 Services for persons unable to pay.

* * * * *

(f) *Qualifying services.* (1) In determining the amount of uncompensated services provided by an applicant, there shall be included only those services provided to an individual with respect to whom the applicant has made a written determination prior to the provision of such services that such individual is unable to pay therefor under the criteria established pursuant to 42 CFR 53.111 (g), except that:

(i) such determination may be made after the provision of such services in the case of services provided on an emergency basis: *Provided*, That when billing is made for such service, such billing must be accompanied by substantially the information required in the posted notice under paragraph (i) of this section; and

(ii) such determination may be made after the provision of such services in the case of a change in circumstances as a result of the illness or injury occasioning such services (e.g., the patient's financial condition has changed due to a loss of wages resulting from the illness) or in case of insurance coverage or other resources being less than anticipated or the costs of services being greater than anticipated. *Further*, in all cases where such determination was not made prior to the provision of services, such services may not be included as uncompensated services if any collection effort has been made other than the rendering of bills permissible in the above exceptions: *Provided*, That such a determination may be made at any time if the determination was hindered or delayed by reason of erroneous or incomplete information furnished by or in behalf of the patient.

* * * * *

(i) *Posted notice.* The applicant shall post notice (which shall be multilingual where the applicant serves a multilingual community), in substantially the following form, in appropriate areas within the facility (admissions, office, emergency department and business office) for the purpose of informing patients or potential patients that criteria for eligibility and applications are available upon request:

"NOTICE OF HILL-BURTON OBLIGATION

This hospital (or other facility) is required by law to give a a reasonable amount of service at no cost or less than full cost to people who cannot pay. If you think that you are eligible for these services, please contact our business office (give office location) and ask for assistance. If you are not satisfied with the results, you may contact (the State Hill-Burton agency with address)."

Provided, that an applicant which has selected a presumptive compliance guideline under paragraph (d)(1) of this section may, at its option, either (1) add to such notice language stating that the facility's obligation is limited to a specified dollar volume of uncompensated services and that if the facility has, during a specified period (e.g., year, quarter, month), already provided a volume of uncompensated services sufficient to satisfy such obligation, any person inquiring about such services will be given a written statement to that effect which shall also state when additional uncompensated services will be available; or (2) post an additional notice stating that the facility's obligation has been satisfied for the current period and stating when additional uncompensated services will be available.

[FR Doc.75-26470 Filed 10-3-75;8:45 am]

federal register

MONDAY, OCTOBER 6, 1975



PART III:

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

Occupational Exposure to Toluene

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-026]

OCCUPATIONAL EXPOSURE TO TOLUENE

Notice of Proposed Rulemaking

Pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), and Title 29, Code of Federal Regulations (CFR) Part 1911, it is proposed to amend Part 1910 of Title 29 by deleting the present standard for toluene contained in 29 CFR 1910.1000, Table Z–2 (formerly § 1910.93, Table G–2), and by adding a new occupational safety and health standard for exposure to toluene as 29 CFR 1910.1029. This standard would apply to all employments in all industries covered by the Act, including "general industry," construction, and maritime. In addition, pursuant to section 4(b)(2) of the Act (84 Stat. 1592, 29 U.S.C. 653), if the new standard, when promulgated, is determined to be more effective than corresponding standards now applicable to the maritime and construction industries contained in Subpart B of Part 1910, Parts 1915, 1916, 1917, 1918, and 1926 of 29 CFR, the new toluene standard will supersede the corresponding maritime and construction standards for exposure to toluene. Appropriate conforming amendments will be made in Subpart B of Part 1910, and amendments to delete the superseded standards will be made in 29 CFR 1926.55 and in similar sections of Parts 1915–1918.

The accompanying document is a proposal, issued pursuant to sections 6(b) and 8(c) of the Act. The Agency requests the submission of written comments, data, and arguments from interested persons on a variety of issues addressed or implicit in the proposal. In addition to filing comments, interested persons may also file objections to the proposal, requesting an informal hearing with respect thereto.

The present standard, listed in Table Z–2 of 29 CFR 1910.1000, limits employee exposure to concentrations of toluene in air to an 8-hour time weighted average (TWA) of 200 parts per million (ppm) and a ceiling of 300 ppm. The proposed new standard would reduce the TWA to 100 ppm and reduce the ceiling to 200 ppm. In addition, the proposed standard would add specific requirements for measuring employee exposures, methods of compliance, respiratory protection, hazardous and emergency situations, protective equipment, housekeeping, training, signs and labels, medium surveillance, and recordkeeping.

The issues raised in the proposal include, among others, the following:

(1) The selection of an appropriate time-weighted average and a ceiling level for toluene;

(2) The provisions for, among other things, employee exposure measurements, compliance procedures, medical surveillance, protective equipment and clothing, hygiene facilities, and recordkeeping; and

(3) The environmental and inflationary impact of this proposal.

I. Background

A. *Introduction.* Toluene (methylbenzene, methacide, phenylmethane, toluol), Chemical Abstracts Service Registry Number 108883, is a colorless, volatile and flammable liquid with a sweet, pungent, benzene-like odor. It is an aromatic hydrocarbon, with a molecular structure distinguished from that of benzene by the substitution of a methyl group (CH_3) for one hydrogen atom. Toluene reportedly was discovered in 1835 by Pelletier and Walter as a degradation product obtained from heating the natural resin, balsam of Tolu, named for a small town in Colombia, South America.[1]

Until World War II toluene was obtained primarily as a by-product of coke production. The need for large quantities of toluene in the production of TNT during World War I fostered its production from petroleum for the first time, and this was further stimulated by World War II. By 1966, 96 percent of the United States production was obtained from petroleum.[1] United States production of toluene in 1974 was 1,035 million gallons.[2] Approximately 70 percent is used in the manufacture of benzene, and 15 percent is used in the manufacture of other chemicals. The remainder is used as a solvent for paints and coatings or as a component of gasoline.[3] NIOSH has estimated that 100,000 persons or more in the workforce could have potential exposure to toluene.[4]

B. *History of Regulation.* In 1943 the U.S. Public Health Service published a table of toxic limits which recommended that human exposure to toluene not exceed 200 ppm, based on the 1942 reports of von Oettingen et al[5,6] and Greenburg et al.[7]

The Z37 Committee of the American National Standards Institute (ANSI) in 1943 published a standard of 200 ppm for an 8-hour daily exposure to toluene based likewise on the reports of von Oettingen and Greenburg. ANSI has periodically reaffirmed this standard, and in 1969 a time-weighted average of 200 ppm was approved. A ceiling of 300 ppm was also recommended along with an acceptable maximum excursion of 500 ppm for a duration of not more than 10 minutes, provided such an exposure is encountered not more than once a day.[8]

In 1974, the Z37 committee revised the toluene standard, reducing the 8-hour time-weighted average concentration to 100 ppm, the ceiling concentration to 200 ppm, and leaving the acceptable maximum peak above the acceptable ceiling concentration at 500 ppm for a duration of not more than 10 minutes provided such an exposure is encountered not more than once per day.[9]

In 1947 the American Conference of Governmental Industrial Hygienists (ACGIH) established a Threshold Limit Value (TLV) for toluene of 200 ppm, based on the report of Wilson[10] that physical findings among workers exposed to toluene concentrations below 200 ppm were essentially negative.[11] In 1971, ACGIH lowered the TLV for toluene to 100 ppm on the basis of irritative effects on the eyes, mucous membranes, and upper respiratory tract of individual subjects exposed variously to 200 to 500 ppm.[12]

In 1957 the Hygienic Guides Committee of the American Industrial Hygiene Association recommended a Maximum Atmospheric Concentration (MAC) of 200 ppm of toluene vapor by volume for 8 hours. This MAC was based on human experience in industry and toxicologic observations in animals.[13]

The present OSHA standard for toluene was part of the package of standards promulgated May 29, 1971, under the provisions of section 6(a) of the Act. It was taken from ANSI Standard Z37.12–1967 and consists of three air concentration limits: an 8-hour time-weighted average of 200 ppm (parts by volume of toluene vapor per one million parts of air); a ceiling of 300 ppm; and a peak of 500 ppm allowed not longer than 10 minutes during an 8-hour shift.

II. Occupational Health Implications

A. *General Considerations.* Toluene is normally brought into the workplace as a liquid, sometimes relatively pure, but often as a component of a mixture or contaminated with other liquid hydrocarbons. Open to the atmosphere, the liquid evaporates at a moderate rate (vapor pressure = 28 mm Hg @ 25°C) resulting in contamination of the air with a heavy vapor which has a tendency to "creep" downhill and concentrate in low places. Liquid toluene is flammable and its vapor forms explosive mixtures with air. Its explosive limits by volume in air are 1.27–7.0 percent. In addition, poorer grades of toluene may be contaminated with significant amounts of benzene (as much as 25 percent).[14] Because of its injurious effects on the hematopoietic system and its high rate of evaporation, the benzene contaminant may pose a greater health hazard.

In the occupational environment, toluene exposure most often occurs by breathing contaminated air. The inhaled vapor is rapidly absorbed. Sixteen to 20 percent of the absorbed toluene is eliminated by the lungs unchanged and less than 0.1 percent is excreted unchanged in the urine.[15] Most of the absorbed toluene (approximately 80 percent) is oxidized to benzoic acid, conjugated with glycine in the liver to hippuric acid, and excreted in the urine. Ikeda and Imamura,[16] using data from Ogata, et al.,[17] have calculated the biological half-life of the metabolite, hippuric acid, to be 6.3 hours. With heavy toluene absorption a small amount of benzoic acid is conjugated with glucuronic acid to benzoylglucuronic acid. Bakke and Scheline,[18] in studies with rats, found that about one percent of the toluene dose is hydroxylated to o- and p-cresol. Further-

See Section VI for list of references.

more, they detected small amounts of benzyl alcohol in hydrolyzed urine extracts which suggested that benzyl alcohol may be an intermediary in the production of benzoic acid.

The most obvious and serious effect of acute exposure to toluene (which does not distinguish it from other hydrocarbon solvents) is depression of the central nervous system, with headache, drowsiness, muscular weakness, neuromuscular incoordination, nausea, vertigo, paresthesia of the skin, diluation of the pupils and, for very high exposures (in the order of thousands of ppm), coma and death.[5,8] Chronic high level exposures have resulted in permanent encephalopathy in humans,[19] and definite nervous system tissue pathology has been seen in animals following chronic high level exposures.[20]

B. *Effects on Central Nervous System.* Well documented reports of experimental and occupational inhalation exposure of humans to essentially pure toluene are few. One such report is by von Oettingen et al. (1941).[5,8] The toluene used was shown by spectrophotometric analysis to contain not more than 0.01 percent benzene. Three human volunteers were exposed to controlled air concentrations of 0, 50, 100, 200, 300, 400, 600, and 800 ppm 2 days per week over a 3-month period. Each exposure lasted, "as a rule," 8 hours with a half-hour intermission for lunch except for the 800 ppm exposure where the exposures were 3 and 2 hours per day with a 2 hour rest period between exposures.

Sojourns in the exposure chamber for 8 hours with no exposure to toluene vapors resulted in no complaints or objective symptoms except occasional, moderate tiredness toward the end of the experiment. This may be easily explained by the lack of physical exercise, unfavorable illumination, monotonous noise (fans) and similar factors necessarily connected with an experiment of this type.

With exposure to 50 ppm of toluene in air, one of the subjects had no complaints, whereas another complained of drowsiness and mild headache toward the end of the experiment. Upon discontinuation of the exposure he completely recovered and had no after effects. In addition, at the end of the experiment the pupils of this subject were dilated and the accommodation to light was slightly impaired.

During exposure to 100 ppm, two of the subjects had no subjective complaints except for moderate fatigue and sleepiness, and the third complained of a slight headache on one occasion. In contrast to these minor results in experiments 1 and 2, two subjects who were exposed to the same concentration on two occasions after having been exposed to toluene in air at higher levels (up to 800 ppm) in the course of the preceding three weeks, complained of extreme fatigue during and after exposure. One also showed moderate incoordination, and the other complained, in addition, of severe headache, muscular weakness nervousness and paresthesia and also showed, on one occasion, dilation of the pupils at the end of the exposure.

With exposure to 200 ppm of toluene in air, all three subjects felt fatigued toward the end of the experiment; two of them experienced on several occasions muscular weakness, confusion and paresthesias of the skin. One complained repeatedly of headache and another complained of nausea at the end of the exposure. Two subjects showed impaired coordination. In several instances the pupils were moderately dilated, the accommodation to light was impaired, and the eyeground was engorged at the end of the exposure. During the hours following the exposure, all three subjects felt more or less fatigued and generally confused. They repeatedly complained of moderate insomnia and restless sleep.

With exposure to 300 ppm, all three subjects experienced more or less severe fatigue. Two of them complained of muscular weakness. The latter also showed signs of incoordination. Two subjects showed slight pallor of the fundus, but it was not determined whether accommodation to light was impaired. Several hours following the exposure, all three subjects felt more or less fatigued and one of them complained of insomnia during the following night.

With exposure levels increasing from 400 to 800 ppm, all subjects had increasing degrees of nausea, fatigue, confusion, and loss of coordination. All subjects showed considerable after-effects at the highest levels lasting at least several days and characterized by severe nervousness, muscular fatigue and more or less severe insomnia. Von Oettingen et al. concluded that:

> These observations appear to indicate that exposure for eight hours to 200 parts per million of toluene in air produces definite impairment of certain nervous functions which, especially in hazardous operations, is liable to render persons thus affected dangerous to their own safety and the safety of the operation.

At 100 ppm the subjective symptoms were little different from those seen at 50 or 0 ppm except when the subjects had had recent exposures to higher levels of toluene: 200 ppm 3 days before, 400 ppm 7 days before, 600 ppm 14 days before and 800 ppm 21 days before. This indicates that a residual burden of toluene or its metabolites from the recent high exposure remained. The relatively severe effects seen from low level exposures following previous high level exposures appear to be the result of the superimposition of the burden from the last exposure on the residuals of the prior exposure.

Ogata et al[17] (1970) reported their physiological observations on human subjects exposed to concentrations of 100 ppm and 200 ppm toluene in air for 7-hour periods with a one-hour lunch break after the first 3 hours. At 200 ppm they found a prolongation of reaction time, a decrease in pulse rate, and a decrease in systolic blood pressure. They concluded, "* * * we do not consider that 200 ppm of toluene is safe * * *."

Wilson[18] (1943) reported his observations of the effects of toluene exposure in workers in a large industrial plant. The chief complaints of employees exposed to concentrations up to 200 ppm were headache, lassitude and loss of appetite. The author considered these symptoms to be due chiefly to "psychogenic" factors rather than to toluene vapor. However, he recommended that the concentration of toluene where an employee might be working should be kept below 200 ppm.

Carpenter et al[21] (1944) listed the subjective symptoms reported by two human subjects exposed to controlled levels of toluene as follows:

> 200 ppm: (7 hours' exposure with 1-hour lunch break) mild eye irritation, lacrimation when performing the steadiness test, lassitude, quickly passing nausea, and hilarity.
>
> 600 ppm: (8 hours' exposure with 1-hour lunch break) lassitude, hilarity, verbosity, boisterousness; after termination of exposure anorexia and listlessness.
>
> 800 ppm: (8 hours' exposure with 1-hour lunch break) metallic taste, transitory headache, extreme lassitude, scotomata, verbosity, inebriation, slight nausea.

Capellini and Alessio[22] (1971) reported the complaints of one worker employed in the preparation of a toluene-containing mixture which resulted in a mean exposure of 250 ppm with extremes of 210 and 300 ppm. The worker complained of irritation of the conjunctiva, feelings of stupor during work, insomnia and nervousness.

Longley et al[23] (1967) reported an acute exposure incident in 1967 in which 29 men were exposed to concentrations of toluene between 10,000 and 30,000 ppm. Exposure to these concentrations for unspecified periods produced dizziness, "drunkenness," collapse, and loss of consciousness. However, the workers recovered spontaneously after being removed from the contaminated atmosphere. No after-effects were noted 2 months following the exposure.

Satran and Dodson[24] (1963) reported a case of toluene habituation extending over a 10-year period. Effects of acute intoxication included headache, "inappropriate speech," and brief episodes of memory loss. Despite the subject's long period of toluene exposure, which produced many episodes of unconsciousness, there was no evidence of systemic pathological abnormalities. Electroencephalographic abnormalities were found, consisting of excessive episodic slow activity and occasional sharp, nonfocal discharges. These findings were regarded as being consistent with diffuse encephalopathy, but the features of the record were nonspecific.

Knox and Nelson[19] (1966) reported the first case of permanent encephalopathy in man caused by repeated, prolonged exposure to toluene vapor. The subject of the study, a 33-year-old male, inhaled pure toluene vapors several times daily over a 14-year period. The result of this addiction was permanent cerebral atrophy with clinical signs of ataxia, tremu-

See Section VI for list of references.

lousness, emotional lability, marked snout reflex (distorted nostrils on subjection to sniff test), and positive Babinski toe reflex on the rightside. The individual's brain damage was confirmed by both electroencephalography and pneumoencephalography.

Gusev[26] (1965) reported an intensification of electric potentials in the electroencephalograms of four human subjects, upon inhalation of concentration of 0.27 ppm of toluene vapor. The relevance of these effects, and their relationship to any known significant central nervous system effects, if any, have not yet been determined.

C. *Effects on the Hematopoietic System.* Because toluene is a homolog of benzene, and because benzene has a leucotoxic effect on humans, OHSA believes that it is necessary to discuss the reported effects of toluene upon the human hematopoietic system. In addition, many of the studies in the literature have been conducted using toluene contaminated with benzene, with the result that many of the possible toxic effects of benzene may be present in these toluene studies.

Greenburg et al.[7] (1942) studied 61 workers exposed to toluene, but no other toxic volatile solvents, for periods extending from 2 weeks to 5 years. Reported atmospheric concentrations ranged from 100 ppm to 1,100 ppm in increments of approximately 100 ppm. Although he did not report severe illness, Greenburg found evidence of mild intoxication, enlarged livers, macrocytosis, mild depression of the erythrocyte level, absolute lymphocytosis, and elevation of the hemoglobin level and the mean corpuscular hemoglobin concentrations. The investigators concluded that early chronic toluene intoxication in man is "best evidenced by hepatomegaly" (enlargement of the liver and "macrosytosis" (enlarged red blood cells). It should be noted, however, that Greenburg could not make a comparison between the observed toxic effects and the degree of toluene exposure. Also, enlargement of the liver in itself has not been shown to be a pathological response. It may be only normal adaptation to stress.

Von Oettingen[5,6] et al. (1942) (discussed above) reported on the effects of the exposure of three human subjects to concentrations of 50 to 800 ppm. The subjects were exposed 15 times over a 3-month period. No abnormal changes were detected in the peripheral blood leukocyte count.

Braier[28] (1954) reported on the absence of toxic effects in human leukemia patients treated with up to 10 grams per day of toluene, administered orally in olive oil, for a total of 130 grams in three weeks. The toluene had been administered because it was believed to have effects on the bone marrow similar to that of benzene. Braier hypothesized that the difference in the toxicity of benzene and toluene was due to the presence of a methyl group in toluene that is not present in benzene.

To test his hypothesis, Braier administered to his patients, simultaneously with benzene, choline and methionine, carriers of methyl groups which cannot be synthesized in the human organism. He theorized that methyl groups donated by the carriers would be utilized in the methylation of benzene to nontoxic toluene. The results in his experiments confirmed his hypothesis and, in fact, the administration of benzene with methyl-donating compounds did not result in hematological abnormalities in contrast with the effects observed when benzene alone is administered. In discussing this and other studies, Francone and Braier concluded that toluene does not have a toxic action on the blood-forming tissues because of the presence of the methyl group, and that benzene acts in the same manner when administered simultaneously with carriers of methyl groups.

Parmeggiani and Sassi[27] (1954) reported on a study of 11 paint and pharmaceutical industry workers exposed to toluene vapors ranging from 200 to 800 ppm. Although irritation of the conjunctiva and upper respiratory tract mucosa was found in one worker, and nervous excitability in six others, the authors concluded that toluene has no particular action on the bone marrow or other organs. Therefore, the authors expressed the opinion that workers can have exposure to 300 ppm toluene without hazard to health.

Banfer[29] (1961) reported his study of the effect of toluene containing 0.3 percent benzene on the peripheral blood elements (RBC, Hgb, WBC, and granulocytes) on 889 rotogravure printers and helpers employed for more than 3 years. These subjects were compared with 478 nonexposed persons in the same industry. The only environmental air levels reported consisted of samples taken on a single day from five different places in the machine room. Three samples showed the toluene concentration to be below 200 ppm, and the fifth sample indicated 400 ppm. Banfer found no effects on the formed elements of the blood among the exposed workers that were different from the control group. Six sternal biopsies were also reported, but no pathological changes of the bone marrow were found.

Bansagi[30] (1968) found a decreased phagocytic activity of the polymorphonuclear leukocytes in workers exposed to toluene vapors in the printing industry. However, there was no apparent relationship between the decrease of phagocytic activity and the degree of exposure to toluene. In addition, the benzene content of the toluene referred to in this study was not reported.

Cieslinska et al.[30] (1969) studied the serum levels of iron and copper and the urinary excretion of porphyrins in 51 female workers having an occupational history of exposure to toluene. The authors interpreted their findings of altered levels of iron or copper in three different groups of these subjects to suggest that toluene, as well as benzene, has a harmful action on the hematopoietic tissue, although there were no clinical changes observed in these workers. The investigators emphasized the similarity of the toxic responses evoked by benzene and toluene. However, the workers in the study had exposure to a combination of benzene and toluene, so the toxic effects could not be specifically attributed to toluene exposure.

Pacseri and Emszt[31] (1970) reported the results of blood studies made on 191 workers in four printing firms. Fifty-two of the subjects had worked in printing shops longer than 10 years, 73 had worked between 5 and 10 years, and 66 had worked from 1 to 5 years in printing shops. The solvent used for printing in each case was stated to be pure toluene, completely free of benzol or having only traces of benzol. The authors also noted that the exposure levels experienced by the print shop workers exceeded the currently acceptable level (in Poland) of 50 mg/m (13.5 ppm) by as much as 20 to 30 times (265–398 ppm).

The investigators found no significant abnormalities in the white and red corpuscle counts in the 191 subjects. The variations from normal for lymphocytes, thrombocytes, and leukocytes were no greater than might be seen in a group of controls. There was, however, an indication that toluene exposure may lower the level of prothrombin. This finding was not conclusive, however, and the authors planned to request that further specialized hematological studies be undertaken.

Eleven of the 191 workers had enlarged livers, but no case of liver dysfunction was found. In their concluding comments, the authors stated that "the high level of toluol pollution in the air in the printing shops was enough to cause symptoms of acute poisoning, but the same levels of pollution did not produce chronic poisoning."

Forni et al[32] (1971) reported the results of a study of changes in the chromosomes of peripheral blood lymphocytes in rotogravure plant workers exposed to concentrations of toluene of 200 ppm throughout most of the work shift and to concentrations well about 200 ppm for very short periods. They found that the group of workers exposed only to toluene for periods of 3 to 15 years showed a somewhat higher rate of unstable chromosome breaks and changes (0.8 and 0.83 percent respectively), compared with the control group (0.61 and 0.67 percent respectively), but that the differences were not statistically significant.

The authors concluded that chronic inhalation of toluene vapor at concentrations of approximately 200 ppm did not significantly affect the rate of chromosome changes in peripheral blood lymphocytes, but cautioned that it would not be appropriate to conclude from this study that prolonged exposure to toluene concentrations of 200 ppm has no toxic effects on chromosomes. Further, comparisons made with a group of control subjects showed that frequencies of chromosome changes were somewhat dispersed, indicating that a different indi-

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vidual susceptibility to chromosome damage might exist from unknown environmental agents.

Capellini and Alessio [29] (1971) reported results of tests on 17 workers exposed for "several" years to mean atmospheric concentrations of toluene of 125 ppm (range, 80–160 ppm). No changes in the blood picture or liver function were detected in any case. The workers' hemoglobin values, red cell counts, white cell counts, and platelet counts were all within the same limits as 19 control subjects employed in the same plant but having had no exposure to toluene vapor inhalation during their occupational activity. Further, blood findings were within normal limits for one worker employed in another plant area who was exposed to a mean toluene concentration of 250 ppm (range, 210–300 ppm), and who demonstrated symptoms of central nervous system toxicity.

D. *Effects on the Skin.* Dutkiewicz and Tyras [30] (1968) reported the rate of absorption of liquid toluene and aqueous solutions of toluene through the skin of the hands and forearms of nine human volunteers. The authors found that the quantity of toluene absorbed increased with increasing concentration of the hydrocarbon in the aqueous solution. The authors concluded that skin absorption from contact with liquid toluene should be considered in the evaluation of toluene exposure.

Piotrowski [31] (1967) reported on the skin absorption of toluene vapor in three male subjects exposed unclothed for 8 hours in a chamber containing toluene vapor concentrations of 1,600 mg/m (427 ppm). The subjects were protected from inhalation of the toluene vapor by the use of respirators. Analysis of urine samples collected at the end of the exposure period showed no increase in the excretion level of benzoic acid. The author concluded that "one can assume that the possibility of toluene vapor absorption through the skin will not exceed 5 percent of the amount absorbed in the same period of time through the respiratory tract."

Gerarde [32] (1960) stated that liquid toluene is poorly absorbed through intact skin, so that systemic intoxication by percutaneous absorption is highly improbable.

E. *Effects on the Eye.* Carpenter et al [33] (1944) reported mild eye irritation in volunteer subjects exposed to toluene vapor concentrations of 200 ppm for 8 hours.

McLaughlin [34] (1946) reported that workers accidentally splashed with toluene suffered transient disturbances of the eyes, consisting of corneal damage and conjunctival irritation. Complete recovery occurred within 48 hours with no loss of vision.

Capellini and Alessio [29] (1971) reported that one worker exposed to an average of 250 ppm toluene vapor (range, 210–300 ppm) experienced a burning sensation in the eyes. However, the length of the worker's exposure was not specified.

Grant [35] (1962) reported another case of a worker splashed with a solution of stearic acid in toluene who experienced only transient epithelial injury. The subject felt immediate, severe, burning pain and had involuntary blepharospasm. However, although the eyes were not irrigated until 4 to 5 minutes after the accident, only moderate conjunctival hyperemia and corneal epithelial edema resulted, with a complete recovery within 2 days.

F. *Other Effects.* Greenburg, et al [1] (1942) found enlarged livers in 13 out of 61 painters exposed to concentrations of toluene ranging from 100 to 1,100 ppm. However, only the number of workers exposed at each level of toluene was presented in the report, and no comparison could be made between the incidence of liver enlargement and the degree of toluene exposure. The hepatomegaly was three times the frequency observed in the control group of 430 workers having no exposure to toluene.

O'Brien et al [36] (1971) described a case of hepatorenal damage from chronic exposure to toluene vapor in a 19-year-old male glue-sniffer. After three years, the toluene caused serious, but apparently reversible, injury to the kidneys and liver. The principal component of the solvent inhaled by the patient was toluene (80 percent v/v), but the other constituents were not mentioned in the report. During the patient's hospitalization following a severe episode of toluene exposure, however, the concentration of toluene in the serum was found to be 180 ppm.

III. Pertinent Legal Authority

The primary purpose of the Act is to assure so far as possible safe and healthful working conditions for every working man and woman. One means prescribed by Congress to achieve this goal is the authority vested in the Secretary of Labor to set mandatory safety and health standards. The standards setting process under section 6 of the Act is an integral part of an occupational safety and health program in that the process permits the participation of interested parties in consideration of medical data, industrial processes and other factors relevant to the identification of hazards. Occupational safety and health standards provide notice of the requisite conduct or exposure level and provide a basis for ensuring the existence of safe and healthful workplaces.

The Act provides that:

> The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate.
>
> In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. [Section 6(b)(5)]

Sections 2(b)(5) and (6), 20, 21, 22, and 24 of the Act reflect Congress' recognition that conclusive medical or scientific evidence including causative factors, epidemiological studies or dose-response data may not exist for many toxic materials or harmful physical agents. Nevertheless, standards cannot be postponed because definitive medical or scientific evidence is not currently available. Indeed, while final standards are to be based on the best available evidence, the legislative history makes it clear that "it is not intended that the Secretary be paralyzed by debate surrounding diverse medical opinion." [House Committee on Education and Labor, Report No. 91–1291, 91st Cong., 2nd Session, p. 18 (1970)]. This Congressional judgment is supported by the courts which have reviewed standards promulgated under the Act. In sustaining the standard for occupational exposure to vinyl chloride (29 CFR 1910.1017), the U.S. Court of Appeals for the Second Circuit stated that "It remains the duty of the Secretary to act to protect the working man, and the act even in circumstances where existing methodology or research is deficient." ["The Society of the Plastics Industry, Inc. v. United States Department of Labor," 509 F. 2d 1301 (2d Cir. 1975), *cert den*, "Firestone Plastics Co. v. United States Department of Labor," —— U.S. ——, 95 S.Ct. 1998, 44 L.Ed.2d 482 (May 27, 1975).]

A similar rationale was applied by the U.S. Court of Appeals for the District of Columbia in reviewing the standard for occupational exposure to asbestos (29 CFR 1910.1001). The Court stated:

> Some of the questions involved in the promulgation of these standards are on the frontiers of scientific knowledge, and consequently as to them insufficient data is presently available to make a fully informed factual determination. Decision-making must in the circumstance depend to a greater extent upon policy judgments and less upon purely factual judgments.

["Industrial Union Department, AFL–CIO v. Hodgson," 499 F. 2d 467, 474 (D.C. Cir. 1974).]

In setting standards, the Secretary is expressly required to consider the feasibility of the proposed standards. [Senate Committee on Labor and Public Welfare, Report No. 91–1282, 91st Cong., 2d Sess., p. 58 (1970).] Nevertheless, considerations of technological feasibility are not limited to devices already developed and in use. Standards may require improvements in existing technologies or require the development of new technology. ["The Society of the Plastics Industry, Inc. v. United States Department of Labor," 509 F. 2d 1309 (2d Cir. 1975), *cert den*, "Firestone Plastics Co. v. United States Department of Labor," —— U.S. ——, 95 S.Ct. 1998, 44 L.Ed.2d 482 (May 27, 1975).]

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Where appropriate, the standards are required to include provisions for labels or other forms of warning to apprise employees of hazards, suitable protective equipment, control procedures, monitoring and measuring of employee exposure, employee access to the results of monitoring, and appropriate medical examinations or other tests, they must be made available at no cost to the employee [Section 6(b)(7)]. Standards may also prescribe recordkeeping requirements where necessary for appropriate enforcement of the Act or for developing information regarding occupational accidents and illnesses [Section 8(c)].

IV. Proposal

In the development of this proposal, OSHA has considered recommendations contained in the document "Criteria for a Recommended Standard * * * Occupational Exposure to Toluene," which was developed for the Secretary of Labor by the National Institute for Occupational Safety and Health (NIOSH), Department of Health, Education, and Welfare, public comments on the NIOSH document received in response to an OSHA advance notice of proposed rulemaking (38 FR 30452), as well as numerous reference works, studies, case histories, and journal articles which are included in the references section of this notice.

The following discussion analyzes significant provisions of the proposed standard for occupational exposure to toluene.

A. *Scope and Application.* The proposed standard would apply to all employers in all industries, including construction and maritime as well as "general industry," over which OSHA has jurisdiction, having establishments in which toluene is produced, released, packaged, repackaged, stored, handled, used, or transported. Although the scope of this proposal, is broad, covering nearly every industrial use or handling of toluene, the specific provisions of the proposed standard that would apply to any particular employer depend upon the amount of the toxic substance actually released into the workplace air or upon whether employees are likely to have skin contact with liquid toluene.

B. *Exposure Limits—Permissible Airborne Exposure Limits.* The proposed standard sets an 8-hour time-weighted average limit (TWA) of 100 parts of toluene per million parts of air (ppm) and a ceiling limit of 200 ppm in place of the 200 ppm TWA and 300 ppm ceiling limit currently listed in § 1910.1000, Table Z–2. The proposed ceiling limit prescribes a 15-minute sampling period which is not included in the current standard. The proposal contains no specific provision for peak concentrations. The proposed exposure limits are considered by OSHA to provide the minimum protection against material impairment of employees occupationally exposed to toluene.

The proposed reduction of the TWA limit from 200 to 100 ppm is based upon the results of studies of controlled 8-hour exposures of human subjects to purified toluene in air. Concentrations of 200 ppm have been shown to produce mild fatigue, muscular weakness, impaired coordination, moderate dilation of the pupils and paresthesia of the skin in some subjects. These symptoms are more pronounced at higher concentrations. They are absent, however, at 100 ppm with the exception of mild fatigue, which has been seen in the studies even in the control groups at levels of zero ppm. Thus, in agreement with NIOSH recommendations, OSHA believes that the reduction of the TWA limit is essential to the satisfactory mitigation of the effects of acute exposure.

Reduction of the ceiling concentration limit to 200 ppm in the proposed standard is supported by evidence in the literature that fatigue, dizziness, exhilaration and mental confusion have resulted from exposures of subjects to concentrations of 200 ppm for periods of less than 8 hours.

OSHA has determined that the concept of peak excursion level may not be appropriate in its regulations on toluene. The present peak excursion level and duration, which are part of the ANSI Z37 standard adopted by OSHA, were based on a judgment by the ANSI Z37 Committee, and are not supported by evidence in the scientific literature. Therefore, OSHA has decided that the peak excursion concept should be deleted from the proposed standard.

Dermal and Eye Exposure Limits. As in the case of most organic solvents, liquid toluene acts as a defatting agent on the skin tissues, resulting in irritation and dermatitis. Repeated or prolonged exposures may even result in skin burns. Eye contact with liquid toluene causes severe pain and irritation and, unless flushed out promptly with water, may result in corneal burns. For these reasons, the proposed standard would prohibit employers from exposing employees to eye contact and repeated and/or prolonged skin contact with liquid toluene.

C. *Action level.* In addition to time-weighted average and ceiling limits, the proposed standard prescribes an action level which is a concentration of toluene equal to one-half of the TWA, at or above which certain precautionary measures such as exposure measurements and medical surveillance must be initiated.

The proposed action level for toluene is any concentration greater than or equal to 50 parts per million (50 ppm). Like the TWA, the action level is based on an 8-hour time-weighted average.

In OSHA's judgment, two kinds of uncertainties can affect an employer's efforts to be reasonably confident of the results of his exposure measuring program. First, he must know if his sampling and analysis accurately informs him of his employee's actual exposure level on the day of measurement. Assuming that an employee's exposure has been properly measured (excluding such things as precision and accuracy of the sampling method) an employer can be reasonably sure of the employee's exposure on the day of measurement.

Second, the employer must also know whether the measured exposure level on one day is indicative of exposure levels on days he does not measure. It is known that the level of contamination in occupational environments varies from day to day in a random fashion. This variation in levels is unavoidable; is only minimally connected to the precision and accuracy of the method of measurement, and does not include variations due to changes in work processes or controls.

OSHA has statistically determined that at any measurement exposure level below the permissible limit. (Leidel, N. A., Busch, K. A. *et al.*, "Exposure Measurement Action Level and Occupational Environmental Variability," [DHEW, PHS, CDC, NIOSH, DLCD (August 1975). Above one half the permissible limit, i.e. the action level, the statistical risk is such that an employer cannot reasonably be confident that his employees may not be overexposed. Therefore, requiring exposure measurements to begin at the action level provides the employer with a reasonable degree of confidence in the results of his measurement program.

In view of these considerations and in order to provide maximum employee protection, the proposal would also require the employer to commence medical surveillance and employee training programs at the action level.

D. *Determination and measurement of exposures.* The employer would be required to make an initial determination of employee exposure to airborne or liquid toluene. This determination may be an observation based on the amount of toluene in use, the types of operations being performed, the amount and type of ventilation, and the proximity of employees to the sources of emission. The employer must also consider any employee complaints of symptoms that may be attributable to toluene exposure.

When making the initial determination of employee exposure, the employer is not required to take actual samples or measurements of airborne concentrations of toluene vapor. However, if the employer has taken any measurements, these must also be considered in the determination. In making the determination, the employer should be certain that the determination reflects employee exposure conditions over the entire work day.

In establishments having more than one work operation involving the use of toluene, an initial determination must be made for each operation. A new initial determination must be made whenever there is a change in production process or control measures which could result in new or additional exposures, or whenever the employer has any other reason to suspect that a change in exposure condition has occurred.

If the results of the initial determination are negative, that is, if the employer determines that no employee is exposed to potential skin or eye contact with liquid toluene, or to concentrations of toluene vapor at or above the action level or above the ceiling limit, a written

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record of this determination must be made. This record must contain any information and observations that indicate possible employee exposure including employee complaints of symptoms that may be attributable to such exposure. Further, the determination record must include any measurements of toluene that have been made (although none are required to be made for the initial determination), and the names and social security numbers of the employees considered under the determination.

When results of the initial determination of dermal or eye exposure indicate that any employee may be exposed by skin or eye contact with liquid toluene, the employer would be required to provide affected employees with impermeable protective clothing and devices to protect the area(s) of the body likely to come in contact with liquid toluene.

If the initial determination of exposure to airborne concentrations indicates that an employee may be exposed to vapor concentrations at or above the action level, or in excess of the ceiling limit, the employer would be required to measure the exposure of the employee believed to have the greatest exposure. Because a positive determination indicates possible exposure in excess of either the action level or ceiling limit, thus triggering the exposure measurement program, with its own recordkeeping requirements, no written records of positive determinations need be made.

When the results of the single employee's exposure measurement reveal exposures in excess of the action level or the ceiling limit, the employer would be required to identify all other employees who might be similarly exposed, and to measure the exposures of each of these employees. The proposed standard contains detailed instructions for monitoring the exposure of such employees.

The measurement procedure may be terminated if the measured single employee exposure does not indicate exposures in excess of the action level or ceiling limit. However, it should be noted that if an employer has knowledge of a production, process or control change which could result in increased exposures to toluene, or if the employer has any other reason to suspect that a change in exposure conditions has occurred, the determination procedure must be repeated.

The monitoring provisions are designed so that employers having workplaces in which the use of toluene is controlled by engineering or work practices, to the extent that exposures are below the action level, would not be required to make continuous measurements. Further, those employers having establishments with exposures at or above the action level, but below the permissible exposure limits, would be required to make only the minimum number of exposure measurements necessary for protection of employees. The intent of these procedures is to provide adequate protection for employees while minimizing the burden on employers.

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E. *Methods of Measurements.* The proposal would require that exposure measurements reflect the actual exposure conditions for each employee. No specification is made for the location of the samples taken. Thus, the employer is free to choose to perform either personal, breathing zone, or general air samples, provided that the method chosen gives an accurate indication of the employees' exposures. Further, any appropriate combination of long-term or short-term samples would be acceptable. However, the proposal requires that all exposures be calculated on an eight-hour time-weighted average basis, with the exception of the ceiling concentration measurements.

The sampling method must have an accuracy, to a 95 percent confidence level, of ±35 percent up to 100 ppm and ±25 percent above 100 ppm. The term "accuracy" refers to the difference between the measured value and the true concentration. It allows for both the random variation of the method (its precision) and the difference between the average result and the true value (bias of the method). As noted, the required accuracy for concentrations of toluene above 100 ppm is 25 percent at a 95 percent confidence level. This means that out of a large series of measurements, 95 percent must be within 25 percent of the true value.

F. *Methods of compliance.* The proposed standard would require the employer to immediately institute engineering controls to reduce employee exposures to or below the 100 ppm TWA, and to or below the ceiling limit, except in situations where such controls are infeasible. Further, in situations where the engineering controls that can be instituted immediately will not reduce exposures to the TWA and to the ceiling limit, they must nonetheless be used to reduce exposures to the lowest practicable level, and be supplemented by the use of work practices.

Where engineering controls and work practices combined will not reduce exposures to the time-weighted average and to the ceiling limit, they must be further supplemented by personal protective devices.

A program must be established and implemented to reduce exposures to within the permissible exposure limits, or to the greatest extent feasible, solely by means of engineering controls. Written plans for such a program shall be made available for examination and copying to representatives of the Secretary and the Director. These plans must be reviewed and updated as necessary to reflect the current status of exposure control.

Engineering controls are the preferred means of compliance because they reduce exposure hazards in the workplace environment by removing the airborne contaminants. Engineering controls may include the installation of local exhaust ventilation or the modification of a process so as to reduce emission of the toluene into the workplace. When mechanical ventilation is used for engineering control, checks of air system efficiency such as capture velocity, duct velocity or static pressure must be made at least every three months. These checks are necessary to assure that the primary control system (mechanical ventilation) is functioning effectively at all times.

When engineering controls prove to be infeasible or inadequate, work practice controls must then be used to supplement them. Work practice controls include, for example, adherence to proper process techniques and proper maintenance. It should be noted that effective work practice controls often require the maintenance of strong supervisory control.

Where both engineering and work practice controls are infeasible or insufficient to reduce the exposure to permissible levels, they must be supplemented by the use of respirators. Respirators are the least satisfactory means of control because of certain difficulties inherent in their use. Respirators are capable of providing good protection only if they are properly selected for the concentrations of airborne contaminants present, properly fitted to the employee, properly worn by the employee, and replaced when they have ceased to provide protection. Although it is theoretically possible for all of these conditions to be met, it is more often the case that they are not, and, as a consequence, the protection of employees by respirators is not as effective as the other methods of compliance.

G. *Hazardous Operations.* In addition to the hazard from inhalation of the vapors, toluene is highly flammable and its vapors form explosive mixtures in air. Good ventilation is essential in rooms or areas where toluene is handled to prevent accumulations of toxic or explosive mixtures. Reaction vessels and storage tanks which have been emptied for cleaning, maintenance or inspection may contain toluene vapors which are immediately hazardous. For this reason, the proposed standard cross-references § 1910.94(d)(11)(ii)–(v) which contain provisions for safe entry into reaction vessels or storage tanks.

H. *Employee Information and Training.* Information and training are essential for the protection of employees, because an employee can do much to protect himself if he is informed of the nature of the hazards in his workplace. To be effective, an employee education system must apprise the employee of the specific hazards associated with his work environment. For this reason, the employer must inform each employee, in detail, about the nature of toluene-related health problems, the necessity for exposure control and the medical and industrial hygiene monitoring programs. Further, the employee must be instructed to report promptly the development of symptoms or conditions which could be attributed to overexposure to toluene. Because information and training are so important to employees, this section of the proposal must be observed even if the initial determination or exposure measurements indicate exposures to be below the action level.

I. *Medical surveillance.* The proposed standard would require employers to institute a program of medical surveillance for employees who have been or will be exposed to concentrations of toluene vapor at or above the action level or in excess of the ceiling limit. As in the case of exposure determinations, the level of an employee's exposure is considered without regard to the use of respirators. The purpose of the medical surveillance requirements is to protect the employee from exposure to concentrations of toluene which may be above his own level of tolerance, and to ensure that if symptoms of overexposure do occur, they are recognized as early as possible in order that appropriate action can be taken.

The proposal calls for a medical examination which includes pulmonary function testing, urinalysis, and a complete blood count. Toluene is used as a component in many organic solvent mixtures and overexposure to many organic solvents has been shown to have the potential for causing liver and kidney impairments. Thus, the urinalysis is useful for screening for individuals who have, or may develop, liver or kidney dysfunctions. Such individuals are often excluded from working in areas where toluene is released to prevent further damage to these organs. Pulmonary function testing is necessary for determining whether an employee is able to wear certain types of respiratory protective equipment.

Although the proposal specifies the types of medical tests and examinations to be given affected employees, the employer may allow the examining physician to use other types of medical examinations, provided the alternative procedures can give at least equal assurance of detecting medical conditions pertinent to protecting employees against the health hazards associated with toluene exposure. If the employer accepts such alternative medical examinations, the employer must obtain a statement from the physician setting forth the alternative medical examinations to be used and the rationale for their substitution. The employer must also inform affected employees that medical examinations other than those prescribed in the standard are to be made available.

The employer must provide the examining physician with a copy of the standard for toluene including the appendices; a description of the employee's duties; a description of any personal protective equipment used by the employee; the results of the employee's exposure measurement; and an estimate of the levels to which the employee will be exposed. The employer must also provide any available employee medical history information requested by the physician.

Following the medical examination, the employer must obtain a written opinion from the examining physician stating whether the employee has any medical condition that would place him at increased risk to his health, or that would be aggravated through exposure to toluene. Additionally, the opinion must state any recommended limitations upon the employee's exposure or upon the employee's use of respirators and other protective equipment. The opinion must also state that the employee has been informed of any medical conditions which require further examination or treatment, although the written opinion must not contain specific findings or diagnoses unrelated to the employee's exposure to toluene. The employer must provide a copy of the physician's opinion to the affected employee.

If, based on the physician's opinion, the employer determines that exposure of an employee to toluene would impair the employee's health, the employer must then provide that the employee is not exposed to levels of toluene which may place him/her at increased risk.

Refusal of Medical Examination. The proposed standard also contains a procedure to be followed by the employer in the event that an employee refuses to undergo any medical examination which must be offered pursuant to § 1910.1029 (n). This procedure involves informing the employee of the potential risk that is incurred by his refusal to be examined, and obtaining a signed statement from the employee attesting to the fact that the employee fully understands the potential risk, but still does not wish to be examined.

It is not OSHA's intent to encourage employees to avoid medical examinations. Rather, OSHA believes that positive action must be taken by employers to inform employees of the risks involved in refusing to be examined, and that employees should be encouraged to undergo the examinations required by this proposed standard.

J. *Recordkeeping.* The proposed standard would require employers to keep written records of the following: Initial determinations which indicate that employees are not exposed at or above the action level or above the ceiling limit; measurements of employee exposure; tests of mechanical ventilation system efficiency (where such systems are used for engineering control); annual training and information sessions; medical examinations; and pre-placement histories.

Besides showing that an employer has made an examination of the workplace, records of negative determinations also assist the employer in pinpointing areas of his operations where there might be potential for exposure above the action level in the future. Records of initial positive determinations, however, are not needed, because a positive determination requires the employer to take other actions which carry their own recording requirements.

When symptoms of organic damage appear, a physician often needs information as to the patient's previous medical conditions to make an accurate diagnosis of the problem and its apparent cause. Records of previous occupational medical examinations could be an invaluable aid to the physician treating a patient with organic damage which may be due to exposure to a toxic chemical substance. For this reason, the proposal would require the employer to retain records of employee exposure measurements and medical examinations for a period of no less than 10 years, even if the employee ceases to work for the employer.

A record of the tests of mechanical ventilation system efficiency is required to be maintained so that the employer can ensure that tests of the system are being made at the required time intervals. Further, the record is useful to the employer, since comparison of the most recent test with previous tests will assist in the evaluation of the effectiveness of the ventilation system, and will enable the employer to detect any progressive loss of efficiency before it becomes critical.

Section 8(c)(3) of the Act requires, and paragraph (o) of this proposal contains provisions for access to records of exposure measurements by employees and former employees or their representatives, and for access to medical records made pursuant to paragraph (n) by physicians designated by employees or former employees. It should be noted that such access is limited only to the records of determinations, exposure measurements, and medical examinations that are being maintained by the employer in accordance with the recordkeeping requirements. It should also be noted that the employer is not required to retain or make those records accessible for periods longer than those required in paragraph (o) of the proposed standard.

The proposal provides for the transfer of monitoring and medical records, when: (1) One employer succeeds another, and (2) an employer ceases to do business and there is no successor. An employer succeeding another is merely required to receive and maintain those records which his predecessor would have been required to keep. Employers closing out their businesses without successors are required to send their records to NIOSH and notify each employee and former employee of the transfer.

OSHA is aware that certain provisions of this proposal, such as medical surveillance and the extended retention period for medical monitoring records may pose special problems to some employers, especially those who have small numbers of employees, operate with non-fixed places of employment, or use workforces which are highly transient in nature.

This awareness has been expressed by the Department of Labor in a statement submitted to the House Subcommittee on Environmental Problems Affecting Small Business on 26 June 1975, as follows: "It has become increasingly evident that the combined body of Federal regulations imposes a substantial, and, to some extent, unnecessary burden upon employers, particularly those who run small businesses. While most of these requirements serve a necessary and useful purpose, a definite potential exists for duplication, conflicting standards, and inappropriate recordkeeping requirements. In an effort to eliminate problems where any exist in the Department of Labor, I have re-

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quested my agency heads to assess the small business impact of the laws they administer and determine what can be done to ease the burden on the small employer, while still assuring compliance with the law."

Although it is clear that OSHA's first and prime responsibility is to assure employee safe and healthful places of employment, the Act and its legislative history recognize that economic and technological feasibility are legitimate factors to be considered in the setting of occupational safety and health standards.

In addition, the Act explicitly takes cognizance of its impact upon affected small business, specifically with respect to any recordkeeping requirements which are imposed.

Pursuant to section 8(d) of the Act, OSHA is exploring methods of reducing, to the maximum extent possible, the administrative and economic burdens of the proposal's various recordkeeping requirements.

While the proposal does not address itself to specific alternatives, OSHA invites comments concerning options which would both provide full protection to affected employees and at the same time would minimize the administrative and economic burden on affected employers —especially those with small numbers of employees, non-fixed workplaces, or highly transient workforces.

K. *Observation of monitoring.* Section 8(c)(3) of the Act requires employers to provide employees or their representatives with the opportunity to observe monitoring of employee exposures to toxic materials or harmful physical agents. In accordance with this section, the proposed standard provides for such observation. To ensure that this observation of monitoring is meaningful, observers would be entitled to receive an explanation of the measurement procedure, to observe all steps related to the measurement procedure, and to record the results obtained.

It should be noted that the observer, whether an employee or designated representative, must be provided with and is required to use any personal protective devices required to be worn by employees working in the area that is being monitored, and must comply with all other applicable safety procedures.

L. *Appendices.* Three appendices have been included in this proposal: Appendix A, "Substance Safety Data Sheet;" Appendix B, "Substance Technical Guidelines;" and Appendix C, "Medical Surveillance Guidelines."

The appendices are not to be construed as mandatory requirements in and of themselves. They are included with the regulation to provide information to employers and employees, and to assist in compliance with the provisions of the toluene standard. The information contained in Appendices A and B is to be provided to employees as part of the annual training and education program.

Appendix C gives the employer a means of providing the examining physician with an explanation of the potential health effects of toluene exposure, and provides information needed by the physician to make an accurate interpretation of the medical examination results. Appendix C also lists other types of examinations, not required by the standard, which may help the physician in making an accurate determination of whether an employee should be exposed or should continue to be exposed to toluene.

V. Environmental Impact Assessment

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4347), requires, among other things, that Federal agencies assess their proposed major actions, including rulemaking, to determine whether a significant impact of the quality of the human environment may result. Furthermore, 29 CFR 1999.3 (d) requires that where OSHA determines that an environmental impact statement should be prepared, the determination to do so must be published in the Federal Register. Accordingly, it is hereby noticed that OSHA intends to prepare an environmental impact statement on the proposed standard for occupational exposure to toluene in accordance with the requirements of 29 CFR Part 1999.

Once the draft environmental impact statement has been prepared, a copy of it will be made available by OSHA to any member of the public who requests an opportunity to comment on it. Any person or agency submitting comments on it to OSHA must at the same time forward five copies of the comments to the Council on Environmental Quality (CEQ), 722 Jackson Place NW., Washington, D.C. A 45-day period will be allowed for the submission of comments after the publication of the notice of availability of the draft environmental impact statement. The draft statement will be available, where practicable, at least 15 days prior to a public hearing on the proposed standard. The environmental impact of the proposal would be an appropriate issue at such hearing.

It appears at present that the preceding preamble to the proposed standard for occupational exposure to toluene adequately assesses the impact of the proposal on the workplace environment. It further appears that the proposed standard for occupational exposure to toluene will have no significant effects on the quality of the human environment external to the workplace. The proposal does not increase the amount of toluene permitted to be released into the ambient air, nor does the proposal call for changes of industry practice in disposal of toluene waste. For these reasons, OSHA does not anticipate any increased impact on the community contiguous to establishments in which toluene is used or produced.

Interested persons may submit comments that may be helpful in preparing the draft environmental impact statement on the proposed standard. Any person having relevant information or data not readily available in the open literature is invited to submit it to David R. Bell, Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N3669, Washington, D.C. 20210, by November 5, 1975. Comments submitted in regard to the proposed standard need not be resubmitted. All material received on environmental impact will be available for public inspection and copying at the above address.

VI. Notes and References

The studies discussed herein represent the primary sources upon which the proposed toluene standard is based. The discussion does not include all studies and source materials which OSHA has considered in the development of this proposal. A complete list of references is available for inspection and copying at the OSHA Technical Data Center, Room N3620, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

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VII. Public Participation

Interested persons wishing to submit data, views, arguments, or other comments concerning the proposal should mail an original and four clear copies of these materials to the U.S. Department of Labor, Occupational Safety and Health Administration, Docket Officer, Docket H–026, Room N3620, 200 Constitution Avenue NW., Washington, D.C. 20210, by December 5, 1975. The data, views, arguments, and other comments will be available for public inspection and copying in the Office of Standards Development.

Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to the proposal requesting an informal hearing with respect thereto in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked on or before December 5, 1975.

(3) The objections must specify with particularity the provision of the proposed rule to which objection is taken, and must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

In addition to the comments and objections invited above concerning the proposal and its environmental impact, OSHA hereby solicits comments from interested parties regarding the potential inflation impact of the proposed standard. Comments must be submitted in accordance with the above requirements for comments on the proposal and may be directed toward any or all of the following subjects:

1. Cost impact on consumers, businesses, markets, or Federal, State, or local government;

2. Effect on the productivity of wage earners, businesses, or government;

3. Effect on competition;

4. Effect on supplies of important materials, products, or services;

5. Effect on employment; and

6. Effect on energy supply or demand.

It is OSHA's intention to prepare an inflation impact statement and analysis, if appropriate, or a certification that the standard has no substantial inflationary impact, and to make such statement or certification available at least 30 days prior to any public hearings on the proposed standard. The potential inflationary impact of the proposed standard would be an appropriate issue at such hearings.

This procedure has been concurred in by the Council on Wage and Price Stability in accordance with the Office of Management and Budget Circular A–107 (28 January 1975), issued pursuant to Executive Order 11821 (27 November 1974) (39 FR 41501).

Accordingly, pursuant to sections 4(b), 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1592, 1593, 1599; 29 U.S.C. 653, 655, 657) and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29 of the Code of Federal Regulations as set forth below.

Signed in Washington, D.C. this 29th day of September, 1975.

John T. Dunlop,
Secretary of Labor.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

1. Table Z–2 in § 1910.1000 is proposed to be amended by deleting the following:

* * * * *

Toluene ------ 200 ppm ------ 300 ppm ------ 500 ppm 10 minutes (Z37.12–1967).

* * * * *

2. A new § 1910.1029 is proposed to be added to Part 1910 of Title 29 of the Code of Federal Regulations, reading as follows:

§ 1910.1029 Toluene.

(a) *Scope and application.* (1) This section includes requirements for the control of employee exposure to toluene.

(2) This section applies to the production, release, packaging, repackaging, storage, transportation, handling or use of toluene except that this section will not apply to working conditions with respect to which any other Federal agency has exercised statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health hazards covered by this section.

(b) *Definitions.* "Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, or his designee.

"Emergency" means any occurrence such as, but not limited to equipment failure, rupture of containers, or failure of control equipment which is likely to, or does result in the unexpected release of toluene in excess of the ceiling limit.

"Hazardous operation" means any operation, procedure or activity where a release of toluene might occur, either as a consequence of the operation or because of an accident in the operation, which would result in employee exposure in excess of the ceiling limit, or in repeated skin contact with liquid toluene.

"Secretary" means the Secretary of Labor, or his designee.

(c) *Exposure limits*—(1) *Permissible exposure limits*—(i) *Time-weighted average limit (TWA).* Employers shall ensure that no employee is exposed to an 8-hour time-weighted average of toluene in excess of 100 parts per million parts of air (100 ppm), based on a 40-hour week.

(ii) *Ceiling limit.* Employers shall ensure that no employee is exposed to an airborne concentration of toluene in excess of 200 parts per million parts of air (200 ppm) as averaged over any 15 minute period during the working day.

(2) *Dermal and eye exposure limit.* Employers shall ensure that no employee will have eye or repeated or prolonged skin contact with liquid toluene.

(d) *Action level.* Action level means a concentration of toluene of 50 parts per million parts of air (50 ppm) as determined on an 8-hour time-weighted average basis.

(e) *Determination and measurement of exposure*—(1) *Determination of requirement for measurement.* Each employer who has a place of employment in which toluene is present shall inspect each workplace and work operation to determine if any employee may be exposed, without regard to the use of respirators, to airborne concentrations of toluene at or above the action level or in excess of the ceiling limit, or to skin or eye contact with liquid toluene. Such a determination shall be based on the following, along with any other relevant considerations:

(i) Any information, observations, or calculations which would indicate employee exposure to toluene;

(ii) Any measurements of airborne toluene; and

(iii) Any employee complaints of symptoms which may be attributable to exposure to toluene.

(2) *Negative determination.* When a determination is made that no employee is exposed to airborne concentrations of toluene at or above the action level or in excess of the ceiling limit, or by skin or eye contact with liquid toluene, the employer shall make a record of such determination. This record shall include at least the information specified in paragraph (e)(1) of this section, and shall also include the date of the determination, work being performed at the time, location within the work site, and the names and social security numbers of employees considered.

(3) *Positive determination.* When a determination conducted under paragraph (e)(1) of this section indicates the possibility of any employee exposure to airborne concentrations of toluene at or above the action level or in excess of the ceiling limit, without regard to the use of respirators, the employer shall measure the exposure of the employee believed to have the greatest exposure. The exposure measurement shall be representative of the maximum exposure to the employee.

(4) If the exposure measurement taken pursuant to paragraph (e)(3) of this section reveals employee exposure to airborne concentrations of toluene in excess of the action level or ceiling limit, the employer shall:

(i) Identify all employees who may be similarly exposed; and

(ii) Measure the exposures of the employees so identified.

(5) If exposure measurements reveal employee exposure at or above the action level, but below the TWA or ceiling limit, without regard to the use of respirators, the employer shall repeat measurements for such employees at least every three months.

(6) If exposure measurements reveal employee exposure to be above the TWA or ceiling limit, the employer shall:

(i) Inform the employee in writing of the exposure as required by paragraph (e)(11) of this section;

(ii) Measure the exposure of the employee at least monthly; and

(iii) Institute control measures as required by paragraph (f) of this section.

(7) If two consecutive employee exposure measurements, taken at least one week apart, reveal that the employee is exposed to airborne concentrations to toluene below the action level, the employer may terminate monitoring for the employee.

(8) A record of all measurements shall be made and shall include at least the information required in paragraph (o)(2) of this section.

(9) Where a determination conducted under paragraph (e)(1) of this section shows the possibility of employee exposure by skin or eye contact with liquid toluene, the employer shall provide such employee with protective devices and clothing in accordance with paragraph (h) of this section.

(10) *Redetermination.* Whenever there has been a production, process or control change which may result in new or additional exposures, or whenever the employer has any other reason to suspect a change in exposure conditions, a new determination under paragraph (e)(1) of this section shall be made.

(11) *Employee notification.* The employer shall individually notify in writing, within 5 working days after receipt of measurement results, every employee who is found to be exposed to toluene above the TWA or ceiling limit. Such notification need not be given more frequently than once a month. The employee shall also be notified of the corrective action being taken to reduce exposure to within permissible limits.

(12) *Method and accuracy of measurement.* (i) An employee's exposure shall be obtained by a combination of long-term and short-term samples which represent the employee's actual exposure as averaged over an 8-hour work shift (See Appendix B).

(ii) The method of measurement shall have an accuracy, to a confidence level of 95%, of not less than that given in Table 1 below:

TABLE 1

Concentration:	*Maximum required accuracy (percent)*
At or below permissible exposure	±35
Above permissible exposure	±25

(Methods meeting these accuracy requirements are available from NIOSH.)

(f) *Methods of compliance.* Employee exposures to toluene shall be controlled to or below the TWA and below the ceiling limit provided in paragraph (c) of this section by engineering controls, work practice controls, and personal protection controls as follows:

(1) *Engineering and work practice controls.* (i) Engineering controls shall be instituted immediately to reduce exposures to or below the TWA and below the ceiling limit, except to the extent that such controls are not feasible.

(ii) Wherever feasible engineering controls which can be instituted immediately are not sufficient to reduce exposures to or below the TWA and below the ceiling limit, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by work practice controls.

(iii) Where engineering controls and work practice controls are not sufficient to reduce exposures to or below the permissible limits, they shall nonetheless be used to reduce exposures to the lowest possible level, and shall be supplemented by the use of respirators, in accordance with paragraph (f)(2) of this section.

(iv) A program shall be established and implemented to reduce exposures to or below the TWA and below the ceiling limit, or to the greatest extent feasible, solely by means of engineering controls.

(v) Written plans for such a program shall be developed and furnished upon request for examination and copying to the Secretary and the Director. Such plans shall be reviewed and revised at least every six months to reflect the current status of the program.

(vi) (A) When mechanical ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system to control the exposure, shall be made at least every three months. Measurements of the system's effectiveness to control exposure shall also be made within five days of any change in production, process or control which might result in any change in airborne concentrations of toluene.

(B) In the design of open surface tank ventilation for the purposes of § 1910.94(c), operations involving toluene shall be classified as B–1 at 70 degrees F.

(C) Where a fan is located in any duct work where toluene may be present in concentrations greater than 3,175 ppm (25% of the lower explosive limit), the fan rotating element shall be non-sparking or the casing shall consist of, or be lined with, non-sparking material. There shall be sufficient clearance between the fan rotating element and the fan casing so as to prevent contact.

(2) *Respiratory protection.* (i) *Required use.* Where respirators are required under this section, compliance with the permissible exposure limit may not be achieved by the use of respirators except:

(A) During the time period necessary to install engineering or work practice controls; or

(B) In work operations in which engineering and work practice controls are not feasible; or

(C) In work situations in which engineering controls and supplemental work practice controls are insufficient to reduce exposures to or below the TWA or below the ceiling limit; or

(D) In emergencies.

(ii) *Respirator selection.* (A) Where respirators are required by this section, the employer shall select and provide an appropriate respirator from Table 2 below and shall ensure that the affected employee uses the respirator provided.

TABLE 2

RESPIRATORY PROTECTION FOR TOLUENE

Maximum toluene concentrations in air in parts per million	*Equipment selection options*
1,000 (10 by TWA limit) (use any equipment listed).	(1) Chemical cartridge respirator with replaceable organic vapor cartridge and half-mask facepiece (30 CFR 11.150). (2) Any supplied-air respirator (30 CFR 11.110).
3,000 (30 by TWA limit) (use any equipment listed beginning with item (3)).	(3) Any supplied-air breathing apparatus with full facepiece or a pressure demand or constant demand or constant flow half-mask facepiece (30 CFR 11.110).
Escape from an area of unknown concentration (use any equipment listed beginning with (4)).	(4) Gas mask, chin style or front or back mounted organic vapor canister with full facepiece (30 CFR 11.90(a) (1), (2) and (3)).
Entry into an area of unknown concentration for emergency purposes only—with full firefighters protective clothing (use only items (5) and (6) from equipment list).	(5) Self-contained breathing apparatus, pressure demand, with full facepiece (30 CFR 11.70(a) (2) (ii)). (6) Combination airline respirator, pressure demand or constant flow, with auxiliary self-contained air supply and full facepiece (30 CFR 11.70(b)).

(B) The appropriate respirator in accordance with Table 2 must be worn at any time the ceiling concentration is exceeded.

(C) Respirators shall be selected from those approved by the Mining Enforcement and Safety Administration (MESA) or by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(iii) *Respirator program.* (A) The employer shall institute a respiratory protection program in accordance with § 1910.134(b).

(B) Respirators shall be used and maintained in accordance with § 1910.134 (d), (e), and (f).

(C) Employees who wear respirators shall be allowed to leave work areas to wash the face and respirator facepiece to prevent potential skin irritation associated with respirator use.

(g) *Hazardous operations and emergency situations*—(1) *Hazardous operations.* (i) Employees engaged in hazardous operations, as defined by paragraph (b) (3) of this section, such as, but not limited to cleaning of storage tanks, reaction vessels, pumps, distribution lines, and valves, or other maintenance operations, shall be provided with and required to use:

(A) Respiratory protection in accordance with paragraph (f) (2) of this section; and

(B) Appropriate protective clothing, in accordance with paragraph (h) of this section to prevent eye contact or repeated skin contact with liquid toluene. The protective clothing shall be selected for the operation and its possible exposure conditions.

(ii) Cleaning of or entry into tanks which have contained toluene shall be performed in accordance with § 1910.94 (d) (11) (ii), (iii), (iv) and (v).

(2) *Emergencies.* (i) A written plan for emergency situations shall be developed for each facility involved in a toluene operation in which there is a possibility of an emergency as defined by paragraph (b) (2) of this section. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in paragraphs (f) (2) and (h) of this section until the emergency is abated.

(iii) Employees not engaged in correcting the emergency shall be restricted from the area and normal operations in the affected area shall not be resumed until the emergency is abated.

(h) *Protective equipment.* (1) Where splashes, sprays, spills, or skin or eye contact with liquid toluene may occur:

(i) employers shall provide and require employees to wear impermeable clothing, gloves, or coverings to protect the area of the body likely to come in contact with liquid toluene in accordance with § 1910.94(d) (9) (ii), (iii), (iv) and (v).

(ii) Eye and face protection shall be provided in accordance with § 1910.133 (a) (2), (3), (4), (5) and (6).

(i) *Fire and safety.* The employer shall familiarize himself with the information contained in the substance technical guidelines for toluene (Appendix B) in order to ensure the safe handling and use of toluene.

(1) For the purposes of compliance with §§ 1910.308 and 1910.178, locations classified as hazardous due to the presence of toluene shall be Class I, Group D.

(2) For the purpose of compliance with § 1910.157, toluene is classified as a Class B fire hazard.

(3) For the purpose of compliance with § 1910.106, liquid toluene is classified as a Class IB flammable liquid. Spray finishing operations shall be performed in accordance with §§ 1910.107 and 1910.94(c). Dip tank operations shall be performed in accordance with §§ 1910.108 and 1910.94(d).

(4) Sources of ignition such as smoking or open flames shall be prohibited where toluene is used or stored.

(j) *Housekeeping.* (1) Spills of toluene which may result in exposure in excess of the TWA or ceiling limits or which may expose employees to the risk of skin or eye contact shall be cleaned up immediately by persons wearing appropriate protective equipment. Persons not wearing approved respiratory protection and appropriate protective equipment shall not be allowed in areas of the spills until cleanup has been completed or the concentration of toluene is within permissible levels.

(2) The workplace shall be kept clean in accordance with § 1910.141(a) (3).

(3) Toluene waste shall be collected and disposed of in closed metal containers.

(k) *Sanitation.* (1) The employer shall provide an adequate number of washing facilities, soap and water in accordance with § 1910.141(d).

(2) The employer shall provide eye wash facilities that are suitable for quick drenching or flushing of the eyes for immediate emergency use where toluene is handled.

(l) *Employee information and training*—(1) *Training program.* (i) The employer shall provide a training program for employees assigned to workplace areas in which toluene is produced, released, packaged, repackaged, stored, handled or used.

(ii) The training program shall be provided at the time of initial assignment, and at least annually thereafter, and shall include informing each employee of:

(A) The information contained in the substance data sheets for toluene, which is contained in Appendices A and B;

(B) The quantity, location, manner of use, release or storage of toluene, and the specific nature of operations which could result in exposure at or above the action level as well as necessary protective steps;

(C) The purpose, proper use, and limitations of respiratory devices as specified in § 1910.134;

(D) The purpose, and a description of, the medical surveillance program as required by paragraph (n) of this section, and the information contained in Appendix C;

(E) Emergency procedures as required by paragraph (g) (2) of this section; and

(F) A review of this standard.

(2) *Access to training materials.* (i) A copy of this standard and its appendices shall be made readily available to all employees exposed to toluene.

(ii) All materials relating to the employee information and training program shall be provided upon request to the Secretary and the Director.

(m) *Labels.* (1) Labels required by this paragraph may be in addition to or in combination with labels required by other statutes, regulations or ordinances.

(2) No statement shall appear on or near any required label or instruction which contradicts or detracts from the effect of such required label or instruction.

(3) Precautionary labels shall be applied to all containers, packages or equipment containing toluene. The label shall provide at least the following information:

(i) The word "CAUTION" or "WARNING,"

(ii) The word "TOLUENE"

(iii) A warning statement that the substance is toxic and flammable; and

(iv) A warning statement against breathing vapors and against having skin or eye contact with liquid toluene.

(n) *Medical surveillance*—(1) *General requirements.* (i) Each employer who has a place of employment in which employees are, or will be exposed to concentrations of toluene, at or above the action level or in excess of the ceiling level, without regard to the use of respirators, shall institute a medical surveillance program.

(ii) The program shall provide each affected employee with an opportunity for medical examinations in accordance with this paragraph.

(iii) If any employee refuses any required medical examination, the employer shall inform the employee of the possible health consequences of such refusal and shall obtain a signed statement from the employee indicating that the employee understands the risk involved in the refusal to be examined.

(iv) All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided during the employee's normal working hours, without cost to the employee.

(2) *Initial examinations.* At the time of initial assignment, or upon institution of medical surveillance, the following shall be performed by the physician:

(i) A medical history, which shall cover at least:

(A) Cardiac problems and pulmonary diseases;

(B) Kidney disease;

(C) Liver disease;

(D) Incidences of headache, nausea, dizziness;

(E) Eye complaints;

(F) Irritation of mucous membranes; and

(G) Skin irritations;

(ii) A complete work history; and

(iii) A medical examination which must include at least the following:

(A) A general physical examination;

(B) Uurinalysis;

(C) Pulmonary function test; and

(D) Complete blood count;

(3) *Periodic examinations.* Examinations specified in this paragraph shall be performed at least annually for all employees specified in paragraph (n)(1) of this section.

(4) *Alternative medical examinations.* If the examining physician determines that medical examinations alternative to those specified in paragraph (n)(2) of this section will provide at least equal assurance of detecting medical conditions pertinent to protecting the employee against exposure to toluene, the employer may accept such alternative medical surveillance examinations as meeting the requirements of paragraph (n) of this section, provided that the employer:

(i) Obtains a statement from the examining physician setting forth the alternative medical examinations and the rationale for their substitution and submits such statement to the Secretary; and

(ii) Informs each exposed employee of the fact that alternative medical examinations to those required in paragraph (n)(2) of this section are to be made available.

(5) *Interim examinations.* (i) Each employee exposed to toluene due to the occurrence of an emergency shall be provided the medical examinations prescribed in paragraph (n)(2) of this section.

(ii) If the employee is accidentally or otherwise exposed by ingestion, inhalation or by skin or eye contact under conditions known or suspected to be hazardous, or for any reason develops signs and symptoms commonly associated with toxic exposure to toluene, the employer shall provide appropriate emergency medical treatment.

(6) *Information provided to the physician.* The employer shall provide the following information to the examining physician.

(i) A copy of this regulation for toluene including Appendices A, B, and C.

(ii) A description of the affected employee's duties as they relate to his exposure;

(iii) A description of any personal protective equipment used;

(iv) The results of the employee's exposure measurement, if available;

(v) The employee's anticipated exposure level; and

(vi) Upon request of the physician, information from previous medical examinations of the affected employee.

(7) *Physician's written opinion.* (i) The employer shall obtain a written opinion from the examining physician, containing the following:

(A) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of his health from exposure to toluene, or which would directly or indirectly aggravate any detected medical condition;

(B) Any recommended limitations upon the employee's exposure to toluene and upon the use of protective equipment and respirators; and

(C) A statement that the employee has been informed by the physician of any medical conditions which require further examination or treatment.

(ii) The written opinion shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(iii) A copy of the physician's written opinion shall be provided each employee.

(iv) If the employer determines, on the basis of the physician's written opinion, that any employee's health would be materially impaired by continued exposure to toluene, such employee shall be withdrawn from possible exposure to toluene.

(o) *Recordkeeping.* (1) *Exposure determinations.* The employer shall keep an accurate record of all determinations as prescribed in paragraphs (e)(1) and (e)(2) of this section.

(i) This record shall include the written determination and any supporting documentation required in paragraph (e)(2) of this section.

(ii) This record shall be maintained for at least two years and shall include the most recent determination.

(2) *Measurement.* The employer shall keep an accurate record of all measurements taken to monitor employee exposure to toluene.

(i) This record shall include:

(A) The date of measurements;

(B) The operation involving exposure to toluene which is being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy;

(D) Number, duration, and results of samples taken;

(E) Type of protective devices worn, if any; and

(F) Name, and social security number, and exposure of the employee monitored.

(ii) This record shall be maintained for at least 10 years.

(3) *Mechanical ventilation measurements.* When mechanical ventilation is used as an engineering control, the employer shall maintain a record of the measurements demonstrating the effectiveness of such ventilation as required by paragraph (f)(1)(v) of this section.

(i) This record shall include:

(A) Date of measurement;

(B) Type of measurement taken; and

(C) Result of measurement.

(ii) This record shall be maintained for at least 2 years.

(4) *Employee training.* The employer shall keep an accurate record of all employee training required by paragraph (1) of this section.

(i) This record shall include:

(A) Date of training;

(B) Name and social security number of employee trained; and

(C) Content or scope of training provided.

(ii) This record shall be maintained for at least 2 years.

(5) *Medical surveillance.* The employer shall keep an accurate medical record for each employee subject to medical surveillance required by paragraph (n) of this section.

(i) The record shall include:

(A) Physician's written opinion;

(B) Any employee medical complaints related to exposure to toluene;

(C) A copy of the information provided to the physician as required by paragraph (n)(6) of this section; and

(D) A signed statement of any refusal to be examined, as required by paragraph (n)(3) of this section.

(ii) This record shall be maintained for at least 10 years.

(6) *Availability.* (i) All records required to be maintained by this section shall be made available upon request to the Secretary and the Director for examination and copying.

(ii) Written determinations and employee exposure measurements records as required by paragraphs (o)(1) and (o)(2) of this section shall be made available for examination and copying to employees, former employees, and their designated representatives.

(iii) Employee medical records required to be maintained by this section shall be made available upon request for

examination and copying to a physician designated by the employee or former employee.

(7) *Transfer of records.* (i) In the event the employer ceases to do business, the successor shall receive and retain all records required to be maintained by this section.

(ii) In the event the employer ceases to do business and there is no successor to receive and retain his records, these records shall be transmitted by registered mail to the Director, and each employee and former employee shall be individually notified in writing of this transfer.

(p) *Observation of monitoring.* (1) *Employee observation.* The employer shall give his employees or their representatives an opportunity to observe any measuring of their exposure to toluene which is conducted pursuant to this section.

(2) *Observation procedures.* (i) When observation of the monitoring of employee exposure to toluene requires entry into an area where the use of personal protective equipment is required, the observer shall be provided with and required to use such equipment and shall comply with all other applicable safety procedures.

(ii) Without interfering with the measurement, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the measurement of airborne concentrations of toluene performed at the place of exposure; and

(C) Record the results obtained.

(q) *Effective date.* This standard shall become effective 30 days following publication of the final standard in the FEDERAL REGISTER.

(r) *Start-up dates*—(1) *Determination and measurement.* (i) Determinations and measurements prescribed in paragraph (e) of this section shall be instituted within three months of the effective date of the final standard except that for new production areas or operations, such determinations and measurements shall be instituted within 30 days of startup of operation.

(2) *Medical surveillance.* Medical surveillance prescribed in paragraph (n) of this section shall be instituted within three months of the effective date of the final standard.

(s) *Appendices.* The information contained in the appendices of this section is not intended, in itself, to create any additional obligations not otherwise imposed by the standard, or to detract from any existing obligations.

APPENDIX A—SUBSTANCE SAFETY DATA SHEET

TOLUENE

I. *Substance identification*

A. *Substance:* Toluene.

NOTE.—Poorer grades of toluene may contain as much as 25% benzene, which can result in vapor containing 50% benzene. Since benzene presents a much greater hazard to health than toluene, its presence as a contaminant is of prime concern.

B. *Permissible Exposures*—(1) *Airborne.* 100 parts of toluene vapor per million parts of air (ppm) averaged over an 8-hour work shift (8-hour TWA) based on a 40-hour week, and a ceiling of 200 ppm determined using a sampling time of 15 minutes.

(2) *Eye and skin.* Eye contact or repeated skin contact with liquid toluene is prohibited.

(3) *Ingestion.* All necessary precautions should be taken to prevent ingestion of liquid toluene.

C. *Appearance and odor.* Toluene is a colorless, non-corrosive liquid with a benzene-like odor. At first, the odor of toluene is easily noticeable at concentrations of 200 ppm, but as exposure continues, the sense of smell becomes dulled so that odor cannot be used as a reliable warning.

II. *Health hazard data.*

(A) *General:* Medical effects may result from breathing air contaminated with toluene vapor. Toluene may also affect your body if the liquid form contacts your eyes or skin, or if you swallow it.

(B) *Effects of Overexposure:* (1) *Short-term Exposure.* Breathing air contaminated with toluene vapor produces headaches, muscular weakness, nausea, mental confusion, incoordination, drowsiness and fatigue. On contact with the skin, toluene may cause a temporary burning sensation. In contact with the eyes, the liquid can cause serious burns.

(2) *Long-term Exposure.* Repeated daily exposures to air concentrations significantly above the permissible limits will produce chronic intoxication manifested by nervousness, insomnia, fatigue and loss of appetite and weight. Repeated exposures to very high concentrations (producing marked acute effects) over long periods of time may cause permanent brain damage. Repeated contact with the liquid will cause drying and cracking of the skin, which may result in dermatitis.

(3) *Reporting Signs and Symptoms.* If you develop any of the signs or symtoms noted above due to exposure to toluene, inform your employer.

III. *Emergency first aid procedures*

(A) *Eye Exposure.* If liquid toluene gets into your eyes, wash your eyes immediately with large amounts of water. Remove contact lenses if worn. Call a physician as soon as possible.

(B) *Skin Exposure.* If liquid toluene gets on your skin, wash promptly using large quantities of water. If toluene soaks through your clothing, remove the clothing promptly and wash the skin. If irritation persists, get medical attention.

(C) *Breathing.* If you or any other person breathes in a large amount of toluene vapor move the exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Keep the affected person warm and at rest. Get medical attention immediately.

(D) *Swallowing.* If you or any other person swallows toluene, do not cause the person to vomit. Get medical attention immediately.

(E) *Rescue.* Move affected person from the hazardous exposure. If the exposed person has been overcome, notify someone else and put into effect the established emergency rescue procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the locations of the equipment before the need arises.

IV. *Respirators and protective clothing.*

(A) *Respirators.* You must wear a respirator whenever you are in an atmosphere where toulene concentrations exceed the permissible limits. However, respirators can only be required for routine use if your employer is in the process of installing controls, or in situations where these controls cannot feasibly reduce exposure levels to within permissible limits. If respirators are worn, they must have a U.S. Bureau of Mines (BM), Mining Enforcement Safety Administration (MESA) or National Institute for Occupational Safety and Health (NIOSH) seal of approval. If you experience difficulty breathing while wearing a respirator, tell your employer.

(B) *Clothing.* Your employer must supply you with the appropriate work clothing to prevent repeated contact with liquid toluene.

(C) *Eye and Face Protection.* You must wear splash-proof safety goggles whenever it is possible for liquid toluene to come into contact with your eyes. Also, a face shield must be worn if there is danger of splashing toluene on your face.

V. *Precautions for safe use, handling, and storage.*

Toluene should be stored in a cool, dry, well ventilated area. Your supervisor must tell you where toluene is used in your work area, and about any additional plant safety procedures.

APPENDIX B—SUBSTANCE TECHNICAL GUIDELINES

TOLUENE

I. *Physical and chemical data*

(A) *Identification*—(1) *Synonyms:* Toluol, methylbenzene, methacide, phenylmethane

(2) Formula: $C_6H_5CH_3$

(B) *Physical Data*

(1) Boiling Point (760 mm Hg): 110.60 C (231° F)

(2) Specific Gravity (20° C): 0.866

(3) Vapor Density (air =1): 3.14

(4) Melting Point: −95° C (−139° F)

(5) Vapor pressure 25° C (77° F): 28 mm Hg

(6) Solubility: Not soluble in water but miscible with most organic solvents.

(7) Evaporation Rate: Moderate.

(8) Appearance: Colorless liquid

(9) Odor: Aromatic, benzene-like

II. *Fire, explosion and reactivity hazard data*

(A) *Fire*

(1) Flash Point (closed cup): 4.4 C (40° F)

(2) Autoignition Temperature: 552° C (1026° F)

(3) Flammable Limits in Air, percent by volume: Lower 1.27 Upper: 7.0

B. *Reactivity*

(1) Conditions contributing to instability: Heat

(2) Incompatibility: Acids and oxidizing materials

(3) Hazardous decomposition products: Toxic gases and vapors (such as carbon monoxide)

III. *Spill and leak procedures.*

(A) Steps to be taken if toluene is released or spilled: Large amounts of water spray should be used to flush the spills. Do not flush toluene into a confined space, such as a sewer, because of explosion danger. Remove all ignition sources. Ventilate enclosed places.

(B) Persons not wearing protective equipment should be restricted from areas of spills until cleanup has been completed.

(C) *Waste Disposal Method.* Disposal methods must conform to regulations of agencies having jurisdiction. If allowed toluene may be disposed of: (a) by absorbing it in dry sand or earth and disposing in a sanitary land fill; (b) If small quantities, by removing it to a safe location away from buildings or other combustibles, pouring it on dry sand or earth and cautiously igniting it; (c) if large quantities, by atomizing in a suitable combustion chamber.

IV. Monitoring and measurement procedures

(A) *Exposures Above Action Level.* Measurements taken for the purpose of determining employee exposure are best taken in a fashion such that the average 8-hour exposure may be determined from a single sample or two (2) 4-hour samples. Short time interval samples (up to 30 minutes) may also be used to determine the average exposure level if a minimum of five (5) measurements are taken in a random manner over the 8-hour work shift. Random sampling means that any portion of the work shift has the same chance of being sampled as any other. The arithmetic average of all such random samples taken on one (1) work shift is an estimate of an employee's average level of exposure for that work shift. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analysis may be performed by instruments, such as portable direct-reading instruments, gas and vapor absorption tubes with subsequent chemical analysis, dosimeters, or continuous monitoring systems that can sample and analyze those amounts most likely to represent the highest airborne concentrations of toluene to which employees are exposed. The analytical method must determine the concentration of toluene to plus or minus 35%.

B. *Exposures Above Permissible Limits.* This monitoring method should be essentially the same as described above, except that portable direct reading instruments should be NIOSH-certified and should receive regular maintenance and calibration. Laboratories performing chemical analyses should be accredited in Industrial Hygiene Chemistry by the American Industrial Hygiene Association (AIHA). The analytical method must determine the concentration of toluene to plus or minus 25%.

V. *Miscellaneous precautions*

A. High exposure to toluene can occur when transferring the liquid from one container to another. Such operations should be well-ventilated and good work practices should be established to avoid spills.

B. Non-sparking tools should be used to open toluene containers, and the containers should be effectively grounded and bonded prior to pouring.

C. Employers should advise employees of all plant areas and operations where exposure to toluene could occur. A few of the common operations in which high exposures to toluene may be encountered are manufacture of benzene, gasoline, explosives, lacquer, varnish and rubber cement.

APPENDIX C—MEDICAL SURVEILLANCE GUIDELINES

I. Route of entry—Primarily inhalation; also skin and eye contact, ingestion.

II. Toxicology—Toluene is a central nervous system depressant. It can also cause a skin irritation upon prolonged skin contact with liquid toluene.

III. Signs and symptoms—Headache, nausea, dizziness, uncoordination, mental confusion, fatigue, irritation of eyes and skin, and irritation of respiratory tract.

IV. Special tests—None in common usage.

V. Treatment—Remove from exposure. Flush eyes and skin with water.

If swallowed, do not make person vomit.

VI. Surveillance and preventive considerations—A. *Preplacement.* A routine medical examination and a complete medical and work history are required to be made available. Those employees giving a positive history on these conditions (listed below) should not be placed where there is increased risk from toluene.

1. *Skin disease.* Liquid toluene can cause dermatitis on prolonged exposure. Persons with preexisting skin disorders may be more susceptible to the effects of this agent.

2. *Liver and kidney disease.* There have been reported cases of liver enlargement due to inhalation of toluene. Although this is not common, people with liver disease should not be placed in an area of possible exposure.

3. *Those suffering from paralysis, convulsive seizures, and highly nervous states.* As toluene is a central nervous system depressant, people with these types of problems should not be exposed to high levels of this solvent.

C. *Periodic examinations:* Annual physical examinations are required to be made available. These should include as a minimum a urinalysis, CBC, a pulmonary function test.

3. In § 1910.19, the subject heading is changed and the following paragraph is proposed to be added to read as follows:

§ 1910.19 Special provisions for air contaminants.

* * * * *

Section 1910.1029 shall apply to the exposure of every employee to toluene vapor, mist, or liquid in every employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, and 1910.16, in lieu of any different standard on exposure to toluene which would otherwise be applicable by virtue of any of those sections.

(Secs. 4, 6, 8, 84 Stat. 1592, 1593, 1599 (29 U.S.C. 653, 655, 657) and 29 CFR Part 1911).

[FR Doc.75-26463 Filed 9-30-75;3:52 pm]

federal register

MONDAY, OCTOBER 6, 1975



PART IV:

FEDERAL ENERGY ADMINISTRATION

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NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATIONS

FEDERAL ENERGY ADMINISTRATION

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice for October 1975

Pursuant to the provisions of 10 CFR 211.163(b)(2), 211.165 and 211.166(d)(2), the Federal Energy Administration (FEA) hereby provides notice of the volumes of residual fuel oil allocated to each utility and the percentage of such volumes required to be supplied by each supplier for delivery in October 1975. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities and suppliers, pursuant to the criteria of 10 CFR 205.25 and are reflected in the Appendix.

The utility allocations were determined after review of the relative availability of supplies of residual fuel oil for allocation to both utility and nonutility uses. In calculating the allocation level for each utility the FEA considered all of the factors enumerated in 10 CFR 211.163(b)(2) and also the following other factors:

1. The data contained in the Federal Power Commission (FPC) Form 23B submitted by utilities;

2. Natural gas curtailments;

3. FEA's prediction that the supply level of residual fuel oil is expected to generally equate to the total demand.

The amounts shown in the Appendix are the quantities of residual fuel oil to be delivered to the utilities listed during the month of October 1975. Some utilities will not receive any allocation for this month for various reasons including the fact that these utilities burn other fuels primarily and use residual fuel oil only for standby purposes.

The Appendix provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of each month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEA burn level. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parentheses. The supplier in parentheses is presumed, on the basis of the best information available, to be the supplier of the utility's supplier. This information is provided for the convenience of such suppliers and the FEA requests that any additions or corrections in this regard be forwarded to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of October to avoid undue hardship. FEA will consider special circumstances such as unexpected outages which cause fuel consumption to exceed FEA burn levels in any month. Such corrections or adjustments shall be made pursuant to Subparts B and C of 10 CFR Part 205.

FEA expects the utilities to consume supplies at or below FEA burn levels, which are based on the utilities' proposed burn levels.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of FPC Form 23B. Thus, the timely submission of FPC Form 23B will be a necessary prerequisite to receiving allocations under the Mandatory Petroleum Allocation Program.

Reports should be addressed to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

Issued in Washington, D.C., September 29, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

APPENDIX

RESIDUAL FUEL ALLOCATIONS TO UTILITIES FOR OCTOBER 1975

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
UNITED ILLUMINATING CO	639,000			639,000
WYATT INC (EXXON)		13.00	83,070	
TEXACO		87.00	555,930	
NORTHEAST UTILITIES	1,716,000			1,716,000
HN-HARTWELL&SONS-INC		1.00	17,160	
WYATT-INC-(EXXON)		10.00	171,600	
AMERADA-HESS		68.00	1,166,880	
TAD-JONES-CO-(GULF)		21.00	360,360	
MAINE				
BANGOR HYDRO ELEC. CO.	30,357			30,357
SPRAGUE		100.00	30,357	
CENTRAL MAINE POWER CO.	227,000			227,000
TEXACO		100.00	227,000	
MAINE PUBLIC SERVICE CO.	7,738			7,738
DEAD RIV.O.(SPRAGUE)		100.00	7,738	
MASSACHUSETTS				
BOSTON EDISON CO.	1,496,000			1,496,000
SPRAGUE		12.00	179,520	
WHITE FUEL (TEXACO)		46.00	688,160	
EXXON		42.00	628,320	
FITCHBURG GAS & EL.	15,000			15,000
NORTHEAST PETROLEUM		100.00	15,000	
E.UTIL.ASSOC.(MONTAUP&BL	223,000			223,000
TEXACO		100.00	223,000	
BRAINTREE ELEC. LT. DEPT	15,884			15,884
CK SMITH(GOLD.EAGLE)		100.00	15,884	
HOLYOKE GAS AND ELECTRIC	12,745			12,745
WYATT INC (EXXON)		100.00	12,745	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
PEABODY ELECTRIC LT DEPT	0			0
TAUNTON MUN. LT.	104,844			104,844
QUINCY OIL CO (EXXON		100.00	104,844	
NEW ENG. G & E	898,000			898,000
NEW ENGLAND PETRO		84.80	761,504	
WHITE FUEL(TEXACO)		15.20	136,496	
NEW ENG. ELEC	1,876,000			1,876,000
ASIATIC PETRO CORP		60.00	1,125,600	
PRULEASE		.10	1,876	
PETRO-MKT-CORP		39.90	748,524	
NEW HAMPSHIRE				
PUB SER OF N.H.	465,000			465,000
SPRAGUE		26.30	122,295	
CONOCO		73.70	342,705	
NEW YORK				
CENTRAL HUDSON GAS & ELE	888,840			888,840
AMERADA HESS CORP		100.00	888,840	
CONSOL EDISON OF NY	3,464,000			3,464,000
NEW ENGLAND PETRO		45.50	1,576,120	
AMERADA HESS CORP		22.30	772,472	
EXXON		20.80	720,512	
TEXACO		11.40	394,896	
LONG ISLAND LIGHT CO.	1,500,000			1,500,000
NEW ENGLAND PETRO		100.00	1,500,000	
ORANGE & ROCKLAND UTILIT	893,922			893,922
New England Petrol		51.50	460,369	
HOWARD-FUEL-CORP		11.20	100,119	
AMERADA-HESS-CORP		29.90	267,282	
ASIATIC-PETRO-CORP		7.40	66,150	
ROCHESTER GAS & ELECTRIC	96,042			96,042
ALLIED O		29.70	28,524	
MONOCO OIL COMPANY		70.30	67,517	
FREEPORT, VILLAGE OF	0			0

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
NIAGARA MOHAWK POWER CO.	980,948			980,948
NEW ENGLAND PETRO		100.00	980,948	
RHODE ISLAND				
NEWPORT ELECTRIC CORP	3,550			3,550
CK SMITH		100.00	3,550	
2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)				
DELAWARE				
DELMARVA PWR & LT	536,000			536,000
GULF		8.00	42,880	
STEUART PETROLEUM CO		22.00	117,920	
CONOCO		65.00	348,400	
TEXACO		5.00	26,800	
DOVER, CITY OF	67,600			67,600
TEXACO		100.00	67,600	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	713,000			713,000
STEUART PETROLEUM CO		21.00	149,730	
ASIATIC PETRO CORP		79.00	563,270	
MARYLAND				
BALTIMORE GAS & ELECTRIC	644,016			644,016
AMERADA HESS CORP		52.70	339,396	
EXXON		47.30	304,619	
NEW JERSEY				
PUBLIC SERVICE ELECTRIC	1,501,000			1,501,000
AMERADA HESS CORP		78.00	1,170,780	
EXXON		22.00	330,220	
VINELAND, CITY OF ELEC.	46,438			46,438
BRITISH PETROLEUM		100.00	46,438	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
ATLANTIC CITY ELECTRIC C	424,140			424,140
AMERADA HESS CORP		60.00	254,484	
CONOCO		40.00	169,656	
GPU INTEGRATED SYSTEM	288,738			288,738
SHIPLEY-HUMBLE		1.00	2,887	
AMERADA HESS CORP		94.00	271,413	
SWANN OIL INC		5.00	14,436	
PENNSYLVANIA				
PENNSYLVANIA PWR & LT	464,000			464,000
AMERADA-HESS-CORP		100.00	464,000	
PHILADELPHIA ELECTRIC CO	1,286,400			1,286,400
NEW ENGLAND PETRO		2.10	27,014	
AMERADA HESS CORP		21.50	276,576	
ARCO		28.50	366,624	
GULF		9.00	115,776	
CONOCO		14.90	191,673	
TEXACO		24.00	308,736	
3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)				
FLORIDA				
FLORIDA P & L	2,902,000			2,902,000
EXXON		15.00	435,300	
BELCHER OIL(EXXON)		85.00	2,466,700	
FLORIDA POWER CORPORATIO	1,800,000			1,800,000
AMERADA HESS CORP		40.00	720,000	
EXXON		60.00	1,080,000	
GULF POWER CO.	8,127			8,127
BAKER SERVICE(EXXON)		100.00	8,127	
TAMPA ELECTRIC CO.	140,783			140,783
WESTERN (NEW ENG PET		100.00	140,783	
FORT PIERCE, CITY OF	49,000			49,000
BELCHER-OIL-(EXXON)		100.00	49,000	
GAINESVILLE, CITY OF	100,214			100,214
EASTERN SEABOARD		100.00	100,214	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
JACKSONVILLE ELEC. AUTH.	658,333			658,333
VEN FUEL INC		82.60	543,783	
NEW ENGLAND PETRO		8.70	57,274	
AMERADA HESS CORP		8.70	57,274	
KEY WEST UTILITIES	65,405			65,405
STD.OIL-KY		100.00	65,405	
LAKE WORTH UTIL AUTHORIT	0			0
LAKELAND LIGHT & WTR DEP	108,900			108,900
BELCHER(STD.OIL-KY)		100.00	108,900	
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM.	431,000			431,000
BELCHER		100.00	431,000	
SEBRING UTILITIES COMM.	1,422			1,422
UNION OIL OF CA		100.00	1,422	
TALLAHASSEE, CITY OF	126,963			126,963
UNION OIL OF CA		100.00	126,963	
VERO BEACH MUNICIPAL POW	34,428			34,428
BELCHER OIL(EXXON)		100.00	34,428	
FLORIDA KEYS ELEC COOP	0			0
GEORGIA				
GEORGIA POWER COMPANY	91,792			91,792
NEW ENGLAND PETRO		100.00	91,792	
SAVANNAH ELECTRIC & POWE	202,200			202,200
COLONIAL OIL(EXXON)		100.00	202,200	
MISSISSIPPI				
MISSISSIPPI POWER CO.	27,100			27,100
BAKER SERVICE(EXXON)		55.00	14,905	
ERGON(INTL TRADING)		45.00	12,195	
SOUTH MISSISSIPPI ELEC	0			0

	9 RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
NORTH CAROLINA				
CAROLINA POWER & LT.	0			0
SOUTH CAROLINA				
S.CAROLINA PUB SERV AUTH	0			0
S.CAROLINA ELEC & GAS CO	458,300			458,300
EXXON		100.00	458,300	
VIRGINIA				
VIRGINIA ELECTRIC POWER	1,282,000			1,282,000
ASIATIC PETRO CORP		16.60	212,812	
NEW-ENGLAND-PETRO		15.60	199,992	
EXXON		47.30	606,386	
AMOCO		20.50	262,810	
4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)				
ARKANSAS				
JONESBORO WATER AND LIGH	0			0
ARKANSAS ELEC COOP	117,735			117,735
LOGICON INC (SHELL)		80.00	94,188	
E L BRIDE(TEXACO)		20.00	23,547	
COLORADO				
CT&U, S.COLO PWR DIV.	0			0
KANSAS				
CENTRAL KANSAS PWR	2,932			2,932
GR.PLS(CRA-FARMLAND)		100.00	2,932	
CT&U, WESTERN PWR DIV	56,600			56,600
CARTER-WTR		4.00	2,264	
AMOCO		73.00	41,318	
NO-AMER-PETRO		23.00	13,018	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
KANSAS GAS & ELEC	71,000			71,000
ASPH&PETRO INDUST		84.70	60,137	
FRONTIER PRODUCTION		15.30	10,863	
KANSAS POWER & LIGHT	152,700			152,700
GR.PLS		38.40	58,636	
NTL COOP REFINERY		15.50	23,668	
PHILLIPS PETROLEUM		46.10	70,394	
CHANUTE,CITY OF	1,367			1,367
MID AMER.REFINING		100.00	1,367	
CLAY CENTER LT&WTR	0			0
COFFEYVILLE LT & PWR	0			0
LARNED WTR & ELEC	0			0
MCPHERSON BD OF PUB UTIL	2,500			2,500
NTL COOP REFINERY		100.00	2,500	
OTTAWA WTR & LT	0			0
LOUISIANA				
CENTRAL LOUISIANA ELECTR	40,000			40,000
FALCO		66.70	26,680	
ATLAS(PENNZOIL)		33.30	13,320	
JONESBORO POWER & LIGHT	0			0
SOUTHWESTERN ELECTRIC PO	10,000			10,000
FALCO		100.00	10,000	
MIDDLE SOUTH SERVICES	1,272,000			1,272,000
E L BRIDE(OKC REF.)		1.70	21,624	
TAUBER OIL CO		20.50	260,760	
ERGON INC (EXXON)		3.80	48,336	
REESE OIL(SUN OIL)		.30	3,816	
SHELL		21.30	270,936	
EXXON		12.90	164,088	
MURPHY OIL CORP		30.00	381,600	
TEXACO		9.50	120,840	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
MISSISSIPPI				
CLARKSDALE WTR & LT	9,515			9,515
SOUTHLND OIL		100,00	9,515	
YAZOO CITY PUB SERV	0			0
MISSOURI				
ST JOSEPH LT & PWR	0			0
EMPIRE DIST ELEC	0			0
OKLAHOMA				
OKLAHOMA GAS & ELEC	0			0
BLACKWELL WTR & LT	0			0
WESTERN FARMERS ELEC COO	0			0
TEXAS				
GULF STATES UTILITIES	250,000			250,000
LAJET		4,00	10,000	
EXXON		20,10	50,250	
SOUTH HAMPTON CO		22,30	55,750	
TENNECO		16,10	40,250	
COASTAL STATES MKTG		37,50	93,750	
5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)				
DALLAS POWER &LT.	0			0
HOUSTON LIGHT & PWR	0			0
TEXAS ELEC SERV	118,510			118,510
SHELL		24,10	28,560	
WINSTON REFINING		61,30	72,646	
J&W REFINING		4,10	4,858	
TESORO		10,50	12,443	
TEXAS PWR & LT	0			0

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
WEST TEXAS UTIL	67,300			67,300
PRIDE REFINING INC		100.00	67,300	
AUSTIN CITY ELEC DEPT	11,905			11,905
TESORO		100.00	11,905	
BRYAN, CITY OF	0			0
GARLAND,CITY OF	0			0
LOWER COLORADO RIVER AUT	0			0
SAN ANTONIO PUB SERV	460			460
TESORO		100.00	460	
BRAZOS ELEC COOP	0			0
MEDINA ELEC COOP	0			0
6. MID-AMERICA INTERPOOL NETWORK (MAIN)				
ILLINOIS				
COMMONWEALTH EDISON CO.	343,000			343,000
ALLIED O,		98.00	336,140	
CLARK OIL&REF.CORP		2.00	6,860	
ILLINOIS POWER CO	53,000			53,000
ALLIED O,		100.00	53,000	
MISSOURI				
UNION ELECTRIC	50,800			50,800
APEX OIL CO		100.00	50,800	
WISCONSIN				
SUPERIOR WTR & LT	10,715			10,715
MURPHY OIL CORP		100.00	10,715	
WISCONSIN ELEC PWR	12,931			12,931
INDUST FUEL&ASPHALT		100.00	12,931	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)				
IOWA				
ATLANTIC MUNICIPAL UTILI	4,167			4,167
MCMILLAN OIL CO		100.00	4,167	
LAMONI MUNIC	0			0
INTERSTATE POWER	0			0
MINNESOTA				
MINNESOTA PWR & LT	30,700			30,700
MURPHY OIL		100.00	30,700	
AUSTIN UTILITIES	0			0
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	0			0
OWATONNA MUN UTIL	11,587			11,587
GUSTAFSON OIL CO		40.00	4,634	
NORTHWESTERN REF		60.00	6,952	
WORTHINGTON, CITY OF	1,873			1,873
ALLIED O,		100.00	1,873	
NORTHERN STATES PWR	21,290			21,290
E L BRIDE(TEXACO,WC)		100.00	21,290	
NEBRASKA				
CENTRAL NEBRASKA PUBLIC	7,314			7,314
FARMLAND INDUSTRIES		100.00	7,314	
FAIRBURY LT & WTR	5,240			5,240
CARTER WTR(TEXACO)		100.00	5,240	
GRAND ISLAND ELEC	12,821			12,821
E L BRIDE		100.00	12,821	
HASTINGS UTILITIES DEPT	0			0

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
LINCOLN ELECTRIC SYSTEM	4,845			4,845
E.L. BRIDE CO		100.00	4,845	
NEBRASKA PUBLIC POWER DI	24,360			24,360
PANHANDLE COOP ASSOC		100.00	24,360	
OMAHA PUB PWR DIST	15,423			15,423
MILDER OIL CO		100.00	15,423	
WISCONSIN				
LAKE SUPERIOR DIST PWR	0			0
8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)				
MICHIGAN				
CLINTON LT & WTR	706			706
CRYSTAL REFINING CO		100.00	706	
GRAND HAVEN BD PUB	1,388			1,388
OSCEOLA REF		100.00	1,388	
HILLSDALE BD OF PUB WORK	2,850			2,850
LEWIS(GLADIEUX REF)		100.00	2,850	
CONSUMERS POWER	681,066			681,066
MURPHY MI.DIV.AMOCO		6.00	40,863	
ENTERPRISE OIL CO		6.00	40,863	
INDUST FUEL&ASPHALT		2.00	13,621	
RUPP OIL COMPANY		2.00	13,621	
CONSUMERS PWR-CRUDE		54.00	367,775	
BORON OIL(STANDARD)		3.00	20,431	
GLADIEUX REF		1.00	6,810	
LAKESIDE REFINING CO		14.00	95,349	
TOTAL LEONARD INC		4.00	27,242	
OSCEOLA REFINING CO		8.00	54,485	
DETROIT EDISON CO.	542,409			542,409
ENTERPRISE OIL CO		4.80	26,035	
CANADIAN FUEL MKTRS		9.90	53,698	
PETRO PRODUCTS		5.40	29,290	
SUN OIL LTD		70.00	379,686	
MARATHON OIL		9.90	53,698	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
OHIO				
CLEVELAND ELEC ILLUMIN	32,620			32,620
ALLIED O.(ASHLAND)		100.00	32,620	
TOLEDO EDISON	18,101			18,101
SUN OIL		100.00	18,101	
PENNSYLVANIA				
ALLEGHENY POWER SERVICE	102,200			102,200
ALLIED O.(NEPCO)		100.00	102,200	
9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)				
ARIZONA				
TUCSUN GAS & ELEC	370,708			370,708
GOLDEN GATE PETRO		22.00	81,555	
HOLLAND OIL(TUSCO)		5.00	18,535	
SO-UNION-OIL		51.00	189,061	
NAVAJO-REFINING		22.00	81,555	
SALT RIVER PROJECT	41,000			41,000
GUSTAFSON OIL CO		.90	369	
DOUGLAS OIL CO		2.80	1,148	
LITTLE AMERICA		19.70	8,077	
TESORO		12.40	5,084	
MACMILLAN		17.00	6,970	
POWERINE OIL CO		18.10	7,421	
SAN JOAQUIN REF		29.10	11,931	
ARIZONA PUBLIC SERVICE C	258,120			258,120
PACIFIC SOUTHWEST		16.50	42,589	
BASIN FUELS		4.00	10,324	
UNION OIL OF CAL		63.00	162,615	
SAN JOAQUIN REF		16.50	42,589	
CALIFORNIA				
PACIFIC GAS & ELECTRIC C	2,817,000			2,817,000
ARCO		71.30	2,008,521	
PHILLIPS PETROLEUM		24.00	676,080	
UNION OIL OF CA		4.70	132,399	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
SAN DIEGO GAS & ELECTRIC	1,028,000			1,028,000
HIRI		16.20	166,536	
TESORO		32.70	336,156	
UNION OIL OF CA		29.80	306,344	
EDGINGTON OIL CO		21.30	218,964	
BURBANK CITY PUBLIC SER.	127,200			127,200
ARCO		100.00	127,200	
GLENDALE PUBLIC SERVICES	129,000			129,000
POWERINE OIL CO		100.00	129,000	
IMPERIAL IRRIGATION DIST	40,900			40,900
CRESCENT REF&O(GULF)		100.00	40,900	
LOS ANGELES DEPT OF WATE	1,816,000			1,816,000
PETROBAY		7.60	138,016	
ARCO		59.80	1,085,968	
EDGINGTON OIL CO		20.90	379,544	
NEWHALL REFINING CO		5.00	90,800	
POWERINE OIL CO		3.20	58,112	
SAN JOAQUIN REF		3.50	63,560	
SOUTHERN CALIF EDISON	4,680,000			4,680,000
EXXON		20.40	954,720	
ARCO		7.80	365,040	
CONOCO		2.20	102,960	
TEXACO		9.70	453,960	
STD.OIL-CAL		50.10	2,344,680	
MACMILLAN R.F.UIL		3.00	140,400	
PACIFIC RESOURCES		6.80	318,240	
PASADENA POWER CO.	103,443			103,443
GOLD.EAGLE		100.00	103,443	
COLORADO				
PUB SERV COLORADO	155,416			155,416
CONOCO		36.40	56,571	
REF.CORP		43.50	67,605	
PLATEAU INC		20.10	31,238	
COLORADO SPRINGS LT & PW	0			0
LAMAR LT & PWR	0			0

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
MONTANA				
MONTANA POWER	0			0
NEVADA				
NEVADA POWER COMPANY	0			0
SIERRA PACIFIC POWER	112,854			112,854
GOLDEN GATE PETRO		100.00	112,854	
NEW MEXICO				
PUB SERV NEW MEXICO	10,519			10,519
SHELL		26.40	2,777	
STD.OIL-TEXAS		4.30	452	
PLATEAU INC		39.80	4,186	
THRIFTWAY		5.40	568	
NAVAJO REFINING		24.10	2,535	
PLAINS ELEC GEN & TRANSM	2,100			2,100
CARIBOU 4 CORNERS		2.20	46	
PLATEAU INC		97.80	2,053	
OREGON				
PACIFIC POWER & LIGHT CO	204			204
STD.OIL(IND)		100.00	204	
TEXAS				
COMMUNITY PUB SERV	27,050			27,050
STD.OIL-TEXAS		100.00	27,050	
EL PASO ELECTRIC	4,963			4,963
SOUTHERN UNION		74.50	3,697	
TESORO		25.50	1,265	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
UTAH				
UTAH POWER &LIGHT CO,	0			0
WASHINGTON				
PUGET SOUND POWER &LIGHT	0			0
SEATTLE DEPT OF LI	8,928			8,928
SHELL		100.00	8,928	
TACOMA DEPT OF PUBLIC UT	0			0
10, ALASKA SYSTEMS COORDINATING COUNCIL (ASCC)				
ALASKA				
CORDOVA, TOWN OF	0			0
HAWAII				
HAWAIIAN ELECTRIC COMPAN	727,470			727,470
STD,OIL-CA		100.00	727,470	
HILO ELEC LT	35,535			35,535
STD,OIL-CA		100.00	35,535	
KAUAI ELECTRIC	12,016			12,016
STD,OIL--CA		100.00	12,016	
MAUI ELECTRIC	28,764			28,764
STD,OIL-CA		100.00	28,764	
11, NOT OTHERWISE CLASSIFIED (NOC)				
UNKNOWN				
GUAM PWR AUTH	171,428			171,428
U,S,NAVY		100.00	171,428	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
UNKNOWN				
PUERTO RICO WATER RESOUR	1,776,568			1,776,568
COMMONWEALTH OIL		50.00	888,284	
PUERTO RICO SUN OIL		30.00	532,970	
CARIBBEAN GULF REF		20.00	355,313	
UNKNOWN				
ST CROIX, V.I. WTR PWR	38,633			38,633
AMERADA HESS CORP		100.00	38,633	
UNKNOWN				
ST THOMAS, V.I. WTR PWR	45,328			45,328
AMERADA HESS CORP		100.00	45,328	

[FR Doc.75-26460 Filed 9-30-75;11:23 am]

federal register

MONDAY, OCTOBER 6, 1975



PART V:

ENVIRONMENTAL PROTECTION AGENCY

■

REQUIREMENTS FOR SUBMITTAL OF IMPLEMENTATION PLANS

STANDARDS FOR NEW STATIONARY SOURCES

Emission Monitoring

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 423-6]

PART 51—REQUIREMENTS FOR THE PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS

Emission Monitoring of Stationary Sources

On September 11, 1974, the Environmental Protection Agency (EPA) proposed revisions to 40 CFR Part 51, Requirements for the Preparation, Adoption, and Submittal of Implementation Plans. EPA proposed to expand § 51.19 to require States to revise their State Implementation Plans (SIP's) to include legally enforceable procedures requiring certain specified categories of existing stationary sources to monitor emissions on a continuous basis. Revised SIP's submitted by States in response to the proposed revisions to 40 CFR 51.19 would have (1) required owners or operators of specified categories of stationary sources to install emission monitoring equipment within one year of plan approval, (2) specified the categories of sources subject to the requirements, (3) identified for each category of sources the pollutant(s) which must be monitored, (4) set forth performance specifications for continuous emission monitoring instruments, (5) required that such instruments meet performance specifications through on-site testing by the owner or operator, and (6) required that data derived from such monitoring be summarized and made available to the State on a quarterly basis.

As a minimum, EPA proposed that States must adopt and implement legally enforceable procedures to require monitoring of emissions for existing sources in the following source categories (but only for sources required to limit emissions to comply with an adopted regulation of the State Implementation Plan):

(a) Coal-fired steam generators of more than 250 million BTU per hour heat input (opacity, sulfur dioxide, oxides of nitrogen and oxygen);

(b) Oil-fired steam generators of more than 250 million BTU per hour heat input (sulfur dioxide, oxides of nitrogen and oxygen). An opacity monitor was required only if an emission control device is needed to meet particulate emission regulations, or if violations of visible emission regulations are noted;

(c) Nitric acid plants (oxides of nitrogen);

(d) Sulfuric acid plants (sulfur dioxide); and

(e) Petroleum refineries' fluid catalytic cracking unit catalyst regenerators (opacity).

Simultaneously, the Agency proposed similar continuous emission monitoring requirements for new sources for each of the previously identified source categories, subject to the provisions of federal New Source Performance Standards set forth in 40 CFR Part 60. Since many of the technical aspects of the two proposals were similar, if not the same, the proposed regulations for Part 51 (i.e., those relating to SIP's and existing sources) included by reference many specific technical details set forth in 40 CFR Part 60, (39 FR 32852).

At the time of the proposal of the continuous emission monitoring regulations in the FEDERAL REGISTER, the Agency invited comments on the proposed rulemaking action. Many interested parties submitted comments. Of the 76 comments received, 35 were from electric utility companies, 26 were from oil refineries or other industrial companies, 12 were from governmental agencies, and 3 were from manufacturers and/or suppliers of emission monitors. No comments were received from environmental groups. Further, prior to the proposal of the regulations in the FEDERAL REGISTER, the Agency sought comments from various State and local air pollution control agencies and instrument manufacturers. Copies of each of these comments are available for public inspection at the EPA Freedom of Information Center, 401 M Street, S.W., Washington, D.C. 20460. These comments have been considered, additional information collected and assessed, and where determined by the Administrator to be appropriate, revisions and amendments have been made in formulating these regulations promulgated herein.

General Discussion of Comments. In general, the comments received by the Agency tended to raise various objections with specific portions of the regulations. Some misinterpreted the proposed regulations, not realizing that emission monitoring under the proposal was not required unless a source was required to comply with an adopted emission limitation or sulfur in fuel limitation that was part of an approved or promulgated State Implementation Plan. Many questioned the Agency's authority and the need to require sources to use *continuous* emission monitors. Others stated that the proposed regulations were inflationary, and by themselves could not reduce emissions to the atmosphere nor could they improve air quality. A relatively common comment was that the benefits to be derived from the proposed emission monitoring program were not commensurate with the costs associated with the purchase, installation, and operation of such monitors. Many stated that the proposed regulations were not cost-effectively applied and they objected to *all* sources within an identified source category being required to monitor emissions, without regard for other considerations. For instance, some suggested that it was unnecessary to monitor emissions from steam generating plants that may soon be retired from operation, or steam generating boilers that are infrequently used (such as for peaking and cycling operations) or for those sources located in areas of the nation which presently have ambient concentrations better than national ambient air quality standards. This latter comment was especially prevalent in relation to the need for continuous emission monitors designed to measure emissions of oxides of nitrogen. Further, commentors generally suggested that state and local control agencies, rather than EPA should be responsible for determining which sources should monitor emissions. In this regard, the commentors suggested that a determination of the sources which should install continuous monitors should be made on a case-by-case basis. Almost all objected to the data reporting requirements stating that the proposed requirement of submission of all collected data was excessive and burdensome. Comments from state and local air pollution control agencies in general were similar to those from the utility and industrial groups, but in addition, some indicated that the manpower needed to implement the programs required by the proposed regulations was not available.

Rationale for Emission Monitoring Regulation. Presently, the Agency's regulations setting forth the requirements for approvable SIP's require States to have legal authority to require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports of emission data to the State (40 CFR 51.11(a)(6)). This requirement was designed to partially implement the requirements of Sections 110(a)(2)(F)(ii) and (iii) of the Clean Air Act, which state that implementation plans must provide "requirements for installation of equipment by owners or operators of stationary sources to monitor emissions from such sources", and "for periodic reports on the nature and amounts of such emissions". However, the original implementation plan requirements did not require SIP's to contain legally enforceable procedures mandating continuous emission monitoring and recording. At the time the original requirements were published, the Agency had accumulated little data on the availability and reliability of continuous monitoring devices. The Agency believed that the state-of-the-art was such that it was not prudent to require existing sources to install such devices.

Since that time, much work has been done by the Agency and others to field test and compare various continuous emission monitors. As a result of this work, the Agency now believes that for certain sources, performance specifications for accuracy, reliability and durability can be established for continuous emission monitors of oxygen, carbon dioxide, sulfur dioxide, and oxides of nitrogen and for the continuous measurement of opacity. Accordingly, it is the Administrator's judgment that Sections 110(a)(2)(F)(ii) and (iii) should now be more fully implemented.

The Administrator believes that a sound program of continuous emission monitoring and reporting will play an important role in the effort to attain and maintain national standards. At the present time, control agencies rely upon infrequent manual source tests and periodic field inspections to provide much of the enforcement information necessary to ascertain compliance of sources with adopted regulations. Manual source tests are generally performed on a relatively infrequent basis, such as

once per year, and in some cases, affected sources probably have never been tested. Manual stack tests are generally performed under optimum operating conditions, and as such, do not reflect the full-time emission conditions from a source. Emissions continually vary with fuel firing rates, process material feed rates and various other operating conditions. Since manual stack tests are only conducted for a relatively short period of time (e.g., one to three hours), they cannot be representative of all operating conditions. Further, frequent manual stack tests (such as conducted on a quarterly or more frequent basis) are costly and may be more expensive than continuous monitors that provide much more information. State Agency enforcement by field inspection is also sporadic, with only occasional inspection of certain sources, mainly for visible emission enforcement.

Continuous emission monitoring and recording systems, on the other hand, can provide a continuous record of emissions under all operating conditions. The continuous emission monitor is a good indicator of whether a source is using good operating and maintenance practices to minimize emissions to the atmosphere and can also provide a valuable record to indicate the performance of a source in complying with applicable emission control regulations. Additionally, under certain instances, the data from continuous monitors may be sufficient evidence to issue a notice of violation. The continuous emission record can also be utilized to signal a plant upset or equipment malfunction so that the plant operator can take corrective action to reduce emissions. Use of emission monitors can therefore provide valuable information to minimize emissions to the atmosphere and to assure that full-time control efforts, such as good maintenance and operating conditions, are being utilized by source operators.

The Agency believes that it is necessary to establish national minimum requirements for emission monitors for specified sources rather than allow States to determine on a case-by-case basis the specific sources which need to continuously monitor emissions. The categories specified in the regulations represent very significant sources of emissions to the atmosphere. States in developing SIP's have generally adopted control regulations to minimize emissions from these sources. Where such regulations exist, the Agency believes that continuous emission monitors are necessary to provide information that may be used to provide an indication of source compliance. Further, it is believed that if the selection of sources on a case-by-case basis were left to the States, that some States would probably not undertake an adequate emission monitoring program. Some State Agencies who commented on the proposed regulations questioned the state-of-the-art of emission monitoring and stated their opinion that the proposed requirements were premature. Therefore, it is the Administrator's judgment that, in order to assure an adequate nationwide emission monitoring program, minimum emission monitoring requirements must be established.

The source categories affected by the regulations were selected because they are significant sources of emissions and because the Agency's work at the time of the proposal of these regulations in the field of continuous emission monitoring evaluation focused almost exclusively on these source categories. The Agency is continuing to develop data on monitoring devices for additional source categories. It is EPA's intent to expand the minimum continuous emission monitoring requirements from time to time when the economic and technological feasibility of continuous monitoring equipment is demonstrated and where such monitoring is deemed appropriate for other significant source categories.

Discussion of Major Comments. Many commentors discussed the various cost aspects of the proposed regulations, specifically stating that the costs of continuous monitors were excessive and inflationary. A total of 47 commentors expressed concern for the cost and/or cost effectiveness of continuous monitors. Further, the Agency's cost estimates for purchasing and installing monitoring systems and the costs for data reduction and reporting were questioned. In many cases, sources provided cost estimates for installation and operation of continuous monitors considerably in excess of the cost estimates provided by the Agency.

In response to these comments, a further review was undertaken by the Agency to assess the cost impact of the regulations. Three conclusions resulted from this review. First, it was determined that the cost ranges of the various emission monitoring systems provided by the Agency are generally accurate for new sources. Discussions with equipment manufacturers and suppliers confirmed this cost information. Approximate investment costs, which include the cost of the emission monitor, installation cost at a *new* facility, recorder, performance testing, data reporting systems and associated engineering costs are as follows: for opacity, $20,000; for sulfur dioxide and oxygen or oxides of nitrogen and oxygen, $30,000; and for a source that monitors opacity, oxides of nitrogen, sulfur dioxide and oxygen, $55,000. Annual operating costs, which include data reduction and report preparation, system operation, maintenance, utilities, taxes, insurance and annualized capital costs at 10% for 8 years are: $8,500; $16,000; and $30,000 respectively for the cases described above.(1)

Secondly, the cost review indicated that the cost of installation of emission monitors for existing sources could be considerably higher than for new sources because of the difficulties in providing access to a sampling location that can provide a representative sample of emissions. The cost estimates provided by the Agency in the proposal were specifically developed for *new* sources whose installation costs are relatively stable since provisions for monitoring equipment can be incorporated at the time of plant design. This feature is not available for existing sources, hence higher costs generally result. Actual costs of installation at existing sources may vary from one to five times the cost of normal installation at new sources, and in some cases even higher costs can result. For example, discussions with instrument suppliers indicate that a typical cost of installation of an opacity monitor on an existing source may be two to three times the purchase price of the monitor. Difficulties also exist for installation of gaseous monitors at existing sources.

It should be noted that these installation costs include material costs for scaffolding, ladders, sampling ports and other items necessary to provide access to a location where source emissions can be measured. It is the Agency's opinion that such costs cannot be solely attributed to these continuous emission monitoring regulations. Access to sampling locations is generally necessary to determine compliance with applicable state or local emission limitations by routine manual stack testing methods. Therefore, costs of providing access to a representative sampling location are more directly attributed to the cost of compliance with adopted emission limitations, than with these continuous emission monitoring regulations.

Lastly, the review of cost information indicated that a number of commentors misinterpreted the extent of the proposed regulations, thereby providing cost estimates for continuous monitors which were not required. Specifically, all commentors did not recognize that the proposed regulations required emission monitoring for a source only if an applicable State or local emission limitation of an approved SIP affected such a source. For example, if the approved SIP did not contain an adopted control regulation to limit oxides of nitrogen from steam-generating, fossil fuel-fired boilers of a capacity in excess of 250 million BTU per hour heat input, then such source need not monitor oxides of nitrogen emissions. Further, some utility industry commentors included the costs of continuous emission monitors for sulfur dioxide. The proposed regulations, however, generally allowed the use of fuel analysis by specified ASTM procedures as an alternative which, in most cases, is less expensive than continuous monitoring. Finally, the proposed regulations required the continuous monitoring of oxygen in the exhaust gas only if the source must otherwise continuously monitor oxides of nitrogen or sulfur dioxide. Oxygen information is used solely to provide a correction for excess air when converting the measurements of gaseous pollutants concentrations in the exhaust gas stream to units of an applicable emission limitation. Some commentors did not recognize this point (which was not specifically stated in the proposed regulations) and provided cost estimates for oxygen monitors when they were not required by the proposed regulations.

While not all commentors' cost estimates were correct, for various reasons noted above, it is clear that the costs associated with implementing these emission monitoring regulations are sig-

nificant. The Administrator, however, believes that the benefits to be derived from emission monitoring are such that the costs are not unreasonable. The Administrator does, however, agree with many commentors that the proposed regulations, in some cases, were not applied cost-effectively and, as such, the regulations promulgated herein have been modified to provide exemptions to certain sources from these minimum requirements.

One comment from another Federal Agency concerned the time period that emissions are to be averaged when reporting excess emissions. Specifically, the commentor assumed that the emission control regulations that have been adopted by State and local agencies were generally designed to attain *annual* ambient air quality standards. As such, the commentor pointed out that short-term emission levels in excess of the adopted emission standard should be acceptable for reasonable periods of time.

The Administrator does not agree with this rationale for the following reasons. First, it is not universally true that annual ambient standards were the design basis of emission control regulations. In many cases, reductions to attain short-term standards require more control than do annual standards. Even if the regulations were based upon annual standards, allowing excess emissions of the adopted emission control regulation on a short-term basis could cause noncompliance with annual standards. More importantly, however, a policy of legally allowing excesses of adopted control regulations would in effect make the current emission limitation unenforceable. If the suggestion were implemented, a question would arise as to what is the maximum emission level that would not be considered an excess to the adopted regulation. The purpose of the adopted emission limitation was to establish the acceptable emission level. Allowing emissions in excess of that adopted level would cause confusion, ambiguity, and in many cases could result in an unenforceable situation. Hence the Administrator does not concur with the commentor's suggestion.

Modifications to the Proposed Regulations. The modification to the regulations which has the most significant impact involves the monitoring requirements for oxides of nitrogen at fossil fuel-fired steam generating boilers and at nitric acid plants. Many commentors correctly noted that the Agency in the past (June 8, 1973, 38 FR 15174) had indicated that the need for many emission control regulations for oxides of nitrogen were based upon erroneous data. Such a statement was made after a detailed laboratory analysis of the reference ambient measurement method for nitrogen dioxide revealed the method to give false measurements. The sampling technique generally indicated concentrations of nitrogen dioxide higher than actually existed in the atmosphere. Since many control agencies prior to that announcement had adopted emission regulations that were determined to be needed based upon these erroneous data, and since new data, collected by other measurement techniques, indicated that in most areas of the nation such control regulations were not necessary to satisfy the requirements of the SIP, the Agency suggested that States consider the withdrawal of adopted control regulations for the control of oxides of nitrogen from their SIP's (May 8, 1974, 39 FR 16344). In many States, control agencies have not taken action to remove these regulations from the SIP. Hence, the commentors pointed out that the proposed regulations to require continuous emission monitors on sources affected by such regulations is generally unnecessary.

Because of the unique situation involving oxides of nitrogen control regulations, the Administrator has determined that the proposed regulations to continuously monitor oxides of nitrogen emissions may place an undue burden on source operators, at least from a standpoint of EPA specifying minimum monitoring requirements. The continuous emission monitoring requirements for such sources therefore have been modified. The final regulations require the continuous emission monitoring of oxides of nitrogen only for those sources in Air Quality Control Regions (AQCR's) where the Administrator has specifically determined that a control strategy for nitrogen dioxide is necessary. At the present time such control strategies are required only for the Metropolitan Los Angeles Intrastate and the Metropolitan Chicago Interstate AQCR's.

It should be noted that a recent compilation of valid nitrogen dioxide air quality data suggests that approximately 14 of the other 245 AQCR's in the nation may need to develop a control strategy for nitrogen dioxide. These AQCR's are presently being evaluated by the Agency. If any additional AQCR's are identified as needing a control strategy for nitrogen dioxide at that time, or any time subsequent to this promulgation, then States in which those AQCR's are located must also revise their SIP's to require continuous emission monitoring for oxides of nitrogen for specified sources. Further, it should be noted that the regulations promulgated today are minimum requirements, so that States, if they believe the control of oxides of nitrogen from sources is necessary may, as they deem appropriate, expand the continuous emission monitoring requirements to apply to additional sources not affected by these minimum requirements.

Other modifications to the proposed regulation resulted from various comments. A number of commentors noted that the proposed regulations included some sources whose emission impact on air quality was relatively minor. Specifically, they noted that fossil fuel-fired steam generating units that were used solely for peaking and cycling purposes should be exempt from the proposed regulations. Similarly, some suggested that smaller sized units, particularly steam-generating units less than 2,500 million BTU per hour heat input, should also be exempted. Others pointed out that units soon to be retired from operation should not be required to install continuous monitoring devices and that sources located in areas of the nation that already have air quality better than the national standards should be relieved of the required monitoring and reporting requirements. The Agency has considered these comments and has made the following judgments.

In relation to fossil fuel-fired steam generating units, the Agency has determined that such units that have an annual boiler capacity factor of 30% or less as currently defined by the Federal Power Commission shall be exempt from the minimum requirements for monitoring and reporting. Industrial boilers used at less than 30% of their annual capacity, upon demonstration to the State, may also be granted an exemption from these monitoring requirements. The rationale for this exemption is based upon the fact that all generating units do not produce power at their full capacity at all times. There are three major classifications of power plants based on the degree to which their rated capacity is utilized on an annual basis. Baseload units are designed to run at near full capacity almost continuously. Peaking units are operated to supply electricity during periods of maximum system demand. Units which are operated for intermediate service between the extremes of baseload and peaking are termed cycling units.

Generally accepted definitions term units generating 60 percent or more of their annual capacity as baseload, those generating less than 20 percent as peaking and those between 20 and 60 percent as cycling. In general, peaking units are older, smaller, of lower efficiency, and more costly to operate than base load or cycling units. Cycling units are also generally older, smaller and less efficient than base load units. Since the expected life of peaking units is relatively short and total emissions from such units are small, the benefits gained by installing monitoring instruments are small in comparison to the cost of such equipment. For cycling units, the question of cost-effectiveness is more difficult to ascertain. The units at the upper end of the capacity factor range (i.e., near 60% boiler capacity factor) are candidates for continuous emission monitoring while units at the lower end of the range (i.e., near 20% boiler capacity factor) do not represent good choices for continuous monitors. Based upon available emission information, it has been calculated that fossil fuel-fired steam generating plants with a 30% or less annual boiler capacity factor contribute approximately less than 5% of the total sulfur dioxide from all such power plants. (2) Hence, the final regulations do not affect any boiler that has an annual boiler capacity factor of less than 30%. Monitoring requirements will thus be more cost effectively applied to the newer, larger, and more efficient units that burn a relatively larger portion of the total fuel supply.

Some commentors noted that the age of the facility should be considered in relation to whether a source need com-

ply with the proposed regulations. For fossil fuel-fired steam generating units, the exemption relating to the annual boiler capacity factor previously discussed should generally provide relief for older units. It is appropriate, however, that the age of the facility be considered for other categories of sources affected by the proposed regulations. As such, the final regulations allow that any source that is scheduled to be retired within five years of the inclusion of monitoring requirements for the source in Appendix P need not comply with the minimum emission monitoring requirements promulgated herein. In the Administrator's judgment, the selection of five years as the allowable period for this exemption provides reasonable relief for those units that will shortly be retired. However, it maintains full requirements on many older units with a number of years of service remaining. In general, older units operate less efficiently and are less well controlled than newer units so that emission monitoring is generally useful. The exemption provided in the final regulations effectively allows such retirees slightly more than a two-year period of relief, since the schedule of implementation of the regulations would generally require the installation of emission monitors by early 1978. States must submit, for EPA approval, the procedures they will implement to use this provision. States are advised that such exemptions should only be provided where a bona fide intent to cease operations has been clearly established. In cases where such sources postpone retirement, States shall have established procedures to require such sources to monitor and report emissions. In this regard, it should be noted that Section 113(c)(2) of the Act provides that any person who falsifies or misrepresents a record, report or other document filed or required under the Act shall, upon conviction, be subject to fine or imprisonment, or both.

A further modification to the proposed regulations affects the minimum size of the units within each of the source categories to which emission monitoring and reporting shall be required. As suggested by many commentors, the Agency has investigated the cost effectiveness of requiring all units within the identified source categories to install emission monitors. Each pollutant for each source category identified in the proposed regulations was evaluated. For fossil fuel-fired steam generating units, the proposal required compliance for all boilers with 250 million BTU per hour heat input, or greater. For opacity, the proposed regulations required emission monitoring for all coal-fired units, while only those oil-fired units that had been observed as violators of visible emission regulations or must use an emission control device to meet particulate matter regulations were required to install such devices. Gas-fired units were exempted by the proposed regulations.

After investigating the particulate emission potential of these sources, it has been determined that no modification in the size limitation for boilers in relation to opacity is warranted. The rationale for this judgment is that the smaller-sized units affected by the proposed regulation tend to be less efficiently operated or controlled for particulate matter than are the larger-sized units. In fact, smaller units generally tend to emit more particulate emissions on an equivalent fuel basis than larger-sized units. (2) Because of the potential of opacity regulation violations, no modifications have been made to the regulations as to the size of steam generating boilers that must measure opacity.

Emissions of oxides of nitrogen from boilers are a function of the temperature in the combustion chamber and the cooling of the combustion products. Emissions vary considerably with the size and the type of unit. In general, the larger units produce more oxides of nitrogen emissions. The Agency therefore finds that the minimum size of a unit affected by the final regulations can be increased from 250 to 1,000 million BTU per hour heat input, without significantly reducing the total emissions of oxides of nitrogen that would be affected by monitoring and reporting requirements. Such a modification would have the effect of exempting approximately 56% of the boilers over 250 million BTU per hour heat input capacity, on a national basis, while maintaining emission monitoring and reporting requirements for approximately 78% of the potential oxides of nitrogen emissions from such sources.(2) Further, in the 2 AQCR's where the Administrator has specifically called for a control strategy for nitrogen dioxide, the boilers affected by the regulation constitute 50% of the steam generators greater than 250 million BTU per hour heat input, yet they emit 80% of the nitrogen oxides from such steam generators in these 2 AQCR's.(2)

Also, certain types of boilers or burners, due to their design characteristics, may on a regular basis attain emission levels of oxides of nitrogen well below the emission limitations of the applicable plan. The regulations have been revised to allow exemption from the requirements for installing emission monitoring and recording equipment for oxides of nitrogen when a facility is shown during performance tests to operate with oxides of nitrogen emission levels 30% or more below the emission limitation of the applicable plan. It should be noted that this provision applies solely to oxides of nitrogen emissions rather than other pollutant emissions, since oxides of nitrogen emissions are more directly related to boiler design characteristics than are other pollutants.

Similar evaluations were made for nitric acid plants, sulfuric acid plants and catalytic cracking unit catalyst regenerators at petroleum refineries. For each of these industries it was found that modifications to the proposed regulations could be made to increase the minimum size of the units affected by the proposed regulations without significantly decreasing the total emissions of various pollutants that would be affected by these monitoring and reporting requirements. Specifically, for nitric acid plants it was found that by modifying the proposed regulations to affect only those plants that have a total daily production capacity of 300 tons or more of nitric acid (rather than affecting all facilities as proposed) that approximately 79% of the nitric acid production on a national basis would be affected by the provisions of these monitoring and reporting requirements. On the other hand, such a modification reduces the number of monitors required for compliance with these regulations by approximately 46%. (2) At the present time, only nitric acid plants in AQCR's where the Administrator has specifically called for a control strategy for nitrogen dioxide will be candidates for continuous emission monitoring requirements for the reasons mentioned previously. In the 2 AQCR's where such a control strategy has been called for, there is only one known nitric acid plant and that is reported to be less than 300 tons per day production capacity—hence no nitric acid plants at the present time will be affected by these monitoring requirements.

Similarly, evaluations of sulfuric acid plants and catalytic cracking catalyst regenerators at petroleum refineries resulted in the conclusion that minimum size limitations of 300 tons per day production rate at sulfuric acid plants, and 20,000 barrels per day of fresh feed to any catalytic cracking unit at petroleum refineries could be reasonably established. Such modifications exempt approximately 37% and 39% respectively of such plants on a national basis from these emission monitoring and reporting requirements, while allowing about 9% of the sulfur dioxide emissions from sulfuric acid plants and 12% of the particulate matter emissions from catalytic cracking units to be emitted to the atmosphere without being measured and reported. (2) The Agency believe that such modifications provide a reasonable balance between the costs associated with emission monitoring and reporting, and the need to obtain such information.

A number of commentors suggested that sources be exempt from the proposed emission monitoring regulations if such sources are located within areas of the nation that are already attaining national standards. The Administrator does not believe that such an approach would be consistent with Section 110 of the Clean Air Act, which requires continued maintenance of ambient standards after attainment. In many areas, the standards are being attained only through effective implementation of emission limitations. Under the Clean Air Act, continued compliance with emission limitations in these areas is just as important as compliance in areas which have not attained the standards.

Another major comment concerned the proposed data reporting requirements. Thirty-four (34) commentors expressed concern at the amount of data which the proposed regulations required to be recorded, summarized, and submit-

ted to the State. It was generally indicated by the commentors that the data reporting requirements were excessive. Commentors questioned the purpose of reporting all measured data while some State agencies indicated they have limited resources to handle such information. EPA believes that, in some cases, the commentors misconstrued the data reporting requirements for existing sources. In light of each of these comments, the final regulations, with respect to the data reporting requirements for gaseous pollutants and opacity, have been modified.

For gaseous emissions, the proposed regulations required the reporting of all one-hour averages obtained by the emission monitor. Because of the comments on this provision, the Agency has reexamined the proposed data reporting requirements. As a result, the Agency has determined that only information concerning emissions in excess of emission limitations of the applicable plan is necessary to satisfy the intent of these regulations. Therefore, the data reporting requirements for gaseous pollutants have been modified. The final regulations require that States adopt procedures that would require sources to report to the State on emission levels in excess of the applicable emission limitations (i.e., excess emissions) for the time period specified in the regulation with which compliance is determined. In other words, if an applicable emission limitation required no more than 1.0 pounds per hour SO_2 to be emitted for any two-hour averaging period, the data to be reported by the source should identify the emission level (i.e., emissions stated in pounds per hour) averaged over a two-hour time period, for periods only when this emission level was in excess of the 1.0 pounds per hour emission limitation. Further, sources shall be required to maintain a record of all continuous monitoring observations for gaseous pollutants (and opacity measurements) for a period of two years and to make such data available to the State upon request. The final regulations have also been amended to add a provision to require sources to report to the State on the apparent reason for all noted violations of applicable regulations.

The proposed data reporting requirements for opacity have also been modified. Upon reconsideration of the extent of the data needed to satisfy the intent of these regulations, it is the Administrator's judgment that for opacity States must obtain excess emission measurements during each hour of operation. However, before determining excess emissions, the number of minutes generally exempted by State opacity regulations should be considered. For example, where a regulation allows two minutes of opacity measurements in excess of the standard, the State need only require the source to report all opacity measurements in excess of the standard during any one hour, minus the two-minute exemption. The excess measurements shall be reported in actual per cent opacity averaged for one clock minute or such other time period deemed appropriate by the State. Averages may be calculated either by arithmetically averaging a minimum of 4 equally spaced data points per minute or by integration of the monitor output.

Some commentors raised questions concerning the provisions in the proposed regulations which allow the use of fuel analysis for computing emissions of sulfur dioxide in lieu of installing a continuous monitoring device for this pollutant. Of primary concern with the fuel analysis approach among the commentors was the frequency of the analysis to determine the sulfur content of the fuel. However, upon inspection of the comments by the Agency, a more significant issue has been uncovered. The issue involves the determination of what constitutes excess emissions when a fuel analysis is used as the method to measure source emissions. For example, the sulfur content varies significantly within a load of coal, i.e., while the *average* sulfur content of a total load of coal may be within acceptable limits in relation to a control regulation which restricts the sulfur content of coal, it is probable that portions of the coal may have a sulfur content above the allowable level. Similarly, when fuel oils of different specific gravities are stored within a common tank, such fuel oils tend to stratify and may not be a homogeneous mixture. Thus, at times, fuel oil in excess of allowable limits may be combusted. The question which arises is whether the combustion of this higher sulfur coal or oil is a violation of an applicable sulfur content regulation. Initial investigations of this issue have indicated a relative lack of specificity on the subject.

The Agency is confronted with this problem not only in relation to specifying procedures for the emission reporting requirements for existing sources but also in relation to enforcement considerations for new sources affected by New Source Performance Standards. At this time, a more thorough investigation of the situation in necessary prior to promulgation of procedures dealing with fuel analysis for both oil and coal. At the conclusion of this investigation, the Agency will set forth its findings and provide guidance to State and local control agencies on this issue. In the meantime, the portion of the proposed regulations dealing with fuel analysis is being withheld from promulgation at this time. As such, States shall not be required to adopt provisions dealing with emission monitoring or reporting of sulfur dioxide emissions from those sources where the States may choose to allow the option of fuel analysis as an alternative to sulfur dioxide monitoring. However, since the fuel analysis alternative may not be utilized by a source that has installed sulfur dioxide control equipment (scrubbers), States shall set forth legally enforceable procedures which require emission monitors on such sources, where these emission monitoring regulations otherwise require their installation.

Other Modifications to Proposed Regulations. In addition to reducing the number of monitors required under the proposed regulations, a number of modifications to various procedures in the proposed regulations have been considered and are included in the final regulations. One modification which has been made is the deletion of the requirement to install continuous monitors at "the most representative" location. The final regulations require the placement of an emission monitor at "a representative" location in the exhaust gas system. In many cases "the most representative" location may be difficult to locate and may be inaccessible without new platforms, ladders, etc., being installed. Further, other representative locations can provide adequate information on pollutant emissions if minimum criteria for selection of monitoring locations are observed. Guidance in determining a representative sampling location is contained within the Performance Specification for each pollutant monitor in the emission monitoring regulations for New Source Performance Standards (Appendix B, Part 60 of this Chapter). While these criteria are designed for new sources, they are also useful in determining representative locations for existing sources.

A further modification to the proposed regulation is the deletion of the requirement for new performance tests when continuous emission monitoring equipment is modified or repaired. As proposed, the regulation would have required a new performance test whenever any part of the continuous emission monitoring system was replaced. This requirement was originally incorporated in the regulations to assure the use of a well-calibrated, finely tuned monitor. Commentors pointed out that the requirement of conducting new performance tests whenever any part of an instrument is changed or replaced is costly and in many cases not required. Upon evaluation of this comment, the Administrator concurs that performance tests are not required after each repair or replacement to the system. Appropriate changes have been made to the regulations to delete the requirements for new performance tests. However, the final regulations require the reporting of the various repairs made to the emission monitoring system during each quarter to the State. Further, the State must have procedures to require sources to report to the State on a quarterly basis information on the amount of time and the reason why the continuous monitor was not in operation. Also the State must have legally enforceable procedures to require a source to conduct a new performance test whenever, on the basis of available information, the State deems such test is necessary.

The time period proposed for the installation of the required monitoring system, i.e., one year after plan approval, was thought by 21 commentors to be too brief, primarily because of lack of available instruments, the lack of trained personnel and the time available for installation of the required monitors. Equipment suppliers were contacted by the Agency and they confirmed the availability of emission monitors. However,

the Administrator has determined that the time necessary for purchase, installation and performance testing of such monitors may require more than one year for certain installations, especially where gaseous monitors are required. In order to provide sources with ample time, the Agency has modified the final regulations to allow States to adopt procedures that will provide sources 18 months after the approval or promulgation of the revised SIP to satisfy the installation and performance testing procedures required by these continuous monitoring regulations. A provision is also included to allow, on a case-by-case basis, additional extensions for sources where good faith efforts have been undertaken to purchase and install equipment, but where such installation cannot be accomplished within the time period prescribed by the regulations.

A number of State and local agencies also commented on the lack of time provided sources to install the monitors required by the proposed regulations. These agencies also indicated that they must acquire sufficient skilled manpower to implement the regulations, such as personnel to provide guidance to sources, to monitor performance tests and to analyze the emission data that are to be submitted by the sources. Further, some State agencies indicated that more than six months was needed to develop the necessary plan revisions. Most State agencies who commented stated that one year should be provided to allow States to revise their SIP's. The Administrator is aware of the various priorities which confront State and local agencies at this time (e.g., compliance schedules, enforcement actions, litigation proceedings, re-evaluation of adequacy of SIP's to attain and maintain national standards, etc.) and, as such, believes that a six-month postponement in the submittal of plan revisions to require emission monitoring and reporting is justified and prudent. Hence, States must submit plan revisions to satisfy the requirements of this section within one year of promulgation of these regulations in the FEDERAL REGISTER. However, States are advised that such plan revisions may be submitted any time prior to the final date, and are encouraged to do so where possible.

The proposed regulations provided the States with the option of allowing sources to continue to use emission monitoring equipment that does not meet performance specifications set forth in the regulations for up to five years from the date of approval of the State regulations or EPA promulgation. Some commenters asked that this provision be extended indefinitely. In some cases they indicated they had recently purchased and had already installed monitoring systems which were only marginally away from meeting the applicable performance specifications. The Agency believes, however, that such a modification to the proposed regulations should not be allowed. It is believed that such a provision would result in inadequate monitoring systems being maintained after their useful life has ended. Though some monitoring systems will probably last longer than five years, it is believed that this time period will provide adequate time to amortize the cost of such equipment. In cases where existing emission monitors are known not to provide reasonable estimates of emissions, States should consider more stringent procedures to provide a more speedy retirement of such emission monitoring systems.

Some commentors raised the question of whether existing oxygen monitors which are installed in most fossil fuel-fired steam generating boilers to monitor excess oxygen for the purposes of combustion control could be used to satisfy the requirement for monitoring oxygen under the proposal. Upon investigation, it has been determined that, in some cases, such oxygen monitors may be used provided that they are located so that there is no influx of dilution air between the oxygen monitor and the continuous pollutant monitor. In some cases, it may be possible to install the continuous monitoring device at the same location as the existing oxygen monitor. Care should be taken, however, to assure that a representative sample is obtained. Because of the various possibilities that may arise concerning the usefulness of existing oxygen monitors, the State should determine, after a case-by-case review, the acceptability of existing oxygen monitors.

Another technical issue which was raised suggested that continuous emission monitors which provide direct measurements of pollutants in units comparable to the emission limitations and other devices not specifically identified in the proposed regulations are available for purchase and installation. The Agency is aware that various monitoring systems exist but has not as yet determined specific performance specifications for these monitoring systems that are directly applicable to the source categories covered by these regulations. However, it is not EPA's intent to deny the use of any equipment that can be demonstrated to be reliable and accurate. If monitors can be demonstrated to provide the same relative degree of accuracy and durability as provided by the performance specifications in Appendix B of Part 60, they shall generally be acceptable to satisfy the requirements of these regulations under Section 3.9 of Appendix P. Further, where alternative procedures (e.g., alternate procedures for conversion of data to units of applicable regulations) can be shown by the State to be equivalent to the procedures set forth in Appendix P of these regulations, then such alternate procedures may be submitted by the State for approval by EPA. Section 3.9 of Appendix P identifies certain examples where alternative emission monitoring systems or alternative procedures will generally be considered by the Agency for approval.

It should be noted that some sources may be unable to comply with the regulations because of technical difficulties, (e.g., the presence of condensed water vapor in the flue gas), physical limitations of accessibility at the plant facility, or, in other cases, because of extreme economic hardship. States should use their judgment in implementing these requirements in such cases. Section 6 of Appendix P of this Part provides various examples where the installation of continuous emission monitors would not be feasible or reasonable. In such cases alternate emission monitoring (and reporting) by more routine methods, such as manual stack testing, must be required. States in preparing their revised SIP must set forth and describe the criteria they will use to identify such unusual cases, and must further describe the alternative procedures they will implement to otherwise satisfy the intent of these regulations. States are advised that this provision is intended for unusual cases, and, as such, should not be widely applied.

It was pointed out by some commentors that carbon dioxide monitors could probably be used in lieu of oxygen monitors to provide information to convert emission data to the units of the applicable State regulation. Detailed discussion of the technical merits and limitations of this approach is discussed in the Preamble to the Part 60 Regulations. As pointed out in that Preamble, such monitors may be used in certain situations. Modifications have therefore been made to the Part 51 regulations to allow the use of such monitors which include references to technical specifications contained in Part 60 for carbon dioxide monitors. Also, the cycling time for oxygen monitors has been changed from one hour to 15 minutes to correspond to the specification in Part 60. The difference between cycling times in the two proposals was an oversight. The cycling time for carbon dioxide monitors will also be 15 minutes as in Part 60.

A number of other miscellaneous technical comments were also received. Commentors indicated that the proposed exemption for opacity monitoring requirements that may be granted to oil-fired and gas-fired steam generators should also apply to units burning a combination of these fuels. The Administrator concurs with this suggestion and an exemption for such sources burning oil and gas has ben provided in the final regulations subject to the same restrictions as are imposed on oil-fired steam generators.

As previously indicated, the regulations for emission monitoring for existing sources refer in many cases to the specific performance specifications set forth in the emission monitoring regulations for new sources affected by Part 60. Many of the comments received on the proposed regulations in effect pointed to issues affecting both proposals. In many cases, more specific technical issues are discussed in the Preamble to the Part 60 Regulations and as such the reader is referred to that Preamble. Specifically, the Part 60 Preamble addresses the following topics: data handling and reporting techniques; requirements for reporting repairs and replacement parts used; location of monitoring instruments; changes to span requirements, operating

frequency requirements, sulfuric acid and nitric acid plant conversion factors; and, for opacity monitoring equipment, changes in the cycling time and in alignment procedures. The reader is cautioned, however, that specific reference to regulations in the Part 60 Preamble is strictly to federal New Source Performance Regulations rather than State and local control agency regulations which affect existing sources and which are part of an applicable plan.

In addition to the many technical comments received, a number of legal issues were raised. Several commentors questioned EPA's statutory authority to promulgate these regulations and pointed out other alleged legal defects in the proposal. The Administrator has considered these comments, and has found them unpersuasive.

One commentor argued that new 40 CFR 51.19(e) will require "revisions" to existing state plans; that "revisions" may be called for under Section 110(a)(2)(H) of the Clean Air Act only where EPA has found that there are "improved or more expeditious methods" for achieving ambient standards or that a state plan is "substantially inadequate" to achieve the standards; that the new regulation is based upon neither of these findings; and that therefore there is no statutory authority for the regulation. This argument fails to take cognizance of Section 110(a)(2)(F)(ii) of the Act, which mandates that all state implementation plans contain self-monitoring requirements. The fact that EPA originally accepted plans without these requirements because of substantial uncertainty as to the reliability of self-monitoring equipment does not negate the mandate of the statute.

In essence, new § 51.19(e) does not call for "revisions" as contemplated by the Act, but for supplements to the original plans to make them complete. At any rate, it is the Administrator's judgment that the new self-monitoring requirements *will* result in a "more expeditious" achievement of the ambient standards. Since these requirements are valuable enforcement tools and indicators of malfunctions, they should lead to a net decrease in emissions.

Other commentors argued that even if EPA has statutory authority to require self-monitoring, it has no authority to impose specific minimum requirements for state plans, to require "continuous" monitoring, or to require monitoring of oxygen, which is not a pollutant. These comments fail to consider that a basic precept of administrative law is that an agency may fill in the broad directives of legislation with precise regulatory requirements. More specifically, the Administrator has authority under Section 301(a) of the Clean Air Act to promulgate "such regulations as are necessary to carry out his functions under the Act". Courts have long upheld the authority of agencies to promulgate more specific requirements than are set forth in enabling legislation, so long as the requirements are reasonably related to the purposes of the legislation. Since the Act requires self-monitoring without further guidance, EPA surely has the authority to set specific requirements in order to carry out its function of assuring that the Act is properly implemented.

In EPA's judgment, the requirements set forth in § 51.19(e) are necessary to assure that each state's self-monitoring program is sufficient to comply with the Act's mandate. The fact that oxygen and carbon dioxide are not air pollutants controlled under the Act is legally irrelevant, since in EPA's judgment, they must be monitored in order to convert measured emission data to units of emission standards.

Other commentors have argued that the self-monitoring requirements violate the protection against self-incrimination provided in the Fifth Amendment to the U.S. Constitution, and that the information obtained from the monitoring is so unreliable as to be invalid evidence for use in court.

There are two reasons why the self-incrimination argument is invalid. First, the self-incrimination privilege does not apply to corporations, and it is probable that a great majority of the sources covered by these requirements will be owned by corporations. Secondly, courts have continually recognized an exception to the privilege for "records required by law", such as the self-monitoring and reporting procedures which are required by the Clean Air Act. As to the validity of evidence issue, in EPA's opinion, the required performance specifications will assure that self-monitoring equipment will be sufficiently reliable to withstand attacks in court.

Finally, some comments reflected a misunderstanding of EPA's suggestion that states explore with counsel ways to draft their regulations so as to automatically incorporate by reference future additions to Appendix P and avoid the time-consuming plan revision process. (EPA pointed out that public participation would still be assured, since EPA's proposed revisions to Appendix P would always be subject to public comment on a nation-wide basis.)

EPA's purpose was merely to *suggest* an approach that a state may wish to follow *if* the approach would be legal under that state's law. EPA offers no opinion as to whether any state law would allow this. Such a determination is up to the individual states.

Summary of Revisions and Clarifications to the Proposed Regulations. Briefly, the revisions and clarifications to the proposed regulations include:

(1) A clarification to indicate that continuous emission monitors are not required for sources unless such sources are subject to an applicable emission limitation of an approved SIP.

(2) A revision to require emission monitors for oxides of nitrogen in only those AQCR's where the Administrator has specifically called for a control strategy for nitrogen dioxide.

(3) A revision to include a general provision to exempt any source that clearly demonstrates that it will cease operation within five years of the inclusion of monitoring requirements for the source in Appendix P.

(4) Revisions to exempt smaller-sized sources and infrequently used sources within the specified source categories.

(5) A revision to the data reporting requirements to require the submittal by the source of the State, emission data in excess of the applicable emission limitation for both opacity and gaseous pollutants, rather than all measured data, as proposed. A provision has been added to require information on the cause of all noted violations of applicable regulations.

(6) A clarification to indicate that the continuous monitoring of oxygen is not required unless the continuous monitoring of sulfur dioxide and/or nitrogen oxides emissions is required by the applicable SIP.

(7) A revision to allow the placement of continuous emission monitors at "a representative location" on the exhaust gas system rather than at "the most representative location" as required by the proposed regulations.

(8) A revision to delete the requirements of new performance tests each time the continuous monitoring equipment is repaired or modified. However, a new provision is included to require that a report of all repairs and maintenance performed during the quarter shall be reported by the source to the State.

(9) A modification to provide sources 18 months rather than one year after approval or promulgation of the revised SIP to comply with the continuous monitoring regulations adopted by the States.

(10) A modification to provide States one year, rather than the six months after the promulgation of these regulations in the FEDERAL REGISTER to submit plan revisions to satisfy the requirements promulgated herein.

Requirements of States. States shall be required to revise their SIP's by October 6, 1976 to include legally enforceable procedures to require emission monitoring, recording and reporting, as a minimum for those sources specified in the regulations promulgated herein. While minimum requirements have been established, States may, as they deem appropriate, expand these requirements.

The regulations promulgated herein have been revised in light of the various comments to generally provide a more limited introduction into this new methodology. Cooperation among affected parties, i.e., State and local control agencies, sources, instrument manufacturers and suppliers, and this Agency is necessary to move successfully forward in these areas of emission monitoring and reporting prescribed in the Clean Air Act. Assistance can be obtained from the EPA Regional Offices in relation to the technical and procedural aspects of these regulations.

Copies of documents referenced in this Preamble are available for public inspection at the EPA Freedom of Information Center, 401 M Street, S.W., Washington, D.C. 20460. The Agency has not prepared an environmental impact statement for these regulations since they

were proposed (September 11, 1974) prior to the effective date for requiring voluntary environmental impact statements on EPA's regulatory actions (see 39 FR 16186, May 7, 1974).

The regulations set forth below are promulgated under the authority of sections 110(a)(2)(F)(ii)–(iii) and 301(a) of the Clean Air Act, as amended [42 U.S.C. 1857c-5(a)(2)(F)(ii)–(iii), 1857g (a)] and are effective November 5, 1975.

Dated: September 23, 1975.

JOHN QUARLES,
Acting Administrator.

REFERENCES

1. Jenkins, R. E., Strategies and Air Standards Division, OAQPS, EPA. Memo to R. L. Ajax, Emission Standards and Engineering Division, OAQPS, EPA, Emission Monitoring Costs. February 27, 1975.

2. Young, D. E., Control Programs Development Division, OAQPS, EPA. Memo to E. J. Lillis, Control Programs Development Division, OAQPS, EPA, Emission Source Data for In-Stack Monitoring Regulations. June 4, 1975.

1. Section 51.1 is amended by adding paragraphs (z), (aa), (bb), (cc), (dd), and (ee) as follows:

§ 51.1 **Definitions.**

* * * * *

(z) "Emission standard" means a regulation (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or fuel specifications that result in control of air pollution emissions.

(aa) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

(bb) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.

(cc) "Nitric acid plant" means any facility producing nitric acid 30 to 70 percent in strength by either the pressure or atmospheric pressure process.

(dd) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(ee) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

2. Section 51.19 is amended by adding paragraph (e) as follows:

§ 51.19 **Source surveillance.**

* * * * *

(e) Legally enforceable procedures to require stationary sources subject to emission standards as part of an applicable plan to install, calibrate, maintain, and operate equipment for continuously monitoring and recording emissions; and to provide other information as specified in Appendix P of this part.

(1) Such procedures shall identify the types of sources, by source category and capacity, that must install such instruments, and shall identify for each source category the pollutants which must be monitored.

(2) Such procedures shall, as a minimum, require the types of sources set forth in Appendix P of this part (as such appendix may be amended from time to time) to meet the applicable requirements set forth therein.

(3) Such procedures shall contain provisions which require the owner or operator of each source subject to continuous emission monitoring and recording requirements to maintain a file of all pertinent information. Such information shall include emission measurements, continuous monitoring system performance testing measurements, performance evaluations, calibration checks, and adjustments and maintenance performed on such monitoring systems and other reports and records required by Appendix P of this Part for at least two years following the date of such measurements or maintenance.

(4) Such procedures shall require the source owner or operator to submit information relating to emissions and operation of the emission monitors to the State to the extent described in Appendix P as frequently or more frequently as described therein.

(5) Such procedures shall provide that sources subject to the requirements of § 51.19(e)(2) of this section shall have installed all necessary equipment and shall have begun monitoring and recording within 18 months of (1) the approval of a State plan requiring monitoring for that source or (2) promulgation by the Agency of monitoring requirements for that source. However, sources that have made good faith efforts to purchase, install, and begin the monitoring and recording of emission data but who have been unable to complete such installation within the time period provided may be given reasonable extensions of time as deemed appropriate by the State.

(6) States shall submit revisions to the applicable plan which implement the provisions of this section by October 6, 1976.

3. In Part 51, Appendix P is added as follows:

* * * * *

APPENDIX P—MINIMUM EMISSION MONITORING REQUIREMENTS

1.0 Purpose. This Appendix P sets forth the minimum requirements for continuous emission monitoring and recording that each State Implementation Plan must include in order to be approved under the provisions of 40 CFR 51.19(e). These requirements include the source categories to be affected; emission monitoring, recording, and reporting requirements for those sources; performance specifications for accuracy, reliability, and durability of acceptable monitoring systems; and techniques to convert emission data to units of the applicable State emission standard. Such data must be reported to the State as an indication of whether proper maintenance and operating procedures are being utilized by source operators to maintain emission levels at or below emission standards. Such data may be used directly or indirectly for compliance determination or any other purpose deemed appropriate by the State. Though the monitoring requirements are specified in detail, States are given some flexibility to resolve difficulties that may arise during the implementation of these regulations.

1.1 *Applicability.*

The State plan shall require the owner or operator of an emission source in a category listed in this Appendix to: (1) install, calibrate, operate, and maintain all monitoring equipment necessary for continuously monitoring the pollutants specified in this Appendix for the applicable source category; and (2) complete the installation and performance tests of such equipment and begin monitoring and recording within 18 months of plan approval or promulgation. The source categories and the respective monitoring requirements are listed below.

1.1.1 Fossil fuel-fired steam generators, as specified in paragraph 2.1 of this appendix, shall be monitored for opacity, nitrogen oxides emissions, sulfur dioxide emissions, and oxygen or carbon dioxide.

1.1.2 Fluid bed catalytic cracking unit catalyst regenerators, as specified in paragraph 2.4 of this appendix, shall be monitored for opacity.

1.1.3 Sulfuric acid plants, as specified in paragraph 2.3 of this appendix, shall be monitored for sulfur dioxide emissions.

1.1.4 Nitric acid plants, as specified in paragraph 2.2 of this appendix, shall be monitored for nitrogen oxides emissions.

1.2 *Exemptions.*

The States may include provisions within their regulations to grant exemptions from the monitoring requirements of paragraph 1.1 of this appendix for any source which is:

1.2.1 subject to a new source performance standard promulgated in 40 CFR Part 60 pursuant to Section 111 of the Clean Air Act; or

1.2.2 not subject to an applicable emission standard of an approved plan; or

1.2.3 scheduled for retirement within 5 years after inclusion of monitoring requirements for the source in Appendix P, provided that adequate evidence and guarantees are provided that clearly show that the source will cease operations prior to such date.

1.3 *Extensions.*

States may allow reasonable extensions of the time provided for installation of monitors for facilities unable to meet the prescribed timeframe (i.e., 18 months from plan approval or promulgation) provided the owner or operator of such facility demonstrates that good faith efforts have been made to obtain and install such devices within such prescribed timeframe.

1.4 *Monitoring System Malfunction.*

The State plan may provide a temporary exemption from the monitoring and reporting requirements of this appendix during any period of monitoring system malfunction, provided that the source owner or operator shows, to the satisfaction of the State, that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

2.0 *Minimum Monitoring Requirement.*

States must, as a minimum, require the sources listed in paragraph 1.1 of this appendix to meet the following basic requirements.

2.1 *Fossil fuel-fired steam generators.*

Each fossil fuel-fired steam generator, except as provided in the following subparagraphs, with an annual average capacity factor of greater than 30 percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the State by the owner or operator, shall conform with the following monitoring requirements when such facility is subject to an emission standard of an applicable plan for the pollutant in question.

2.1.1 A continuous monitoring system for the measurement of opacity which meets the performance specifications of paragraph 3.1.1 of this appendix shall be installed, calibrated, maintained, and operated in accordance with the procedures of this appendix by the owner or operator of any such steam generator of greater than 250 million BTU per hour heat input except where:

2.1.1.1 gaseous fuel is the only fuel burned, or

2.1.1.2 oil or a mixture of gas and oil are the only fuels burned and the source is able to comply with the applicable particulate matter and opacity regulations without utilization of particulate matter collection equipment, and where the source has never been found, through any administrative or judicial proceedings, to be in violation of any visible emission standard of the applicable plan.

2.1.2 A continuous monitoring system for the measurement of sulfur dioxide which meets the performance specifications of paragraph 3.1.3 of this appendix shall be installed, calibrated, maintained, and operated on any fossil fuel-fired steam generator of greater than 250 million BTU per hour heat input which has installed sulfur dioxide pollutant control equipment.

2.1.3 A continuous monitoring system for the measurement of nitrogen oxides which meets the performance specification of paragraph 3.1.2 of this appendix shall be installed, calibrated, maintained, and operated on fossil fuel-fired steam generators of greater than 1000 million BTU per hour heat input when such facility is located in an Air Quality Control Region where the Administrator has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the national standards, unless the source owner or operator demonstrates during source compliance tests as required by the State that such a source emits nitrogen oxides at levels 30 percent or more below the emission standard within the applicable plan.

2.1.4 A continuous monitoring system for the measurement of the percent oxygen or carbon dioxide which meets the performance specifications of paragraphs 3.1.4 or 3.1.5 of this appendix shall be installed, calibrated, operated, and maintained on fossil fuel-fired steam generators where measurements of oxygen or carbon dioxide in the flue gas are required to convert either sulfur dioxide or nitrogen oxides continuous emission monitoring data, or both, to units of the emission standard within the applicable plan.

2.2 *Nitric acid plants.*

Each nitric acid plant of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid, located in an Air Quality Control Region where the Administrator has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the national standard shall install, calibrate, maintain, and operate a continuous monitoring system for the measurement of nitrogen oxides which meets the performance specifications of paragraph 3.1.2 for each nitric acid producing facility within such plant.

2.3 *Sulfuric acid plants.*

Each Sulfuric acid plant of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall install, calibrate, maintain and operate a continuous monitoring system for the measurement of sulfur dioxide which meets the performance specifications of 3.1.3 for each sulfuric acid producing facility within such plant.

2.4 *Fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries.*

Each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh feed capacity shall install, calibrate, maintain, and operate a continuous monitoring system for the measurement of opacity which meets the performance specifications of 3.1.1.

3.0 *Minimum specifications.*

All State plans shall require owners or operators of monitoring equipment installed to comply with this Appendix, except as provided in paragraph 3.2, to demonstrate compliance with the following performance specifications.

3.1 *Performance specifications.*

The performance specifications set forth in Appendix B of Part 60 are incorporated herein by reference, and shall be used by States to determine acceptability of monitoring equipment installed pursuant to this Appendix except that (1) where reference is made to the "Administrator" in Appendix B, Part 60, the term "State" should be inserted for the purpose of this Appendix (e.g., in Performance Specification 1, 1.2, ". . . monitoring systems subject to approval by the *Administrator*," should be interpreted as, ". . . monitoring systems subject to approval by the *State*"), and (2) where reference is made to the "Reference Method" in Appendix B, Part 60, the State may allow the use of either the State approved reference method or the Federally approved reference method as published in Part 60 of this Chapter. The Performance Specifications to be used with each type of monitoring system are listed below.

3.1.1 Continuous monitoring systems for measuring opacity shall comply with Performance Specification 1.

3.1.2 Continuous monitoring systems for measuring nitrogen oxides shall comply with Performance Specification 2.

3.1.3 Continuous monitoring systems for measuring sulfur dioxide shall comply with Performance Specification 2.

3.1.4 Continuous monitoring systems for measuring oxygen shall comply with Performance Specification 3.

3.1.5 Continuous monitoring systems for measuring carbon dioxide shall comply with Performance Specification 3.

3.2 *Exemptions.*

Any source which has purchased an emission monitoring system(s) prior to September 11, 1974, may be exempt from meeting such test procedures prescribed in Appendix B of Part 60 for a period not to exceed five years from plan approval or promulgation.

3.3 *Calibration Gases.*

For nitrogen oxides monitoring systems installed on fossil fuel-fired steam generators the pollutant gas used to prepare calibration gas mixtures (Section 2.1, Performance Specification 2, Appendix B, Part 60) shall be nitric oxide (NO). For nitrogen oxides monitoring systems, installed on nitric acid plants the pollutant gas used to prepare calibration gas mixtures (Section 2.1, Performance Specification 2, Appendix B, Part 60 of this Chapter) shall be nitrogen dioxide (NO_2). These gases shall also be used for daily checks under paragraph 3.7 of this appendix as applicable. For sulfur dioxide monitoring systems installed on fossil fuel-fired steam generators or sulfuric acid plants the pollutant gas used to prepare calibration gas mixtures (Section 2.1, Performance Specification 2, Appendix B, Part 60 of this Chapter) shall be sulfur dioxide (SO_2). Span and zero gases should be traceable to National Bureau of Standards reference gases whenever these reference gases are available. Every six months from date of manufacture, span and zero gases shall be reanalyzed by conducting triplicate analyses using the reference methods in Appendix A, Part 60 of this chapter as follows: for sulfur dioxide, use Reference Method 6; for nitrogen oxides, use Reference Method 7; and for carbon dioxide or oxygen, use Reference Method 3. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

3.4 *Cycling times.*

Cycling times include the total time a monitoring system requires to sample, analyze and record an emission measurement.

3.4.1 Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 10-second period.

3.4.2 Continuous monitoring systems for measuring oxides of nitrogen, carbon dioxide, oxygen, or sulfur dioxide shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

3.5 *Monitor location.*

State plans shall require all continuous monitoring systems or monitoring devices to be installed such that representative measurements of emissions or process parameters (i.e., oxygen, or carbon dioxide) from the affected facility are obtained. Additional guidance for location of continuous monitoring systems to obtain representative samples are contained in the applicable Performance Specifications of Appendix B of Part 60 of this Chapter.

3.6 *Combined effluents.*

When the effluents from two or more affected facilities of similar design and operating characteristics are combined before being released to the atmosphere, the State plan may allow monitoring systems to be installed on the combined effluent. When the affected facilities are not of similar design and operating characteristics, or when the effluent from one affected facility is released to the atmosphere through more than one point, the State should establish alternate procedures to implement the intent of these requirements.

3.7 *Zero and drift.*

State plans shall require owners or operators of all continuous monitoring systems installed in accordance with the requirements of this Appendix to record the zero and span drift in accordance with the method prescribed by the manufacturer of such instruments; to subject the instruments to the manufacturer's recommended zero and span check at least once daily unless the manufacturer has recommended adjustments at shorter intervals, in which case such recommendations shall be followed; to adjust the zero and span whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B of Part 60 are exceeded; and to adjust continuous monitoring systems referenced by paragraph 3.2 of this Appendix whenever the 24-hour zero drift or 24-hour calibration drift exceed 10 percent of the emission standard.

3.8 *Span.*

Instrument span should be approximately 200 per cent of the expected instrument data display output corresponding to the emission standard for the source.

3.9 *Alternative procedures and requirements.*

In cases where States wish to utilize different, but equivalent, procedures and requirements for continuous monitoring systems, the State plan must provide a description of such alternative procedures for approval by the Administrator. Some examples of situations that may require alternatives follow:

3.9.1 Alternative monitoring requirements to accommodate continuous monitoring systems that require corrections for stack moisture conditions (e.g., an instrument measuring steam generator SO_2 emissions on a wet basis could be used with an instrument measuring oxygen concentration on a dry basis if acceptable methods of measuring stack moisture conditions are used to allow ac-

curate adjustment of the measured SO_2 concentration to dry basis.)

3.9.2 Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternative locations will enable accurate and representative measurements.

3.9.3 Alternative procedures for performing calibration checks (e.g., some instruments may demonstrate superior drift characteristics that require checking at less frequent intervals).

3.9.4 Alternative monitoring requirements when the effluent from one affected facility or the combined effluent from two or more identical affected facilities is released to the atmosphere through more than one point (e.g., an extractive, gaseous monitoring system used at several points may be approved if the procedures recommended are suitable for generating accurate emission averages).

3.9.5 Alternative continuous monitoring systems that do not meet the spectral response requirements in Performance Specification 1, Appendix B of Part 60, but adequately demonstrate a definite and consistent relationship between their measurements and the opacity measurements of a system complying with the requirements in Performance Specification 1. The State may require that such demonstration be performed for each affected facility.

4.0 *Minimum data requirements.*

The following paragraphs set forth the minimum data reporting requirements necessary to comply with § 51.19(e) (3) and (4).

4.1 The State plan shall require owners or operators of facilities required to install continuous monitoring systems to submit a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions, if known. The averaging period used for data reporting should be established by the State to correspond to the averaging period specified in the emission test method used to determine compliance with an emission standard for the pollutant/source category in question. The required report shall include, as a minimum, the data stipulated in this Appendix.

4.2 For opacity measurements, the summary shall consist of the magnitude in actual percent opacity of all one-minute (or such other time period deemed appropriate by the State) averages of opacity greater than the opacity standard in the applicable plan for each hour of operation of the facility. Average values may be obtained by integration over the averaging period or by arithmetically averaging a minimum of four equally spaced, instantaneous opacity measurements per minute. Any time period exempted shall be considered before determining the excess averages of opacity (e.g., whenever a regulation allows two minutes of opacity measurements in excess of the standard, the State shall require the source to report all opacity averages, in any one hour, in excess of the standard, minus the two-minute exemption). If more than one opacity standard applies, excess emissions data must be submitted in relation to all such standards.

4.3 For gaseous measurements the summary shall consist of emission averages, in the units of the applicable standard, for each averaging period during which the applicable standard was exceeded.

4.4 The date and time identifying each period during which the continuous monitoring system was inoperative, except for zero and span checks, and the nature of system repairs or adjustments shall be reported. The State may require proof of continuous monitoring system performance whenever system repairs or adjustments have been made.

4.5 When no excess emissions have occurred and the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be included in the report.

4.6 The State plan shall require owners or operators of affected facilities to maintain a file of all information reported in the quarterly summaries, and all other data collected either by the continuous monitoring system or as necessary to convert monitoring data to the units of the applicable standard for a minimum of two years from the date of collection of such data or submission of such summaries.

5.0 *Data Reduction.*

The State plan shall require owners or operators of affected facilities to use the following procedures for converting monitoring data to units of the standard where necessary.

5.1 For fossil fuel-fired steam generators the following procedures shall be used to convert gaseous emission monitoring data in parts per million to g/million cal (lb/million BTU) where necessary:

5.1.1 When the owner or operator of a fossil fuel-fired steam generator elects under subparagraph 2.1.4 of this Appendix to measure oxygen in the flue gases, the measurements of the pollutant concentration and oxygen concentration shall each be on a dry basis and the following conversion procedure used:

$$E = CF\left(\frac{20.9}{20.9 - \%O_2}\right)$$

5.1.2 When the owner or operator elects under subparagraph 2.1.4 of this Appendix to measure carbon dioxide in the flue gases, the measurement of the pollutant concentration and the carbon dioxide concentration shall each be on a consistent basis (wet or dry) and the following conversion procedure used:

$$E = CF_c\left(\frac{100}{\%\ CO_2}\right)$$

5.1.3 The values used in the equations under paragraph 5.1 are derived as follows:

E = pollutant emission, g/million cal (lb/million BTU),

C = pollutant concentration, g/dscm (lb/dscf), determined by multiplying the average concentration (ppm) for each hourly period by 4.16×10^{-5} M g/dscm per ppm (2.64×10^{-9} M lb/dscf per ppm) where M = pollutant molecular weight, g/g-mole (lb/lb-mole). M = 64 for sulfur dioxide and 46 for oxides of nitrogen.

$\%O_2$, $\%CO_2$ = Oxygen or carbon dioxide volume (expressed as percent) determined with equipment specified under paragraph 4.1.4 of this appendix.

F, F_c = a factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted (F), and a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted (F_c) respectively. Values of F and F_c are given in § 60.45(f) of Part 60, as applicable.

5.2 For sulfuric acid plants the owner or operator shall:

5.2.1 establish a conversion factor three times daily according to the procedures to § 60.84(b) of this chapter;

5.2.2 multiply the conversion factor by the average sulfur dioxide concentration in the flue gases to obtain average sulfur dioxide emissions in Kg/metric ton (lb/short ton); and

5.2.3 report the average sulfur dioxide emission for each averaging period in excess of the applicable emission standard in the quarterly summary.

5.3 For nitric acid plants the owner or operator shall;

5.3.1 establish a conversion factor according to the procedures of § 60.73(b) of this chapter.

5.3.2 multiply the conversion factor by the average nitrogen oxides concentration in the flue gases to obtain the nitrogen oxides emissions in the units of the applicable standard;

5.3.3 report the average nitrogen oxides emission for each averaging period in excess of the applicable emission standard, in the quarterly summary.

5.4 Any State may allow data reporting or reduction procedures varying from those set forth in this Appendix if the owner or operator of a source shows to the satisfaction of the State that his procedures are at least as accurate as those in this Appendix. Such procedures may include but are not limited to, the following:

5.4.1 Alternative procedures for computing emission averages that do not require integration of data (e.g., some facilities may demonstrate that the variability of their emissions is sufficiently small to allow accurate reduction of data based upon computing averages from equally spaced data points over the averaging period).

5.4.2 Alternative methods of converting pollutant concentration measurements to the units of the emission standards.

6.0 *Special Consideration.*

The State plan may provide for approval, on a case-by-case basis, of alternative monitoring requirements different from the provisions of Parts 1 through 5 of this Appendix if the provisions of this Appendix (i.e., the installation of a continuous emission monitoring system) cannot be implemented by a source due to physical plant limitations or extreme economic reasons. To make use of this provision, States must include in their plan specific criteria for determining those physical limitations or extreme economic situations to be considered by the State. In such cases, when the State exempts any source subject to this Appendix by use of this provision from installing continuous emission monitoring systems, the State shall set forth alternative emission monitoring and reporting requirements (e.g., periodic manual stack tests) to satisfy the intent of these regulations. Examples of such special cases include, but are not limited to, the following:

6.1 Alternative monitoring requirements may be prescribed when installation of a continuous monitoring system or monitoring device specified by this Appendix would not provide accurate determinations of emissions (e.g., condensed, uncombined water vapor may prevent an accurate determination of opacity using commercially available continuous monitoring systems).

6.2 Alternative monitoring requirements may be prescribed when the affected facility is infrequently operated (e.g., some affected facilities may operate less than one month per year).

6.3 Alternative monitoring requirements may be prescribed when the State determines that the requirements of this Appendix would impose an extreme economic burden on the source owner or operator.

6.4 Alternative monitoring requirements may be prescribed when the State determines that monitoring systems prescribed by this Appendix cannot be installed due to physical limitations at the facility.

[FR Doc.75-26566 Filed 10-3-75;8:45 am]

[FRL 423-7]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Emission Monitoring Requirements and Revisions to Performance Testing Methods

On September 11, 1974 (39 FR 32852), the Environmental Protection Agency (EPA) proposed revisions to 40 CFR Part 60, Standards of Performance for New Stationary Sources, to establish specific requirements pertaining to continuous emission monitoring system performance specifications, operating procedures, data These requirements would apply to new and modified facilities covered under Part 60, but would not apply to existing facilities.

Simultaneously (39 FR 32871), the Agency proposed revisions to 40 CFR Part 51, Requirements for the Preparation, Adoption, and Submittal of Implementation Plans, which would require States to revise their State Implementation Plans (SIP's) to include legal enforceable procedures requiring certain specified stationary sources to monitor emissions on a continuous basis. These requirements would apply to existing facilities, which are not covered under Part 60.

Interested parties participated in the rulemaking by sending comments to EPA. A total of 105 comment letters were received on the proposed revisions to Part 60 from monitoring equipment manufacturers, data processing equipment manufacturers, industrial users of monitoring equipment, air pollution control agencies including State, local, and EPA regional offices, other Federal agencies, and consultants. Copies of the comment letters received and a summary of the issues and EPA's responses are available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. In addition, copies of the issue summary and EPA responses may be obtained upon written request from the EPA Public Information Center (PM-215), 401 M Street, S.W., Washington, D.C. 20460 (specify Public Comment Summary: Emission Monitoring Requirements). The comments have been carefully considered, additional information has been collected and assessed, and where determined by the Administrator to be appropriate, changes have been made to the proposed regulations. These changes are incorporated in the regulations promulgated herein.

Background

At the time the regulations were proposed (September 11, 1974), EPA had promulgated 12 standards of performance for new stationary sources under section 111 of the Clean Air Act, as amended, four of which required the affected facilities to install and operate systems which continuously monitor the levels of pollutant emissions, where the technical feasibility exists using currently available continuous monitoring technology, and where the cost of the systems is reasonable. When the four standards that require monitoring systems were promulgated, EPA had limited knowledge about the operation of such systems because only a few systems had been installed; thus, the requirements were specified in general terms. EPA initiated a program to develop performance specifications and obtain information on the operation of continuous monitoring systems. The program was designed to assess the systems' accuracy, reliability, costs, and problems related to installation, operation, maintenance, and data handling. The proposed regulations (39 FR 32852) were based on the results of this program.

The purpose of regulations promulgated herein is to establish minimum performance specifications for continuous monitoring systems, minimum data reduction requirements, operating procedures, and reporting requirements for those affected facilities required to install continuous monitoring systems. The specifications and procedures are designed to assure that the data obtained from continuous monitoring systems will be accurate and reliable and provide the necessary information for determining whether an owner or operator is following proper operation and maintenance procedures.

Significant Comments and Changes Made To Proposed Regulations

Many of the comment letters received by EPA contained multiple comments. The most significant comments and the differences between the proposed and final regulations are discussed below.

(1) Subpart A—General Provisions. The greatest number of comments received pertained to the methodology and expense of obtaining and reporting continuous monitoring system emission data. Both air pollution control agencies and affected users of monitoring equipment presented the view that the proposed regulations requiring that all emission data be reported were excessive, and that reports of only excess emissions and retention of all the data for two years on the affected facility's premises is sufficient. Twenty-five commentators suggested that the effectiveness of the operation and maintenance of an affected facility and its air pollution control system could be determined by reporting only excess emissions. Fifteen others recommended deleting the reporting requirements entirely.

EPA has reviewed these comments and has contacted vendors of monitoring and data acquisition equipment for additional information to more fully assess the impact of the proposed reporting requirements. Consideration was also given to the resources that would be required of EPA to enforce the proposed requirement, the costs that would be incurred by an affected source, and the effectiveness of the proposed requirement in comparison with a requirement to report only excess emissions. EPA concluded that reporting only excess emissions would assure proper operation and maintenance of the air pollution control equipment and would result in lower costs to the source and allow more effective use of EPA resources by eliminating the need for handling and storing large amounts of data. Therefore, the regulation promulgated herein requires owners or operators to report only excess emissions and to maintain a permanent record of all emission data for a period of two years.

In addition, the proposed specification of minimum data reduction procedures has been changed. Rather than requiring integrated averages as proposed, the regulations promulgated herein also specify a method by which a minimum number of data points may be used to compute average emission rates. For example, average opacity emissions over a six-minute period may be calculated from a minimum of 24 data points equally spaced over each six-minute period. Any number of equally spaced data points in excess of 24 or continuously integrated data may also be used to compute six-minute averages. This specification of minimum computation requirements combined with the requirement to report only excess emissions provides source owners and operators with maximum flexibility to select from a wide choice of optional data reduction procedures. Sources which monitor only opacity and which infrequently experience excess emissions may choose to utilize strip chart recorders, with or without continuous six-minute integrators; whereas sources monitoring two or more pollutants plus other parameters necessary to convert to units of the emission standard may choose to utilize existing computers or electronic data processes incorporated with the monitoring system. All data must be retained for two years, but only excess emissions need be reduced to units of the standard. However, in order to report excess emissions, adequate procedures must be utilized to insure that excess emissions are identified. Here again, certain sources with minimal excess emissions can determine excess emissions by review of strip charts, while sources with varying emission and excess air rates will most likely need to reduce all data to units of the standard to identify any excess emissions. The regulations promulgated herein allow the use of extractive, gaseous monitoring systems on a time sharing basis by installing sampling probes at several locations, provided the minimum number of data points (four per hour) are obtained.

Several commentators stated that the averaging periods for reduction of monitoring data, especially opacity, were too short and would result in an excessive amount of data that must be reduced and recorded. EPA evaluated these comments and concluded that to be useful to source owners and operators as well as enforcement agencies, the averaging time for the continuous monitoring data should be reasonably consistent with the averaging time for the reference methods used during performance tests. The data reduction requirements for opacity have been substantially reduced because the averaging period was changed from one

minute, which was proposed, to six minutes to be consistent with revisions made to Method 9 (39 FR 39872).

Numerous comments were received on proposed § 60.13 which resulted in several changes. The proposed section has been reorganized and revised in several respects to accommodate the comments and provide clarity, to more specifically delineate the equipment subject to Performance Specifications in Appendix B, and to more specifically define requirements for equipment purchased prior to September 11, 1974. The provisions in § 60.13 are not intended to prevent the use of any equipment that can be demonstrated to be reliable and accurate; therefore, the performance of monitoring systems is specified in general terms with minimal references to specific equipment types. The provisions in § 60.13(i) are included to allow owners or operators and equipment vendors to apply to the Administrator for approval to use alternative equipment or procedures when equipment capable of producing accurate results may not be commercially available (e.g. condensed water vapor interferes with measurement of opacity), when unusual circumstances may justify less costly procedures, or when the owner or operator or equipment vendor may simply prefer to use other equipment or procedures that are consistent with his current practices.

Several paragraphs in § 60.13 have been changed on the basis of the comments received. In response to comments that the monitor operating frequency requirements did not consider periods when the monitor is inoperative or undergoing maintenance, calibration, and adjustment, the operating frequency requirements have been changed. Also the frequency of cycling requirement for opacity monitors has been changed to be consistent with the response time requirement in Performance Specification 1, which reflects the capability of commercially available equipment.

A second area that received comment concerns maintenance performed upon continuous monitoring systems. Six commentators noted that the proposed regulation requiring extensive retesting of continuous monitoring systems for all minor failures would discourage proper maintenance of the systems. Two other commentators noted the difficulty of determining a general list of critical components, the replacement of which would automatically require a retest of the system. Nevertheless, it is EPA's opinion that some control must be exercised to insure that a suitable monitoring system is not rendered unsuitable by substantial alteration or a lack of needed maintenance. Accordingly, the regulations promulgated herein require that owners or operators submit with the quarterly report information on any repairs or modifications made to the system during the reporting period. Based upon this information, the Administrator may review the status of the monitoring system with the owner or operator and, if determined to be necessary, require retesting of the continuous monitoring system(s).

Several commentators noted that the proposed reporting requirements are unnecessary for affected facilities not required to install continuous monitoring systems. Consequently, the regulations promulgated herein do not contain the requirements.

Numerous comments were received which indicated that some monitoring systems may not be compatible with the proposed test procedures and requirements. The comments were evaluated and, where appropriate, the proposed test procedures and requirements were changed. The procedures and requirements promulgated herein are applicable to the majority of acceptable systems; however, EPA recognizes that there may be some acceptable systems available now or in the future which could not meet the requirements. Because of this, the regulations promulgated herein include a provision which allows the Administrator to approve alternative testing procedures. Eleven commentators noted that adjustment of the monitoring instruments may not be necessary as a result of daily zero and span checks. Accordingly, the regulations promulgated herein require adjustments only when applicable 24-hour drift limits are exceeded. Four commentators stated that it is not necessary to introduce calibration gases near the probe tips. EPA has demonstrated in field evaluations that this requirement is necessary in order to assure accurate results; therefore, the requirement has been retained. The requirement enables detection of any dilution or absorption of pollutant gas by the plumbing and conditioning systems prior to the pollutant gas entering the gas analyzer.

Provisions have been added to these regulations to require that the gas mixtures used for the daily calibration check of extractive continuous monitoring systems be traceable to National Bureau of Standards (NBS) reference gases. Calibration gases used to conduct system evaluations under Appendix B must either be analyzed prior to use or shown to be traceable to NBS materials. This traceability requirement will assure the accuracy of the calibration gas mixtures and the comparability of data from systems at all locations. These traceability requirements will not be applied whenever the NBS materials are not available. A list of available NBS Standard Reference Materials may be obtained from the Office of Standard Reference Materials, Room B311, Chemistry Building, National Bureau of Standards, Washington, D.C. 20234.

Recertification of the continued accuracy of the calibration gas mixtures is also necessary and should be performed at intervals recommended by the calibration gas mixture manufacturer. The NBS materials and calibration gas mixtures traceable to these materials should not be used after expiration of their stated shelf-life. Manufacturers of calibration gas mixtures generally use NBS materials for traceability purposes, therefore, these amendments to the regulations will not impose additional requirements upon most manufacturers.

(2) Subpart D—Fossil-Fuel Fired Steam Generators. Eighteen commentators had questions or remarks concerning the proposed revisions dealing with fuel analysis. The evaluation of these comments and discussions with coal suppliers and electric utility companies led the Agency to conclude that the proposed provisions for fuel analysis are not adequate or consistent with the current fuel situation. An attempt was made to revise the proposed provisions; however, it became apparent that an in-depth study would be necessary before meaningful provisions could be developed. The Agency has decided to promulgate all of the regulations except those dealing with fuel analysis. The fuel analysis provisions of Subpart D have been reserved in the regulations promulgated herein. The Agency has initiated a study to obtain the necessary information on the variability of sulfur content in fuels, and the capability of fossil fuel fired steam generators to use fuel analysis and blending to prevent excess sulfur dioxide emissions. The results of this study will be used to determine whether fuel analysis should be allowed as a means of measuring excess emissions, and if allowed, what procedure should be required. It should be pointed out that this action does not affect facilities which use flue gas desulfurization as a means of complying with the sulfur dioxide standard; these facilities are still required to install continuous emission monitoring systems for sulfur dioxide. Facilities which use low sulfur fuel as a means of complying with the sulfur dioxide standard may use a continuous sulfur dioxide monitor or fuel analysis. For facilities that elect to use fuel analysis procedures, fuels are not required to be sampled or analyzed for preparation of reports of excess emissions until the Agency finalizes the procedures and requirements.

Three commentators recommended that carbon dioxide continuous monitoring systems be allowed as an alternative for oxygen monitoring for measurement of the amount of diluents in flue gases from steam generators. The Agency agrees with this recommendation and has included a provision which allows the use of carbon dioxide monitors. This provision allows the use of pollutant monitors that produce data on a wet basis without requiring additional equipment or procedures for correction of data to a dry basis. Where CO_2 or O_2 data are not collected on a consistent basis (wet or dry) with the pollutant data, or where oxygen is measured on a wet basis, alternative procedures to provide corrections for stack moisture and excess air must be approved by the Administrator. Similarly, use of a carbon dioxide continuous monitoring system downstream of a flue gas desulfurization system is not permitted without the Administrator's prior approval due to the potential for absorption of CO_2 within the control device. It should be noted that when any fuel is fired directly in the stack gases

for reheating, the F and F_c factors promulgated herein must be prorated based upon the total heat input of the fuels fired within the facility regardless of the locations of fuel firing. Therefore, any facility using a flue gas desulfurization system may be limited to dry basis monitoring instrumentation due to the restrictions on use of a CO_2 diluent monitor unless water vapor is also measured subject to the Administrator's approval.

Two commentators requested that an additional factor (F_w) be developed for use with oxygen continuous monitoring systems that measure flue gas diluents on a wet basis. A factor of this type was evaluated by EPA, but is not being promulgated with the regulations herein. The error in the accuracy of the factor may exceed ±5 percent without additional measurements to correct for variations in flue gas moisture content due to fluctuations in ambient humidity or fuel moisture content. However, EPA will approve installation of wet basis oxygen systems on a case-by-case basis if the owner or operator will proposed use of additional measurements and procedures to control the accuracy of the F_w factor within acceptable limits. Applications for approval of such systems should include the frequency and type of additional measurements proposed and the resulting accuracy of the F_w factor under the extremes of operating conditions anticipated.

One commentator stated that the proposed requirements for recording heat input are superfluous because this information is not needed to convert monitoring data to units of the applicable standard. EPA has reevaluated this requirement and has determined that the conversion of excess emissions into units of the standards will be based upon the F factors and that measurement of the rates of fuel firing will not be needed except when combinations of fuels are fired. Accordingly, the regulations promulgated herein require such measurements only when multiple fuels are fired.

Thirteen commentators questioned the rationale for the proposed increased operating temperature of the Method 5 sampling train for fossil-fuel-fired steam generator particulate testing and the basis for raising rather than lowering the temperature. A brief discussion of the rationale behind this revision was provided in the preamble to the proposed regulations, and a more detailed discussion is provided here. Several factors are of primary importance in developing the data base for a standard of performance and in specifying the reference method for use in conducting a performance test, including:

a. The method used for data gathering to establish a standard must be the same as, or must have a known relationship to, the method subsequently established as the reference method.

b. The method should measure pollutant emissions indicative of the performance of the best systems of emission reduction. A method meeting this criterion will not necessarily measure emissions as they would exist after dilution and cooling to ambient temperature and pressure, as would occur upon release to the atmosphere. As such, an emission factor obtained through use of such a method would, for example, not necessarily be of use in an ambient dispersion model. This seeming inconsistency results from the fact that standards of performance are intended to result in installation of systems of emission reduction which are consistent with best demonstrated technology, considering cost. The Administrator, in establishing such standards, is required to identify best demonstrated technology and to develop standards which reflect such technology. In order for these standards to be meaningful, and for the required control technology to be predictable, the compliance methods must measure emissions which are indicative of the performance of such systems.

c. The method should include sufficient detail as needed to produce consistent and reliable test results.

EPA relies primarily upon Method 5 for gathering a consistent data base for particulate matter standards. Method 5 meets the above criteria by providing detailed sampling methodology and includes an out-of-stack filter to facilitate temperature control. The latter is needed to define particulate matter on a common basis since it is a function of temperature and is not an absolute quantity. If temperature is not controlled, and/or if the effect of temperature upon particulate formation is unknown, the effect on an emission control limitation for particulate matter may be variable and unpredictable.

Although selection of temperature can be varied from industry to industry, EPA specifies a nominal sampling temperature of 120° C for most source categories subject to standards of performance. Reasons for selection of 120° C include the following:

a. Filter temperature must be held above 100° C at sources where moist gas streams are present. Below 100° C, condensation can occur with resultant plugging of filters and possible gas/liquid reactions. A temperature of 120° C allows for expected temperature variation within the train, without dropping below 100° C.

b. Matter existing in particulate form at 120° C is indicative of the performance of the best particulate emission reduction systems for most industrial processes. These include systems of emission reduction that may involve not only the final control device, but also the process and stack gas conditioning systems.

c. Adherence to one established temperature (even though some variation may be needed for some source categories) allows comparison of emissions from source category to source category. This limited standardization used in the development of standards of performance is a benefit to equipment vendors and to source owners by providing a consistent basis for comparing test results and predicting control system performance. In comparison, in-stack filtration takes place at stack temperature, which usually is not constant from one source to the next. Since the temperature varies, in-stack filtration does not necessarily provide a consistent definition of particulate matter and does not allow for comparison of various systems of control. On these bases, Method 5 with a sampling filter temperature controlled at approximately 120° C was promulgated as the applicable test method for new fossil-fuel fired steam generators.

Subsequent to the promulgation of the standards of performance for steam generators, data became available indicating that certain combustion products which do not exist as particulate matter at the elevated temperatures existing in steam generator stacks may be collected by Method 5 at lower temperatures (below 160° C). Such material, existing in gaseous form at stack temperature, would not be controllable by emission reduction systems involving electrostatic precipitators (ESP). Consequently, measurement of such condensible matter would not be indicative of the control system performance. Studies conducted in the past two years have confirmed that such condensation can occur. At sources where fuels containing 0.3 to 0.85 percent sulfur were burned, the incremental increase in particulate matter concentration resulting from sampling at 120° C as compared to about 150° C was found to be variable, ranging from 0.001 to 0.008 gr/scf. The variability is not necessarily predictable, since total sulfur oxide concentration, boiler design and operation, and fuel additives each appear to have a potential effect. Based upon these data, it is concluded that the potential increase in particulate concentration at sources meeting the standard of performance for sulfur oxides is not a serious problem in comparison with the particulate standard which is approximately 0.07 gr/scf. Nevertheless, to insure that an unusual case will not occur where a high concentration of condensible matter, not controllable with an ESP, would prevent attainment of the particulate standard, the sampling temperature allowed at fossil-fuel fired steam boilers is being raised to 160° C. Since this temperature is attainable at new steam generator stacks, sampling at temperatures above 160° C would not yield results necessarily representative of the capabilities of the best systems of emission reduction.

In evaluating particulate sampling techniques and the effect of sampling temperature, particular attention has also been given to the possibility that SO_3 may react in the front half of the Method 5 train to form particulate matter. Based upon a series of comprehensive tests involving both source and controlled environments, EPA has developed data that show such reactions do not occur to a significant degree.

Several control agencies commented on the increase in sampling temperature and suggested that the need is for sampling at lower, not higher, temperatures. This is a relevant comment and is one which must be considered in terms of the basis upon which standards are established.

For existing boilers which are not subject to this standard, the existence of higher stack temperatures and/or the use of higher sulfur fuels may result in significant condensation and resultant high indicated particulate concentrations when sampling is conducted at 120° C. At one coal fired steam generator burning coal containing approximately three percent sulfur, EPA measurements at 120° C showed an increase of 0.05 gr/dscf over an average of seven runs compared to samples collected at approximately 150° C. It is believed that this increase resulted, in large part, if not totally, from SO_3 condensation which would occur also when the stack emissions are released into the atmosphere. Therefore, where standards are based upon emission reduction to achieve ambient air quality standards rather than on control technology (as is the case with the standards promulgated herein), a lower sampling temperature may be appropriate.

Seven commentators questioned the need for traversing for oxygen at 12 points within a duct during performance tests. This requirement, which is being revised to apply only when particulate sampling is performed (no more than 12 points are required) is included to insure that potential stratification resulting from air in-leakage will not adversely affect the accuracy of the particulate test.

Eight commentators stated that the requirement for continuous monitoring of nitrogen oxides should be deleted because only two air quality control regions have ambient levels of nitrogen dioxide that exceed the national ambient air quality standard for nitrogen dioxide. Standards of performance issued under section 111 of the Act are designed to require affected facilities to design and install the best systems of emission reduction (taking into account the cost of such reduction). Continuous emission monitoring systems are required to insure that the emission control systems are operated and maintained properly. Because of this, the Agency does not feel that it is appropriate to delete the continuous emission monitoring system requirements for nitrogen oxides; however, in evaluating these comments the Agency found that some situations may exist where the nitrogen oxides monitor is not necessary to insure proper operation and maintenance. The quantity of nitrogen oxides emitted from certain types of furnaces is considerably below the nitrogen oxides emission limitation. The low emission level is achieved through the design of the furnace and does not require specific operating procedures or maintenance on a continuous basis to keep the nitrogen oxides emissions below the applicable standard. Therefore, in this situation, a continuous emission monitoring system for nitrogen oxides is unnecessary. The regulations promulgated herein do not require continuous emission monitoring systems for nitrogen oxides on facilities whose emissions are 30 percent or more below the applicable standard.

Three commentators requested that owners or operators of steam generators be permitted to use NO_x continuous monitoring systems capable of measuring only nitric oxide (NO) since the amount of nitrogen dioxide (NO_2) in the flue gases is comparatively small. The regulations proposed and those promulgated herein allow use of such systems or any system meeting all of the requirements of Performance Specification 2 of Appendix B. A system that measures only nitric oxide (NO) may meet these specifications including the relative accuracy requirement (relative to the reference method tests which measure NO + NO_2) without modification. However, in the interests of maximizing the accuracy of the system and creating conditions favorable to acceptance of such systems (the cost of systems measuring only NO is less), the owner or operator may determine the proportion of NO_2 relative to NO in the flue gases and use a factor to adjust the continuous monitoring system emission data (e.g. 1.03 × NO = NO_x) provided that the factor is applied not only to the performance evaluation data, but also applied consistently to all data generated by the continuous monitoring system thereafter. This procedure is limited to facilities that have less than 10 percent NO_2 (greater than 90 percent NO) in order to not seriously impair the accuracy of the system due to NO_2 to NO proportion fluctuations.

Section 60.45(g)(1) has been reserved for the future specification of the excess emissions for opacity that must be reported. On November 12, 1974 (39 FR 39872), the Administrator promulgated revisions to Subpart A, General Provisions, pertaining to the opacity provisions and to Reference Method 9, Visual Determination of the Opacity of Emissions from Stationary Sources. On April 22, 1975 (40 FR 17778), the Agency issued a notice soliciting comments on the opacity provisions and Reference Method 9. The Agency intends to evaluate the comments received and make any appropriate revision to the opacity provisions and Reference Method 9. In addition, the Agency is evaluating the opacity standards for fossil-fuel fired steam generators under § 60.42(a)(2) to determine if changes are needed because of the new Reference Method 9. The provisions on excess emissions for opacity will be issued after the Agency completes its evaluation of the opacity standard.

(3) Subpart G—Nitric Acid Plants. Two commentators questioned the long-term validity of the proposed conversion procedures for reducing data to units of the standard. They suggested that the conversion could be accomplished by monitoring the flue gas volumetric rate. EPA reevaluated the proposed procedures and found that monitoring the flue gas volume would be the most direct method and would also be an accurate method of converting monitoring data, but would require the installation of an additional continuous monitoring system. Although this option is available and would be acceptable subject to the Administrator's approval, EPA does not believe that the additional expense this method (monitoring volumetric rate) would entail is warranted. Since nitric acid plants, for economic and technical reasons, typically operate within a fairly narrow range of conversion efficiencies (90–96 percent) and tail gas diluents (2–5 percent oxygen), the flue gas volumetric rates are reasonably proportional to the acid production rate. The error that would be introduced into the data from the maximum variation of these parameters is approximately 15 percent and would usually be much less. It is expected that the tail gas oxygen concentration (an indication of the degree of tail gas dilution) will be rigidly controlled at facilities using catalytic converter control equipment. Accordingly, the proposed procedures for data conversion have been retained due to the small benefit that would result from requiring additional monitoring equipment. Other procedures may be approved by the Administrator under § 60.13(i).

(4) Subpart H—Sulfuric Acid Plants. Two commentators stated that the proposed procedure for conversion of monitoring data to units of the standard would result in large data reduction errors. EPA has evaluated more closely the operations of sulfuric acid plants and agrees that the proposed procedure is inadequate. The proposed conversion procedure assumes that the operating conditions of the affected facility will remain approximately the same as during the continuous monitoring system evaluation tests. For sulfuric acid plants this assumption is invalid. A sulfuric acid plant is typically designed to operate at a constant volumetric throughput (scfm). Acid production rates are altered by by-passing portions of the process air around the furnace or combustor to vary the concentration of the gas entering the converter. This procedure produces widely varying amounts of tail gas dilution relative to the production rate. Accordingly, EPA has developed new conversion procedures whereby the appropriate conversion factor is computed from an analysis of the SO_2 concentration entering the converter. Air injection plants must make additional corrections for the diluent air added. Measurement of the inlet SO_2 is a normal quality control procedure used by most sulfuric acid plants and does not represent an additional cost burden. The Reich test or other suitable procedures may be used.

(5) Subpart J—Petroleum Refineries. One commentator stated that the requirements for installation of continuous monitoring systems for oxygen and firebox temperature are unnecessary and that installation of a flame detection device would be superior for process control purposes. Also, EPA has obtained data which show no identifiable relationship between furnace temperature, percent oxygen in the flue gas, and carbon monoxide emissions when the facility is operated in compliance with the applicable standard. Since firebox temperature and oxygen measurements may not be preferred by source owners and operators for process control, and no

known method is available for translation of these measurements into quantitative reports of excess carbon monoxide emissions, this requirement appears to be of little use to the affected facilities or to EPA. Accordingly, requirements for installation of continuous monitoring systems for measurements of firebox temperature and oxygen are deleted from the regulations.

Since EPA has not yet developed performance specifications for carbon monoxide or hydrogen sulfide continuous monitoring systems, the type of equipment that may be installed by an owner or operator in compliance with EPA requirements is undefined. Without conducting performance evaluations of such equipment, little reliance can be placed upon the value of any data such systems would generate. Therefore, the sections of the regulation requiring these systems are being reserved until EPA proposes performance specifications applicable to H_2S and CO monitoring systems. The provisions of § 60.105(a)(3) do not apply to an owner or operator electing to monitor H_2S. In that case, an H_2S monitor should not be installed until specific H_2S monitoring requirements are promulgated. At the time specifications are proposed, all owners or operators who have not entered into binding contractual obligations to purchase continuous monitoring equipment by [date of publication] will be required to install a carbon monoxide continuous monitoring system and a hydrogen sulfide continuous monitoring system (unless a sulfur dioxide continuous monitoring system has been installed) as applicable.

Section 60.105(a)(2), which specifies the excess emissions for capacity that must be reported, has been reserved for the same reasons discussed under fossil fuel-fired steam generators.

(6) Appendix B—Performance Specifications. A large number of comments were received in reference to specific technical and editorial changes needed in the specifications. Each of these comments has been reviewed and several changes in format and procedures have been made. These include adding alignment procedures for opacity monitors and more specific instructions for selecting a location for installing the monitoring equipment. Span requirements have been specified so that commercially produced equipment may be standardized where possible. The format of the specifications was simplified by redefining the requirements in terms of percent opacity, or oxygen, or carbon dioxide, or percent of span. The proposed requirements were in terms of percent of the emission standard which is less convenient or too vague since reference to the emission standards would have represented a range of pollutant concentrations depending upon the amount of diluents (i.e. excess air and water vapor) that are present in the effluent. In order to calibrate gaseous monitors in terms of a specific concentration, the requirements were revised to delete reference to the emission standards.

Four commentators noted that the reference methods used to evaluate continuous monitoring system performance may be less accurate than the systems themselves. Five other commentators questioned the need for 27 nitrogen oxides reference method tests. The accuracy specification for gaseous monitoring systems was specified at 20 percent, a value in excess of the actual accuracy of monitoring systems that provides tolerance for reference method inaccuracy. Commercially available monitoring equipment has been evaluated using these procedures and the combined errors (i.e. relative accuracy) in the reference methods and the monitoring systems have been shown not to exceed 20 percent after the data are averaged by the specified procedures.

Twenty commentators noted that the cost estimates contained in the proposal did not fully reflect installation costs, data reduction and recording costs, and the costs of evaluating the continuous monitoring systems. As a result, EPA reevaluated the cost analysis. For opacity monitoring alone, investment costs including data reduction equipment and performance tests are approximately $20,000, and annual operating costs are approximately $8,500. The same location on the stack used for conducting performance tests with Reference Method 5 (particulate) may be used by installing a separate set of ports for the monitoring system so that no additional expense for access is required. For power plants that are required to install opacity, nitrogen oxides, sulfur dioxide, and diluent (O_2 or CO_2) monitoring systems, the investment cost is approximately $55,000, and the operating cost is approximately $30,000. These are significant costs but are not unreasonable in comparison to the approximately seven million dollar investment cost for the smallest steam generation facility affected by these regulations.

Effective date. These regulations are promulgated under the authority of sections 111, 114 and 301(a) of the Clean Air Act as amended [42 U.S.C. 1857c-6, 1857c-9, and 1857g(a)] and become effective October 6, 1975.

Dated: September 23, 1975.

JOHN QUARLES,
Acting Administrator.

40 CFR Part 60 is amended by revising Subparts A, D, F, G, H, I, J, L, M, and O, and adding Appendix B as follows:

1. The table of sections is amended by revising Subpart A and adding Appendix B as follows:

Subpart A—General Provisions

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60.13 Monitoring requirements.

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APPENDIX B—PERFORMANCE SPECIFICATIONS

Performance Specification 1—Performance specifications and specification test procedures for transmissometer systems for continuous measurement of the opacity of stack emissions.

Performance Specification 2—Performance specifications and specification test procedures for monitors of SO_2 and NO_x from stationary sources.

Performance Specification 3—Performance specifications and specification test procedures for monitors of CO_2 and O_2 from stationary sources.

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Subpart A—General Provisions

Section 60.2 is amended by revising paragraph (r) and by adding paragraphs (x), (y), and (z) as follows:

§ 60.2 Definitions.

* * * * *

(r) "One-hour period" means any 60 minute period commencing on the hour.

* * * * *

(x) "Six-minute period" means any one of the 10 equal parts of a one-hour period.

(y) "Continuous monitoring system" means the total equipment, required under the emission monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters.

(z) "Monitoring device" means the total equipment, required under the monitoring of operations sections in applicable subparts, used to measure and record (if applicable) process parameters.

3. In § 60.7, paragraph (a)(5) is added and paragraphs (b), (c), and (d) are revised. The added and revised provisions read as follows:

§ 60.7 Notification and record keeping.

(a) * * *

(5) A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with § 60.13(c). Notification shall be postmarked not less than 30 days prior to such date.

(b) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

(c) Each owner or operator required to install a continuous monitoring system shall submit a written report of excess emissions (as defined in applicable subparts) to the Administrator for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter and shall include the following information:

(1) The magnitude of excess emissions computed in accordance with § 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions.

(2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.

(3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

(4) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(d) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records.

4. A new § 60.13 is added as follows:

§ 60.13 Monitoring requirements.

(a) Unless otherwise approved by the Administrator or specified in applicable subparts, the requirements of this section shall apply to all continuous monitoring systems required under applicable subparts.

(b) All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under § 60.8. Verification of operational status shall, as a minimum, consist of the following:

(1) For continuous monitoring systems referenced in paragraph (c)(1) of this section, completion of the conditioning period specified by applicable requirements in Appendix B.

(2) For continuous monitoring systems referenced in paragraph (c)(2) of this section, completion of seven days of operation.

(3) For monitoring devices referenced in applicable subparts, completion of the manufacturer's written requirements or recommendations for checking the operation or calibration of the device.

(c) During any performance tests required under § 60.8 or within 30 days thereafter and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of any affected facility shall conduct continuous monitoring system performance evaluations and furnish the Administrator within 60 days thereof two or, upon request, more copies of a written report of the results of such tests. These continuous monitoring system performance evaluations shall be conducted in accordance with the following specifications and procedures:

(1) Continuous monitoring systems listed within this paragraph except as provided in paragraph (c)(2) of this section shall be evaluated in accordance with the requirements and procedures contained in the applicable performance specification of Appendix B as follows:

(i) Continuous monitoring systems for measuring opacity of emissions shall comply with Performance Specification 1.

(ii) Continuous monitoring systems for measuring nitrogen oxides emissions shall comply with Performance Specification 2.

(iii) Continuous monitoring systems for measuring sulfur dioxide emissions shall comply with Performance Specification 2.

(iv) Continuous monitoring systems for measuring the oxygen content or carbon dioxide content of effluent gases shall comply with Performance Specification 3.

(2) An owner or operator who, prior to September 11, 1974, entered into a binding contractual obligation to purchase specific continuous monitoring system components except as referenced by paragraph (c)(2)(iii) of this section shall comply with the following requirements:

(i) Continuous monitoring systems for measuring opacity of emissions shall be capable of measuring emission levels within ±20 percent with a confidence level of 95 percent. The Calibration Error Test and associated calculation procedures set forth in Performance Specification 1 of Appendix B shall be used for demonstrating compliance with this specification.

(ii) Continuous monitoring systems for measurement of nitrogen oxides or sulfur dioxide shall be capable of measuring emission levels within ±20 percent with a confidence level of 95 percent. The Calibration Error Test, the Field Test for Accuracy (Relative), and associated operating and calculation procedures set forth in Performance Specification 2 of Appendix B shall be used for demonstrating compliance with this specification.

(iii) Owners or operators of all continuous monitoring systems installed on an affected facility prior to [date of promulgation] are not required to conduct tests under paragraphs (c)(2)(i) and/or (ii) of this section unless requested by the Administrator.

(3) All continuous monitoring systems referenced by paragraph (c)(2) of this section shall be upgraded or replaced (if necessary) with new continuous monitoring systems, and such improved systems shall be demonstrated to comply with applicable performance specifications under paragraph (c)(1) of this section by September 11, 1979.

(d) Owners or operators of all continuous monitoring systems installed in accordance with the provisions of this part shall check the zero and span drift at least once daily in accordance with the method prescribed by the manufacturer of such systems unless the manufacturer recommends adjustments at shorter intervals, in which case such recommendations shall be followed. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B are exceeded. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero or span drift adjustments except that for systems using automatic zero adjustments, the optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds four percent opacity. Unless otherwise approved by the Administrator, the following procedures, as applicable, shall be followed:

(1) For extractive continuous monitoring systems measuring gases, minimum procedures shall include introducing applicable zero and span gas mixtures into the measurement system as near the probe as is practical. Span and zero gases certified by their manufacturer to be traceable to National Bureau of Standards reference gases shall be used whenever these reference gases are available. The span and zero gas mixtures shall be the same composition as specified in Appendix B of this part. Every six months from date of manufacture, span and zero gases shall be reanalyzed by conducting triplicate analyses with Reference Methods 6 for SO_2, 7 for NO_x, and 3 for O_2 and CO_2, respectively. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

(2) For non-extractive continuous monitoring systems measuring gases, minimum procedures shall include upscale check(s) using a certified calibration gas cell or test cell which is functionally equivalent to a known gas concentration. The zero check may be performed by computing the zero value from upscale measurements or by mechanically producing a zero condition.

(3) For continuous monitoring systems measuring opacity of emissions, minimum procedures shall include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly.

(e) Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(1) All continuous monitoring systems referenced by paragraphs (c)(1) and (2) of this section for measuring opacity of emissions shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 10-second period.

(2) All continuous monitoring systems referenced by paragraph (c)(1) of this section for measuring oxides of nitrogen, sulfur dioxide, carbon dioxide, or oxygen shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(3) All continuous monitoring systems referenced by paragraph (c)(2) of this section, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive one-hour period.

(f) All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of Appendix B of this part shall be used.

(g) When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install applicable continuous monitoring systems on each separate effluent unless the installation of fewer systems is approved by the Administrator.

(h) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to six-minute averages and for systems other than opacity to one-hour averages for time periods under § 60.2 (x) and (r) respectively. Six-minute opacity averages shall be calculated from 24 or more data points equally spaced over each six-minute period. For systems other than opacity, one-hour averages shall be computed from four or more data points equally spaced over each one-hour period. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. An arithmetic or integrated average of all data may be used. The data output of all continuous monitoring systems may be recorded in reduced or nonreduced form (e.g. ppm pollutant and percent O_2 or lb/million Btu of pollutant). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in subparts to specify the applicable standard (e.g., rounded to the nearest one percent opacity).

(i) Upon written application by an owner or operator, the Administrator may approve alternatives to any monitoring procedures or requirements of this part including, but not limited to the following:

(i) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by this part would not provide accurate measurements due to liquid water or other interferences caused by substances with the effluent gases.

(ii) Alternative monitoring requirements when the affected facility is infrequently operated.

(iii) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.

(iv) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.

(v) Alternative methods of converting pollutant concentration measurements to units of the standards.

(vi) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.

(vii) Alternatives to the A.S.T.M. test methods or sampling procedures specified by any subpart.

(viii) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Administrator may require that such demonstration be performed for each affected facility.

(ix) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities are released to the atmosphere through more than one point.

Subpart D—Standards of Performance for Fossil Fuel-Fired Steam Generators

§ 60.42 [Amended]

5. Paragraph (a)(2) of § 60.42 is amended by deleting the second sentence.

6. Section 60.45 is amended by revising paragraphs (a), (b), (c), (d), (e), (f), and (g) as follows:

§ 60.45 Emission and fuel monitoring.

(a) A continuous monitoring system for measuring the opacity of emissions, except where gaseous fuel is the only fuel burned, shall be installed, calibrated, maintained, and operated by the owner or operator. The continuous monitoring system shall be spanned at 80 or 90 or 100 percent opacity.

(b) A continuous monitoring system for measuring sulfur dioxide emissions, shall be installed, calibrated, maintained and operated by the owner or operator except where gaseous fuel is the only fuel burned or where low sulfur fuels are used to achieve compliance with the standard under § 60.43 and fuel analyses under paragraph (b)(2) of this section are conducted. The following procedures shall be used for monitoring sulfur dioxide emissions:

(1) For affected facilities which use continuous monitoring systems, Reference Method 6 shall be used for conducting monitoring system performance evaluations under § 60.13(c). The pollutant gas used to prepare calibration gas mixtures under paragraph 2.1, Performance Specification 2 and for calibration checks under § 60.13(d) to this part, shall be sulfur dioxide (SO_2). The span value for the continuous monitoring system shall be determined as follows:

(i) For affected facilities firing liquid fossil fuel the span value shall be 1000 ppm sulfur dioxide.

(ii) For affected facilities firing solid fossil fuel the span value shall be 1500 ppm sulfur dioxide.

(iii) For affected facilities firing fossil fuels in any combination, the span value shall be determined by computation in accordance with the following formula and rounding to the nearest 500 ppm sulfur dioxide:

$$1000y + 1500z$$

where:

y = the fraction of total heat input derived from liquid fossil fuel, and

z = the fraction of total heat input derived from solid fossil fuel.

(iv) For affected facilities which fire both fossil fuels and nonfossil fuels, the span value shall be subject to the Administrator's approval.

(2) [Reserved]

(3) For affected facilities using flue gas desulfurization systems to achieve compliance with sulfur dioxide standards under § 60.43, the continuous monitoring system for measuring sulfur dioxide emissions shall be located downstream of the desulfurization system and in accordance with requirements in Performance Specification 2 of Appendix B and the following:

(i) Owners or operators shall install CO_2 continuous monitoring systems, if selected under paragraph (d) of this section, at a location upstream of the desulfurization system. This option may be used only if the owner or operator can demonstrate that air is not added to the flue gas between the CO_2 continuous monitoring system and the SO_2 continuous monitoring system and each system measures the CO_2 and SO_2 on a dry basis.

(ii) Owners or operators who install O_2 continuous monitoring systems under paragraph (d) of this section shall select a location downstream of the desulfurization system and all measurements shall be made on a dry basis.

(iii) If fuel of a different type than is used in the boiler is fired directly into the flue gas for any purpose (e.g., reheating) the F or Fc factors used shall be prorated under paragraph (f)(6) of this section with consideration given to the fraction of total heat input supplied by the additional fuel. The pollutant, opacity, CO_2, or O_2 continuous monitoring system(s) shall be installed downstream of any location at which fuel is fired directly into the flue gas.

(c) A continuous monitoring system for the measurement of nitrogen oxides emissions shall be installed, calibrated, maintained, and operated by the owner

or operator except for any affected facility demonstrated during performance tests under § 60.8 to emit nitrogen oxides pollutants at levels 30 percent or more below applicable standards under § 60.44 of this part. The following procedures shall be used for determining the span and for calibrating nitrogen oxides continuous monitoring systems:

(1) The span value shall be determined as follows:

(i) For affected facilities firing gaseous fossil fuel the span value shall be 500 ppm nitrogen oxides.

(ii) For affected facilities firing liquid fossil fuel the span value shall be 500 ppm nitrogen oxides.

(iii) For affected facilities firing solid fossil fuel the span value shall be 1000 ppm nitrogen oxides.

(iv) For affected facilities firing fossil fuels in any combination, the span value shall be determined by computation in accordance with the following formula and rounding to the nearest 500 ppm nitrogen oxides:

$$500\,(x+y)+1000z$$

where:

x = the fraction of total heat input derived from gaseous fossil fuel,

y = the fraction of total heat input derived from liquid fossil fuel, and

z = the fraction of total heat input derived from solid fossil fuel.

(v) For affected facilities which fire both fossil fuels and nonfossil fuels, the span value shall be subject to the Administrator's approval.

(2) The pollutant gas used to prepare calibration gas mixtures under paragraph 2.1, Performance Specification 2 and for calibration checks under § 60.13 (d) to this part, shall be nitric oxide (NO). Reference Method 7 shall be used for conducting monitoring system performance evaluations under § 60.13(c).

(d) A continuous monitoring system for measuring either oxygen or carbon dioxide in the flue gases shall be installed, calibrated, maintained, and operated by the owner or operator.

(e) An owner or operator required to install continuous monitoring systems under paragraphs (b) and (c) of this section shall for each pollutant monitored use the applicable conversion procedure for the purpose of converting continuous monitoring data into units of the applicable standards (g/million cal, lb/million Btu) as follows:

(1) When the owner or operator elects under paragraph (d) of this section to measure oxygen in the flue gases, the measurement of the pollutant concentration and oxygen concentration shall each be on a dry basis and the following conversion procedure shall be used:

$$E=CF\left(\frac{20.9}{20.9-\%O_2}\right)$$

where:

E, C, F and $\%O_2$ are determined under paragraph (f) of this section.

(2) When the owner or operator elects under paragraph (d) of this section to measure carbon dioxide in the flue gases, the measurement of the pollutant concentration and the carbon dioxide concentration shall be on a consistent basis (wet or dry) and the following conversion procedure shall be used:

$$E=CF_c\left[\frac{100}{\%\ CO_2}\right]$$

where:

E, C, F_c, and $\%CO_2$ are determined under paragraph (f) of this section.

(f) The values used in the equations under paragraphs (e) (1) and (2) of this section are derived as follows:

(1) E = pollutant emission, g/million cal (lb/million Btu).

(2) C = pollutant concentration, g/dscm (lb/dscf), determined by multiplying the average concentration (ppm) for each one-hour priod by 4.15×10^{-4} M g/dscm per ppm (2.59×10^{-5} M lb/dscf per ppm) where M = pollutant molecular weight, g/g-mole (lb/lb-mole). M = 64.07 for sulfur dioxide and 46.01 for nitrogen oxides.

(3) $\%O_2$, $\%CO_2$ = oxygen or carbon dioxide volume (expressed as percent), determined with equipment specified under paragraph (d) of this section.

(4) F, F_c = a factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted (F), and a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of of the fuel combusted (F_c), respectively. Values of F and F_c are given as follows:

$$F=\left[\frac{227.0\%H+95.7\%C+35.4\%S+8.6\%N-28.5\%O}{GCV}\right]\ \text{(metric units)}$$

$$F=\frac{10^6\ [6.34\%H+1.53\%C+0.57\%S+0.14\%N-0.46\%O]}{GCV}\ \text{(English units)}$$

$$F_c=\frac{20.0\%C}{GCV}\ \text{(metric units)}$$

$$F_c=\frac{321\times10^3\%C}{GCV}\ \text{(English units)}$$

(i) H, C, S, N, and O are content by weight of hydrogen, carbon, sulfur, nitrogen, and oxygen (expressed as percent), respectively, as determined on the same basis as GCV by ultimate analysis of the fuel fired, using A.S.T.M. method D3178–74 or D3176 (solid fuels), or computed from results using A.S.T.M. methods D1137–53(70), D1945–64(73), or D1946–67(72) (gaseous fuels) as applicable.

(ii) GCV is the gross calorific value (cal/g, Btu/lb) of the fuel combusted, determined by the A.S.T.M. test methods D2015–66(72) for solid fuels and D1826–64(70) for gaseous fuels as applicable.

(6) For affected facilities firing combinations of fossil fuels, the F or F_c factors determined by paragraphs (f) (4) or (5) of this section shall be prorated in accordance with the applicable formula as follows:

(i) $F=xF_1+yF_2+zF_3$

where:

x, y, z = the fraction of total heat input derived from gaseous, liquid, and solid fuel, respectively.

F_1, F_2, F_3 = the value of F for gaseous, liquid, and solid fossil fuels respectively under paragraphs (f) (4) or (5) of this section.

(i) For anthracite coal as classified according to A.S.T.M. D388–66, F = 1.139 dscm/million cal (10140 dscf/million Btu) and F_c = 0.222 scm CO_2/million cal (1980 scf CO_2/million Btu).

(ii) For sub-bituminous and bituminous coal as classified according to ASTM D388–66, F = 1.103 dscm/million cal (9820 dscf/million Btu) and F_c = 0.203 scm CO_2/million cal (1810 scf CO_2/million Btu).

(iii) For liquid fossil fuels including crude, residual, and distillate oils, F = 1.036 dscm/million cal (9220 dscf/million Btu) and F_c = 0.161 scm CO_2/million cal (1430 scf CO_2/million Btu).

(iv) For gaseous fossil fuels, F = 0.982 dscm/million cal (8740 dscf/million Btu). For natural gas, propane, and butane fuels, F_c = 0.117 scm CO_2/million cal (1040 scf CO_2/million Btu) for natural gas, 0.135 scm CO_2/million cal (1200 scf CO_2/million Btu) for propane, and 0.142 scm CO_2/million cal (1260 scf CO_2/million Btu) for butane.

(5) The owner or operator may use the following equation to determine an F factor (dscm/million cal, or dscf/million Btu) on a dry basis (if it is desired to calculate F on a wet basis, consult with the Administrator) or F_c factor (scm CO_2/ million cal, or scf CO_2/million Btu) on either basis in lieu of the F or F_c factors specified in paragraph (f) (4) of this section:

(ii) $$F_c=\sum_{i=1}^{n}X_i(F_c)_i$$

where:

x_i = the fraction of total heat input derived from each type fuel (e.g., natural gas, butane, crude, bituminous coal, etc.).

$(F_c)_i$ = the applicable F_c factor for each fuel type determined in accordance with paragraphs (f) (4) and (5) of this section.

(iii) For affected facilities which fire both fossil fuels and nonfossil fuels, the F or F_c value shall be subject to the Administrator's approval.

(g) For the purpose of reports required under § 60.7(c), periods of excess emissions that shall be reported are defined as follows:

(1) [Reserved]

(2) Sulfur dioxide. Excess emissions for affected facilities are defined as:

(i) Any three-hour period during which the average emissions (arithmetic average of three contiguous one-hour periods) of sulfur dioxide as measured by a continuous monitoring system exceed the applicable standard under § 60.43.

(ii) [Reserved]

(3) Nitrogen oxides. Excess emissions for affected facilities using a continuous monitoring system for measuring nitro-

gen oxides are defined as any three-hour period during which the average emissions (arithmetic average of three contiguous one-hour periods) exceed the applicable standards under § 60.44.

7. Section 60.46 is revised to read as follows:

§ 60.46 Test methods and procedures.

(a) The reference methods in Appendix A of this part, except as provided in § 60.8(b), shall be used to determine compliance with the standards as prescribed in §§ 60.42, 60.43, and 60.44 as follows:

(1) Method 1 for selection of sampling site and sample traverses.

(2) Method 3 for gas analysis to be used when applying Reference Methods 5, 6 and 7.

(3) Method 5 for concentration of particulate matter and the associated moisture content.

(4) Method 6 for concentration of SO_2, and

(5) Method 7 for concentration of NO_x.

(b) For Method 5, Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf) except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the Administrator. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than 160° C (320° F).

(c) For Methods 6 and 7, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft). For Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(d) For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.

(e) For Method 7, each run shall consist of at least four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run value.

(f) For each run using the methods specified by paragraphs (a) (3), (4), and (5) of this section, the emissions expressed in g/million cal (lb/million Btu) shall be determined by the following procedure:

$$E = CF\left(\frac{20.9}{20.9 - \%O_2}\right)$$

where:

(1) E = pollutant emission g/million cal (lb/million Btu).

(2) C = pollutant concentration, g/dscm (lb/dscf), determined by Methods 5, 6, or 7.

(3) $\%O_2$ = oxygen content by volume (expressed as percent), dry basis. Percent oxygen shall be determined by using the integrated or grab sampling and analysis procedures of Method 3 as applicable. The sample shall be obtained as follows:

(i) For determination of sulfur dioxide and nitrogen oxides emissions, the oxygen sample shall be obtained simultaneously at the same point in the duct as used to obtain the samples for Methods 6 and 7 determinations, respectively [§ 60.46(c)]. For Method 7, the oxygen sample shall be obtained using the grab sampling and analysis procedures of Method 3.

(ii) For determination of particulate emissions, the oxygen sample shall be obtained simultaneously by traversing the duct at the same sampling location used for each run of Method 5 under paragraph (b) of this section. Method 1 shall be used for selection of the number of traverse points except that no more than 12 sample points are required.

(4) F = a factor as determined in paragraphs (f) (4), (5) or (6) of § 60.45.

(g) When combinations of fossil fuels are fired, the heat input, expressed in cal/hr (Btu/hr), shall be determined during each testing period by multiplying the gross calorific value of each fuel fired by the rate of each fuel burned. Gross calorific value shall be determined in accordance with A.S.T.M. methods D2015–66(72) (solid fuels), D240–64(73) (liquid fuels), or D1826–64(70) (gaseous fuels) as applicable. The rate of fuels burned during each testing period shall be determined by suitable methods and shall be confirmed by a material balance over the steam generation system.

Subpart F—Standards of Performance for Portland Cement Plants

§ 60.62 [Amended]

8. Section 60.62 is amended by deleting paragraph (d).

Subpart G—Standards of Performance for Nitric Acid Plants

§ 60.72 [Amended]

9. Paragraph (a)(2) of § 60.72 is amended by deleting the second sentence.

10. Section 60.73 is amended by revising paragraphs (a), (b), (c), and (e) to read as follows:

§ 60.73 Emission monitoring.

(a) A continuous monitoring system for the measurement of nitrogen oxides shall be installed, calibrated, maintained, and operated by the owner or operator. The pollutant gas used to prepare calibration gas mixtures under paragraph 2.1, Performance Specification 2 and for calibration checks under § 60.13(d) to this part, shall be nitrogen dioxide (NO_2). The span shall be set at 500 ppm of nitrogen dioxide. Reference Method 7 shall be used for conducting monitoring system performance evaluations under § 60.13(c).

(b) The owner or operator shall establish a conversion factor for the purpose of converting monitoring data into units of the applicable standard (kg/metric ton, lb/short ton). The conversion factor shall be established by measuring emissions with the continuous monitoring system concurrent with measuring emissions with the applicable reference method tests. Using only that portion of the continuous monitoring emission data that represents emission measurements concurrent with the reference method test periods, the conversion factor shall be determined by dividing the reference method test data averages by the monitoring data averages to obtain a ratio expressed in units of the applicable standard to units of the monitoring data, i.e., kg/metric ton per ppm (lb/short ton per ppm). The conversion factor shall be reestablished during any performance test under § 60.8 or any continuous monitoring system performance evaluation under § 60.13(c).

(c) The owner or operator shall record the daily production rate and hours of operation.

* * * * *

(e) For the purpose of reports required under § 60.7(c), periods of excess emissions that shall be reported are defined as any three-hour period during which the average nitrogen oxides emissions (arithmetic average of three contiguous one-hour periods) as measured by a continuous monitoring system exceed the standard under § 60.72(a).

Subpart H—Standards of Performance for Sulfuric Acid Plants

§ 60.83 [Amended]

11. Paragraph (a)(2) of § 60.83 is amended by deleting the second sentence.

12. Section 60.84 is amended by revising paragraphs (a), (b), (c), and (e) to read as follows:

§ 60.84 Emission monitoring.

(a) A continuous monitoring system for the measurement of sulfur dioxide shall be installed, calibrated, maintained, and operated by the owner or operator. The pollutant gas used to prepare calibration gas mixtures under paragraph 2.1, Performance Specification 2 and for calibration checks under § 60.13(d) to this part, shall be sulfur dioxide (SO_2). Reference Method 8 shall be used for conducting monitoring system performance evaluations under § 60.13(c) except that only the sulfur dioxide portion of the Method 8 results shall be used. The span shall be set at 1000 ppm of sulfur dioxide.

(b) The owner or operator shall establish a conversion factor for the purpose of converting monitoring data into units of the applicable standard (kg/metric ton, lb/short ton). The conversion factor shall be determined, as a minimum, three times daily by measuring the concentration of sulfur dioxide entering the converter using suitable methods (e.g., the Reich test, National Air Pollution Control Administration Publication No. 999–AP–13 and calculating the appropriate conversion factor for each eight-hour period as follows:

$$CF = k\left[\frac{1.000 - 0.015r}{r - s}\right]$$

where:

CF = conversion factor (kg/metric ton per ppm, lb/short ton per ppm).

k = constant derived from material balance. For determining CF in metric units, k = 0.0653. For determining CF in English units, k = 0.1306.

r = percentage of sulfur dioxide by volume entering the gas converter. Appropriate corrections must be made for air injection plants subject to the Administrator's approval.

s = percentage of sulfur dioxide by volume in the emissions to the atmosphere determined by the continuous monitoring system required under paragraph (a) of this section.

(c) The owner or operator shall record all conversion factors and values under paragraph (b) of this section from which they were computed (i.e., CF, r, and s).

* * * * *

(e) For the purpose of reports under § 60.7(c), periods of excess emissions shall be all three-hour periods (or the arithmetic average of three consecutive one-hour periods) during which the integrated average sulfur dioxide emissions exceed the applicable standards under § 60.82.

Subpart I—Standards of Performance for Asphalt Concrete Plants

§ 60.92 [Amended]

13. Paragraph (a)(2) of § 60.92 is amended by deleting the second sentence.

Subpart J—Standards of Performance for Petroleum Refineries

§ 60.102 [Amended]

14. Paragraph (a)(2) of § 60.102 is amended by deleting the second sentence.

15. Section 60.105 is amended by revising paragraphs (a), (b), and (e) to read as follows:

§ 60.105 Emission monitoring.

(a) Continuous monitoring systems shall be installed, calibrated, maintained, and operated by the owner or operator as follows:

(1) A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the fluid catalytic cracking unit catalyst regenerator. The continuous monitoring system shall be spanned at 60, 70, or 80 percent opacity.

(2) [Reserved]

(3) A continuous monitoring system for the measurement of sulfur dioxide in the gases discharged into the atmosphere from the combustion of fuel gases (except where a continuous monitoring system for the measurement of hydrogen sulfide is installed under paragraph (a)(4) of this section). The pollutant gas used to prepare calibration gas mixtures under paragraph 2.1, Performance Specification 2 and for calibration checks under § 60.13(d) to this part, shall be sulfur dioxide (SO_2). The span shall be set at 100 ppm. For conducting monitoring system performance evaluations under § 60.13(c), Reference Method 6 shall be used.

(4) [Reserved]

(b) [Reserved]

* * * * *

(e) For the purpose of reports under § 60.7(c), periods of excess emissions that shall be reported are defined as follows:

(1) [Reserved]

(2) [Reserved]

(3) [Reserved]

(4) Any six-hour period during which the average emissions (arithmetic average of six contiguous one-hour periods) of sulfur dioxide as measured by a continuous monitoring system exceed the standard under § 60.104.

Subpart L—Standards of Performance for Secondary Lead Smelters

§ 60.122 [Amended]

16. Section 60.122 is amended by deleting paragraph (c).

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Subpart M—Standards of Performance for Secondary Brass and Bronze Ingot Production Plants

§ 60.132 [Amended]

17. Section 60.132 is amended by deleting paragraph (c).

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Subpart O—Standards of Performance for Sewage Treatment Plants

§ 60.152 [Amended]

18. Paragraph (a)(2) of § 60.152 is amended by deleting the second sentence.

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19. Part 60 is amended by adding Appendix B as follows:

APPENDIX B—PERFORMANCE SPECIFICATIONS

Performance Specification 1—Performance specifications and specification test procedures for transmissometer systems for continuous monitoring system exceed the emissions.

1. Principle and Applicability.

1.1 Principle. The opacity of particulate matter in stack emissions is measured by a continuously operating emission measurement system. These systems are based upon the principle of transmissometry which is a direct measurement of the attenuation of visible radiation (opacity) by particulate matter in a stack effluent. Light having specific spectral characteristics is projected from a lamp across the stack of a pollutant source to a light sensor. The light is attenuated due to absorption and scatter by the particulate matter in the effluent. The percentage of visible light attenuated is defined as the opacity of the emission. Transparent stack emissions that do not attenuate light will have a transmittance of 100 or an opacity of 0. Opaque stack emissions that attenuate all of the visible light will have a transmittance of 0 or an opacity of 100 percent. The transmissometer is evaluated by use of neutral density filters to determine the precision of the continuous monitoring system. Tests of the system are performed to determine zero drift, calibration drift, and response time characteristics of the system.

1.2 Applicability. This performance specification is applicable to the continuous monitoring systems specified in the subparts for measuring opacity of emissions. Specifications for continuous measurement of visible emissions are given in terms of design, performance, and installation parameters. These specifications contain test procedures, installation requirements, and data computation procedures for evaluating the acceptability of the continuous monitoring systems subject to approval by the Administrator.

2. Apparatus.

2.1 Calibrated Filters. Optical filters with neutral spectral characteristics and known optical densities to visible light or screens known to produce specified optical densities. Calibrated filters with accuracies certified by the manufacturer to within ±3 percent opacity shall be used. Filters required are low, mid, and high-range filters with nominal optical densities as follows when the transmissometer is spanned at opacity levels specified by applicable subparts:

Span value (percent opacity)	Calibrated filter optical densities with equivalent opacity in parenthesis		
	Low-range	Mid-range	High-range
50	0.1 (20)	0.2 (37)	0.3 (50)
60	.1 (20)	.2 (37)	.3 (50)
70	.1 (20)	.3 (50)	.4 (60)
80	.1 (20)	.3 (50)	.6 (75)
90	.1 (20)	.4 (60)	.7 (80)
100	.1 (20)	.4 (60)	.9 (87½)

It is recommended that filter calibrations be checked with a well-collimated photopic transmissometer of known linearity prior to use. The filters shall be of sufficient size to attenuate the entire light beam of the transmissometer.

2.2 Data Recorder. Analog chart recorder or other suitable device with input voltage range compatible with the analyzer system output. The resolution of the recorder's data output shall be sufficient to allow completion of the test procedures within this specification.

2.3 Opacity measurement System. An in-stack transmissometer (folded or single path) with the optical design specifications designated below, associated control units and apparatus to keep optical surfaces clean.

3. Definitions.

3.1 Continuous Monitoring System. The total equipment required for the determination of pollutant opacity in a source effluent. Continuous monitoring systems consist of major subsystems as follows:

3.1.1 Sampling Interface. The portion of a continuous monitoring system for opacity that protects the analyzer from the effluent.

3.1.2 Analyzer. That portion of the continuous monitoring system which senses the pollutant and generates a signal output that is a function of the pollutant opacity.

3.1.3 Data Recorder. That portion of the continuous monitoring system that processes the analyzer output and provides a permanent record of the output signal in terms of pollutant opacity.

3.2 Transmissometer. The portions of a continuous monitoring system for opacity that include the sampling interface and the analyzer.

3.3 Span. The value of opacity at which the continuous monitoring system is set to produce the maximum data display output. The span shall be set at an opacity specified in each applicable subpart.

3.4 Calibration Error. The difference between the opacity reading indicated by the continuous monitoring system and the known values of a series of test standards. For this method the test standards are a series of calibrated optical filters or screens.

3.5 Zero Drift. The change in continuous monitoring system output over a stated period of time of normal continuous operation

when the pollutant concentration at the time of the measurements is zero.

3.6 Calibration Drift. The change in the continuous monitoring system output over a stated period of time of normal continuous operation when the pollutant concentration at the time of the measurements is the same known upscale value.

3.7 System Response. The time interval from a step change in opacity in the stack at the input to the continuous monitoring system to the time at which 95 percent of the corresponding final value is reached as displayed on the continuous monitoring system data recorder.

3.8 Operational Test Period. A minimum period of time over which a continuous monitoring system is expected to operate within certain performance specifications without unscheduled maintenance, repair, or adjustment.

3.9 Transmittance. The fraction of incident light that is transmitted through an optical medium of interest.

3.10 Opacity. The fraction of incident light that is attenuated by an optical medium of interest. Opacity (O) and transmittance (T) are related as follows:

$$O=1-T$$

3.11 Optical Density. A logarithmic measure of the amount of light that it attenuated by an optical medium of interest. Optical density (D) is related to the transmittance and opacity as follows:

$D=-\log_{10}T$

$D=-\log_{10}(1-O)$

3.12 Peak Optical Response. The wavelength of maximum sensitivity of the instrument.

3.13 Mean Spectral Response. The wavelength which bisects the total area under the curve obtained pursuant to paragraph 9.2.1.

3.14 Angle of View. The maximum (total) angle of radiation detection by the photodetector assembly of the analyzer.

3.15 Angle of Projection. The maximum (total) angle that contains 95 percent of the radiation projected from the lamp assembly of the analyzer.

3.16 Pathlength. The depth of effluent in the light beam between the receiver and the transmitter of the single-pass transmissometer, or the depth of effluent between the transceiver and reflector of a double-pass transmissometer. Two pathlengths are referenced by this specification:

3.16.1 Monitor Pathlength. The depth of effluent at the installed location of the continuous monitoring system.

3.16.2 Emission Outlet Pathlength. The depth of effluent at the location emissions are released to the atmosphere.

4. Installation Specification.

4.1 Location. The transmissometer must be located across a section of duct or stack that will provide a particulate matter flow through the optical volume of the transmissometer that is representative of the particulate matter flow through the duct or stack. It is recommended that the monitor pathlength or depth of effluent for the transmissometer include the entire diameter of the duct or stack. In installations using a shorter pathlength, extra caution must be used in determining the measurement location representative of the particulate matter flow through the duct or stack.

4.1.1 The transmissometer location shall be downstream from all particulate control equipment.

4.1.2 The transmissometer shall be located as far from bends and obstructions as practical.

4.1.3 A transmissometer that is located in the duct or stack following a bend shall be installed in the plane defined by the bend where possible.

4.1.4 The transmissometer should be installed in an accessible location.

4.1.5 When required by the Administrator, the owner or operator of a source must demonstrate that the transmissometer is located in a section of duct or stack where a representative particulate matter distribution exists. The determination shall be accomplished by examining the opacity profile of the effluent at a series of positions across the duct or stack while the plant is in operation at maximum or reduced operating rates or by other tests acceptable to the Administrator.

4.2 Slotted Tube. Installations that require the use of a slotted tube shall use a slotted tube of sufficient size and blackness so as not to interfere with the free flow of effluent through the entire optical volume of the transmissometer or reflect light into the transmissometer photodetector. Light reflections may be prevented by using blackened baffles within the slotted tube to prevent the lamp radiation from impinging upon the tube walls, by restricting the angle of projection of the light and the angle of view of the photodetector assembly to less than the cross-sectional area of the slotted tube, or by other methods. The owner or operator must show that the manufacturer of the monitoring system has used appropriate methods to minimize light reflections for systems using slotted tubes.

4.3 Data Recorder Output. The continuous monitoring system output shall permit expanded display of the span opacity on a standard 0 to 100 percent scale. Since all opacity standards are based on the opacity of the effluent exhausted to the atmosphere, the system output shall be based upon the emission outlet pathlength and permanently recorded. For affected facilities whose monitor pathlength is different from the facility's emission outlet pathlength, a graph shall be provided with the installation to show the relationships between the continuous monitoring system recorded opacity based upon the emission outlet pathlength and the opacity of the effluent at the analyzer location (monitor pathlength). Tests for measurement of opacity that are required by this performance specification are based upon the monitor pathlength. The graph necessary to convert the data recorder output to the monitor pathlength basis shall be established as follows:

$$\log(1-O_2)=(l_1/l_2)\log(1-O_1)$$

where:

O_1 = the opacity of the effluent based upon l_1.

O_2 = the opacity of the effluent based upon l_2.

l_1 = the emission outlet pathlength.

l_2 = the monitor pathlength.

5. Optical Design Specifications.

The optical design specifications set forth in Section 6.1 shall be met in order for a measurement system to comply with the requirements of this method.

6. Determination of Conformance with Design Specifications.

6.1 The continuous monitoring system for measurement of opacity shall be demonstrated to conform to the design specifications set forth as follows:

6.1.1 Peak Spectral Response. The peak spectral response of the continuous monitoring systems shall occur between 500 nm and 600 nm. Response at any wavelength below 400 nm or above 700 nm shall be less than 10 percent of the peak response of the continuous monitoring system.

6.1.2 Mean Spectral Response. The mean spectral response of the continuous monitoring system shall occur between 500 nm and 600 nm.

6.1.3 Angle of View. The total angle of view shall be no greater than 5 degrees.

6.1.4 Angle of Projection. The total angle of projection shall be no greater than 5 degress.

6.2 Conformance with requirements under Section 6.1 of this specification may be demonstrated by the owner or operator of the affected facility or by the manufacturer of the opacity measurement system. Where conformance is demonstrated by the manufacturer, certification that the tests were performed, a description of the test procedures, and the test results shall be provided by the manufacturer. If the source owner or operator demonstrates conformance, the procedures used and results obtained shall be reported.

6.3 The general test procedures to be followed to demonstrate conformance with Section 6 requirements are given as follows: (These procedures will not be applicable to all designs and will require modification in some cases. Where analyzer and optical design is certified by the manufacturer to conform with the angle of view or angle of projection specifications, the respective procedures may be omitted.)

6.3.1 Spectral Response. Obtain spectral data for detector, lamp, and filter components used in the measurement system from their respective manufacturers.

6.3.2 Angle of View. Set the received up as specified by the manufacturer. Draw an arc with radius of 3 meters. Measure the receiver response to a small (less than 3 centimeters) non-directional light source at 5-centimeter intervals on the arc for 26 centimeters on either side of the detector centerline. Repeat the test in the vertical direction.

6.3.3 Angle of Projection. Set the projector up as specified by the manufacturer. Draw an arc with radius of 3 meters. Using a small photoelectric light detector (less than 3 centimeters), measure the light intensity at 5-centimeter intervals on the arc for 26 centimeters on either side of the light source centerline of projection. Repeat the test in the vertical direction.

7. Continuous Monitoring System Performance Specifications.

The continuous monitoring system shall meet the performance specifications in Table 1–1 to be considered acceptable under this method.

TABLE 1–1.—*Performance specifications*

Parameter	*Specifications*
a. Calibration error	≤3 pct opacity.[1]
b Zero drift (24 h)	≤2 pct opacity.[1]
c. Calibration drift (24 h)	≤2 pct opacity.[1]
d. Response time	10 s (maximum).
e. Operational test period	168 h.

[1] Expressed as sum of absolute mean value and the 95 pct confidence interval of a series of tests.

8. Performance Specification Test Procedures. The following test procedures shall be used to determine conformance with the requirements of paragraph 7:

8.1 Calibration Error and Response Time Test. These tests are to be performed prior to installation of the system on the stack and may be performed at the affected facility or at other locations provided that proper notification is given. Set up and calibrate the measurement system as specified by the manufacturer's written instructions for the monitor pathlength to be used in the installation. Span the analyzer as specified in applicable subparts.

8.1.1 Calibration Error Test. Insert a series of calibration filters in the transmissometer path at the midpoint. A minimum of three calibration filters (low, mid, and high-range) selected in accordance with the table under paragraph 2.1 and calibrated within 3 percent must be used. Make a total of five nonconsecutive readings for each filter.

Record the measurement system output readings in percent opacity. (See Figure 1–1.)

8.1.2 System Response Test. Insert the high-range filter in the transmissometer path five times and record the time required for the system to respond to 95 percent of final zero and high-range filter values. (See Figure 1–2.)

8.2 Field Test for Zero Drift and Calibration Drift. Install the continuous monitoring system on the affected facility and perform the following alignments:

8.2.1 Preliminary Alignments. As soon as possible after installation and once a year thereafter when the facility is not in operation, perform the following optical and zero alignments:

8.2.1.1 Optical Alignment. Align the light beam from the transmissometer upon the optical surfaces located across the effluent (i.e., the retroflector or photodetector as applicable) in accordance with the manufacturer's instructions.

8.2.1.2 Zero Alignment. After the transmissometer has been optically aligned and the transmissometer mounting is mechanically stable (i.e., no movement of the mounting due to thermal contraction of the stack, duct, etc.) and a clean stack condition has been determined by a steady zero opacity condition, perform the zero alignment. This alignment is performed by balancing the continuous monitor system response so that any simulated zero check coincides with an actual zero check performed across the monitor pathlength of the clean stack.

8.2.1.3 Span. Span the continuous monitoring system at the opacity specified in subparts and offset the zero setting at least 10 percent of span so that negative drift can be quantified.

8.2.2. Final Alignments. After the preliminary alignments have been completed and the affected facility has been started up and reaches normal operating temperature, recheck the optical alignment in accordance with 8.2.1.1 of this specification. If the alignment has shifted, realign the optics, record any detectable shift in the opacity measured by the system that can be attributed to the optical realignment, and notify the Administrator. This condition may not be objectionable if the affected facility operates within a fairly constant and adequately narrow range of operating temperatures that does not produce significant shifts in optical alignment during normal operation of the facility. Under circumstances where the facility operations produce fluctuations in the effluent gas temperature that result in significant misalignments, the Administrator may require improved mounting structures or another location for installation of the transmissometer.

8.2.3 Conditioning Period. After completing the post-startup alignments, operate the system for an initial 168-hour conditioning period in a normal operational manner.

8.2.4 Operational Test Period. After completing the conditioning period, operate the system for an additional 168-hour period retaining the zero offset. The system shall monitor the source effluent at all times except when being zeroed or calibrated. At 24-hour intervals the zero and span shall be checked according to the manufacturer's instructions. Minimum procedures used shall provide a system check of the analyzer internal mirrors and all electronic circuitry including the lamp and photodetector assembly and shall include a procedure for producing a simulated zero opacity condition and a simulated upscale (span) opacity condition as viewed by the receiver. The manufacturer's written instructions may be used providing that they equal or exceed these minimum procedures. Zero and span the transmissometer, clean all optical surfaces exposed to the effluent, realign optics, and make any necessary adjustments to the calibration of the system daily. These zero and calibration adjustments and optical realignments are allowed only at 24-hour intervals or at such shorter intervals as the manufacturer's written instructions specify. Automatic corrections made by the measurement system without operator intervention are allowable at any time. The magnitude of any zero or span drift adjustments shall be recorded. During this 168-hour operational test period, record the following at 24-hour intervals: (a) the zero reading and span readings after the system is calibrated (these readings should be set at the same value at the beginning of each 24-hour period); (b) the zero reading after each 24 hours of operation, but before cleaning and adjustment; and (c) the span reading after cleaning and zero adjustment, but before span adjustment. (See Figure 1–3.)

9. Calculation, Data Analysis, and Reporting.

9.1 Procedure for Determination of Mean Values and Confidence Intervals.

9.1.1 The mean value of the data set is calculated according to equation 1–1.

$$\bar{x}=\frac{1}{n}\sum_{i=1}^{n}x_i \qquad \text{Equation 1–1}$$

where x_i = absolute value of the individual measurements,

Σ = sum of the individual values,
$\bar{x}$ = mean value, and
n = number of data points.

9.1.2 The 95 percent confidence interval (two-sided) is calculated according to equation 1–2:

$$C.I._{95}=\frac{t_{.975}}{n\sqrt{n-1}}\sqrt{n(\Sigma x_i^2)-(\Sigma x_i)^2} \qquad \text{Equation 1–2}$$

where

Σx_i = sum of all data points,
$t_{.975}=t_{1-\alpha/2}$, and
$C.I._{95}$ = 95 percent confidence interval estimate of the average mean value.

Values for $t_{.975}$

n	$t_{.975}$	n	$t_{.975}$
2	12.706	10	2.262
3	4.303	11	2.228
4	3.182	12	2.201
5	2.776	13	2.179
6	2.571	14	2.160
7	2.447	15	2.145
8	2.365	16	2.131
9	2.306		

The values in this table are already corrected for n-1 degrees of freedom. Use n equal to the number of samples as data points.

9.2 Data Analysis and Reporting.

9.2.1 Spectral Response. Combine the spectral data obtained in accordance with paragraph 6.3.1 to develop the effective spectral response curve of the transmissometer. Report the wavelength at which the peak response occurs, the wavelength at which the mean response occurs, and the maximum response at any wavelength below 400 nm and above 700 nm expressed as a percentage of the peak response as required under paragraph 6.2.

9.2.2 Angle of View. Using the data obtained in accordance with paragraph 6.3.2, calculate the response of the receiver as a function of viewing angle in the horizontal and vertical directions (26 centimeters of arc with a radius of 3 meters equal 5 degrees). Report relative angle of view curves as required under paragraph 6.2.

9.2.3 Angle of Projection. Using the data obtained in accordance with paragraph 6.3.3, calculate the response of the photoelectric detector as a function of projection angle in the horizontal and vertical directions. Report relative angle of projection curves as required under paragraph 6.2.

9.2.4 Calibration Error. Using the data from paragraph 8.1 (Figure 1–1), subtract the known filter opacity value from the value shown by the measurement system for each of the 15 readings. Calculate the mean and 95 percent confidence interval of the five different values at each test filter value according to equations 1–1 and 1–2. Report the sum of the absolute mean difference and the 95 percent confidence interval for each of the three test filters.

9.2.5 Zero Drift. Using the zero opacity values measured every 24 hours during the field test (paragraph 8.2), calculate the differences between the zero point after cleaning, aligning, and adjustment, and the zero value 24 hours later just prior to cleaning, aligning, and adjustment. Calculate the mean value of these points and the confidence interval using equations 1–1 and 1–2. Report the sum of the absolute mean value and the 95 percent confidence interval.

9.2.6 Calibration Drift. Using the span value measured every 24 hours during the field test, calculate the differences between the span value after cleaning, aligning, and adjustment of zero and span, and the span value 24 hours later just after cleaning, aligning, and adjustment of zero and before adjustment of span. Calculate the mean value of these points and the confidence interval using equations 1–1 and 1–2. Report the sum of the absolute mean value and the confidence interval.

9.2.7 Response Time. Using the data from paragraph 8.1, calculate the time interval from filter insertion to 95 percent of the final stable value for all upscale and downscale traverses. Report the mean of the 10 upscale and downscale test times.

9.2.8 Operational Test Period. During the 168-hour operational test period, the continuous monitoring system shall not require any corrective maintenance, repair, replacement, or adjustment other than that clearly specified as required in the manufacturer's operation and maintenance manuals as routine and expected during a one-week period. If the continuous monitoring system is operated within the specified performance parameters and does not require corrective maintenance, repair, replacement, or adjustment other than as specified above during the 168-hour test period, the operational test period shall have been successfully concluded. Failure of the continuous monitoring system to meet these requirements shall call for a repetition of the 168-hour test period. Portions of the tests which were satisfactorily completed need not be repeated. Failure to meet any performance specification(s) shall call for a repetition of the one-week operational test period and that specific portion of the tests required by paragraph 8 related to demonstrating compliance with the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

10. References.

10.1 "Experimental Statistics," Department of Commerce, National Bureau of Standards Handbook 91, 1963, pp. 3–31, paragraphs 3–3.1.4.

10.2 "Performance Specifications for Stationary-Source Monitoring Systems for Gases and Visible Emissions," Environmental Protection Agency, Research Triangle Park, N.C., EPA–650/2–74–013, January 1974.

Calibrated Neutral Density Filter Data
(See paragraph 8.1.1)

Low Range ___% opacity
Span Value ____% opacity

Mid Range ___% opacity

High Range ___% opacity

Date of Test _____ Location of Test _____

	Calibrated Filter[1]	Analyzer Reading % Opacity	Differences[2] % Opacity
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

	Low	Mid	High
Mean difference	___	___	___
Confidence interval	___	___	___
Calibration error = Mean Difference[3] + C.I.	___	___	___

[1] Low, mid or high range
[2] Calibration filter opacity - analyzer reading
[3] Absolute value

Figure 1-1. Calibration Error Test

Date of Test _____ Location of Test _____
Span Filter _____ % Opacity
Analyzer Span Setting _____ % Opacity

Upscale
1 _____ seconds
2 _____ seconds
3 _____ seconds
4 _____ seconds
5 _____ seconds

Downscale
1 _____ seconds
2 _____ seconds
3 _____ seconds
4 _____ seconds
5 _____ seconds

Average response _____ seconds

Figure 1-2. Response Time Test

Zero Setting _____ (See paragraph 8.2.1) Date of Test _____

Span Setting _____

Date and Time	Zero Reading (Before cleaning and adjustment)	Zero Drift (±Zero)	Span Reading (After cleaning and zero adjustment but before span adjustment)	Calibration Drift (±Span)

Zero Drift = Mean Zero Drift* _____ + CI (Zero) _____ = _____.

Calibration Drift = Mean Span Drift* _____ + CI (Span) _____ = _____.

*Absolute value

Figure 1-3. Zero and Calibration Drift Test

PERFORMANCE SPECIFICATION 2—PERFORMANCE SPECIFICATIONS AND SPECIFICATION TEST PROCEDURES FOR MONITORS OF SO_2 AND NO_x FROM STATIONARY SOURCES

1. Principle and Applicability.

1.1 Principle. The concentration of sulfur dioxide or oxides of nitrogen pollutants in stack emissions is measured by a continuously operating emission measurement system. Concurrent with operation of the continuous monitoring system, the pollutant concentrations are also measured with reference methods (Appendix A). An average of the continuous monitoring system data is computed for each reference method testing period and compared to determine the relative accuracy of the continuous monitoring system. Other tests of the continuous monitoring system are also performed to determine calibration error, drift, and response characteristics of the system.

1.2 Applicability. This performance specification is applicable to evaluation of continuous monitoring systems for measurement of nitrogen oxides or sulfur dioxide pollutants. These specifications contain test procedures, installation requirements, and data computation procedures for evaluating the acceptability of the continuous monitoring systems.

2. Apparatus.

2.1 Calibration Gas Mixtures. Mixtures of known concentrations of pollutant gas in a diluent gas shall be prepared. The pollutant gas shall be sulfur dioxide or the appropriate oxide(s) of nitrogen specified by paragraph 6 and within subparts. For sulfur dioxide gas mixtures, the diluent gas may be air or nitrogen. For nitric oxide (NO) gas mixtures, the diluent gas shall be oxygen-free (<10 ppm) nitrogen, and for nitrogen dioxide (NO_2) gas mixtures the diluent gas shall be air. Concentrations of approximately 50 percent and 90 percent of span are required. The 90 percent gas mixture is used to set and to check the span and is referred to as the span gas.

2.2 Zero Gas. A gas certified by the manufacturer to contain less than 1 ppm of the pollutant gas or ambient air may be used.

2.3 Equipment for measurement of the pollutant gas concentration using the reference method specified in the applicable standard.

2.4 Data Recorder. Analog chart recorder or other suitable device with input voltage range compatible with analyzer system output. The resolution of the recorder's data output shall be sufficient to allow completion of the test procedures within this specification.

2.5 Continuous monitoring system for SO_2 or NO_x pollutants as applicable.

3. Definitions.

3.1 Continuous Monitoring System. The total equipment required for the determination of a pollutant gas concentration in a source effluent. Continuous monitoring systems consist of major subsystems as follows:

3.1.1 Sampling Interface—That portion of an extractive continuous monitoring system that performs one or more of the following operations: acquisition, transportation, and conditioning of a sample of the source effluent or that portion of an in-situ continuous monitoring system that protects the analyzer from the effluent.

3.1.2 Analyzer—That portion of the continuous monitoring system which senses the pollutant gas and generates a signal output that is a function of the pollutant concentration.

3.1.3 Data Recorder—That portion of the continuous monitoring system that provides a permanent record of the output signal in terms of concentration units.

3.2 Span. The value of pollutant concentration at which the continuous monitoring system is set to produce the maximum data display output. The span shall be set at the concentration specified in each applicable subpart.

3.3 Accuracy (Relative). The degree of correctness with which the continuous monitoring system yields the value of gas concentration of a sample relative to the value given by a defined reference method. This accuracy is expressed in terms of error, which is the difference between the paired concentration measurements expressed as a percentage of the mean reference value.

3.4 Calibration Error. The difference between the pollutant concentration indicated by the continuous monitoring system and the known concentration of the test gas mixture.

3.5 Zero Drift. The change in the continuous monitoring system output over a stated period of time of normal continuous operation when the pollutant concentration at the time for the measurements is zero.

3.6 Calibration Drift. The change in the continuous monitoring system output over a stated time period of normal continuous operations when the pollutant concentration at the time of the measurements is the same known upscale value.

3.7 Response Time. The time interval from a step change in pollutant concentration at the input to the continuous monitoring system to the time at which 95 percent of the corresponding final value is reached as displayed on the continuous monitoring system data recorder.

3.8 Operational Period. A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair, or adjustment.

3.9 Stratification. A condition identified by a difference in excess of 10 percent between the average concentration in the duct or stack and the concentration at any point more than 1.0 meter from the duct or stack wall.

4. Installation Specifications. Pollutant continuous monitoring systems (SO_2 and NO_x) shall be installed at a sampling location where measurements can be made which are directly representative (4.1), or which can be corrected so as to be representative (4.2) of the total emissions from the affected facility. Conformance with this requirement shall be accomplished as follows:

4.1 Effluent gases may be assumed to be nonstratified if a sampling location eight or more stack diameters (equivalent diameters) downstream of any air in-leakage is selected. This assumption and data correction procedures under paragraph 4.2.1 may not be applied to sampling locations upstream of an air preheater in a stream generating facility under Subpart D of this part. For sampling locations where effluent gases are either demonstrated (4.3) or may be assumed to be nonstratified (eight diameters), a point (extractive systems) or path (in-situ systems) of average concentration may be monitored.

4.2 For sampling locations where effluent gases cannot be assumed to be nonstratified (less than eight diameters) or have been shown under paragraph 4.3 to be stratified, results obtained must be consistently representative (e.g. a point of average concentration may shift with load changes) or the data generated by sampling at a point (extractive systems) or across a path (in-situ systems) must be corrected (4.2.1 and 4.2.2) so as to be representative of the total emissions from the affected facility. Conformance with this requirement may be accomplished in either of the following ways:

4.2.1 Installation of a diluent continuous monitoring system (O_2 or CO_2 as applicable) in accordance with the procedures under paragraph 4.2 of Performance Specification 3 of this appendix. If the pollutant and diluent monitoring systems are not of the same type (both extractive or both in-situ), the extractive system must use a multipoint probe.

4.2.2 Installation of extractive pollutant monitoring systems using multipoint sampling probes or in-situ pollutant monitoring systems that sample or view emissions which are consistently representative of the total emissions for the entire cross section. The Administrator may require data to be sub-

mitted to demonstrate that the emissions sampled or viewed are consistently representative for several typical facility process operating conditions.

4.3 The owner or operator may perform a traverse to characterize any stratification of effluent gases that might exist in a stack or duct. If no stratification is present, sampling procedures under paragraph 4.1 may be applied even though the eight diameter criteria is not met.

4.4 When single point sampling probes for extractive systems are installed within the stack or duct under paragraphs 4.1 and 4.2.1, the sample may not be extracted at any point less than 1.0 meter from the stack or duct wall. Multipoint sampling probes installed under paragraph 4.2.2 may be located at any points necessary to obtain consistently representative samples.

5. Continuous Monitoring System Performance Specifications.

The continuous monitoring system shall meet the performance specifications in Table 2–1 to be considered acceptable under this method.

TABLE 2–1.—*Performance specifications*

Parameter	*Specification*
1. Accuracy [1]	≤20 pct of the mean value of the reference method test data.
2. Calibration error [1]	≤ 5 pct of each (50 pct, 90 pct) calibration gas mixture value.
3. Zero drift (2 h) [1]	2 pct of span
4. Zero drift (24 h) [1]	Do.
5. Calibration drift (2 h) [1]	Do.
6. Calibration drift (24 h) [1]	2.5 pct. of span
7. Response time	15 min maximum.
8. Operational period	168 h minimum.

[1] Expressed as sum of absolute mean value plus 95 pct confidence interval of a series of tests.

6. Performance Specification Test Procedures. The following test procedures shall be used to determine conformance with the requirements of paragraph 5. For NO_x anrequirements of paragraph 5. For NO_x analyzers that oxidize nitric oxide (NO) to nitrogen dioxide (NO_2), the response time test under paragraph 6.3 of this method shall be performed using nitric oxide (NO) span gas. Other tests for NO_x continuous monitoring systems under paragraphs 6.1 and 6.2 and all tests for sulfur dioxide systems shall be performed using the pollutant span gas specified by each subpart.

6.1 Calibration Error Test Procedure. Set up and calibrate the complete continuous monitoring system according to the manufacturer's writen instructions. This may be accomplished either in the laboratory or in the field.

6.1.1 Calibration Gas Analyses. Triplicate analyses of the gas mixtures shall be performed within two weeks prior to use using Reference Methods 6 for SO_2 and 7 for NO_x. Analyze each calibration gas mixture (50%, 90%) and record the results on the example sheet shown in Figure 2–1. Each sample test result must be within 20 percent of the averaged result or the tests shall be repeated. This step may be omitted for non-extractive monitors where dynamic calibration gas mixtures are not used (6.1.2).

6.1.2 Calibration Error Test Procedure. Make a total of 15 nonconsecutive measurements by alternately using zero gas and each calibration gas mixture concentration (e.g., 0%, 50%, 0%, 90%, 50%, 90%, 50%, 0%, etc.). For nonextractive continuous monitoring systems, this test procedure may be performed by using two or more calibration gas cells whose concentrations are certified by the manufacturer to be functionally equivalent to these gas concentrations. Convert the continuous monitoring system output readings to ppm and record the results on the example sheet shown in Figure 2–2.

6.2 Field Test for Accuracy (Relative), Zero Drift, and Calibration Drift. Install and operate the continuous monitoring system in accordance with the manufacturer's written instructions and drawings as follows:

6.2.1 Conditioning Period. Offset the zero setting at least 10 percent of the span so that negative zero drift can be quantified. Operate the system for an initial 168-hour conditioning period in normal operating manner.

6.2.2 Operational Test Period. Operate the continuous monitoring system for an additional 168-hour period retaining the zero offset. The system shall monitor the source effluent at all times except when being zeroed, calibrated, or backpurged.

6.2.2.1 Field Test for Accuracy (Relative). For continuous monitoring systems employing extractive sampling, the probe tip for the continuous monitoring system and the probe tip for the Reference Method sampling train should be placed at adjacent locations in the duct. For NO_x continuous monitoring systems, make 27 NO_x concentration measurements, divided into nine sets, using the applicable reference method. No more than one set of tests, consisting of three individual measurements, shall be performed in any one hour. All individual measurements of each set shall be performed concurrently, or within a three-minute interval and the results averaged. For SO_2 continuous monitoring systems, make nine SO_2 concentration measurements using the applicable reference method. No more than one measurement shall be performed in any one hour. Record the reference method test data and the continuous monitoring system concentrations on the example data sheet shown in Figure 2–3.

6.2.2.2 Field Test for Zero Drift and Calibration Drift. For extractive systems, determine the values given by zero and span gas pollutant concentrations at two-hour intervals until 15 sets of data are obtained. For nonextractive measurement systems, the zero value may be determined by mechanically producing a zero condition that provides a system check of the analyzer internal mirrors and all electronic circuitry including the radiation source and detector assembly or by inserting three or more calibration gas cells and computing the zero point from the upscale measurements. If this latter technique is used, a graph(s) must be retained by the owner or operator for each measurement system that shows the relationship between the upscale measurements and the zero point. The span of the system shall be checked by using a calibration gas cell certified by the manufacturer to be functionally equivalent to 50 percent of span concentration. Record the zero and span measurements (or the computed zero drift) on the example data sheet shown in Figure 2–4. The two-hour periods over which measurements are conducted need not be consecutive but may not overlap. All measurements required under this paragraph may be conducted concurrent with tests under paragraph 6.2.2.1.

6.2.2.3 Adjustments. Zero and calibration corrections and adjustments are allowed only at 24-hour intervals or at such shorter intervals as the manufacturer's written instructions specify. Automatic corrections made by the measurement system without operator intervention or initiation are allowable at any time. During the entire 168-hour operational test period, record on the example sheet shown in Figure 2–5 the values given by zero and span gas pollutant concentrations before and after adjustment at 24-hour intervals.

6.3 Field Test for Response Time.

6.3.1 Scope of Test. Use the entire continuous monitoring system as installed, including sample transport lines if used. Flow rates, line diameters, pumping rates, pressures (do not allow the pressurized calibration gas to change the normal operating pressure in the sample line), etc., shall be at the nominal values for normal operation as specified in the manufacturer's written instructions. If the analyzer is used to sample more than one pollutant source (stack), repeat this test for each sampling point.

6.3.2 Response Time Test Procedure. Introduce zero gas into the continuous monitoring system sampling interface or as close to the sampling interface as possible. When the system output reading has stabilized, switch quickly to a known concentration of pollutant gas. Record the time from concentration switching to 95 percent of final stable response. For non-extractive monitors, the highest available calibration gas concentration shall be switched into and out of the sample path and response times recorded. Perform this test sequence three (3) times. Record the results of each test on the example sheet shown in Figure 2–6.

7. Calculations, Data Analysis and Reporting.

7.1 Procedure for determination of mean values and confidence intervals.

7.1.1 The mean value of a data set is calculated according to equation 2–1.

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i \qquad \text{Equation 2–1}$$

where:
x_i = absolute value of the measurements,
Σ = sum of the individual values,
$\bar{x}$ = mean value, and
n = number of data points.

7.1.2 The 95 percent confidence interval (two-sided) is calculated according to equation 2–2:

$$C.I._{95} = \frac{t_{.975}}{n\sqrt{n-1}}\sqrt{n(\Sigma x_i^2) - (\Sigma x_i)^2} \qquad \text{Equation 2–2}$$

where:
Σx_i = sum of all data points,
$t_{.975} = t_1 - \alpha/2$, and
$C.I._{95}$ = 95 percent confidence interval estimate of the average mean value.

Values for $t_{.975}$

	$t_{.975}$
1	12.706
2	4.303
3	3.182
4	2.776
5	2.571
6	2.447
7	2.365
8	2.306
9	2.262
10	2.228
12	2.201
13	2.179
14	2.160
15	2.145
16	2.131

The values in this table are already corrected for n–1 degrees of freedom. Use n

equal to the number of samples as data points.

7.2 Data Analysis and Reporting.

7.2.1 Accuracy (Relative). For each of the nine reference method test points, determine the average pollutant concentration reported by the continuous monitoring system. These average concentrations shall be determined from the continuous monitoring system data recorded under 7.2.2 by integrating or averaging the pollutant concentrations over each of the time intervals concurrent with each reference method testing period. Before proceeding to the next step, determine the basis (wet or dry) of the continuous monitoring system data and reference method test data concentrations. If the bases are not consistent, apply a moisture correction to either reference method concentrations or the continuous monitoring system concentrations as appropriate. Determine the correction factor by moisture tests concurrent with the reference method testing periods. Report the moisture test method and the correction procedure employed. For each of the nine test runs determine the difference for each test run by subtracting the respective reference method test concentrations (use average of each set of three measurements for NO_x) from the continuous monitoring system integrated or averaged concentrations. Using these data, compute the mean difference and the 95 percent confidence interval of the differences (equations 2-1 and 2-2). Accuracy is reported as the sum of the absolute value of the mean difference and the 95 percent confidence interval of the differences expressed as a percentage of the mean reference method value. Use the example sheet shown in Figure 2-3.

7.2.2 Calibration Error. Using the data from paragraph 6.1, subtract the measured pollutant concentration determined under paragraph 6.1.1 (Figure 2-1) from the value shown by the continuous monitoring system for each of the five readings at each concentration measured under 6.1.2 (Figure 2-2). Calculate the mean of these difference values and the 95 percent confidence intervals according to equations 2-1 and 2-2. Report the calibration error (the sum of the absolute value of the mean difference and the 95 percent confidence interval) as a percentage of each respective calibration gas concentration. Use example sheet shown in Figure 2-2.

7.2.3 Zero Drift (2-hour). Using the zero concentration values measured each two hours during the field test, calculate the differences between consecutive two-hour readings expressed in ppm. Calculate the mean difference and the confidence interval using equations 2-1 and 2-2. Report the zero drift as the sum of the absolute mean value and the confidence interval as a percentage of span. Use example sheet shown in Figure 2-4.

7.2.4 Zero Drift (24-hour). Using the zero concentration values measured every 24 hours during the field test, calculate the differences between the zero point after zero adjustment and the zero value 24 hours later just prior to zero adjustment. Calculate the mean value of these points and the confidence interval using equations 2-1 and 2-2. Report the zero drift (the sum of the absolute mean and confidence interval) as a percentage of span. Use example sheet shown in Figure 2-5.

7.2.5 Calibration Drift (2-hour). Using the calibration values obtained at two-hour intervals during the field test, calculate the differences between consecutive two-hour readings expressed as ppm. These values should be corrected for the corresponding zero drift during that two-hour period. Calculate the mean and confidence interval of these corrected difference values using equations 2-1 and 2-2. Do not use the differences between non-consecutive readings. Report the calibration drift as the sum of the absolute mean and confidence interval as a percentage of span. Use the example sheet shown in Figure 2-4.

7.2.6 Calibration Drift (24-hour). Using the calibration values measured every 24 hours during the field test, calculate the differences between the calibration concentration reading after zero and calibration adjustment, and the calibration concentration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using equations 2-1 and 2-2. Report the calibration drift (the sum of the absolute mean and confidence interval) as a percentage of span. Use the example sheet shown in Figure 2-5.

7.2.7 Response Time. Using the charts from paragraph 6.3, calculate the time interval from concentration switching to 95 percent to the final stable value for all upscale and downscale tests. Report the mean of the three upscale test times and the mean of the three downscale test times. The two average times should not differ by more than 15 percent of the slower time. Report the slower time as the system response time. Use the example sheet shown in Figure 2-6.

7.2.8 Operational Test Period. During the 168-hour performance and operational test period, the continuous monitoring system shall not require any corrective maintenance, repair, replacement, or adjustment other than that clearly specified as required in the operation and maintenance manuals as routine and expected during a one-week period. If the continuous monitoring system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than as specified above during the 168-hour test period, the operational period will be successfully concluded. Failure of the continuous monitoring system to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the test which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the one-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

8. References.

8.1 "Monitoring Instrumentation for the Measurement of Sulfur Dioxide in Stationary Source Emissions," Environmental Protection Agency, Research Triangle Park, N.C., February 1973.

8.2 "Instrumentation for the Determination of Nitrogen Oxides Content of Stationary Source Emissions," Environmental Protection Agency, Research Triangle Park, N.C., Volume 1, APTD-0847, October 1971; Volume 2, APTD-0942, January 1972.

8.3 "Experimental Statistics," Department of Commerce, Handbook 91, 1963, pp. 3-31, paragraphs 3-3.1.4.

8.4 "Performance Specifications for Stationary-Source Monitoring Systems for Gases and Visible Emissions," Environmental Protection Agency, Research Triangle Park, N.C., EPA-650/2-74-013, January 1974.

Date _____ Reference Method Used ___

High-Range Calibration Gas Mixture

Sample 1 _____ ppm

Sample 2 _____ ppm

Sample 3 _____ ppm

Average _____ ppm

High-Range (span) Calibration Gas Mixture

Sample 1 _____ ppm

Sample 2 _____ ppm

Sample 3 _____ ppm

Average _____ ppm

Figure 2-1. Analysis of Calibration Gas Mixtures

Calibration Gas Mixture Data (From Figure 2-1)

Mid (50%) _____ ppm High (90%) _____ ppm

Run #	Calibration Gas Concentration, ppm	Measurement System Reading, ppm	Differences,[1] ppm
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

	Mid	High
Mean difference	_____	_____
Confidence interval	+ _____	+ _____
Calibration error = $\frac{\text{Mean Difference}^2 + \text{C.I.}}{\text{Average Calibration Gas Concentration}} \times 100$	_____ %	_____ %

[1] Calibration gas concentration - measurement system reading

[2] Absolute value

Figure 2-2. Calibration Error Determination

Test No.	Date and Time	Reference Method Samples: SO_2 Sample 1 (ppm)	NO Sample 1 (ppm)	NO Sample 2 (ppm)	NO Sample 3 (ppm)	NO_x Sample Average (ppm)	Analyzer 1-Hour Average (ppm)* SO_2	Analyzer 1-Hour Average (ppm)* NO_x	Difference (ppm) SO_2	Difference (ppm) NO_x
1										
2										
3										
4										
5										
6										
7										
8										
9										

Mean reference method test value (SO_2) _____ Mean reference method test value (NO_x) _____ Average of the differences _____

Mean differences** = _____ ppm (SO_2). = _____ ppm (NO_x).

95% Confidence Intervals = ± _____ ppm (SO_2). = ± _____ ppm (NO_x).

Accuracies = $\frac{\text{Mean difference (absolute value)} + \text{95\% confidence interval}}{\text{Mean reference method value}} \times 100$ = _____ % (SO_2). = _____ % (NO_x).

* Explain and report method used to determine integrated averages.

** Mean differences = the average of the differences minus the mean reference method test value.

Figure 2-3. Accuracy Determination (SO_2 and NO_x)

Data Set No.	Time Begin	Time End	Date	Zero Reading	Zero Drift (ΔZero)	Span Reading	Span Drift (ΔSpan)	Calibration Drift (Span- Zero)
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								

Zero Drift = [Mean Zero Drift* _____ + CI (Zero) _____] ÷ [Span] x 100 = _____.
Calibration Drift = [Mean Span Drift* _____ + CI (Span) _____] ÷ [Span] x 100 = _____.
*Absolute Value.

Figure 2-4. Zero and Calibration Drift (2 Hour)

Date and Time	Zero Reading	Zero Drift (ΔZero)	Span Reading (After zero adjustment)	Calibration Drift (ΔSpan)

Zero Drift = [Mean Zero Drift* _____ + C.I. (Zero) _____]
÷ [Instrument Span] x 100 = _____.

Calibration Drift = [Mean Span Drift* _____ + C.I. (Span) _____]
÷ [Instrument Span] x 100 = _____.

* Absolute value

Figure 2-5. Zero and Calibration Drift (24-hour)

Date of Test _____

Span Gas Concentration _____ppm.

Analyzer Span Setting _____ppm

Upscale	1 _____seconds	
	2 _____seconds	
	3 _____seconds	
	Average upscale response _____seconds	
Downscale	1 _____seconds	
	2 _____seconds	
	3 _____seconds	
	Average downscale response _____seconds	

System average response time (slower time) = _____seconds.

$$\%\text{deviation from slower system average response} = \left[\frac{\text{average upscale minus average downscale}}{\text{slower time}}\right] \times 100\% = ____.$$

Figure 2-6. Response Time

Performance Specification 3—Performance specifications and specification test procedures for monitors of CO_2 and O_2 from stationary sources.

1. Principle and Applicability.

1.1 Principle. Effluent gases are continuously sampled and are analyzed for carbon dioxide or oxygen by a continuous monitoring system. Tests of the system are performed during a minimum operating period to determine zero drift, calibration drift, and response time characteristics.

1.2 Applicability. This performance specification is applicable to evaluation of continuous monitoring systems for measurement of carbon dioxide or oxygen. These specifications contain test procedures, installation requirements, and data computation procedures for evaluating the acceptability of the continuous monitoring systems subject to approval by the Administrator. Sampling may include either extractive or non-extractive (in-situ) procedures.

2. Apparatus.

2.1 Continuous Monitoring System for Carbon Dioxide or Oxygen.

2.2 Calibration Gas Mixtures. Mixture of known concentrations of carbon dioxide or oxygen in nitrogen or air. Midrange and 90 percent of span carbon dioxide or oxygen concentrations are required. The 90 percent of span gas mixture is to be used to set and check the analyzer span and is referred to as span gas. For oxygen analyzers, if the span is higher than 21 percent O_2, ambient air may be used in place of the 90 percent of span calibration gas mixture. Triplicate analyses of the gas mixture (except ambient air) shall be performed within two weeks prior to use using Reference Method 3 of this part.

2.3 Zero Gas. A gas containing less than 100 ppm of carbon dioxide or oxygen.

2.4 Data Recorder. Analog chart recorder or other suitable device with input voltage range compatible with analyzer system output. The resolution of the recorder's data output shall be sufficient to allow completion of the test procedures within this specification.

3. Definitions.

3.1 Continuous Monitoring System. The total equipment required for the determination of carbon dioxide or oxygen in a given source effluent. The system consists of three major subsystems:

3.1.1 Sampling Interface. That portion of the continuous monitoring system that performs one or more of the following operations: delineation, acquisition, transportation, and conditioning of a sample of the source effluent or protection of the analyzer from the hostile aspects of the sample or source environment.

3.1.2 Analyzer. That portion of the continuous monitoring system which senses the pollutant gas and generates a signal output that is a function of the pollutant concentration.

3.1.3 Data Recorder. That portion of the continuous monitoring system that provides a permanent record of the output signal in terms of concentration units.

3.2 Span. The value of oxygen or carbon dioxide concentration at which the continuous monitoring system is set that produces the maximum data display output. For the purposes of this method, the span shall be set no less than 1.5 to 2.5 times the normal carbon dioxide or normal oxygen concentration in the stack gas of the affected facility.

3.3 Midrange. The value of oxygen or carbon dioxide concentration that is representative of the normal conditions in the stack gas of the affected facility at typical operating rates.

3.4 Zero Drift. The change in the continuous monitoring system output over a stated period of time of normal continuous operation when the carbon dioxide or oxygen concentration at the time for the measurements is zero.

3.5 Calibration Drift. The change in the continuous monitoring system output over a stated time period of normal continuous operation when the carbon dioxide or oxygen continuous monitoring system is measuring the concentration of span gas.

3.6 Operational Test Period. A minimum period of time over which the continuous monitoring system is expected to operate within certain performance specifications without unscheduled maintenance, repair, or adjustment.

3.7 Response time. The time interval from a step change in concentration at the input to the continuous monitoring system to the time at which 95 percent of the corresponding final value is displayed on the continuous monitoring system data recorder.

4. Installation Specification.

Oxygen or carbon dioxide continuous monitoring systems shall be installed at a location where measurements are directly representative of the total effluent from the affected facility or representative of the same effluent sampled by a SO_2 or NO_x continuous monitoring system. This requirement shall be complied with by use of applicable requirements in Performance Specification 2 of this appendix as follows:

4.1 Installation of Oxygen or Carbon Dioxide Continuous Monitoring Systems Not Used to Convert Pollutant Data. A sampling location shall be selected in accordance with the procedures under paragraphs 4.2.1 or 4.2.2, or Performance Specification 2 of this appendix.

4.2 Installation of Oxygen or Carbon Dioxide Continuous Monitoring Systems Used to Convert Pollutant Continuous Monitoring System Data to Units of Applicable Standards. The diluent continuous monitoring system (oxygen or carbon dioxide) shall be installed at a sampling location where measurements that can be made are representative of the effluent gases sampled by the pollutant continuous monitoring system(s). Conformance with this requirement may be accomplished in any of the following ways:

4.2.1 The sampling location for the diluent system shall be near the sampling location for the pollutant continuous monitoring system such that the same approximate point(s) (extractive systems) or path (in-situ systems) in the cross section is sampled or viewed.

4.2.2 The diluent and pollutant continuous monitoring systems may be installed at different locations if the effluent gases at both sampling locations are nonstratified as determined under paragraphs 4.1 or 4.3, Performance Specification 2 of this appendix and there is no in-leakage occurring between the two sampling locations. If the effluent gases are stratified at either location, the procedures under paragraph 4.2.2, Performance Specification 2 of this appendix shall be used for installing continuous monitoring systems at that location.

5. Continuous Monitoring System Performance Specifications.

The continuous monitoring system shall meet the performance specifications in Table 3-1 to be considered acceptable under this method.

6. Performance Specification Test Procedures.

The following test procedures shall be used to determine conformance with the requirements of paragraph 4. Due to the wide variation existing in analyzer designs and principles of operation, these procedures are not applicable to all analyzers. Where this occurs, alternative procedures, subject to the approval of the Administrator, may be employed. Any such alternative procedures must fulfill the same purposes (verify response, drift, and accuracy) as the following procedures, and must clearly demonstrate conformance with specifications in Table 3-1.

6.1 Calibration Check. Establish a calibration curve for the continuous monitoring system using zero, midrange, and span concentration gas mixtures. Verify that the resultant curve of analyzer reading compared with the calibration gas value is consistent with the expected response curve as described by the analyzer manufacturer. If the expected response curve is not produced, additional calibration gas measurements shall be made, or additional steps undertaken to verify

the accuracy of the response curve of the analyzer.

6.2 Field Test for Zero Drift and Calibration Drift. Install and operate the continuous monitoring system in accordance with the manufacturer's written instructions and drawings as follows:

TABLE 3–1.—*Performance specifications*

Parameter	*Specification*
1. Zero drift (2 h) [1]	≤0.4 pct O_2 or CO_2.
2. Zero drift (24 h) [1]	≤0.5 pct O_2 or CO_2.
3. Calibration drift (2 h) [1]	≤0.4 pct O_2 or CO_2.
4. Calibration drift (24 h) [1]	≤0.5 pct O_2 or CO_2.
5. Operational period	168 h minimum.
6. Response time	10 min.

[1] Expressed as sum of absolute mean value plus 95 pct confidence interval of a series of tests.

6.2.1 Conditioning Period. Offset the zero setting at least 10 percent of span so that negative zero drift may be quantified. Operate the continuous monitoring system for an initial 168-hour conditioning period in a normal operational manner.

6.2.2 Operational Test Period. Operate the continuous monitoring system for an additional 168-hour period maintaining the zero offset. The system shall monitor the source effluent at all times except when being zeroed, calibrated, or backpurged.

6.2.3 Field Test for Zero Drift and Calibration Drift. Determine the values given by zero and midrange gas concentrations at two-hour intervals until 15 sets of data are obtained. For non-extractive continuous monitoring systems, determine the zero value given by a mechanically produced zero condition or by computing the zero value from upscale measurements using calibrated gas cells certified by the manufacturer. The midrange checks shall be performed by using certified calibration gas cells functionally equivalent to less than 50 percent of span. Record these readings on the example sheet shown in Figure 3–1. These two-hour periods need not be consecutive but may not overlap. In-situ CO_2 or O_2 analyzers which cannot be fitted with a calibration gas cell may be calibrated by alternative procedures acceptable to the Administrator. Zero and calibration corrections and adjustments are allowed only at 24-hour intervals or at such shorter intervals as the manufacturer's written instructions specify. Automatic corrections made by the continuous monitoring system without operator intervention or initiation are allowable at any time. During the entire 168-hour test period, record the values given by zero and span gas concentrations before and after adjustment at 24-hour intervals in the example sheet shown in Figure 3–2.

6.3 Field Test for Response Time.

6.3.1 Scope of Test.

This test shall be accomplished using the continuous monitoring system as installed, including sample transport lines if used. Flow rates, line diameters, pumping rates, pressures (do not allow the pressurized calibration gas to change the normal operating pressure in the sample line), etc., shall be at the nominal values for normal operation as specified in the manufacturer's written instructions. If the analyzer is used to sample more than one source (stack), this test shall be repeated for each sampling point.

6.3.2 Response Time Test Procedure.

Introduce zero gas into the continuous monitoring system sampling interface or as close to the sampling interface as possible. When the system output reading has stabilized, switch quickly to a known concentration of gas at 90 percent of span. Record the time from concentration switching to 95 percent of final stable response. After the system response has stabilized at the upper level, switch quickly to a zero gas. Record the time from concentration switching to 95 percent of final stable response. Alternatively, for nonextractive continuous monitoring systems, the highest available calibration gas concentration shall be switched into and out of the sample path and response times recorded. Perform this test sequence three (3) times. For each test, record the results on the data sheet shown in Figure 3–3.

7. Calculations, Data Analysis, and Reporting.

7.1 Procedure for determination of mean values and confidence intervals.

7.1.1 The mean value of a data set is calculated according to equation 3–1.

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i \qquad \text{Equation 3–1}$$

where:

x_i = absolute value of the measurements,
Σ = sum of the individual values,
$\bar{x}$ = mean value, and
n = number of data points.

7.2.1 The 95 percent confidence interval (two-sided) is calculated according to equation 3–2:

$$C.I._{95} = \frac{t_{.975}}{n\sqrt{n-1}}\sqrt{n(\Sigma x_i^2) - (\Sigma x_i)^2} \qquad \text{Equation 3–2}$$

where:

ΣX = sum of all data points,
$t_{.975} = t_{1-\alpha/2}$, and
$C.I._{95}$ = 95 percent confidence interval estimated of the average mean value.

Values for $t_{.975}$

n	$t_{.975}$
2	12.706
3	4.303
4	3.182
5	2.776
6	2.571
7	2.447
8	2.365
9	2.306
10	2.262
11	2.228
12	2.201
13	2.179
14	2.160
15	2.145
16	2.131

The values in this table are already corrected for n–1 degrees of freedom. Use n equal to the number of samples as data points.

7.2 Data Analysis and Reporting.

7.2.1 Zero Drift (2-hour). Using the zero concentration values measured each two hours during the field test, calculate the differences between the consecutive two-hour readings expressed in ppm. Calculate the mean difference and the confidence interval using equations 3–1 and 3–2. Record the sum of the absolute mean value and the confidence interval on the data sheet shown in Figure 3–1.

7.2.2 Zero Drift (24-hour). Using the zero concentration values measured every 24 hours during the field test, calculate the differences between the zero point after zero adjustment and the zero value 24 hours later just prior to zero adjustment. Calculate the mean value of these points and the confidence interval using equations 3–1 and 3–2. Record the zero drift (the sum of the absolute mean and confidence interval) on the data sheet shown in Figure 3–2.

7.2.3 Calibration Drift (2-hour). Using the calibration values obtained at two-hour intervals during the field test, calculate the differences between consecutive two-hour readings expressed as ppm. These values should be corrected for the corresponding zero drift during that two-hour period. Calculate the mean and confidence interval of these corrected difference values using equations 3–1 and 3–2. Do not use the differences between non-consecutive readings. Record the sum of the absolute mean and confidence interval upon the data sheet shown in Figure 3–1.

7.2.4 Calibration Drift (24-hour). Using the calibration values measured every 24 hours during the field test, calculate the differences between the calibration concentration reading after zero and calibration adjustment and the calibration concentration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using equations 3–1 and 3–2. Record the sum of the absolute mean and confidence interval on the data sheet shown in Figure 3–2.

7.2.5 Operational Test Period. During the 168-hour performance and operational test period, the continuous monitoring system shall not receive any corrective maintenance, repair, replacement, or adjustment other than that clearly specified as required in the manufacturer's written operation and maintenance manuals as routine and expected during a one-week period. If the continuous monitoring system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than as specified above during the 168-hour test period, the operational period will be successfully concluded. Failure of the continuous monitoring system to meet this requirement shall call for a repetition of the 168 hour test period. Portions of the test which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the one-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

7.2.6 Response Time. Using the data developed under paragraph 5.3, calculate the time interval from concentration switching to 95 percent to the final stable value for all upscale and downscale tests. Report the mean of the three upscale test times and the mean of the three downscale test times. The two average times should not differ by more than 15 percent of the slower time. Report the slower time as the system response time. Record the results on Figure 3–3.

8. References.

8.1 "Performance Specifications for Stationary Source Monitoring Systems for Gases and Visible Emissions," Environmental Protection Agency, Research Triangle Park, N.C., EPA–650/2–74–013, January 1974.

8.2 "Experimental Statistics," Department of Commerce, National Bureau of Standards Handbook 91, 1963, pp. 3–31, paragraphs 3–3.1.4.

(Secs. 111 and 114 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91–604, 84 Stat. 1678 (42 U.S.C. 1857c–6, by sec. 15(c)(2) of Pub. L. 91–604, 85 Stat. 1713 (42 U.S.C. 1857g)).

Data Set No.	Time Begin	Time End	Date	Zero Reading	Zero Drift (ΔZero)	Span Reading	Span Drift (ΔSpan)	Calibration Drift (ΔSpan-ΔZero)
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								

Zero Drift = [Mean Zero Drift* _____ + CI (Zero) _____] = _____.
Calibration Drift = [Mean Span Drift* _____ + CI (Span _____] = _____.
*Absolute Value.

Figure 3-1. Zero and Calibration Drift (2 Hour).

Date and Time	Zero Reading	Zero Drift (ΔZero)	Span Reading (After zero adjustment)	Calibration Drift (ΔSpan)

Zero Drift = [Mean Zero Drift* _____ + C.I. (Zero) _____]
= _____.

Calibration Drift = [Mean Span Drift* _____ + C.I. (Span) _____]
= _____.

* Absolute value

Figure 3-2. Zero and Calibration Drift (24-hour)

Date of Test _____

Span Gas Concentration _____ ppm

Analyzer Span Setting _____ ppm

Upscale
1. _____ seconds
2. _____ seconds
3. _____ seconds

Average upscale response _____ seconds

Downscale
1. _____ seconds
2. _____ seconds
3. _____ seconds

Average downscale response _____ seconds

System average response time (slower time) = _____ seconds

% deviation from slower system average response = $\frac{\text{average upscale minus average downscale}}{\text{slower time}} \times 100\%$

= _____.

Figure 3-3. Response

[FR Doc.75-26565 Filed 10-3-75;8:45 am]

federal register

MONDAY, OCTOBER 6, 1975



PART VI:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 310—SAFEGUARDING PERSONAL INFORMATION IN FEDERAL DEPOSIT INSURANCE CORPORATION RECORDS

Privacy Act Regulations

On page 39426 of the FEDERAL REGISTER of August 27, 1975, the Federal Deposit Insurance Corporation published a Notice of Proposed Privacy Act Regulations setting forth proposed regulations to implement the Privacy Act of 1974, 5 U.S.C. 552a, 88 Stat. 1896. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted with a few technical amendments, as set forth below.

Effective date: September 27, 1975.

By Order of the Board of Directors, September 30, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

Sec.

310.1 Purpose and scope.
310.2 Definitions.
310.3 Procedures for requests pertaining to individual records in a system of records.
310.4 Times, places, and requirements for identification of individuals making requests.
310.5 Disclosure of requested information to individuals.
310.6 Special procedures: medical records.
310.7 Request for amendment of record.
310.8 Agency review of request for amendment of record.
310.9 Appeal of initial adverse agency determination on amendment.
310.10 Disclosure of record to person other than the individual to whom it pertains.
310.11 Fees.
310.12 Penalties.
310.13 Exemptions.

§ 310.1 Purpose and scope.

This regulation sets forth the basic policies of the Corporation regarding the protection of the privacy of individuals on whom the Corporation maintains information which is retrieved by reference to an individual's name or an identifying particular assigned to the individual.

§ 310.2 Definitions.

For purposes of this Part:

(a) The term "Corporation" means the Federal Deposit Insurance Corporation;

(b) The term "individual" means a natural person who is either a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, collect, use, disseminate, or control;

(d) The term "record" means any item, collection or grouping of information about an individual that contains his/her name, or the identifying number, symbol, or other identifying particular assigned to the individual;

(e) The term "system of records" means a group of any records under the control of the Corporation from which information is retrieved by the name of the individual or some identifying number, symbol or other identifying particular assigned to the individual;

(f) The term "designated system of records" means a system of records which has been listed and summarized in the FEDERAL REGISTER pursuant to the requirements of 5 U.S.C. 552a(e);

(g) The term "routine use" means, with respect to disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was created; and

(h) The terms "amend" or "amendment" mean any correction, addition to or deletion from a record.

§ 310.3 Procedures for requests pertaining to individual records in a system of records.

(a) Any present or former employee of the Corporation seeking access to his/her official Civil Service records maintained by the Corporation shall submit his/her request in such manner as is prescribed by the Civil Service Commission in Part 297 of its rules and regulations (5 CFR 297).

(b) Requests by individuals for access to records pertaining to them and maintained within one of the Corporation's designated systems of records should be submitted in writing to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, Washington, D.C. 20429. Each such request should contain a reasonable description of the records sought, the system or systems in which such record may be contained, and any additional identifying information, as specified in the Corporation's FEDERAL REGISTER "Notice of Systems of Records" for that particular system, copies of which are available upon request from the Records Unit, Office of the Executive Secretary. Except as provided in § 310.4, each such request should also include a notarized statement attesting to the identity of the individual making the request.

§ 310.4 Times, places, and requirements for identification of individuals making requests.

(a) Individuals may request access to records pertaining to themselves by submitting a written request as provided in § 310.3 of these regulations, or by appearing in person on weekdays, other than official holidays, at the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429, between the hours of 8:30 a.m. 5 p.m.

(b) Individuals appearing in person at the Corporation seeking access to or amendment of their records shall present two form of reasonable identification, such as employment identification cards, driver's licenses, or credit cards.

(c) Except for records that are disclosable under the Freedom of Information Act, 12 U.S.C. 552, a written request seeking access to or amendment of a record will be honored only if it contains a certification of a duly commissioned notary public, of any state or territory, attesting to the requesting individual's identity.

§ 310.5 Disclosure of requested information to individuals.

(a) Except to the extent that Corporation records pertaining to an individual

(1) are exempt from disclosure under §§ 310.6 and 310.13 of this Part, or

(2) were compiled in reasonable anticipation of a civil action or proceeding,

the Corporation will make such records available upon request for purposes of inspection and copying by the individual (after proper identity verification as provided in § 310.4) and, upon the individual's request and written authorization, by another person of the individual's own choosing.

(b) The Executive Secretary will, whenever practicable, notify the individual making a request, within ten business days following its receipt, whether any specified designated system of records maintained by the Corporation contains a record pertaining to the individual making the request, and, where such a record does exist, specify the procedures for verifying the individual's identity as set forth in § 310.4.

(c) Individuals will be granted access to records disclosable under this Part 310 as soon as is practicable. The Executive Secretary will give written notification of a reasonable period within which individuals may inspect disclosable records pertaining to themselves at the Office of the Executive Secretary during normal business hours. Alternatively, individuals granted access to records under this Part may request that copies of such records be forwarded to them. Fees for copying such records will be assessed as provided in § 310.11.

§ 310.6 Special procedures: medical records.

Medical records shall be disclosed on request to the individuals to whom they pertain, except, if in the judgment of the Corporation, the transmission of the medical information directly to the requesting individual could have an adverse effect upon such individual. In the event medical information is withheld from a requesting individual due to any possible adverse effect such information may have upon the individual, the Corporation shall transmit such information to a medical doctor named by the requesting individual.

§ 310.7 Request for amendment of record.

The Corporation will maintain all records it uses in making any determination about any individual with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual in the determination. An individual may request that the Corporation amend any portion

of a record pertaining to that individual which the Corporation maintains in a designated system of records. Such a request should be submitted in writing to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, Washington, D.C. 20429 and should contain the individual's reason for requesting the amendment and a description of the record (including the name of the appropriate designated system and category thereof) sufficient to enable the Corporation to identify the particular record or portion thereof with respect to which amendment is sought.

§ 310.8 Agency review of request for amendment of record.

(a) Requests by individuals for the amendment of records will be acknowledged by the Executive Secretary of the Corporation, and referred to the manager of the system of records in which the record is contained (as designated in the Corporation's FEDERAL REGISTER "Notice of Systems of Records") for determination, within ten business days following receipt of such requests. Promptly thereafter, the Executive Secretary will notify the individual of the system manager's decision to grant or deny the request to amend.

(b) If the system manager denies a request to amend a record, the notification of such denial shall contain the reason for the denial and a description of the individual's right to appeal the denial as more fully set forth in § 310.9.

§ 310.9 Appeal of initial adverse agency determination on amendment.

(a) A system manager's denial of an individual's request to amend a record pertaining to him/her may be appealed in writing to the Board of Directors of the Corporation within 30 business days following receipt of notification of the denial. Such an appeal should be forwarded to the Office of the Executive Secretary, Records Unit, and contain all the information specified for initial requests to amend in § 310.7, as well as any other additional information the individual deems relevant to the Board of Directors' consideration of the appeal.

(b) The Board of Directors will normally make a final determination with respect to an appeal made under this Part within 30 business days following receipt by the Office of the Executive Secretary of the appeal. The Board of Directors may, however, extend this 30 day time period for good cause. Where such an extension is required, the individual making the appeal will be notified of the reason for the extension and the expected date upon which a final decision will be given.

(c) If the Corporation's Board of Directors affirms the initial denial of a request to amend, it will inform the individual affected of the decision, the reasons therefor and the right of judicial review of the decision. In addition, the individual may at that point submit to the Corporation a concise statement setting forth his or her reasons for disagreeing with the Corporation's refusal to amend. If the individual so desires, such statement may include the individual's record on appeal.

§ 310.10 Disclosure of record to person other than the individual to whom it pertains.

(a) Except as provided in paragraph (b) of this section, the Corporation will not disclose any record contained in a designated system of records to any person or agency except with the prior written consent of the individual to whom the record pertains.

(b) The restrictions on disclosure in paragraph (a) of this section do not apply to any of the following disclosures:

(1) To those officers and employees of the Corporation who have a need for the record in the performance of their duties;

(2) Which is required under the Freedom of Information Act (5 U.S.C. 552);

(3) For a routine use listed with respect to a designated system of records;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code;

(5) To a recipient who has provided the Corporation with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Corporation specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(c) Any statement of disagreement with the Corporation's refusal to amend, filed with the Corporation by an individual pursuant to § 310.9(c), will be included in the disclosure of any records under authority of paragraph (b) of this section. The Corporation may in its discretion also include a copy of a concise statement of its reasons for not making the requested amendment.

(d) The Corporation will adhere to the following procedures in the case of disclosure of any record pursuant to the authority of paragraphs (b)(3) through (b)(11) of this section.

(1) The Corporation will keep a record of the date, nature and purpose of each such disclosure, as well as the name and address of the person or agency to whom such disclosure is made; and

(2) The Corporation will retain and, with the exception of disclosures made pursuant to paragraph (b)(7) of this section, make available to the individual named in the record for the greater of five years or the life of the record all material compiled under paragraph (d)(1) of this section with respect to disclosure of such record.

(e) Whenever a record which has been disclosed by the Corporation under authority of paragraph (b) of this section is, within a reasonable amount of time after such disclosure, either amended by the Corporation or the subject of a statement of disagreement, the Corporation will transmit such additional information to any person or agency to whom the record was disclosed, if such disclosure was subject to the accounting requirements of paragraph (d)(1) of this section.

§ 310.11 Fees.

The Corporation, upon a request for records disclosable pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), shall charge a fee of $0.10 per page for duplicating, except as follows:

(a) If the Corporation determines that it can grant access to a record only by providing a copy of the record, no fee will be charged for providing the first copy of the record or any portion thereof;

(b) Whenever the aggregate fees computed under this section do not exceed $2.00 for any one request, the fee will be deemed waived by the Corporation; or,

(c) Whenever the Corporation determines that a reduction or waiver is warranted, it may reduce or waive any fees imposed for furnishing requested information pursuant to this section.

§ 310.12 Penalties.

Subsection (i)(3) of the Privacy Act of 1974 (5 U.S.C. 552a(i)(3)) imposes criminal penalties for obtaining Corporation records on individuals under false pretenses. The subsection provides as follows: "Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000."

§ 310.13 Exemptions.

The following systems of records are exempt from §§ 310.3–310.9 and § 310.10 (d)(2) of these rules:

(a) Investigatory material compiled for law enforcement purposes; provided, however, that if any individual is denied

any right, privilege or benefit to which he/she would otherwise be entitled under Federal law, or for which he/she would otherwise be eligible, as a result of the maintenance of such material, such material shall be disclosed to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence;

(b) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Corporation employment, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Corporation under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence; and

(c) Testing or examination material used solely to determine or assess individual qualifications for appointment or promotion in the Corporation's service, the disclosure of which would compromise the objectivity or fairness of the testing, evaluation, or examination process.

[FR Doc.75-26830 Filed 10-2-75;11:12 am]

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 720—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

On pages 33410–33414 of the August 7, 1975, edition of the FEDERAL REGISTER (40 FR 33410–33414) there was published a proposal to amend Part 720 (12 CFR 720) by designating existing sections thereunder as comprising Subpart A—Production or Disclosure Under 5 U.S.C. 552 and by adding a new Subpart B—Protection of Privacy of Individual Records Under 5 U.S.C. 552a. The purpose of adding a new Subpart B is to implement the provisions of the Privacy Act of 1974, Pub. L. 93–579, which adds a new section 552a to Title 5, United States Code, intended to provide certain safeguards for individuals against invasions of personal privacy. Interested persons were given until September 5, 1975, to submit written comments, suggestions and objections regarding the proposed revision. As a result of the comments and further review by the Administration, the following changes have been made:

Section 720.23(a)(2) is revised by deleting the word "on" and inserting the word "one" in its place.

Section 720.24(a) is revised by deleting the word "excess" and inserting the word "access" in its place.

Section 720.24(b)(2) is revised by deleting "; and" at the end thereof and inserting a period in its place. The following language is added following said period: "Such required requisition or consultation shall be initiated within 10 working days after receipt of the request; and".

Section 720.24(b)(3) is revised by deleting the language "paragraph (b)(2) or (3)" and inserting the language "paragraph (b)(1) or (2)" in lieu thereof.

Section 720.27(a) is revised by inserting the word "working" between the number "30" and the word "days."

Section 720.27(a) is also revised by deleting the penultimate sentence thereof and inserting the following sentence in its place: "Appeals shall be addressed to the Administrator, National Credit Union Administration, 2025 M Street, N.W., Washington, DC 20456; attention, Assistant Administrator for Administration."

Section 720.27(b) is revised by deleting the word "of" as it appears after the words "provide for the record" and inserting the word "a" in its place.

Section 720.27(c) is revised by deleting the second sentence thereof and inserting the following sentence in lieu thereof: "They shall be addressed to the Administrator, National Credit Union Administration, 2025 M Street, N.W., Washington, DC 20456; attention, Assistant Administrator for Administration."

The section immediately following § 720.28 and designated by the heading "Accounting for Disclosures" has been erroneously identified as "§ 720.20." The number "720.20" as it appears in the heading for that section is deleted, and the number "720.29" is inserted in lieu thereof.

Section 720.32(c) is revised by deleting the misspelled word "accomnany" and inserting the properly spelled word "accompany" in its place.

Finally, the words "by the National Archives and Records System, General Services Administration," the words "by the General Services Administration," and the words "by the National Archives and Records System" are deleted each time they appear in the proposed Part 720, Subpart B, and the words "in the Federal Register" are inserted in each such instance in lieu thereof.

Accordingly, with the above changes, the proposed Part 720, Subpart B, is adopted as set forth below, effective immediately.

HERMAN NICKERSON, Jr.,
Administrator.

SEPTEMBER 29, 1975.

Subpart A—Production or Disclosure Under 5 U.S.C. 552

* * * * *

Subpart B—Protection of Privacy of Individual Records Under 5 U.S.C. 552a

Sec.
720.20 Purpose and scope.
720.21 Definitions.
720.22 Procedures for requests pertaining to individual records in a system of records.
720.23 Time, place, and requirements for identification of individuals making requests.
720.24 Notice of existence of records, access decisions and provision of access; time limits.
720.25 Special procedures; medical records.
720.26 Requests for correction or amendment to a record; administration review of requests.
720.27 Appeal of initial adverse determination on correction or amendment.
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720.29 Accounting for disclosures.
720.30 Requests for accounting of disclosures.
720.31 Emergency disclosures.
720.32 Collection of information from individuals; information forms.
720.33 Contracting for the operation of a system of records.
720.34 Fees.
720.35 Exemptions.
720.36 Security of systems of records.
720.37 Use and collection of Social Security numbers.
720.38 Employee standards of conduct with regard to privacy.

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

§ 720.20 Purpose and scope.

(a) This subpart contains the regulations of the National Credit Union Administration implementing the Privacy Act of 1974, Pub. L. 93–579. The regulations apply to all records which are maintained by the Administration, contain information about an individual including some means of identifying the individual and are contained in a system of records, from which information is retrieved by use of an identifying particular. The regulations set forth procedures whereby individuals may seek and gain access to records concerning themselves and request amendments of those records. The regulations also set forth requirements applicable to Administration employees maintaining collecting, using or disseminating such records.

(b) The Assistant Administrator for Administration, with advice from the General Counsel, shall be responsible for training employees of the Administration in the obligations imposed by the Privacy Act of 1974 and these regulations.

§ 720.21 Definitions.

For purposes of this subpart:

"Administration" means the National Credit Union Administration;

"Administrator" means the Administrator of the National Credit Union Administration;

"Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

"Maintain" includes maintain, collect, use, or disseminate;

"Record" means any item, collection, or grouping of information about an individual that is maintained by the Administration, and that contains his name, or an identifying number, symbol, or other identifying particular assigned to the individual;

"System of records" means a group of any records under the control of the Administration from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

"Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 720.22 Procedures for requests pertaining to individual records in a system of records.

(a) An individual seeking notification of whether a system of records contains a record pertaining to him or an individual seeking access to information or records pertaining to him which is available under the Privacy Act of 1974 shall present his request in person or in writing to the Administration official identified in the access procedure section of the "Notice of Records Systems" published in the FEDERAL REGISTER which describes the system of records to which the individual's request relates.

(b) In addition to meeting the identification requirements set forth in § 720.23, individuals seeking notification or access, either in person or by mail, shall describe the nature of the records sought, the approximate dates covered by the record, and the system in which it is thought to be included, as described in the "Notices of Records Systems" published in the FEDERAL REGISTER.

§ 720.23 Times, places, and requirements for identification of individuals making requests and identification of records requested.

(a) The following minimum standards are applicable to any individual who submits a request under § 720.22:

(1) An individual seeking access to records about himself in person may establish his identity by the presentation of a single document bearing a photograph (such as a passport or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear both a name and address (such as a driver's license or credit card);

(2) An individual seeking access to records about himself by mail shall establish his identity by a signature, address, date of birth, employee identification number if any, and one other identifier such as a photocopy of driver's license or other document; and

(3) An individual seeking access to records about himself by mail or in person who cannot provide the required documentation of identification may provide a notarized statement, swearing or affirming to his identity and to the fact that he understands the penalties for false statements pursuant to 18 U.S.C. 1001.

(b) The parent or guardian of a minor or a person judicially determined to be incompetent shall, in addition to establishing the identity of the minor or other person he represents as required in paragraph (a) of this section, establish his own parentage or guardianship by furnishing a copy of a birth certificate showing parentage or a court order establishing the guardianship.

(c) An individual seeking to review records about himself may be accompanied by another person of his own choosing. In such cases, the individual seeking access shall be required to furnish a written statement authorizing the discussion of that individual's records in the accompanying person's presence.

(d) In addition to the requirements set forth in paragraph (a) and (b) of this section, the published "Notice of System of Records" for individual systems may include further requirements of identification where necessary to retrieve the individual record from the system.

§ 720.24 Notice of existence of records, access decisions and disclosure of requested information; time limits.

(a) The Administration official identified in the record access procedure section of the "Notice of Records Systems" and identified in accordance with § 720.23 (d), by an individual seeking notification of, or access to, a record, shall be responsible to (1) determine whether such a record exists, (2) determine whether access is available under the Privacy Act, (3) notify the requesting individual of those determinations, and (4) provide access to information determined to be available. In cases where the Administration Official identified in the above sentence is the Assistant Administrator for Administration (or Security Officer) he shall designate one or more of his assistants as being responsible for carrying out the requirements of this section. In the case of an individual access request made in person, information determined to be available shall be provided by allowing a personal review of the record or portion of a record containing the information requested and determined to be available, and the individual shall be allowed to have a copy of all or any portion of available information made in a form comprehensible to him. In the case of an individual access request made by mail, information determined to be available shall be provided by mail, unless the individual has requested otherwise. If access is denied because of an exemption, the individual shall be notified that he may appeal that determination to the Assistant Administrator for Administration within thirty days after receipt of the determination. Such appeals shall be determined within thirty days.

(b) The following time limits shall be applicable to the required determinations, notification and provision of access set forth in paragraph (a) of this section:

(1) Requests concerning a single system of records which do not require consultation with or requisition of records from another agency shall be responded to within 20 working days after receipt of the request;

(2) Requests requiring requisition of records from or consultation with another agency shall be responded to within 10 working days after such requisition or resolution of the required consultation. Such required requisition or consultation shall be initiated within 10 working days after receipt of the request; and

(3) If a request under paragraph (b) (1) or (2) of this section presents unusual difficulties in determining whether the records involved are exempt from disclosure, the Assistant Administrator for Administration may, upon written request of the official responsible for action upon the record request, extend the time period established by these regulations for an additional 15 working days.

(c) Nothing in this section shall be construed to allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding or any information exempted from the provisions of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a (j) or (k).

§ 720.25 Special procedures: Information furnished by other agencies; medical records.

(a) When records or information sought from the Administration include information furnished by other Federal agencies, the Administration official responsible for action on the request shall consult with the appropriate agency prior to making a decision to disclose or refuse the record but the decision whether to disclose the record shall be made in the first instance by the Administration official.

(b) When an individual requests medical records concerning himself, the Administration official responsible for action on the request may advise the individual that the records will be provided only to a physician designated in writing by the individual. Upon receipt of the designation and upon proper verification of identity, the Administration official shall permit the physician to review the records or to receive copies of the records by mail. The determination of which records should be made available directly to the individual and which records should not be disclosed directly because of possible harm to the individual shall be made by the Administration official responsible for action on the request.

§ 720.26 Requests for correction or amendment to record; administration review of requests.

(a) An individual may request amendment of a record concerning himself by addressing his request, either in person or by mail, to the Administration official identified in the record contest procedure section of the "Notice of Records Systems" published in the FEDERAL REGISTER and describing the system of records which contains the record which the individual wishes to request amendment of. The request must indicate the particular record involved, the nature of the correction sought, and the justification for the correction or amendment. In cases where the Administration official described in the above sentence is the Assistant Administrator for Administration (or Security Officer), he shall designate one of his assistants, such as the Deputy Assistant Administrator, as the official responsible for carrying out the requirements of this section. Requests made by mail should be addressed to the responsible Administration official at the the address specified in the "Notice of Records System" describing the system of records which contains the contested record.

(b) Within ten working days of receipt of the request, the appropriate Administration official shall advise the individual that his request has been received. The appropriate Administration official shall then promptly, and under normal circumstances, not later than thirty working days after receipt of the request, either advise the individual that the record is to be amended or corrected or inform the individual of his refusal to amend the record, the reason for the refusal, and the procedures established by § 720.27 for the individual to request a review of that refusal.

§ 720.27 Appeal of initial adverse determination on correction or amendment.

(a) A refusal, in whole or in part, to amend or correct a record may be appealed to the Assistant Administrator for Administration within 30 working days of receipt of notice of the refusal. Appeals shall be in writing, shall set forth the specific item of information sought to be corrected and the documentation justifying the correction. Appeals shall be addressed to the Administrator, National Credit Union Administration, 2025 M Street, NW., Washington, D.C. 20456; attention Assistant Administrator for Administration. Appeals shall be decided within thirty working days of their receipt unless the Administrator shall, for good cause, shown, extend such period for an additional thirty working days.

(b) Within the time limits set forth in paragraph (a) of this section, the Assistant Administrator for Administration shall either advise the individual of his decision to amend or correct the record or advise the individual of his determination that an amendment or correction is not warranted on the facts, in which case he shall advise the individual of his right to provide for the record a "Statement of Disagreement" and of his right to judicial review pursuant to the Privacy Act of 1974.

(c) Statements of Disagreement may be furnished by the individual within 30 days of the date of receipt of the notice of refusal of the Assistant Administrator for Administration to authorize correction. They shall be addressed to the Administrator, National Credit Union Administration, 2025 M Street, N.W., Washington, D.C. 20456; attention, Assistant Administrator for Administration. Upon receipt of a statement of disagreement in accordance with this section, the Assistant Administrator for Administration shall take steps to insure that the statement is included in the system or systems of records which contain the disputed item and that the original item is so marked to indicate that there is a statement of dispute and where, within the system of records, that statement may be found.

(d) When a record has been amended or corrected or a statement of disagreement has been furnished, the system manager for the system of records which contains the record shall, within thirty days thereof, advise all prior recipients of information to which the amendment or statement of disagreement relates whose identity can be determined by an accounting made as required by the Privacy Act of 1974 or any other accounting previously made, of the amendment or statement of disagreement. When a statement of disagreement has been furnished, the system manager shall also provide any subsequent recipient of a disclosure containing information to which the statement relates with a copy of the statement and note the disputed portion of the information disclosed. A concise statement of the reasons for not making the requested amendments may also be provided if deemed appropriate.

(e) In the case of any appeal made under this section and related to personnel records which the Administration maintains pursuant to specific requirements or authorization by the Civil Service Commission or pursuant to a record-keeping requirement of the Federal Personnel Manual, the appeal shall be forwarded, after consideration by the Assistant Administrator for Administration, to the Civil Service Commission for a final determination, in accordance with Civil Service Commission regulations.

§ 720.28 Disclosure of record to person other than the individual to whom it pertains.

No record or item of information concerning an individual which is contained in a system of records maintained by the Administration shall be disclosed by any means of communication to any person, or to another agency, without the prior written consent of the individual to whom the record or item of information pertains, unless the disclosure would be—

(a) To an employee of the Administration who has a need for the record in the performance of his duties;

(b) Required by the Freedom of Information Act;

(c) For a routine use as described in the "Notice of Records System," published in the FEDERAL REGISTER, which describes the system of records in which the record or item of information is contained;

(d) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code;

(e) To a recipient who has provided the Administration with advance adequate written assurance that the record or item will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(f) To the National Archives of the United States as a record or item which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of the General Services or his designee to determine whether the record has such value;

(g) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Administration specifying the particular portion desired and the law enforcement activity for which the record or item is sought;

(h) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(i) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(j) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(k) Pursuant to the order of a court of competent jurisdiction.

§ 720.29 Accounting for disclosures.

(a) Each system manager identified in the "Notice of Records Systems" as published in the FEDERAL REGISTER for each system of records maintained by the Administration, shall establish a system of accounting for all disclosures of information or records concerning individuals and contained in the system of records, made outside the Administration. Accounting procedures may be established in the least expensive and most convenient form that will permit the system manager to advise individuals, promptly upon request, of the persons or agencies to which records concerning them have been disclosed.

(b) Accounting records, at a minimum, shall include the information disclosed, the name and address of the person or agency to whom disclosure was made, and the date of disclosure. When records are transferred to the National Archives and Records Service for storage in records centers, the accounting pertaining to those records shall be transferred with the records themselves.

(c) Any accounting made under this section shall be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

§ 720.30 Requests for accounting for disclosures.

At the time of his request for access or correction or at any other time, an individual may request an accounting of disclosures made of his record outside the Administration. Requests for accounting shall be directed to the system manager. Any available accounting, whether kept in accordance with the requirements of the Privacy Act or under procedures established prior to September 27, 1975, shall be made available to the individual except that an accounting need not be made available if it relates to: (a) A disclosure made pursuant to the Freedom of Information Act, 5 U.S.C. 552; (b) a disclosure made within the Administration; (c) a disclosure made to a law enforcement agency pursuant to 5 U.S.C. 552a(b)(7); (d) a dis-

closure which has been exempted from the provisions of 5 U.S.C. 552a(c)(3) pursuant to 5 U.S.C. 552a (j) or (k).

§ 720.31 Emergency disclosures.

If the information concerning an individual and contained in a system of records has been disclosed to any person under compelling circumstances affecting health or safety, the individual shall be notified at his last known address within 5 days of the disclosure. Notification shall include the following information: the nature of the information disclosed, the person or agency to whom it was disclosed, the date of the disclosure, and the compelling circumstances justifying the disclosure. Notification shall be given by the officer who made or authorized the disclosure.

§ 720.32 Collection of information from individuals; information forms.

(a) The system manager, as identified in the "Notice of Records Systems" published in the FEDERAL REGISTER for each system of records maintained by the Administration, shall be responsible for reviewing all forms developed and used to collect information from or about individuals for incorporation into the system of records.

(b) The purpose of the review shall be to eliminate any requirement for information that is not relevant and necessary to carry out an Administration function and to accomplish the following objectives:

(1) To insure that no information concerning religion, political beliefs or activities, association memberships (other than those required for a professional license), or the exercise of other First Amendment rights is required to be disclosed unless such requirement of disclosure is expressly authorized by statute or is pertinent to and within the scope of any authorized law enforcement activity;

(2) To insure that the form or accompanying statement makes clear to the individual which information he is required by law to disclose and the authority for that requirement and which information is voluntary;

(3) To insure that the form or accompanying statement states clearly the principal purpose or purposes for which the information is being collected, and states concisely the routine uses that will be made of the information.

(4) To insure that the form or accompanying statement clearly indicates to the individual the effect in terms of rights, benefits or privileges of not providing all or part of the requested information; and

(5) To insure that any form requesting disclosure of a Social Security Number, or an accompanying statement, clearly advises the individual of the statute or regulation requiring disclosure of the number or clearly advises the individual that disclosure is voluntary and that no consequence will flow from his refusal to disclose it, and the uses that will be made of the number whether disclosed mandatorily or voluntarily.

(c) Any form which does not meet the objectives specified in the Privacy Act and this section, shall be revised to conform thereto. If revision, printing and distribution cannot be accomplished prior to September 27, 1975, a separate statement shall be prepared to accompany each form advising the individual that the form is not in compliance with the Privacy Act and specifying the portions thereof which are not in compliance. The statement shall include all the information necessary to accomplish the objectives specified in the Privacy Act and this section.

§ 720.33 Contracting for the operating of a system of records.

(a) No component of the Administration shall contract for the operation of a record system by or on behalf of the agency without the express approval of the Administrator.

(b) Any contract which is approved shall contain the standard contract requirements promulgated by the General Services Administration to insure compliance with the requirements imposed by the Privacy Act of 1974. The contracting component shall have the responsibility for insuring that the contractor complies with the contract requirements relating to privacy.

§ 720.34 Fees.

(a) Fees pursuant to 5 U.S.C. 552a(f)(5) shall be assessed for actual copies of records provided to individuals on the following basis, unless the Administration official determining access waives the fee because of the inability of the individual to pay:

(1) For actual copies of documents, $0.25 per page; and

(2) For copying information, if any, maintained in uncommon or nondocument form, the direct cost to the Administration may be assessed but only if the individual has been notified of the cost before it is incurred.

(b) Where it is anticipated that access fees chargeable under this section will amount to more than $25, and the individual has not indicated in advance his willingness to pay fees as high as are anticipated, the individual shall be notified of the amount of the anticipated fees before copies are made, and the individual's access request shall not be considered to have been received until receipt by the Administration of his written agreement to pay.

§ 720.35 Exemptions.

(a) When an individual requests records about himself which have been exempted from individual access pursuant to 5 U.S.C. 552a(k)(2), by publication of notice of and reasons for the exemption in the "Notice of Records Systems" for the system of records as published in the Federal Register, the Administration shall neither confirm nor deny the existence of the record but shall advise the individual only that no record available to him pursuant to the Privacy Act of 1974 has been identified, unless a review of the information has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under Federal law. In that event, the individual shall be advised of the existence of the information and shall be provided the information except to the extent it would identify a confidential source. Information which would identify a confidential source shall, if possible, be extracted or summarized in a manner which protects the source and the summary or extract shall be provided to the requesting individual.

(b) Information compiled as part of an employee background investigation which has been exempted pursuant to 5 U.S.C. 552a(k)(5), by publication in the manner described in subsection (a), shall be made available to an individual upon request except to the extent that it identifies a confidential source. Material identifying a confidential source shall, if possible, be extracted or summarized in a manner which protects the source and the summary or extract shall be provided to the requesting individual.

(c) For purposes of the section, a "confidential source" means a source who furnished information to the Government under an express promise that the identity of the source would remain confidential, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

§ 720.36 Security of systems of records.

(a) Each system manager, with the approval of the head of his Office, shall establish administrative, and physical controls, consistent with Administration regulations, to insure the protection of records systems from unauthorized access or disclosure and from physical damage or destruction. The controls instituted shall be proportional to the degree of sensitivity of the records but at a minimum must insure that records are enclosed in a manner to protect them from public view, that the area in which the records are stored is supervised during all business hours to prevent unauthorized personnel from entering the area or obtaining access to the records, and that the records are inaccessible outside of business hours. Automated systems shall comply with the security standards promulgated by the National Bureau of Standards.

(b) Each system manager, with the approval of the head of his Office, shall adopt access restrictions to insure that only those individuals within the agency who have a need to have access to the records for the performance of their duties have access to them. Procedures shall also be adopted to prevent accidental access to or dissemination of records.

§ 720.37 Use and collection of Social Security numbers.

The head of each office of the Administration (e.g., Assistant Administrator, Regional Director) shall take such measures as are necessary to insure that employees authorized to collect infor-

mation from individuals are advised that individuals may not be required to furnish Social Security numbers without statutory or regulatory authorization and that individuals who are requested to provide Social Security numbers voluntarily must be advised that furnishing the number is not required and that no penalty or denial of benefits will flow from the refusal to provide it.

§ 720.38 Employee standards of conduct with regard to privacy.

(a) The head of each office of the Administration shall be responsible for assuring that employees subject to his supervision are advised of the provisions of the Privacy Act, including the criminal penalties and civil liabilities provided therein, and that such employees are made aware of their responsibilities to protect the security or personal information, to assure its accuracy, relevance, timeliness and completeness, to avoid unauthorized disclosure either orally or in writing, and to insure that no information system concerning individuals, no matter how small or specialized, is maintained without public notice.

(b) With respect to each system of records maintained by the Administration, employees of the Administration shall:

(1) Collect no information of a personal nature from individuals unless authorized to collect it to achieve a function or carry out a responsibility of the Administration;

(2) Collect from individuals only that information which is necessary to Administration functions or responsibilities;

(3) Collect information, wherever possible, directly from the individual to whom it relates;

(4) Inform individuals from whom information is collected of the authority for collection, the purposes thereof, the routine uses that will be made of the information, and the effects, both legal and practical of not furnishing the information;

(5) Neither collect, maintain, use or disseminate information concerning an individual's religious or political beliefs or activities or his membership in associations or organizations, unless (i) the individual has volunteered such information for his own benefit; (ii) the information is expressly authorized by statute to be collected, maintained, used or disseminated; or (iii) the activities involved are pertinent to and with the scope of an authorized investigation or adjudication;

(6) Advise their supervisors of the existence or contemplated development of any record system which retrieves information about individuals by individual identifier;

(7) Maintain an accounting, in the prescribed form, of all dissemination of personal information outside the Administration, whether made orally or in writing;

(8) Disseminate no information concerning individuals outside the Administration except when authorized by 5 U.S.C. 552a or pursuant to a routine use as set forth in the routine use section of the "Notice of Records Systems" published in the FEDERAL REGISTER;

(9) Maintain and process information concerning individuals with care in order to ensure that no inadvertent disclosure of the information is made either within or without the Administration; and

(10) Call to the attention of the proper Administration authorities any information in a system maintained by the Administration which is not authorized to be maintained under the provisions of the Privacy Act of 1974, including information on First Amendment activities, information that is inaccurate, irrelevant or so incomplete as to risk unfairness to the individual concerned.

(c) Heads of offices within the Administration shall, at least annually, review the record systems subject to their supervision to insure compliance with the provisions of the Privacy Act of 1974.

[FR Doc.75-26589 Filed 10-1-75;11:54 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 2, Amdt. 2]

PART 102—DISCLOSURE OF INFORMATION

Regulations Implementing the Privacy Act of 1974

On or before August 27, 1975, the Small Business Administration delivered for publication a notice of proposed rulemaking pertaining to the Privacy Act of 1974. The notice was not actually published until Friday, August 29, 1975 (40 FR 40063).

The proposed amendment to 13 CFR Part 102, redesignates Part 102 as Disclosure of Information and Privacy Act of 1974; existing §§ 102.1 through 102.7 are designated as Subpart A—Disclosure of Information; and Subpart B—Privacy Act of 1974 is added to implement the provisions of the Privacy Act of 1974, 5 U.S.C. 552a (Pub. L. 93-579, 88 Stat. 1896). Among other things, the proposed rules specified: (1) the procedures whereby an individual can be advised whether any of the systems of records maintained by the Agency contained records that pertained to him; (2) the procedures for gaining access to those records that pertain to the individual; and (3) the procedures whereby an individual can seek to amend the contents of records that pertain to him.

The Agency invited any persons interested in the proposed regulations to submit their views and comments to the Agency on or before September 29, 1975. Only one such comment has been received. The Agency has considered this comment and has decided to adopt the rules as published in the FEDERAL REGISTER (40 FR 40063-40067).

In view of the intent of Pub. L. 93-579 that the rules adopted herein become effective on September 27, 1975, good cause exists for making them effective on that date.

Part 102 is hereby amended as set forth below.

THOMAS S. KLEPPE,
Administrator.

Subpart A—Disclosure of Information

* * * * *

Subpart B—Privacy Act of 1974

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AUTHORITY: Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a)).

Subpart B—Privacy Act of 1974

§ 102.20 Purpose, policy and scope.

This part establishes policy and procedures of the Small Business Administration (SBA) safeguarding an individual against an invasion of personal privacy. Except as otherwise provided by law or regulation issued pursuant thereto SBA officials and employees will:

(1) Permit an individual to determine what records pertaining to him or her are collected, maintained, used, or disseminated by the SBA;

(2) Permit an individual to prevent records pertaining to him on her, obtained by SBA for a particular purpose from being used or made available for another purpose without his or her consent;

(3) Permit an individual to gain access to information pertaining to him or her in the SBA records, to have a copy made of all or any portion thereof, and to correct or amend such records;

(4) Collect, maintain, use, or disseminate any record of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose, that the information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information; and

(5) Permit exemptions from the requirements with respect to records provided in 5 U.S.C. 552a (Privacy Act of 1974) only where an important public policy need for such exemption has been determined by specific statutory authority.

§ 102.21 Definitions.

As used in this subpart:

(1) "Agency" means the Small Business Administration (SBA) and includes all of its offices wherever located;

(2) "Employee" means any officer or employee of the Small Business Administration, regardless of his or her grade, status, or place of employment;

(3) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence. This term shall not encompass entrepreneurial enterprises (e.g., sole proprietors, partnerships, corporations, or other forms of business entities);

(4) "Maintain" includes maintain, collect, use, or disseminate;

(5) "Record" means any item, collection, or grouping of information about an individual that is maintained by the Small Business Administration, including, but not limited to, education, financial transactions, medical history, and and criminal or employment history and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(6) "System of records" means a group of any records under the control of Small Business Administration from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(7) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual; and

(8) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 102.22 Officials responsible for Privacy Act of 1974.

(a) "Program Official" is the Agency official in every field office and major program area responsible for the system or systems of records in his area. Responsibilities of this position include:

(1) Responding to requests for information from individuals and other sources received from Systems Managers.

(2) Discussing records with individuals.

(3) Amending records in cases where amended information is not controversial and does not involve policy decision making.

(4) Informing individuals of any reproduction fees to be charged.

(5) Maintaining appropriate record-keeping.

(6) Reviewing records for relevance, timeliness, completeness, and accuracy.

(7) Providing Systems Managers with material for required reports and for publication of rules and notices in the FEDERAL REGISTER.

(b) "Systems Manager" is the Agency employee in each office responsible for implementing and overseeing this regulation and 5 U.S.C. 552a in his or her office. Responsibilities of this position include:

(1) Acting as initial contact person to individuals seeking access or amendment of their records.

(2) Preparing and forwarding access and amendment forms to the appropriate Program Official.

(3) Discussing with the Program Officials requests for which access or amendment will not be allowed, and making initial Agency decisions on access and amendment.

(4) Collecting information from the Program Official and compiling information required for reports and for publication of rules and notices in the FEDERAL REGISTER.

(5) Implementing and administering the records management program within his area of jurisdiction, including training of personnel, keeping required statistical records and making necessary reports,

(d) "Privacy Act Officer" is the Agency official with delegated responsibility for overseeing and implementing 5 U.S.C. 552a and subpart B of part 102 of SBA regulations. Responsibilities of this position include:

(1) Developing training programs for agency personnel in the provisions of the Act and the proposed records management procedures for implementation.

(2) Developing materials such as forms, reporting formats, and directives for implementing the Act.

(3) Preparing reports to the Congress, OMB, and the President, and preparing rules and notices for publication in the FEDERAL REGISTER.

(4) Approving extensions of review periods.

(5) Monitoring the relevance, accuracy, and completeness of records contained in systems of records.

(6) Reviewing appeals referred by Systems Managers concerning requests for amendment and access to records.

(7) Making final Agency decisions on requests for amendment and access to records.

DISCLOSURES

§ 102.23 General conditions of disclosure.

The Agency shall not disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless such disclosure is:

(a) To those employees of the Agency who have a need for the record in the performance of their duties;

(b) Required under 5 U.S.C. 552 (Freedom of Information Act);

(c) For a routine use of the record compatible with the purpose for which it was collected;

(d) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to Title 13, United States Code;

(e) To a recipient who has provided the Agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the U.S. Government, or for evaluation by the Administrator of General Services or his or her designee to determine whether the record has such value;

(g) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Privacy Act Officer specifying the particular portion desired and the law enforcement activity for which the record is sought;

(h) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(i) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(j) To the Comptroller General, or any of his or her authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(k) Pursuant to the order of a court of competent jurisdiction.

§ 102.24 Information compiled for civil action.

Nothing in these regulations shall allow an individual access to any information compiled by the Agency in reasonable anticipation of a civil action or proceeding. In the event that there should be a question as to whether information should be disclosed pursuant to this section, an opinion shall be obtained from Agency counsel.

§ 102.25 Disclosure of record to person other than the individual to whom it pertains.

(a) Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to § 102.23(b) of this subpart, the Program Official responsible for the Agency system of records shall make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for Agency purposes.

(b) The Program Official shall make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a public record. When a record is disclosed under compulsory legal process, the Program Official may ask legal counsel for a determination as to whether the issuance of the order is a matter of public record and if counsel so determines, then the Program Official shall notify the individual by mail

at his or her last known address. If counsel determines the matter is not of public record, he should request to be advised as to when it becomes public and inform the Program Official so that he may mail the notice at the appropriate time.

§ 102.26 Accounting of disclosures.

(a) With respect to each system of records under Agency control, the Agency will (except for disclosure made under § 102.23 (a) or (b) of this subpart) keep an accurate accounting.

(b) The Program Official shall account for disclosures in the manner defined by Agency guidelines in respect to each system of records under his or her control as follows:

(1) For each disclosure of a record to any person or to another agency made under § 102.23 of this subpart, maintain information consisting of the date, nature, and purpose of each disclosure of a record, and the name and address of the person or agency to whom the disclosure is made;

(2) Retain the accounting at least 5 years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

(3) Except for disclosures made under § 102.23(g) of this subpart make the accounting under paragraph (a) of this section available to the individual named in the record at his or her request; and

(4) Inform any person or other agency about any correction or notation of dispute made by the Agency in accordance with § 102.30(e) of this subpart of any record that has been disclosed to the person or agency, if an accounting of the disclosure was made.

(c) An annual report will be prepared by the Privacy Officer disclosing all of the above and a copy of this report will be available for inspection in every Agency field office and the Central Office.

ACCESS AND AMENDMENT

§ 102.27 Requests by individuals to gain access to records.

(a) Any individual upon request may gain access to his or her record or to any information pertaining to him or her which is contained in any system of records maintained by the Agency, except as otherwise provided by law or regulation. Upon request, a person of his or her own choosing will be permitted to accompany him or her, to review the record and have a copy made of all or any portion thereof in a form comprehensible to the individual. The Agency will require, however, a written statement from the individual authorizing discussion of that individual's record in the accompanying person's presence.

(b) The request for access must contain a reasonable description of the Agency system or systems of records sought. The request should be made to the Systems Manager concerned or, if this is not known, to the Privacy Act Officer, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, who will direct the request to the proper Agency official, or if this cannot be ascertained, inform the individual to make the request more specific.

(c) All such requests for information may be made in writing or on forms which shall be available in all SBA offices and provided free of charge for such purpose. The Systems Manager, after reviewing the request for information may also request such other identification of the individual as is consistent with the purpose of this regulation. If he is unable to identify the individual or the record from the information submitted, he may require such additional information as he deems necessary for this purpose. Requests will be honored only after showing, satisfactory to the Systems Manager, that the individual or his representative have proper authorization.

(d) The Systems Managers in the offices or programs involved will notify the individual requesting disclosure of his or her record or information pertaining to him or her of the time, place and conditions under which the Agency will comply to the extent permitted by law and regulation.

(e) Upon receipt of a request for access to a record the Systems Manager shall promptly, but in any case within ten (10) days (excluding Saturdays, Sundays, and legal public holidays) after date of receipt of the request, notify the individual in writing that the request has been granted or denied. In the event of denial the decision should state the concise reasons for such denial and inform the individual of the name and address of the Privacy Act Officer to whom he or she may address an appeal of this initial Agency decision.

§ 102.28 Appeal to Privacy Act Officer.

(a) Any individual who disagrees with the initial Agency decision to deny access to his or her record may request a review of such refusal by addressing his or her written request to the Privacy Act Officer. All such requests for appeal should be submitted within thirty (30) days of the date of denial, or within ninety (90) days of such request if the appeal is from a failure to make a determination. Requests should specify the reasons for said review and shall be accompanied by affidavits, statements or such other supporting material as the individual feels necessary to justify his or her appeal.

(b) The Privacy Act Officer shall consider the decision of the Systems Manager together with the material submitted by the requesting individual. The Privacy Act Officer may also examine any other materials which he or she may consider relevant. He or she may call upon the Office of General Counsel for a legal opinion and any other Agency or program official who might have specialized knowledge in the pertinent area. In conducting the appeal, the Privacy Act Officer should follow the criteria for access to records specified in 5 U.S.C. 552a and SBA regulations.

(c) The Privacy Act Officer shall, not later than thirty (30) days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final Agency determination unless, for good cause shown, the Privacy Act Officer extends such thirty (30) day period.

(d) In the event that the Privacy Act Officer extends the period he or she shall inform the individual of the extension and notify the individual of the date on which he or she can expect a decision. If, after his or her review, the Privacy Act Officer also refuses to grant access to the record, he or she shall notify the individual of the reason for denial and the provisions for judicial review of the Agency determination.

§ 102.29 Requests for correction or amendment to record.

(a) Any individual may request the Agency to amend a record pertaining to him or her.

(b) All requests by an individual to amend a record shall be made in writing, to the Systems Manager, with supporting documentation as may be necessary, and preferably on forms provided by the Agency. The Systems Manager shall not later than ten (10) days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request to amend a record, acknowledge in writing such receipt. The Systems Manager shall promptly:

(1) Make any correction of any portion thereof which the individual believes is not accurate, relevant, timely or complete; or

(2) Inform the individual of the Agency's initial refusal to amend the record in accordance with the request, the reason for the refusal and the name and address of the Privacy Act Officer to whom the individual may appeal the decision.

(c) Systems Managers shall, upon request by individuals seeking to have a record pertaining to them amended, give advice as to the procedures to be followed hereunder.

§ 102.30 Appeal of initial Agency determination on correction or amendment of a record.

(a) Any individual who disagrees with the refusal of the Systems Manager to amend his or her record may request a review of such refusal by addressing his or her written request to the Privacy Act Officer. All such requests for appeal should be submitted within thirty (30) days of the date of denial, or within ninety (90) days of such request if the appeal is from a failure to make a determination. Requests should specify the reasons for said review and shall be accompanied by affidavits, statements or such other supporting material as the individual feels necessary to justify his or her appeal.

(b) The Privacy Act Officer shall consider the initial decision of the Systems Manager and the material submitted by the requesting individual, together with any and all other materials which he or she may consider relevant. He or she may call upon the Office of General Counsel for a legal opinion and any other Agency or program official who might have specialized knowledge in the pertinent area.

to aid in the decision. In conducting the appeal, the Privacy Act Officer shall use the criteria of accuracy, relevance, timeliness, and completeness of the record. The Privacy Act Officer may, at his or her option, seek such additional information as is deemed necessary to satisfy those criteria, i.e., to establish that the record contains only that information which is necessary, accurate, and complete to assure fairness in any determination which may be made about the individual on the basis of the record. With respect to requests to delete information contained in an Agency file, the Privacy Act Officer should follow the same criteria as above, namely, that the information in the file must be only that which is relevant and necessary to accomplish the purpose of the Agency required to be accomplished by law or regulation.

(c) The Privacy Act Officer shall, not later than thirty (30) days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final Agency determination unless, for good cause shown, the Privacy Act Officer extends such thirty (30) day period. The Privacy Act Officer should not extend the time hereunder unless "unusual circumstances" are found to exist.

(d) In the event that the Privacy Act Officer extends the period, he or she shall inform the individual of the extension and notify him or her of the date on which a decision can be expected. If, after his or her review, the Privacy Act Officer also refuses to amend the record in accordance with the request, he or she shall permit the individual to file with the Agency a concise statement setting forth the reasons for his or her disagreement with the refusal of the Agency, and notify the individual of the provisions for judicial review of the Agency determination.

(e) In any subsequent disclosure, containing information about which an individual has filed a statement of disagreement with an Agency refusal to amend a record, the Agency shall clearly note any portion of the record which is disputed and provide copies of the statement of disagreement and, if the Privacy Act Officer deems it appropriate, copies of a concise statement of the reasons of the Agency for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed.

MISCELLANEOUS

§ 102.31 Maintenance of records of SBA.

(a) The Privacy Act Officer shall be responsible to see that the Agency:

(1) Maintains in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the Agency required to be accomplished by statute or by Executive Order of the President;

(2) Collects information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits and privileges under Federal programs;

(3) Informs each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual;

(i) The authority (whether granted by statute, or by Executive Order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(ii) The principal purpose or purposes for which the information is intended to be used;

(iii) The routine uses which may be made of the information, as published pursuant to 5 U.S.C. 552a; and

(iv) The effects on him or her, if any, of not providing all or any part of the requested information;

(4) Publishes in the FEDERAL REGISTER at least annually a notice of the existence and character of the system of records, which notice shall include;

(i) The name and location of the system;

(ii) The categories of individuals on whom records are maintained in the system;

(iii) The categories of records maintained in the system;

(iv) Each routine use of the records contained in the system, including the categories of users and the purpose of such use;

(v) The policies and practices of the Agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(vi) The title and business address of the Agency official who is responsible for the system of records;

(vii) The Agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(viii) The Agency procedures whereby an individual can be notified at his request how he or she can gain access to any record pertaining to him or her contained in the system of records, and how he or she can contest its content; and

(ix) The categories of sources of records in the system.

(b) The Privacy Act Officer shall, in addition to his other duties hereunder;

(1) Establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and procedures adopted pursuant to this subpart and the penalties for noncompliance;

(2) Establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained; and

(3) At least thirty (30) days prior to publication of information under paragraph (a)(4) of this section publish in the FEDERAL REGISTER notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the Agency; and

(4) Maintain all records which are used by the Agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual.

(c) The Systems Managers shall be responsible for seeing that their office maintains no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity. The exercise of these rights includes, but is not limited to, religious and political beliefs, freedom of speech and the press, and freedom of assembly and to petition.

§ 102.32 Other provisions.

(a) *Personnel Records.* All Agency personnel records and files, as prescribed by the Civil Service Commission, shall be maintained in such a way that the privacy of all individuals concerned is protected in accordance with regulations of the Civil Service Commission (5 C.F.R. Parts 293 and 297).

(b) *Systems Operated by Contract.* In the event that the Agency shall provide by a contract for the operation by or on behalf of the Agency of a system of records to accomplish an Agency function, the Agency shall, consistent with its authority, cause the requirements of this subpart to be applied to such system. Any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this regulation, shall be considered to be an employee of the Agency for the purposes of this regulation.

(c) *Mailing Lists.* The Agency will not sell or rent an individual's name or address. This provision shall not be construed to require the withholding of names or addresses otherwise permitted to be made public.

(d) *Changes in Systems.* The Agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers.

(e) *Social Security Numbers.* The Agency shall not, henceforth, require any individual to disclose his or her social security account number and shall not deny to any individual any right, benefit, or privilege provided by law because of

his or her refusal to so disclose. Any Agency request for an individual to disclose his or her social security account number shall inform that individual that disclosure is voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

(f) *Disclosure to Representative.* Upon request, personnel records of an employee or former employee, shall be disclosed to the individual to whom the record pertains and under whose individual name and/or identifier they are filed. A person of his or her own choosing may accompany the individual when the record is disclosed, or the record may be released to the individual's representative who has the notarized written consent of the employee or former employee. Any disclosure of original records must be made in the presence of a representative of the Agency having physical custody of the records. (See 5 CFR 297.111 (a)).

(g) *Representatives of Minors and Incompetents.* For the purpose of subpart B of Part 102, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

(h) *Medical Records.* Medical records shall be disclosed to the individual to whom they pertain unless, in the judgment of the Privacy Act Officer, access to such record could have an adverse effect upon such individual. The Agency may, however, transmit such information to a medical doctor named by the requesting individual. In regard to medical records in personnel files, see also 5 CFR 297.111(a)(1).

§ 102.33 Fees.

(a) The Agency shall charge no fee for providing the first copy of a record or any portion thereof to an individual requesting disclosure of information filed in his or her personnel records. (5 CFR 297.115).

(b) For all other copies of records made pursuant to this regulation, the Agency will not charge for the cost of any search for and review of the record and when the Agency makes a copy of a record as a necessary part of its process of making the record available for review, but may charge for all other reproduction at ten cents per page.

(c) Fees will be waived when less than $5.

§ 102.34 General exemptions.

No Agency records system or systems as such are exempted from the provisions of 5 U.S.C. 552a as permitted under certain conditions by 5 U.S.C. 552a(j) except as may be designated by rules promulgated by the Administrator of the Small Business Administration and published in the FEDERAL REGISTER as required.

§ 102.35 Specific exemptions.

The following systems of records are partially exempt under 5 U.S.C. 552a(k) and these regulations:

(a) Statistical personnel records that are used only to generate aggregate data or for other evaluative or analytical purposes and which are not used to make decisions on the rights, benefits, or entitlements of individuals. (5 CFR 297.116 (b))

(b) Investigatory material maintained solely for the purposes of determining an individual's qualifications, eligibility, or suitability for employment in the Federal civilian service, Federal contracts, or access to classified information, but only to the extent that disclosure of such material would reveal the identity of the source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(c) Investigatory material compiled for law enforcement purposes, other than material within the scope of 5 U.S.C. 552a(j)(2): provided, however, that if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

§ 102.36 Judicial review.

Any individual may bring a civil action against the Agency in a district court of the United States as provided by 5 U.S.C. 552a(g)(1) whenever the Small Business Administration:

(a) Makes a final determination under § 102.30 not to amend an individual's record in accordance with his or her request, or fails to make such review in conformity with that section;

(b) Makes a final determination under § 102.27 to refuse a request to gain access to a record;

(c) Fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

(d) Fails to comply under any other provision of 5 U.S.C. 552a or any Agency rule or regulation promulgated thereunder, in such a way as to have an adverse effect on an individual.

[FR Doc.75-26580 Filed 10-1-75;10:56 am]

Title 22—Foreign Relations

CHAPTER VII—OVERSEAS PRIVATE INVESTMENT CORPORATION

PART 707—ACCESS TO AND SAFEGUARDING OF PERSONAL INFORMATION IN RECORDS OF THE CORPORATION

Notice of Adoption of Rules To Implement Provisions of the Privacy Act of 1974

On August 22, 1975, the Overseas Private Investment Corporation (the "Corporation") published a notice of proposed adoption of rules governing procedures, fees and exemptions in connection with the implementation by the Corporation of the Privacy Act of 1974, 5 U.S.C. section 552a. The Corporation invited persons interested in the proposed regulations to submit their comments to the Corporation by September 22, 1975. No comments were received. The Corporation has considered the proposed rules and has determined to adopt the rules as published in the FEDERAL REGISTER (40 FR 36878-36879), with two non-substantive amendments, as follows:

1. Proposed § 707.21(b)(1) of 22 CFR is amended to omit the requirement of acknowledgement before a notary public or other authorized public official of any written request by an officer or employee of the Cooperation for access to or copies of records maintained by the Corporation containing information pertaining to said officer or employee.

2. Proposed § 707.22(b)(1) of 22 CFR is amended to omit the requirement of acknowledgement before a notary public or other authorized public official of any written request by an officer or employee of the Corporation for an amendment to any record of the Corporation pertaining to said officer or employee.

Accordingly, by the authority of 5 U.S.C. section 552a and Title IV of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. section 2191 *et seq.*, the Corporation hereby adopts the rules set forth below, amending Title 22 of the Code of Federal Regulations, by addition of Part 707, effective September 27, 1975:

Subpart A—General

Sec.
707.11 Purpose.
707.12 Definitions.

Subpart B—Notification; Access to Records; Amendment; Fees

707.21 Requests for notification of, access to or records.
707.22 Amendment of records.
707.23 Fees.

Subpart C—Exceptions

707.31 Public information.
707.32 Specific exemptions.

AUTHORITY: 5 U.S.C. 552a(f); Foreign Assistance Act of 1961 (22 U.S.C. 2191).

Subpart A—General

§ 707.11 Purpose.

This Part 707 is adopted pursuant to 5 USC 552a(f) to implement the provisions of the Privacy Act of 1974, 5 USC 552a. This Part 707 establishes procedures for notifying an individual whether any system of records of the Corporation contains information pertaining to him;

the times, places, and procedures to be followed by an individual seeking access to records of the Corporation containing information pertaining to him, procedures to be followed by an individual desiring the amendment of any record of the Corporation containing information pertaining to him; and the fees charged by the Corporation for making copies under this Part 707 of records of the Corporation containing information pertaining to an individual. Pursuant to 5 USC 552a(k), this Part 707 also exempts certain systems of records from some of the provisions of 5 USC 552a.

§ 707.12 Definitions.

As used in this Part 707, the terms "agency", "individual", "maintain", "record", "system of records", "statistical record", and "routine use" shall have the meaning specified for each such term in 5 U.S.C. 552a(a).

Subpart B—Notification; Access to Records; Amendment; Fees

§ 707.21 Requests for notification of, access to or records.

(a) Whenever an individual desires either notification of, access to or copies of records which are maintained by the Corporation and which may contain information pertaining to said individual, he may submit such a request to the Corporation in the form specified in paragraph (b) of this section. Such request shall be addressed to the Director of Personnel and Administration and may either be mailed to the Corporation or be delivered to the receptionist at the office of the Corporation, 1129—20th Street NW., Washington, D.C. 20527, between 8:45 a.m. and 5:30 p.m., Monday thru Friday (excluding legal public holidays). Access to records maintained by the Corporation will be provided only by appointment. No officer or employee of the Corporation shall, pursuant to the provisions of this Part 707, provide any individual with access to any records maintained by the Corporation until the Corporation shall have received from such individual a written request in the form specified in paragraph (b) of this section and verification of the identity of the individual as provided in paragraph (c) of this section.

(b) Any request under this Part 707 for notification of, access to or copies of records maintained by the Corporation shall comply with the following requirements:

(1) It shall be in writing, signed by the individual, and, except in the event such requesting individual is an officer or employee of the Corporation, duly acknowledged before a notary public or other authorized public official;

(2) It shall accurately identify the records or information to which access is sought;

(3) It shall specify the date and hour such individual wishes such an appointment; and

(4) It shall specify whether the individual also wishes copies of the information pertaining to him.

(c) Prior to providing any individual either with notification of, access to or copies of any records maintained by the Corporation that contain information pertaining to said individual, the Director of Personnel and Administration shall verify the identity of such individual. In order to verify the identity of any such individual, the Director of Personnel and Administration shall require such individual to provide reasonable proof of his identity, such as, by way of example and not limitation, a valid drivers license, identification card, passport, employee identification card and any other identifying information. The Director of Personnel and Administration shall deny any such request from any individual if he determines, in his sole discretion, that the evidence offered to verify the identity of such individual is insufficient to establish conclusively the identity of such individual. Upon denying any such request under this paragraph (c), the Director of Personnel and Administration shall promptly notify the individual in writing of such determination.

(d) In the event that the Director of Personnel and Administration shall decline any request submitted to the Corporation under paragraph (b) of this section because he determines under paragraph (c) of this section that the individual has not provided adequate evidence to verify his identity, said individual may, within thirty (30) days of the date of the notification thereof by the Director of Personnel and Administration, file a written appeal of such determination with the Executive Vice President of the Corporation. The decision of the Executive Vice President with respect to such appeal shall be final.

(e) Whenever an individual desires copies of any records in addition to personal access thereto, copies will be furnished upon payment of the fees prescribed in § 707.23 of this Part.

(f) The Corporation may require any individual who wishes to be accompanied by any other individual when reviewing any records made available under this Part 707 shall provide the Corporation with a signed, written statement authorizing discussion of the information contained in such records in the presence of such accompanying individual.

(g) Copies of records made available for review to any individual under this Part 707 may be released to a duly authorized representative of any such individual provided that such individual provides the Corporation with a power of attorney to such effect on behalf of said representative, signed by such individual and duly acknowledged before a notary public or other authorized public official. The Corporation shall require any such representative to verify his identity in accordance with paragraph (c) of this section.

(h) Original or record copies of records will not be released from the files of the Corporation. Individuals will not be permitted to disturb any record files or to remove any records from the designated place of examination within the Corporation.

§ 707.22 Amendment of records.

(a) Whenever any individual desires an amendment to any record of the Corporation to correct information in such record pertaining to him that he believes not to be accurate, relevant, timely, or complete, he may submit such a request to the Corporation in the form specified in paragraph (b) of this section. Such request shall be addressed to the Director of Personnel and Administration and may either be mailed to the Corporation or delivered to the receptionist at the office of the Corporation, 1129—20th Street, N.W., Washington, D.C. 20527, between 8:45 a.m. and 5:30 p.m., Monday thru Friday (excluding legal public holidays). Such request shall be deemed not to have been received by the Corporation until actually delivered to it or, whenever mailed, actually received by the Chief of Personnel and Administration.

(b) Any request submitted to the Corporation under paragraph (a) of this section shall comply with the following requirements:

(1) It shall be in writing, signed by the individual, and, except in the event such requesting individual is an officer or employee of the Corporation, duly acknowledged before a notary public or other authorized public official;

(2) It shall accurately identify the records and information to be amended;

(3) It shall specify the correction requested; and

(4) It shall fully specify the basis for such individual's belief that the records and information are not accurate, relevant, timely or complete; and

(5) It shall be supported by substantial and reliable evidence sufficient to permit the Corporation to determine whether such amendment is in order. Any such request shall be deemed not to have been received by the Corporation and shall be returned without prejudice whenever the Director of Personnel and Administration determines that such request either does not describe records specifically enough to permit the staff of the Corporation to promptly locate such records or does not state the amendment requested or the basis therefor in reasonably specific language.

(c) The Director of Personnel and Administration shall acknowledge in writing the receipt of any such request to correct any records not later than ten (10) days (excluding Saturdays, Sundays and legal public holidays) after the date of the receipt of such request by the Corporation.

(d) Not later than thirty (30) days (excluding Saturdays, Sundays and official holidays) after the date of the receipt of such request by the Corporation, the Director of Personnel and Administration shall either:

(1) Make any correction of any portion of such records that he determines not to have been accurate, relevant, timely, or complete and notify the individual in writing of such correction; or

(2) Inform the individual in writing of his decision to deny any portion of such request, the reason for the refusal, and

the right of the individual to request a review thereof by the Executive Vice President of the Corporation under paragraph (e) of this section.

(e) In the event the Director of Personnel and Administration shall deny any portion of any individual's request to amend records, such individual may within thirty (30) days of the date of the notification of such denial, file a written appeal of such decision with the Executive Vice President of the Corporation. Such appeal may be supported by any additional written evidence and statements deemed appropriate by the individual.

§ 707.23 Fees.

The fees to be charged by the Corporation for making copies of any records provided to any individual under this Part 707 shall be twenty (20) cents per page.

Subpart C—Exceptions

§ 707.31 Public information.

Nothing in this Part 707 shall be construed as a waiver by the Corporation, either in whole or in part, of the provisions of 5 USC 552(b) or 18 USC 1905. The Corporation, to the maximum extent permitted by law, may delete information from copies of any records furnished to any individual under this Part 707.

§ 707.32 Specific exemptions.

The provisions of 5 USC 552a (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) shall not apply to any system of records maintained by the Corporation that is—

(a) Subject to the provisions of 5 USC 552(b)(1);

(b) Investigatory material compiled for law enforcement purposes other than those specified in 5 USC 552a (j)(2);

(c) Required by statute to be maintained and used solely as statistical records;

(d) Investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment, military service, Federal contracts or access to classified information, but only to the extent that the Corporation may determine, in its sole discretion, that the disclosure of such material would reveal the identity of the source who, subsequent to September 27, 1975, furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to such date, under an implied promise to such effect; and

(e) Testing or examination materials used solely to determine individual qualifications for appointment or promotion in the Federal service and the Corporation determines, in its sole discretion, that disclosure of such materials would compromise the fairness of the testing or examination process.

The foregoing Part 707 is effective as of September 27, 1975.

Dated: October 1, 1975.

DAVID GREGG III,
Executive Vice President.

ELIZABETH A. BURTON,
Corporate Secretary.

[FR Doc.75-26832 Filed 10-2-75;11:13 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 0—STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES

Reporting Serious Irregularities and Criminal Acts; Insuring Citizen Privacy

As provided in § 735.104, Civil Service Rules and Regulations (5 CFR 735.104), there follows an amendment to indicate that employees of the Veterans Administration may purchase Government-owned personal property when such property is sold by the General Services Administration or any other Federal agency. Also amended is a section designating an official to whom an employee may report any allegations of serious irregularities and criminal acts which are not within the purview of the grievance and appeals procedure. It is further provided that under the Privacy Act of 1974 (Public Law 93-579, 88 Stat. 1896), employees may not collect, maintain, or disseminate in any manner, information on citizens other than that which is specifically required by the Veterans Administration. The section which restates the provisions of 38 U.S.C. 1783 has been amended to reflect the amendment in Public Law 92-540 (86 Stat. 1074). In addition minor editorial changes have been made to reflect agency policy of using precise terms denoting gender.

Compliance with the provision of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary since the amendments are merely internal procedure and practice.

1. In § 0.735-21, paragraphs (h), (i), (j), (k), (l) and (o) are revised and paragraph (p) is added so that the revised and added material reads as follows:

§ 0.735-21 Standards of conduct in special areas.

* * * * *

(h) *Purchase of Veterans Administration property.* Employees of the Veterans Administration and members of their immediate families may purchase Government-owned personal property when such property is sold by the General Services Administration or any other Federal agency. In the cases of manual arts and occupational therapy products, employees may purchase such material when sold by the Veterans Administration.

(i) *Use of name and official title or designation.* Employees shall not use or lend their name and official title or designation (relationship to the Veterans Administration) in connection with any commercial enterprise or to endorse any commercial product, or in any other way that might appear to the public to be intended to further the business interests of the recipient. Employees may, however, use their official relationship as identification in publications they author, provided the views expressed are not made to appear as those of the agency unless so authorized.

(j) *Use of Government Facilities, materials and personnel.* Employees may not, except as specifically authorized, use Government facilities, materials and personnel for other than official purposes.

(k) *Use of motor vehicle.* Employees may not operate a federally-owned motor vehicle, or another they are using on Government business, improperly, recklessly, or in violation of traffic regulations; and on Veterans Administration occupied premises, may not so operate any motor vehicle.

(l) *Civil Service requirements.* Employees may not violate the requirements of Civil Service law, rules, regulations, policies and standards administered by or subject to the jurisdiction of the Civil Service Commission (5 CFR 5.4).

* * * * *

(o) *Reporting serious irregularities and criminal acts.* Employees are responsible for reporting to department, staff office, or field station heads (or directly to the Administrator, if they think their interests would otherwise be endangered) any evidence or information that gives them reasonable cause to suspect that a serious irregularity or criminal act, such as abuse of a patient, or fraud, or theft or other criminal violation may have occurred in an activity of the Veterans Administration. Violations of personnel laws or rules may be reported directly to the Director, Investigation and Security Service when the matter is not appropriate for the grievance or appeals procedure. Employees who furnish such evidence as information to any of the above officials on the basis of reasonable grounds shall not be penalized in any way for doing so. They will also be assured that appropriate inquiry will be made.

(p) *Insuring citizen privacy.* An employee may not collect or maintain information about any citizen (including where applicable, employees, applicants, patients, etc.) dealing with the Veterans Administration unless such information is relevant and necessary to the official purpose for which it was collected. No information which has been collected concerning a citizen may be disseminated except in the performance of official duty. (This requirement is effective on September 27, 1975.)

2. Section 0.735–22 is revised to read as follows:

§ 0.735–22 Other conflict of interest restrictions.

Under Public Law 87–849 (18 U.S.C. 201–218), employees are subject to the following additional conflict of interest restrictions:

(a) Employees are prohibited, except in the discharge of their official duties, from representing anyone before a court or Government agency in a matter in which the United States is a party or has an interest, whether or not they are paid for such representation (18 U.S.C. 203 and 205). This does not preclude:

(1) Representing another employee, without compensation, who is the subject of disciplinary, loyalty, or other personnel administration proceedings, provided such representation is not inconsistent with the faithful performance of duties;

(2) Giving testimony under oath or making statements required to be made under penalty for perjury or contempt;

(3) Representing with or without compensation a parent, spouse, child, or person or estate to whom employees serve as fiduciary, with the approval of the official responsible for appointments of their position, and if the matter involved is neither one participated in personally or substantially nor one under the employees' responsibility.

(b) Employees are prohibited from participating in the course of their official duties in any matter in which they, their spouse, minor child, or any person or organization with whom they have an official business connection or are negotiating for employment, has a financial interest, unless they make full disclosure in advance and obtain written determination in accordance with 18 U.S.C. 208 (b)(1).

(c) Employees are prohibited, when they leave Federal employment, from representing anyone other than the United States in connection with a matter connected with their former duties or official responsibilities in which the United States is a party or has an interest:

(1) Indefinitely if the matter was one in which they participated personally or substantially for the Federal Government (18 U.S.C. 207(a)); or

(2) For 1 year if the matter was merely within your official responsibility within the last year of your Federal service (18 U.S.C. 207(b)).

3. In § 0.735–23, the introductory portion preceding paragraph (a) and paragraph (a) are revised to read as follows:

§ 0.735–23 Miscellaneous statutory provisions.

Employees shall acquaint themselves with each statute that relates to their ethical and other conduct as an employee of the Veterans Administration and of the Government, as follows:

(a) *Statutory provisions pertaining to the Veterans Administration.* The requirement that officers or employees of the Veterans Administration be dismissed for owning any interest in, or receiving any wages, salary, dividends, profits, gratuities or services from, any educational institution operated for profit, in which an eligible person or veteran is pursuing a course of education under 38 U.S.C. chs. 34, 35, or 36, unless waiver is obtained from the Administrator after a hearing (38 U.S.C. 1783).

* * * * *

(E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR 1965 Supp.; 5 CFR 735.104)

These amendments were approved by the Civil Service Commission on September 4, 1975, and are effective on October 6, 1975.

Approved: September 30, 1975.

By direction of the Administrator:

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75–26659 Filed 10–3–75;8:45 am]

FARM CREDIT ADMINISTRATION

PRIVACY ACT OF 1974

Notice of Systems of Records

The Farm Credit Administration, in order to implement the Privacy Act of 1974, hereby adopts the following notices of the existence and character of the systems of records containing information about individuals which it maintains. Notice by the Farm Credit Administration of its proposal to adopt these systems of records was published in the FEDERAL REGISTER for September 8, 1975. (40 FR 41731) Interested persons were invited to submit comments on or before September 26, 1975. No comments were received. Therefore, the Farm Credit Administration adopts the proposed systems of records without change.

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-26857 Filed 10-2-75;12:27 pm]

FEDERAL DEPOSIT INSURANCE CORPORATION

PRIVACY ACT OF 1974

Notices of Systems of Records

On August 27, 1975 the Federal Deposit Insurance Corporation ("FDIC"), in accordance with section 3(e) of the Privacy Act of 1974, 5 U.S.C. 552(e), 88 Stat. 1896, 1899–1900, published on page 39079 in the FEDERAL REGISTER proposed notices for FDIC systems of records. These proposed systems notices also included proposed exemptions for four of the systems. Interested persons were given until September 26, 1975 to submit comments. No such comments were received.

One proposed system, FDIC/8 Equal Employment Opportunity Complaint Files, has been withdrawn as a result of the Civil Service Commission's publication of a similar notice as part of a government-wide personnel system.

Accordingly, subject to the above change and a few technical corrections, the proposed FDIC notices of systems of records and the proposed exemptions are adopted as set forth below, effective September 27, 1975.

By Order of the Board of Directors, September 30, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-26831 Filed 10-2-75;11:13 am]

FEDERAL MARITIME COMMISSION
PRIVACY ACT OF 1974
NOTICE OF SYSTEMS OF RECORDS

Notice is hereby given that the Federal Maritime Commission, pursuant to 5 U.S.C.A. 552a(e)(4) and (11) of the Privacy Act of 1974 (P.L. 93-579), proposes to adopt the following additional notices of systems of records.

Interested parties may participate in this proceeding by filing with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D. C. 20573, on or before November 5, 1975, an original and 15 copies of their views and comments pertaining to the routine use portion of the notice. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired changes and should be accompanied by supportive statements and arguments.

By the Commission.

Francis C. Hurney
Secretary

FMC—18

System name: Travel Orders/Vouchers File—FMC

System location: Office of Budget and Finance, Federal Maritime Commission, 1100 L Street, N. W., Washington, D. C. 20573

Office of the Chairman, Federal Maritime Commission, 1100 L Street, N. W., Washington, D. C. 20573

Categories of individuals covered by the system: Employees of the Federal Maritime Commission.

Categories of records in the system: The record consists of the initial travel order for the individual and the subsequent travel voucher prepared from information supplied by the individual which includes hotel bills, subsistence breakdown, cab fares and air fares.

Authority for maintenance of the system: Federal Travel Regulations FPMR 101-7 and Travel Expense Amendments Act of 1975 (5 U.S.C. 5701-5709), 44 U.S.C.A. 4101, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system of records are used or may be used:

1. By the Commission for the authorization of travel performed by personnel of the Commission.
2. By the Commission to prepare travel vouchers for submission to GSA and to maintain internal control of travel expenses within the agency.
3. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.
4. By the Commission to request information from a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.
5. To provide information or disclose to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name or bureau.

Safeguards: Records are maintained in locked file cabinets and monitored by the Director of the Office of Budget and Finance.

Retention and disposal: The records are maintained for four years and are then destroyed by shredding.

System manager(s) and address: Director, Office of Budget and Finance, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

Notification procedure: All inquiries regarding this system of records should be addressed to: Assistant Managing Director, Federal Maritime Commission, 1100 L Street, N.W., Washington, D. C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements of section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such request to the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Individual to whom the record pertains, hotel bills, individual's subsistence record, and Travel Requests (Airline or train).

FMC—19

System name: Confidential Statement of Employment and Financial Interests—FMC

System location: Office of General Counsel, Federal Maritime Commission, 1100 L Street, N.W., Washington, D. C. 20573

Categories of individuals covered by the system: Senior level officers, grade 15 and above, individuals employed by the Commission as settlement officers, auditors, investigators, or in policy making positions, and individuals past and present appointed by the President to the Commission.

Categories of records in the system: This record contains statements of personal and family financial and business interests, copies of blind trusts and other agreements pertaining to such interests, business creditors, and interests in real property.

Authority for maintenance of the system: E.O. 11222 (May 8, 1965)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system of records are used to may be used:

1. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.
2. By the Commission to request information from a federal, state, or local agency maintaining civil, criminal or other relevant enforcement or other pertinent information, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.
3. To provide information or disclose to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.
4. By the Commission in the course of presenting evidence to a court, magistrate, or administrative tribunal.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are maintained in a locked file cabinet.

Retention and disposal: Records are maintained during the individual's employment and for five years thereafter; they are then destroyed.

System manager(s) and address: Employee Counselor, Office of General Counsel, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to: Assistant Managing Director, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements of section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such request to the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Individual to whom the record pertains.

[FR Doc.75-26410 Filed 9-29-75;4:12 pm]

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